

*ceedings were instituted. If the appeal is to the board, the board shall file its decision with the secretary thereof. If the appeal is taken to the board from the order of the managers, the decision of such board may be reviewed by certiorari proceedings in the district court of a county in which the proposed project lies in whole or in part. If the appeal from the order of the managers is to the district court, and it appears to the court that there are involved facts, circumstances, or matters peculiarly or especially within the knowledge, functions, or duties of the Minnesota water resources board, the court may refer to such board as referee questions of fact within the scope of such knowledge, functions, and duties. Thereupon such board shall make its findings of fact upon the questions of fact so submitted to it and report the same back to the court.*

*Subd. 7. The board shall make a record of all matters tried by it on appeal or referred to it by the district court for findings of fact under the provisions of this section. Such record shall meet the requirements of a record of the trial of a matter in district court.*

*Subd. 8. All proceedings before the board shall be in conformity with Minnesota Statutes 15.0411 to 15.0422.*

**Sec. 2. [112.802] Appellate procedures and review; savings clause.** *No provision of this act shall preclude an appeal from any order of the Minnesota water resources board made prior to or after this enactment in a presently pending proceeding.*

**Sec. 3.** *Minnesota Statutes 1961, Sections 112.791, 112.792, 112.793, and 112.80, are hereby repealed.*

Approved May 26, 1965.

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## CHAPTER 874—H. F. No. 1608

[Coded in Part]

*An act relating to auctioneers; providing for the licensing of all auctioneers; providing penalties for violations; amending Minnesota Statutes 1961, Section 330.01, Subdivision 1, and Section 330.02; Minnesota Statutes 1961, Chapter 330, by adding new sections; and repealing Minnesota Statutes 1961, Section 330.01, Subdivision 2.*

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

Section 1. Minnesota Statutes 1961, Section 330.01, Subdivision 1, is amended to read:

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

**330.01 Auctioneers' licenses; to whom granted.** Subdivision 1. (a) The county ~~board or~~ auditor may license any ~~voter in its county~~ person having the qualifications specified in clause (b) of this subdivision as an auctioneer. Such license shall be issued by the auditor and shall authorize the licensee to conduct the business of an auctioneer in the state of Minnesota for the period of one year. It shall be recorded by the auditor in a book kept for that purpose. Before such license is issued the ~~licensee applicant~~ shall pay into the county treasury a fee of ~~\$40~~ \$15. *The auditor shall transmit a copy of the license to the secretary of state together with \$5 of the fee, which shall be deposited in the general revenue fund.*

(b) *A natural person is qualified to be licensed as an auctioneer if 21 years of age or over and a resident of the county of application for at least six months immediately preceding the date of application. No copartnership, association or corporation may be licensed as an auctioneer. However, nothing in this subdivision shall be construed as preventing auctioneers who are duly licensed in accordance with the provisions of Minnesota Statutes, Chapter 330, from combining in associations, copartnerships, or corporations, provided that each and every member of such associations or copartnerships and each and every person or agent conducting auction sales on behalf of such corporations is a duly licensed auctioneer as provided in Minnesota Statutes, Chapter 330. Nothing herein shall be construed to apply to a person selling at an auction property owned by him for at least six months.*

Sec. 2. Minnesota Statutes 1961, Section 330.02, is amended to read:

**330.02 Bond.** Every auctioneer, before making sales, shall give a *corporate surety* bond to the county in a penal sum of not less than \$1,000 nor more than \$3,000 to be fixed *by the treasurer* and with sureties approved by the treasurer, conditioned that he will pay all ~~auction dues~~ *sums* required by law and in all things conform to the laws relating to auctioneers. The treasurer shall endorse his approval upon such bond, and file it in his office.

Sec. 3. Minnesota Statutes 1961, Chapter 330, is amended by adding a new section to read:

**[330.08] Advertisements.** *All advertisements of auction sales shall carry the name or names, address or addresses, and the license number or numbers of the auctioneer or auctioneers conducting said sales.*

Sec. 4. Minnesota Statutes 1961, Chapter 330, is amended by adding a new section to read:

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

**[330.09] Notification of change of address.** *Notice in writing shall be given to the auditor of the county where licensed by each licensee of any change of his address, whereupon the auditor shall issue a duplicate license showing the licensee's new address for which a fee of \$3 shall be paid into the county treasury. The auditor shall notify the secretary of state of a change in address. A change of address, without notification to the auditor, shall result in the automatic cancellation of any license theretofore issued after the expiration of 30 days from the date of such change of address.*

Sec. 5. Minnesota Statutes 1961, Chapter 330, is amended by adding a new section to read:

**[330.10] Written contract with owner or consignee of property or merchandise from transient merchants.** *Subdivision 1. Prior to sale at public auction every auctioneer shall enter into a written contract with the owner or consignee of any property to be sold, containing the terms and conditions upon which the sale will be conducted.*

*Subd. 2. Prior to sale at public auction of any property received or acquired, directly or indirectly, from a transient merchant as defined in section 329.099, the auctioneer shall require proof that section 329.11 has been complied with by the transient merchant with respect to such property; and the auctioneer shall retain such proof for one year.*

