Codified and Uncodified State Laws and Municipal Ordinances Bearing on Water and Related Land Resources in Minnesota

Compiled by
William C. Walton, Raymond A. Haik, and David L. Hills

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MINNEAPOLIS, MINNESOTA
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FOREWORD

This bulletin is published in furtherance of the purposes of the Water Resources Research Act of 1964. The purpose of the Act is to stimulate, sponsor, provide for, and supplement present programs for the conduct of research, investigations, experiments, and the training of scientists in the field of water and resources which affect water. The Act is promoting a more adequate national program of water resources research by furnishing financial assistance to non-federal research.

The Act provides for establishment of Water Resources Research Institutes or Centers at Universities throughout the Nation. On September 1, 1964, a Water Resources Research Center was established in the Graduate School as an interdisciplinary component of the University of Minnesota. The Center has the responsibility for unifying and stimulating University water resources research through the administration of funds covered in the Act and in the Act and made available by other sources; coordinating University research with water resources programs of local, State and Federal agencies and private organizations throughout the State; and assisting in training additional scientists for work in the field of water resources through research.

This report is the ninth in a series of publications designed to present information bearing on water resources research in Minnesota and the results of some of the research sponsored by the Center. In the present investigation, codified laws, uncodified enactments, and local laws bearing on water and related land resources in Minnesota were collected and compiled. During Fiscal Year 1969, this Bulletin will be used as background material for the evaluation of the extent to which statutory laws reflect the existing scientific knowledge of the engineer and hydrologist. The study will indicate the direction in which State water law is moving, and will offer suggestions concerning areas where legislative efforts might be placed with respect to hydrologic and other important aspects of water law. This compilation should be an excellent source reference for legislators, lawyers, engineers, governmental officials, and others interested in water resource development and management.

The present publication contains reproductions of the codified, and uncodified laws of the State of Minnesota. It is not intended, nor should it be used, as the official reference for the laws of the State. The original publications, compiled by the Revisor of Statutes of the State of Minnesota in accordance with Minnesota Statutes, Section 648.33, are considered prima facie evidence of the enactments of the State Legislature. The references to the uncodified enactments of the Minnesota Legislature are taken from the compilations published by the Revisor of Statutes at the end of each legislative session. The references to the local ordinances taken from information obtained from the officials of the local communities are not to be considered the official local regulations. The official publication of the local ordinances which are referred to in this report should be examined in the office of the clerk for the municipality named. The entire report is not intended as an original official publication of the State or local ordinances, but merely as a compilation of laws, the originals of which should be examined prior to official citation.
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Compiled By
William C. Walton 1/
Raymond A. Haik 2/
David L. Hills 3/

INTRODUCTION

This is the first of two reports associated with the two-year research project "Hydrologic and Other Aspects of Water Laws in Minnesota." The study, to be completed on June 30, 1969, has as part of its objective the determination of the extent to which statutory laws and court decisions reflect the existing scientific knowledge of the hydrologist. The present use of our water and related land resources and the expected increase in future water needs requires that court decisions have as their foundation the scientific knowledge which is or will be available concerning water resources. If the legal principles enunciated in legislation are to be effective in reconciling disputes over water use and also furnish a guide for the future development and management of water resources, it is essential that legislation adequately reflect the knowledge of the physical scientist. Other aspects of water laws with which the study is concerned include: areas of inconsistent regulation, extent to which water policy has been defined and developed by existing water laws, extent to which priorities of use have been established by existing water laws, effectiveness of existing water laws in dealing with specific problems and water law obstacles to effective water resource development and management.

