

*except a school district in a city of the second class having a population of not less than 28,000 nor more than 32,000 according to the 1950 Federal Census, to levy taxes to pay its general obligation bonds nor shall such provisions limit the power of any municipality to levy taxes to make good any deficiency in any prior levies made pursuant to section 475.61. The governing body shall levy such taxes without limitation as to rate or amount.*

Approved February 27, 1957.

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CHAPTER 44—S. F. No. 231

*An act relating to band levies in certain cities and towns; amending Minnesota Statutes 1953, Section 449.09, as amended. Be it enacted by the Legislature of the State of Minnesota:*

Section 1. Minnesota Statutes 1953, Section 449.09, as amended by Laws 1955, Chapter 109, is amended to read:

**449.09 Bonds, tax levies.** Cities of the second, third, or fourth class, villages, boroughs, or towns, however organized, may, when authorized as hereinafter provided, levy each year a tax not to exceed three mills for the purpose of providing a fund for the maintenance, *transportation* or employment of a band for municipal purposes. No levy by any municipality shall exceed, in any one year, \$10,000 except in cities of the second class, situated in a county having over 45,000 and less than 49,000 inhabitants according to the 1950 federal census, wherein such levy shall not exceed \$25,000 in any one year. No levy by any town shall exceed \$1,500. All sums shall be separately levied and when collected these sums shall be paid into special fund and used for these purposes. When taxes are levied and collected for the maintenance or employment of a band for municipal purposes and the band is discontinued or the city, village, borough, or town by a vote of the people as now provided by law decide not to employ a band, the governing body may transfer the sums so levied and collected to the general fund; no levy shall be made of any such fund when there is in the fund an unexpended balance equal to the maximum levy permitted by law therefor.

Approved February 27, 1957.

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CHAPTER 45—S. F. No. 279

[Coded]

*An act relating to the sale of state timber in limited lots; amending Laws of 1955, Chapter 329.*

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Laws of 1955, Chapter 329, is amended to read:

[90.46] **State timber, sale in lots of limited value.**  
[Subdivision 1.] Timber subject to sale on any tract of state land may be sold at public auction by the commissioner of conservation or his authorized agent in lots of limited value as herein provided.

[Subd. 2.] Before offering any lot of timber for sale hereunder, the commissioner shall cause the various kinds of timber in the lot to be appraised and the quantities thereof to be estimated. No lot of timber exceeding a total of \$800 in appraised value shall be sold hereunder.

[Subd. 3.] Every such sale shall be held at the county seat of the county in which the timber is located, except that in any county having branch county seats, such sale may be made either at the county seat or a branch county seat, whichever is closer to the location of the timber. The commissioner shall give two weeks' published notice of any such sale in a newspaper published at such county seat or branch county seat or if there be no such newspaper, in one published elsewhere in the county. The commissioner may give such other notice by publication, posting, or otherwise as he deems proper to reach prospective bidders or purchasers. The notice of sale required to be published in a newspaper at the county seat or branch county seat as hereinbefore prescribed shall contain a description of each tract of land upon which any of the timber to be offered for sale is situated and a statement of the estimated quantity and appraised value of each kind of timber thereon, itemized in appropriate units.

[Subd. 4.] The commissioner or his agent conducting the sale shall have the right to reject any bid on account of any material defect therein, or, in his discretion, to reject all bids on any lot of timber and withdraw the same from sale. *The sale shall be made to the party who shall bid the highest price for all the several kinds of timber as advertised.* No timber shall be sold for less than the appraised unit price. The purchaser at any such sale shall, immediately upon the acceptance of his bid, pay to the commissioner or his agent for the state treasurer 25 per cent of the appraised value of the timber as a deposit to secure compliance with the provisions of this act, to be credited on the amount due for the timber upon the cutting and removal thereof in accordance with the terms of the permit to be issued therefor. In case any purchaser fails to make such payment, the sale to him shall be void, and the commissioner or his agent may, in his discretion, forth-

with reoffer the timber for sale as though no bid therefor had been made. Nevertheless the purchaser who failed to make such payment shall be liable to the state therefor as a penalty for his default, and the amount thereof may be recovered from him in a civil action.

[Subd. 5.] Before any permit for cutting timber sold hereunder shall be issued or shall become effective for any purpose, the purchaser shall give a good and sufficient bond to the state, in double the total sale price of the timber, with corporate surety, conditioned upon the faithful performance by the purchaser and his assigns or successors in interest of all the terms and conditions of the permit and all applicable provisions of law. The bond shall be approved as to form and execution by the attorney general, shall be approved by the commissioner, and shall be filed in the office of the commissioner or such other office under his authority as he may direct. If such bond is not furnished within 60 days after the date of the sale, the sale shall be void and the deposit made by the purchaser shall be forfeited to the state.

[Subd. 6.] The commissioner shall issue a numbered permit to the purchaser at such sale in a form approved by the attorney general, describing the timber sold and the land whereon it is situated, by the terms of which the purchaser shall be authorized to enter upon the land and to cut and remove the timber described, according to the terms of the permit and applicable provisions of law. Every such permit shall be for a term not exceeding two years from the date of the sale, subject to extension by the commissioner in writing for not exceeding one additional year for good cause shown upon written application made by the holder of the permit before the expiration of the original term thereof. Every such permit shall be assignable, but no assignment shall be effective until written notice thereof, signed by the holder of the permit and accepted by the assignee, is filed with the commissioner.

[Subd. 7.] Except as otherwise provided in this act, all provisions of law relating to the cutting, removal, and scaling of state timber sold at public auction, payment therefor, and other matters pertaining thereto shall, so far as pertinent, apply to and govern all timber sold hereunder.

[Subd. 8.] No sale shall be made under this act to any purchaser holding a previous permit issued hereunder which is still in effect, nor to any purchaser who is in default for failure to comply with the terms of any previous timber sale permit issued under this act or any other provision of law.

Approved February 27, 1958.

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