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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **253**

January 22, 2007

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The bill was read for the first time and referred to the Committee on E-12 Education

1.1 A bill for an act  
1.2 relating to education; providing for an election to determine whether to detach  
1.3 land from an existing school district for a new independent school district;  
1.4 proposing coding for new law in Minnesota Statutes, chapter 123A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[123A.47] ELECTION TO DETACH LAND FOR A NEW SCHOOL**  
1.7 **DISTRICT.**

1.8 **Subdivision 1. Detachment ballot question; school board general election.** The  
1.9 school board of an independent school district may, on its own motion or upon a petition  
1.10 signed by at least 50 electors of the district or ten percent of the votes cast in the most  
1.11 recent school board general election, whichever number is larger, place on the ballot at  
1.12 the next school district general election the question whether, as of the date when a new  
1.13 board can be elected and qualified under subdivision 2, to detach from the school district a  
1.14 clearly and accurately described land area located within the boundaries of the district and,  
1.15 consequently, to classify that detached area as a new independent school district for which  
1.16 the education commissioner must assign an identification number. If the voters approve  
1.17 detaching the described land area and, consequently, classifying that detached area as a  
1.18 new independent school district for which the education commissioner must assign an  
1.19 identification number, then the detachment must be accomplished according to this section.

1.20 **Subd. 2. School board elections.** (a) The county auditor of the county that contains  
1.21 the greatest land area for the newly constituted school district and the county auditor  
1.22 of the county that contains the greatest land area for the newly reconstituted school  
1.23 district must determine a date, not less than 30 nor more than 60 days after the voters  
1.24 approve the detachment ballot question under subdivision 1, to hold a special election in

2.1 the district for the purpose of electing a board of six members for terms of four years  
 2.2 and until successors are elected and qualified under chapter 205A. The provisions of  
 2.3 section 123A.48, subdivision 20, paragraphs (a) to (e), governing school board elections  
 2.4 in consolidating districts shall apply to the newly constituted and newly reconstituted  
 2.5 districts under this section.

2.6 (b) Notwithstanding any law to the contrary, the terms of the board members of the  
 2.7 school district from which land is being detached continue until the first school board  
 2.8 members are elected and qualified under this subdivision.

2.9 (c) Notwithstanding any law to the contrary, an individual may serve on the school  
 2.10 board of the school district from which land is being detached and subsequently, if a  
 2.11 resident of the district, on a school board elected and qualified under this subdivision.

2.12 Subd. 3. **Tax liability for existing bonded debt.** All taxable property in the area  
 2.13 detached under subdivision 1 remains obligated for any bonded debt of the school district  
 2.14 from which the property was detached and to which that detached property was subject  
 2.15 before the date of the detachment. In addition, all taxable property in a newly classified  
 2.16 district is taxable for payment of school district obligations authorized on or after the date  
 2.17 of the detachment by the school board or the voters of that school district.

2.18 Subd. 4. **Current assets and liabilities; distribution of assets; real property.**

2.19 (a) If the voters approve detachment under subdivision 1, the commissioner shall issue  
 2.20 an order for dividing and distributing the current assets and liabilities, real and personal,  
 2.21 and the legally valid and enforceable claims and contractual obligations of the school  
 2.22 district from which the property was detached, so that the two newly classified districts  
 2.23 can independently operate.

2.24 (b) The commissioner's order under paragraph (a) must transfer the real property  
 2.25 interests from the school district subject to the detachment to the two newly classified  
 2.26 districts. The commissioner must determine the distribution of and the amount, if any,  
 2.27 paid for the real property. The commissioner's order may impose in favor of one of the  
 2.28 two newly classified districts a specified dollar amount as a claim against the other  
 2.29 newly classified district receiving real property interests under the order. The claim must  
 2.30 be paid and enforced according to the law governing payment of judgments against a  
 2.31 school district.

2.32 Subd. 5. **Licensed and nonlicensed employees.** (a) The obligations of both newly  
 2.33 classified districts to licensed employees are governed by section 123A.75.

2.34 (b) The nonlicensed employees of the school district from which the property was  
 2.35 detached under subdivision 1 may apply to remain in the newly reconstituted district or  
 2.36 may apply to move to the newly constituted district. The commissioner shall assign the

3.1 nonlicensed employees to unfilled positions in both districts in order of seniority. All  
 3.2 rights of and obligations to nonlicensed employees continue in the same manner as before  
 3.3 the effective date of the detachment under subdivision 1.

3.4 **EFFECTIVE DATE.** (a) This section, subdivision 1, is effective the day following  
 3.5 final enactment. If the voters approve the ballot question, the education commissioner  
 3.6 shall classify the detached area as a new independent school district and also classify  
 3.7 the area that remains after the detachment as a new independent school district, assign  
 3.8 identification numbers to both new districts, and modify the records and any plats,  
 3.9 petitions, and proceedings involving the affected school districts to conform with the  
 3.10 detachment under this section.

3.11 (b) This section, subdivisions 2, 3, and 5, are effective the day after the voters  
 3.12 approve the ballot question under subdivision 1.

3.13 (c) This section, subdivision 4, is effective the day after the voters approve the ballot  
 3.14 question under subdivision 1 and applies to both newly classified districts.