1/ Director, Water Resources Research Center - University of Minnesota.
3/ Research Assistant, Water Resources Research Center - University of Minnesota.
During Fiscal Year 1968, the numerous legislative enactments bearing on water and related land resources that are contained in the codified laws of Minnesota were collected and processed for publication in this report. In addition, selected uncodified legislative enactments and ordinances of villages and cities on water and related land resources which have the force and application of law were compiled. All pertinent uncodified laws enacted during the 1965 Legislative Session are presented in this report together with selected uncodified laws of other Legislative Sessions to provide the reader with an insight into the nature and scope of uncodified laws in the field of water and related land resources. The offices of selected villages and cities in Minnesota with varying water problems were visited during Fiscal Year 1968 and a sampling of local water use regulations was compiled. The local ordinances presented in this report indicate the extent to which the development and management of water resources presently resides in local units of government.

During Fiscal Year 1969 the study will be concerned with the analysis and interpretation of existing Federal, State, and local legislation and court decisions bearing on water and related land resources in Minnesota. The second report will contain a compilation of major court decisions in Minnesota, a compilation of major rules and regulations of selected State agencies, a compilation of selected county ordinances, a list of all Federal legislation and major court decisions outside Minnesota, discussions on various aspects of water laws, and recommendations concerning ways and means for improving water laws. Some of the subjects which the second report will discuss include: the relative spheres of Federal and State water laws, legislation concerning Federal projects and activities, water policies as expressed in Minnesota's water laws, problems associated with differing scientific and legal classification of water, diffused surface water law, groundwater law, water diversions, provincialism and precedent in court decisions, water law and changing conditions, insecurity of existing water rights, the adequacy of current legislation regulating water permits by the Department of Conservation and pollution control by the Pollution Control Agency, flood plain regulations, tax laws, definition of public waters, and adequacy of riparian permit of water allocation.

The northern boundary of the state of the Lake of the Woods is projected beyond the 49th parallel a distance of about twenty miles, making a wedge-shaped jog through the lake until it strikes firm ground on the west bank of the lake; thence in a due south line to the 49th parallel. The explanation of this jog is found in the seventh article of the treaty of 1851, as follows: Article 7.

Resolved that the following described (also represented on said map as before mentioned), is, in the opinion of the commissioners, so far as the same extends, the true boundary intended by the before mentioned treaty, namely: a line through the middle of the waters of this bay to the northwest extremity of the same; then a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the said point of such intersection due west, along and with the said parallel, shall be the line of demarcation between the territories of the United States and Her Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States and the southern boundary of His Britannic Majesty, from the Lake of the Woods to the Rocky Mountains. This boundary was re-established and determined by a commission authorized by congress, and the surveys embracing four years were made and reported to congress in 1877.

1See also Laws 1963, Chapter 236.

2See also Laws 1961, Chapter 236.
CODIFIED STATE LAWS
Sovereignty, Jurisdiction, Civil Divisions and Executive Departments

CHAPTER 1

SOVEREIGNTY, JURISDICTION

1.01 EXTENT. The sovereignty and jurisdiction of this state shall extend to all places within the boundaries thereof as defined in the constitution and, concurrently, to the waters forming a common boundary between this and adjoining states, subject only to such rights of jurisdiction as have been or shall be acquired by the United States over places therein.

1.02 JURISDICTION OVER WATERS. All courts and officers now or hereafter having and exercising jurisdiction in any county which is now or may hereafter be formed in any part of this state bordering upon Big Stone Lake, Lake Traverse, Bois de Sioux River, or the Red River of the North, shall have and exercise jurisdiction in all civil and criminal cases upon such waters concurrently with the courts and officers of other states bordering on such waters, so far and to such extent as any of these bodies of water form a common boundary between this state and any other state.

1.03 WATERS INCLUDED. The concurrent jurisdiction of any county now or hereafter formed and of all courts and officers exercising jurisdiction throughout the county shall extend over such water area as would be included if the boundary lines of the county were produced in the direction of their approach and extended across these waters to the opposite shore.

