

MINNESOTA STATUTES 1953 ANNOTATIONS

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ENTERTAINMENT 449.08

448.45 BOARD, HOW CONSTITUTED AND APPOINTED, TERM

HISTORY. Amended, 1949 c 119 s 111.

448.46 POWERS AND DUTIES OF PARK BOARD

HISTORY. Amended, 1949 c 119 s 111.

A city may not surrender its power of control and supervision of the use of its parks, but where the public is served it may permit use of a park by a private organization furnishing amusement or recreation. OAG April 16, 1947 (59-A-40).

448.47 COMPENSATION OF MEMBERS

HISTORY. Amended, 1949 c 119 s 111.

A member of a village park board created under sections 448.43 to 448.48 may not be a member of the village council. OAG Aug. 12, 1947 (258-E-9).

448.48 PROVISIONS, HOW AVOIDED OF

HISTORY. Amended, 1949 c 119 s 111.

CHAPTER 449

ENTERTAINMENT

449.01, 449.02 Repealed, 1949 c 119 s 110.

449.03 Repealed, See OAG Oct. 29, 1929 (481-B-3). See Laws 1927, Chapter 79. See State v Keyes, 188 M 79, 246 NW 547.

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

Where two villages propose to organize a joint band, each village may vote separately on the question of levying a tax for establishing such band and, if both villages vote favorably, the bands may operate jointly under the provisions of section 471.59. OAG Sept. 27, 1949 (519-H).

449.06 ENTERTAINMENT TAX IN CITIES OF THE FOURTH CLASS

HISTORY. 1913 c 329 s 1; 1919 c 518 s 1; 1919 c 578 s 1; 1949 c 100 s 1.

Laws 1949, Chapter 100, and Laws 1949, Chapter 563, relating to the levying of a tax for municipal bands and municipal musical entertainment, are not inconsistent but are cumulative. Cities of fourth class coming within the purview of the statutes may proceed under either or both. OAG June 1, 1949 (519-H).

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

HISTORY. 1923 c 337 s 1; 1949 c 721 s 1.

A city of third class may contract with a school district whereby the school band furnishes public concerts for which the city pays the school district. OAG June 2, 1948 (59-B-3).

A city of the third class may levy a tax for musical entertainment under its charter or under section 449.08, subject to all limitations on tax levies. OAG March 16, 1949 (519-H).

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449.09 ENTERTAINMENT

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The provisions of section 449.08 should not be confused with the provisions of sections 449.09 to 449.14. Section 449.08 authorizes the council of any city of third class to levy a tax of not exceeding one mill for the purpose of providing free musical entertainment for the general public. Section 449.09, et seq., authorizes villages, boroughs, towns, and all cities except those of first class to levy each year a tax not to exceed two mills "for the purpose of providing a fund for the maintenance or employment of a band for municipal purposes." No election is required as a prerequisite to the exercise of the authority conferred by section 449.08; whereas the authority conferred by section 449.09 may be exercised only upon a favorable vote of the electors on compliance with the provisions of sections 449.10 to 449.12. OAG Oct. 7, 1953 (519-H).

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

HISTORY. 1927 c 77 s 1; 1931 c 171 s 1; 1937 c 82 s 1; 1949 c 563 s 1.

A village may employ a high school band as its village band and pay it as compensation the proceeds of a 2-mill tax levy under section 449.09. Such money may be used by it for purchasing uniforms. The contract may be renewed from year to year by resolution of the council and acceptance by the band. OAG Dec. 19, 1949 (59-B-3).

A band fund levy made under section 449.09, et seq., may not be diverted to library purposes. Under section 134.07 a village may levy not to exceed five mills for library purposes. OAG Nov. 13, 1950 (285-A).

If the statute is carefully followed the construction of a band shell is authorized, provided the provisions of sections 449.09 to 449.14 are followed. OAG Sept. 12, 1951 (519-C).

A town may levy and collect taxes for the support of its town band, but the fund may not be used for the transportation of members of a band maintained in another municipality. OAG Dec. 30, 1952 (519-H).

The provisions of section 449.08 should not be confused with the provisions of sections 449.09 to 449.14. Section 449.08 authorizes the council of any city of the third class to levy a tax of not exceeding one mill for the purpose of providing free musical entertainment for the general public. Section 449.09, et seq., authorizes villages, boroughs, towns, and all cities except those of the first class, to levy each year a tax not to exceed two mills "for the purpose of providing a fund for the maintenance or employment of a band for municipal purposes." No election is required as a prerequisite to the exercise of the authority conferred by section 449.08; whereas the authority conferred by section 449.09 may be exercised only upon a favorable vote of the electors on compliance with the provisions of sections 449.10 to 449.12. OAG Oct. 7, 1953 (519-H).

449.11 ELECTION

Where two separate villages wish to establish and operate a joint municipal band the question must be voted on separately in each village. OAG Sept. 27, 1949 (518-H).

CHAPTER 450

RECREATIONAL FACILITIES

450.01 RECREATIONAL DEPARTMENT

Where a city and school board jointly operate a swimming pool and no charge is made for the privilege of using the same, the municipal corporation or the school board is not liable for the negligent acts of its officers or agents in maintaining same. If a charge were made, liability would exist. OAG Aug. 9, 1951 (844-F-3).