

CHAPTER 449

ENTERTAINMENT

**449.01 FREE MUSICAL ENTERTAINMENTS.**

HISTORY. 1905 c. 263 s. 1; G.S. 1913 s. 1272; G.S. 1923 s. 1191; M.S. 1927 s. 1191.

**449.02 TAX FOR ENTERTAINMENT.**

HISTORY. 1917 c. 273 s. 1; 1919 c. 146; 1921 c. 373; G.S. 1923 s. 1192; M.S. 1927 s. 1192.

Villages should furnish musical entertainment in the form of band concerts pursuant to section 1192 (449.02) and section 1933-17 (449.09) rather than under Laws 1937, Chapter 233 (471.15 to 471.19). OAG June 5, 1937 (469c-1).

This section was not impliedly repealed by section 1933-18 (449.10), and village may levy one mill tax without a vote of the electors. OAG July 29, 1937 (519h).

An appropriation for bands for musical entertainment purposes cannot be made where no tax has been levied for such purposes. OAG May 9, 1938 (469c-1).

Village council may levy a tax without submitting the question to the voters. OAG June 27, 1938 (519h).

Village may levy a tax to assist in the maintenance of an American Legion post drum and bugle corps providing public musical entertainment. OAG June 27, 1938 (519h).

**449.04 PARK BOARD OF CITY OF THE FOURTH CLASS MAY FURNISH ENTERTAINMENT.**

HISTORY. 1911 c. 165 s. 1; G.S. 1913 s. 1743; G.S. 1923 s. 1735; M.S. 1927 s. 1735.

**449.05 APPROPRIATION.**

HISTORY. 1911 c. 165 s. 2; G.S. 1913 s. 1744; G.S. 1923 s. 1736; M.S. 1927 s. 1736.

Funds received by a city for the condemnation of park property stand in the place of the property and must be used for park purposes. OAG June 20, 1931.

**449.06 ENTERTAINMENT TAX IN CITIES OF THE FOURTH CLASS.**

HISTORY. 1913 c. 329 s. 1; G.S. 1913 s. 1745; 1919 c. 518 s. 1; G.S. 1923 s. 1737; M.S. 1927 s. 1737.

The city of International Falls is authorized by this section to levy a tax for musical entertainment of public in public places or public grounds, but has no power to levy a tax for "band purposes" under Laws 1927, Chapter 79. State v Keyes, 188 M 79, 246 NW 547.

This section is repealed by sections 1933-17 to 1933-22 (449.09 to 449.14), in so far as appropriating money for band purposes is concerned. OAG Feb. 15, 1933.

This section was not repealed by Laws 1927, Chapter 79. OAG Aug. 15, 1933.

City council cannot levy a tax for band purposes without submitting the matter to a vote of the people, nor can it transfer money from the general fund or any other fund to the band fund. OAG June 6, 1934 (59b-3).

City may not transfer money from the general or current fund to the band fund where the city charter does not provide therefor. OAG April 12, 1935 (59b-3).

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City may pay the salary of the band director out of its entertainment fund, but may not transfer money from its general fund or any other fund to the band fund. OAG July 28, 1936 (59b-3).

The city council of Worthington, under its home rule charter, may transfer surplus moneys from its water and light fund to its musical entertainment fund in such amount as in the exercise of its official judgment and discretion may be necessary to subserve public purpose. OAG May 18, 1937 (519h).

## **449.07 FREE OPEN AIR CONCERTS IN CITIES OF THE SECOND CLASS.**

HISTORY. 1909 c. 155 s. 1; G.S. 1913 s. 1649; G.S. 1923 s. 1640; M.S. 1927 s. 1640.

## **449.08 TAX LEVY FOR MUSICAL ENTERTAINMENTS IN CITIES OF THE THIRD CLASS.**

HISTORY. 1923 c. 337 s. 1; M.S. 1927 s. 1712-1.

## **449.09 BANDS IN TOWNS, VILLAGES, AND CERTAIN CITIES; TAX LEVY.**

HISTORY. 1927 c. 79 s. 1; M.S. 1927 s. 1933-17; 1931 c. 171; 1937 c. 82 s. 1; M. Supp. s. 1933-17.

Village may contract with an existing band association for the giving of public concerts, the form of the contract being in the discretion of the council. OAG May 3, 1930.

Where village has two bands and council employs one band, the other band has no right to any part of the money raised by the tax. OAG July 31, 1934 (59b-3).

Band fund may be used for the repair of the roof of band stand. OAG March 12, 1935 (469c-1).

The time within which levy may be made by a village for band or other purposes is directory and not mandatory. OAG Dec. 23, 1935 (519h).

A municipality may hire more than one band and may hire an instructor as an incident to such maintenance and employment. OAG June 16, 1937 (519h).

When it is no longer advisable to continue musical entertainment, the entertainment fund may be transferred to the general revenue fund. OAG April 24, 1944 (469c).

## **449.10 PETITION FOR ELECTION.**

HISTORY. 1927 c. 79 s. 2; M.S. 1927 s. 1933-18; 1937 c. 82 s. 2; M. Supp. s. 1933-18.

## **449.11 ELECTION.**

HISTORY. 1927 c. 79 s. 3; M.S. 1927 s. 1933-19; 1937 c. 82 s. 3; M. Supp. s. 1933-19.

## **449.12 VOTE REQUIRED TO CARRY.**

HISTORY. 1927 c. 79 s. 4; M.S. 1927 s. 1933-20; 1937 c. 82 s. 4; M. Supp. s. 1933-20.

## **449.13 PETITION AND ELECTION FOR RESCISSION OF TAX LEVY.**

HISTORY. 1927 c. 79 s. 5; M.S. 1927 s. 1933-21; 1937 c. 82 s. 5; M. Supp. s. 1933-21.

## **449.14 USE OF FUNDS.**

HISTORY. 1927 c. 79 s. 6; M.S. 1927 s. 1933-22; 1937 c. 82 s. 6; M. Supp. s. 1933-22.