

federal census, which is located in a county having over 30,000 and less than 32,000 inhabitants according to the 1950 federal census and having over 40 and less than 50 full and fractional congressional townships, operates a program of public recreation and playgrounds or other recreational facilities and expends funds for the operation of such program pursuant to the provisions of sections 471.15 to 471.19, in addition to funds otherwise provided for such program, the governing body of such city, village or town is authorized to levy a tax in excess of any charter or statutory limitation for the support of such program of public recreation and playgrounds as follows:

(a) In cities and villages the council or governing body may levy a tax of not exceeding two mills and not exceeding \$3 per capita and not exceeding \$15,000.

(b) In towns the governing body may levy a tax of not exceeding two mills and not exceeding \$10,000.

Approved April 21, 1953.

CHAPTER 474—H. F. No. 75

An act relating to gross earnings aid to certain school districts; amending Minnesota Statutes 1949, Section 128.22, Subdivision 1.

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

Section 1. Minnesota Statutes 1949, Section 128.22, Subdivision 1, is amended to read:

128.22 Gross earnings aid. Subdivision 1. **Computation.** When the properties of any school district in this state are made up, to the extent of at least 20 percent in value, of property which is exempt from local taxation because taxes thereon are paid into the state treasury under the provisions of the gross earnings tax law, such district shall receive annually a refund from such gross earnings taxes in the amount that would be produced by a tax on such exempt property at the current tax rate for school purposes in the school district, *including the rate for non-resident high school children levied by the county.* For the purposes of determining the amount of this refund, the value of such exempt property shall be set at 30 percent of its full and true value except that in no case shall the assessed value of said exempt property for this purpose exceed such an amount as when added to the assessed value of all other property in the school district exceed \$2,600 per resident pupil unit. In the determination of the amounts

to which the school district shall be entitled in the distribution of any state aids that are based upon total valuation per pupil this valuation shall be included.

Approved April 21, 1953.

CHAPTER 475—H. F. No. 85

An act relating to counsel for defense; amending Minnesota Statutes 1949, Section 611.07.

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

Section 1. Minnesota Statutes 1949, Section 611.07, is amended to read:

611.07 Counsel for defense. *Subdivision 1.* When a defendant shall be arraigned upon indictment or information for any felony or gross misdemeanor and shall request the court to appoint counsel to assist in his defense, and satisfied it by his own oath or other required proof that he is unable, by reason of poverty, to procure counsel, the court shall appoint counsel, not exceeding two, for such defendant, to be paid, upon his order, by the county in which the indictment was found. Compensation, not exceeding \$25 per day for each counsel for the number of days he is actually employed in the preparation of the case, and not exceeding \$50 per day for each day in court, together with all necessary and reasonable costs and expenses incurred or paid in said defense, shall be fixed by the court in each case.

Subd. 2. If counsel so appointed shall appeal or procure a writ of error, and after the hearing of the appeal or writ of error the supreme court shall determine that defendant is unable, by reason of poverty, to pay counsel, and that review was sought in good faith and upon reasonable grounds, such counsel may be paid such sum for his services and expenses therein as the supreme court shall determine, to be certified to the county treasurer by the clerk of the supreme court. In any case such compensation and expense shall be paid by the county in which the defendant was accused.

Approved April 21, 1953.

CHAPTER 476—H. F. No. 147

An act relating to requisites of an appeal from the probate court; amending Minnesota Statutes 1949, Section 525.712.