1.041 CONCURRENT JURISDICTION OF STATE AND UNITED STATES. Subdivision 1. Rights of State. Except as otherwise expressly provided, the jurisdiction of the United States over any land or other property within this state now owned or hereafter acquired for national purposes is concurrent with and subject to the jurisdiction and right of the state to cause its civil and criminal process to be executed therein, to punish offenses against its laws committed therein, and to protect, regulate, control, and dispose of any property of the state therein.

Subd. 2. Land exchange commission may concur. In any case not otherwise provided for, the consent of the State of Minnesota to the acquisition by the United States of any land or right or interest therein, in this state desired for any authorized national purpose, with concurrent jurisdiction as defined in subdivision 1, may be given by concurrent of a majority of the members of the Land Exchange Commission created by the Constitution of the State of Minnesota, Article 8, Section 7, upon finding that such acquisition and the methods thereof and the exercise of such jurisdiction are consistent with the best interests of the state, provided application for such consent is made by an authorized officer of the United States, setting forth a description of the property, with a map when necessary for proper identification thereof, and the authority for, purpose of, and method used or to be used in acquiring the same. The commission may prescribe the use of any specified method of acquisition as a condition of such consent.

In case of acquisition by purchase or gift, such consent shall be obtained prior to the execution of any instrument conveying the lands involved or any interest therein to the United States. In case of condemnation, such consent shall be obtained after the commencement of any proceeding therefor.

1.042 Consent of state. 1.044 Upper Mississippi River Wild Life and Fish Refuge. 1.045 Federal flowage easements. 1.046 Boundary compact; Michigan, Wisconsin, Minnesota. 1.047 Maps on file. 1.048 Ratification. 1.051 Great Lakes Basin compact.

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The consent of the State of Minnesota is hereby given in accordance with the Constitution of the United States, Article I, Section 8, Clause 17, to the acquisition by the United States in any manner of any land or right or interest therein in this state required for sites for customs houses, courthouses, hospitals, sanatoriums, post-offices, prisons, reformatories, jails, forestry depots, supply houses, or offices, aviation fields or stations, radio stations, military or naval camps, bases, stations, arsenals, depots, terminals, cantonments, storage places, target ranges, or any other military or naval purpose of the United States.

Subd. 2. Jurisdiction ceded to United States. So far as jurisdiction, exclusive or partial, in this state now owned or hereafter acquired by the United States for any purpose specified in subdivision 1 heretofore has been accepted or hereinafter is accepted by the head or other authorized officer of any department or independent establishment or agency of the United States, such jurisdiction is hereby ceded to the United States and the reservations of subdivision 3. When the premises abut upon the navigable waters of this state, such jurisdiction shall extend to and include the underwater lands adjacent thereto lying between the line of low-water mark and the bulkhead or pier-head line as now or hereafter established.

Subd. 3. Conditions and reservations. The right of the state to cause its civil and criminal process to be executed in any such land or place is hereby reserved to the state. The state further reserves the right to impose the following taxes:

(A) an income tax on persons residing in such land or place or receiving income from transactions occurring or services performed in such land or place;

(B) a sales or use tax levied on or measured by sales, receipts from sales, purchases, storage, or use of tangible personal property in such land or place;

(C) a tax on personal property situated within such land or place, or on the use of personal property by a private individual, association, or corporation within such land or place, except such personal property as is owned by the United States or is by law exempt from taxation; and

(D) a tax on the use of real property within such land or place by a private individual, association or corporation:

1943 c 3 3 3 8 2; Ex:1959 c 5 5 8 3. 4

NOTE: Extra Session Laws 1959, Chapter 85, Section 1, relating to subdivisions 2 and 3 reads: "Sections 3 and 4 shall not be construed as enabling any purported ceding of jurisdiction heretofore made, including any ceding of jurisdiction where such jurisdiction was not required by or under the constitution or laws of the United States."

