

298.10, no reduction will be made subsequent to June 1, due to changes made pursuant to section 298.09, subdivision 4. This subparagraph (b) shall apply to occupation tax calculations in calendar years subsequent to December 31, 1952.

Approved April 29, 1957.

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CHAPTER 857—H. F. No. 1863

[Coded]

*An act relating to litigation affecting public bodies and for the filing of a surety bond and speedy trial in such cases.*

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

Section 1. [562.01] **Public body defined.** For the purposes of this act, the words "public body" whenever used herein, shall mean the state or any county, city, village, borough, town, school district, or other public body of this state, or any board, commission, agency or instrumentality of any of the foregoing.

Sec. 2. [562.02] **Litigation affecting a public body; surety bond required of plaintiff.** Whenever any action at law or in equity is brought in any court in this state questioning directly or indirectly the existence of any condition or thing precedent to, or the validity of any action taken or proposed to be taken, by any public body or its officers or agents in the course of the authorization or sale, issuance or delivery of bonds, the making of a contract for public improvement or the validity of any proceeding to alter the organization of a school district in any manner, such public body may move the court for an order requiring the party, or parties, bringing such action to file a surety bond as hereinafter set forth. Three days' written notice of such motion shall be given. If the public body is not a party to the action, but if it deems that such action be injurious to the public interest and to the taxpayers, such public body may intervene or appear specially for the purpose of making such motion. If the court determines that loss or damage to the public or taxpayers may result from the pendency of the action or proceeding, the court may require such party, or parties, to file a surety bond, which shall be approved by the court, in such amount as the court may determine. Such bond shall be conditioned for payment to the public body of any loss or damage which may be caused to the public body or taxpayers by such delay, to the extent of the penal sum of such bond, if such

party, or parties, shall not prevail therein. If such surety bond is not filed within a reasonable time allowed therefor by the court, the action shall be dismissed with prejudice. If such party, or parties, file a bond as herein required and prevail in the action, any premium paid on the bond shall be repaid by or taxes against the public body.

**Sec. 3. [562.03] Requisites of bond.** Such bond shall be executed by the party of whom it is required or some person for him as principal, or may be in the form of an undertaking, and shall be in a penal sum to be fixed by the court for the protection of the public body and the taxpayers against such loss or damage. During the pendency of the litigation, the court, on motion, may require additional security if found necessary, and upon failure to furnish the same shall dismiss the action or proceeding with prejudice. The court may likewise, on motion, reduce the amount of a bond theretofore required or release the bond upon finding that the amount is excessive or the bond no longer required. The public body shall have recovery for any loss or damage in an action on the bond. The amount of damages may be ascertained by reference or otherwise, as the court may direct, and the surety shall have the right to intervene in the proceeding to determine the amount of damage.

**Sec. 4. [562.04] Early trial of action; appeal to supreme court.** Whenever a bond has been required in any action under section 2 hereof, the court shall advance the case on its calendar for trial at the earliest feasible date, or the court may so advance for trial only the issues therein which affect the public body. If any appeal is taken from an order granting or denying the motion for filing of such bond, it shall not stay further proceedings in such litigation. An appeal from any judgment entered in any district court in any litigation wherein a bond has been required hereunder shall be taken to the supreme court within 30 days after notice of entry of judgment, notwithstanding Minnesota Statutes 1953, Section 605.08. The party appealing, or the respondent, may apply to the supreme court for an order fixing the time and manner of the hearing of the appeal, whereupon the supreme court may provide for a speedy hearing in the manner provided by Minnesota Statutes 1953, Section 605.09 and laws amendatory thereof and supplemental thereto.

**Sec. 5. [562.05] Suit for civil damages, right to bring.** Nothing contained herein shall affect the rights of any aggrieved person to bring a suit for civil damages. No bond shall be required therein except as otherwise provided by law.

Sec. 6. **Severability.** If any provision of this act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision, or application, and to this end the provisions of this act are declared to be severable.

Approved April 29, 1957.

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CHAPTER 858—H. F. No. 2049

[Not Coded]

*An act authorizing certain school districts containing taconite plants to issue bonds for remodeling and improving their high school building and to levy taxes for payment thereof.*

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

Section 1. **School district, bonds.** Any school district authorized to issue its bonds under and pursuant to Laws 1955, Chapter 540 is hereby authorized to issue its bonds in a principal amount not exceeding \$325,000, in addition to those authorized by said Chapter 540, for remodeling and improving its high school building or buildings, including payment of architects', engineers', fiscal and legal fees and expenses incidental thereto. Except as hereinafter specifically permitted, such bonds shall be authorized, issued, sold, executed and delivered in the manner provided by Minnesota Statutes Chapter 475. They may be issued on resolution adopted by a two-thirds vote of the members of the board of such district without a vote of the electors of said district. A resolution of the board levying taxes for payment of the bonds and interest as hereinafter authorized and pledging the proceeds of such levies for payment of the bonds and interest shall be deemed compliance with the provisions of such chapter with respect to the levying of taxes for the payment thereof. No vote of the electors shall be necessary to authorize the remodeling and improvement of such buildings.

Sec. 2. **Taxation of taconite plants and lands.** Subdivision 1. The taconite plants and lands upon which located or which are used in connection therewith and the buildings, machinery, equipment, and other fixtures used in the production of taconite, as referred to and defined in Minnesota Statutes 1953, Section 298.23 to 298.28, both inclusive, as heretofore amended, located in any such school district are hereby