Sec. 6. Minnesota Statutes 1961, Chapter 330, is amended by adding a new section to read:

**[330.11] Application by nonresident.** *Subdivision 1. A resident of another state which issues auctioneers' licenses to citizens of the state of Minnesota on the same or similar basis as to citizens of such state may be licensed as an auctioneer in the state of Minnesota upon compliance with the laws of the state of Minnesota relating to auctioneers' licenses. Eligibility of a nonresident applicant shall be tested by reference to the law of his resident state, and in no case shall it be tested by reference to the law of some other state having reciprocity with the state of Minnesota in which the nonresident may qualify.*

*Subd. 2. A nonresident applicant must submit to the county auditor with his application a duly certified copy of his auctioneer's license, if one was issued to him by his resident state, and a copy of the state auction laws such as exist in his resident state, certified by the secretary of state or other authorized state official of such state, that the submitted copy is a true copy of the auction laws of such state, as they exist at the date of application, in order that the at-*

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*torney general of the state of Minnesota may determine whether reciprocity exists.*

*If, subsequent to the issuance of a nonresident license, the laws of the state of such nonresident shall not be reciprocal with the state of Minnesota, it shall result in the automatic revocation of the nonresident auctioneer's license issued to any resident of such state under the provisions of Minnesota Statutes, Chapter 330.*

*Subd. 3. Every nonresident applicant shall file an irrevocable consent that suits and actions may be commenced against such applicant in any court of competent jurisdiction in this state by the service on the secretary of state of any summons, process, or pleadings authorized by the laws of the state of Minnesota. This consent shall stipulate that the service of such process or pleadings on the secretary of state shall be taken and held in all courts to be as valid and binding as if due service had been made upon the applicant in the state of Minnesota. In case any summons, process, or pleadings are served upon the secretary of state, it shall be by duplicate copies, one of which shall be retained in the office of the secretary of state, and the other to be forwarded immediately by registered mail to the address of the applicant, as shown by the records of the secretary of state, against whom the summons, process, or pleadings may be divested.*

**Sec. 7. [330.13] Application to F.F.A. auctions, etc.** *The provisions of Minnesota Statutes, Chapter 330, shall not apply to auction sales of registered or purebred livestock or auction sales conducted under the auspices of the Future Farmers of America, 4-H clubs, county agricultural societies, national, state or district shows and breed associations, except that the auctioneer conducting such auction shall be required to have a license as provided in chapter 330.*

**Sec. 8.** Minnesota Statutes 1961, Chapter 330, is amended by adding a new section to read:

**[330.12] Penalties.** *Any person who violates the provisions of Minnesota Statutes, Chapter 330, is guilty of a misdemeanor.*

**Sec. 9. Unconstitutionality; severance.** *If any section, clause, phrase, paragraph, or any other requirement of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions.*

**Sec. 10. Repealer.** *Minnesota Statutes 1961, Section 330.01, Subdivision 2, is hereby repealed.*

**Sec. 11. Effective date.** *The provisions of this act shall be-*

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*come effective on January 1, 1966. Licenses presently held by auctioneers shall continue in full force and effect until the expiration date of the individual license.*

Approved May 26, 1965.

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CHAPTER 875—H. F. No. 1686

[Coded in Part]

*An act relating to school district indebtedness, including bonds and debt service loans and capital loans from the maximum effort school loan fund of the state; revising the method of computation of the maximum effort debt service levy, the debt service loan limitation, and the net debt limitation for school districts; authorizing the issuance and sale of school loan bonds of the state and appropriating the proceeds thereof for the making of debt service loans and capital loans to school districts; authorizing capital loans, bond issues, and temporary borrowing for restoration of schools destroyed or damaged by tornado, flood, or other disaster; amending Minnesota Statutes 1961, Section 124.38, Subdivisions 7 and 8; Section 124.39, Subdivision 4, as amended; Section 124.42, Subdivisions 1 and 4; Section 124.43, Subdivisions 1, 3, 4, 5, and 6; Section 475.53, Subdivision 4; Section 475.62; and Section 124.46, Subdivision 3, as amended.*

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

Section 1. Minnesota Statutes 1961, Section 124.38, Subdivision 7, is amended to read:

Subd. 7. **School districts; indebtedness.** “Maximum effort debt service levy” means a levy in a total dollar amount ~~which equals or exceeds an amount~~ computed as ~~four and one tenth~~  $5\frac{1}{2}$  mills on the correct full and true value as ~~determined for the then current school year; except that the maximum effort debt service levy of any school district having received a debt service or capital loan from the state before January 1, 1965, shall be computed as 4-1/10 mills on the correct full and true value in each year, until and unless the district applies for an additional loan. The acceptance of a loan by any district constitutes an agreement by the district that said maximum effort levy shall be computed thereafter at 5-1/2 mills for all purposes of sections 124.36 to 124.47.~~

Sec. 2. Minnesota Statutes 1961, Section 124.38, Subdivision 8, is amended to read:

**Changes or additions indicated by italics, deletions by strikeout.**