1094 UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE. Consent of the State of Minnesota is hereby given to the acquisition by the United States by purchase, gift, or lease of such areas of land or water, or both, in this state as the United States may deem necessary for the establishment of the Upper Mississippi River Wild Life and Fish Refuge in accordance with and for the purposes of the act of congress approved June 7, 1924, entitled "An act to establish the Upper Mississippi River Wild Life and Fish Refuge," reserving to the state full and complete jurisdiction and authority over all such areas not incompatible with the maintenance and control thereof for the United States for the purposes and under the terms of that act of congress.

1943 c 3 3 3 4

1.012 FEDERAL FLOWAGE EASEMENTS OVER HIGHWAYS. When so requested by the commissioner of highways the governor, in behalf of the state, may, from time to time, grant, bargain, sell, and convey to the United States of America any easement for flowage in and upon any easement or fee owned by the State of Minnesota for trunk highway right of way purposes when the same shall be required by the United States in aid of any public improvement.

1937 c 124 s 1 (6-7)

1.015 BOUNDARY COMPACT, MICHIGAN, WISCONSIN, MINNESOTA. The following compact is hereby ratified and approved:

A COMPACT

Entered into by and between the State of Michigan, the State of Minnesota and the State of Wisconsin, states signatory hereto.

The contracting states solemnly agree:

1. That the boundary between the State of Michigan and the State of Wisconsin in the center of Lake Michigan be and hereby is finally fixed and established as the line marked A-B-C-D-E-F-G on the map, Exhibit A, annexed hereto, which line is more particularly described as follows:

Starting at Point A, a point equi-distant from either shore on the line which is the eastward continuation of the boundary line between Wisconsin and Illinois or latitude 42° 29' 37" North,

Thence to Point B, a point equi-distant from either shore on the line drawn through the Port Washington Fog Signal and Storm Signal and the White Lake Storm Signal, on a true azimuth of 354° 12' 00" a distance of 61.55 statute miles;

Thence to Point C, a point equi-distant from either shore on a line drawn through the Sheboygan Coast Guard Storm Signal, Fog Signal, Radio Beacon and Lighthouse Station, on a true azimuth of 03° 01' 15", a distance of 22.16 statute miles;

Thence to Point D, a point equi-distant from either shore on a line drawn through the Twin River Point Light and Fog Signal and Big Sable Fog and Light Signal, on a true azimuth of 10° 04' 30", a distance of 30.33 statute miles;

Thence to Point E, a point equi-distant from either shore on a line from Hoody's Harbor Inland Light and Point Betsie Fog Signal, Radio Beacon, and Distance Marking Station, on a true azimuth of 17° 09' 55", a distance of 54.20 statute miles;

Thence to Point F, a point equi-distant from either shore on a line drawn through the Pilot Island Light and Fog Signal and Sleeping Bear Point Light, on a true azimuth of 33° 29' 10", a distance of 17.24 statute miles;

Thence to Point G, the point determined by the United States Supreme Court decree of March 12, 1936 which is a point 45,600 meters from the center of Rock Island Passage on a bearing of South 90° 34' East, on the true azimuth of 40° 31' 00", a distance of 15.66 statute miles. The latitude and longitude of the named control points is as follows:

Point A - Latitude 42° 29' 37"
Longitude 87° 01' 15"
Point B - Latitude 43° 22' 50"
Longitude 87° 08' 30"
Point C - Latitude 43° 30' 00"
Longitude 87° 07' 20"
Point D - Latitude 44° 07' 55"
Longitude 87° 00' 45"
Point E - Latitude 44° 52' 50"
Longitude 86° 41' 10"
Point F - Latitude 45° 05' 20"
Longitude 86° 29' 30"
Point G - Latitude 45° 14' 10"
Longitude 86° 14' 55"

2. That the western boundary of the State of Michigan in the waters of Lake Superior and the eastern boundary in the waters of Lake Superior of the state of Minnesota and Wisconsin be and hereby is finally fixed and established as the line marked M-N on the map, Exhibit B, annexed hereto, which line is more particularly described as follows:

Starting at Point M, the point where the line through the middle of the main channel of the Montreal River enters Lake Superior,

Thence in a direct line to Point N, the point where a line drawn through the most easterly point of Pigeon Point and the most southerly point of Pine Point intersects the international boundary, on a true azimuth of 25° 27' 24" and a distance of 108.86 statute miles.

The latitude and longitude of the named control points is:

Point M - Latitude 46° 34' 05"
Longitude 90° 25' 05"
Point N - Latitude 48° 00' 30"
Longitude 89° 29' 00"

3. That the boundary between the State of Minnesota and the State of Wisconsin in the center of Lake Superior be and hereby is finally fixed and established as the line marked A-B-C-D-E-F-G on the map, Exhibit B, annexed hereto, which line is more particularly described as follows:
Starting at Point A which is the midpoint on the line M-N described in paragraph 2, supra;

Thence to Point B, the midpoint in a direct line between the mouth of Cross River, Minnesota and the Lighthouse on Outer Island in Wisconsin, on a true azimuth of 272° 17' 10", a distance of 33.15 statute miles;

Thence to Point C, the midpoint in a direct line between the Lighthouse on shore at Two Harbors, Minnesota and the light on the lakeward end of the government east pier at Port Wing, Wisconsin on a true azimuth of 235° 37' 40", a distance of 49.60 statute miles;

Thence to Point D, the midpoint in a direct line at right angles to the central axis of the Superior entry between the tops of the eastern ends of the pierheads at the lakeward ends of the United States government breakwaters at the Superior entry of Duluth Superior Harbor, on a true azimuth of 239° 50' 20", a distance of 26.43 statute miles.

The latitude and longitude of the named control points is as follows:

<table>
<thead>
<tr>
<th>Point</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>47° 17' 30&quot;</td>
<td>90° 39' 15&quot;</td>
</tr>
<tr>
<td>B</td>
<td>47° 18' 35&quot;</td>
<td>90° 39' 15&quot;</td>
</tr>
<tr>
<td>C</td>
<td>46° 54' 10&quot;</td>
<td>91° 31' 25&quot;</td>
</tr>
<tr>
<td>D</td>
<td>46° 42' 39.875&quot;</td>
<td>92° 00' 24.571&quot;</td>
</tr>
</tbody>
</table>

4. All azimuths are measured clockwise from true north.

5. That this compact shall become operative immediately upon its ratification by any state as between it and the other state or states so ratifying. Ratification shall be made by act of the legislature of the ratifying state.

6. That immediately upon ratification of this compact by all three states, each state will appoint two members to a Joint Survey Commission to survey and mark the boundaries defined in this compact by establishing and perpetuating monuments at the reference points on shore by means of which the control points of said boundaries are located. The expense of marking the Lake Michigan Boundary shall be borne jointly by the states of Michigan and Wisconsin; the expense of marking the boundary line described in paragraph 2 above shall be borne equally by the states of Minnesota, Michigan and Wisconsin. The expense of marking the Lake Superior and Superior Bay boundary between Minnesota and Wisconsin shall be borne jointly by the states of Minnesota and Wisconsin.

MAPS ON FILE. The maps referred to in the above compact as Exhibits A, B, and C are the original maps on file with the report of the Michigan-Minnesota-Wisconsin boundary conference in the office of the Secretary of State of Wisconsin, of which duplicate original maps are on file in the office of the Secretary of State of Minnesota.

RATIFICATION. The Governor of Minnesota is authorized and directed to witness the ratification of this compact by the State of Minnesota by executing the final draft thereof in his own name as Governor for and on behalf of the State of Minnesota and affixing the seal of the State of Minnesota.

[1947 c 589 s 1]

1. MAPS ON FILE. The maps referred to in the above compact as Exhibits A, B, and C are the original maps on file with the report of the Michigan-Minnesota-Wisconsin boundary conference in the office of the Secretary of State of Wisconsin, of which duplicate original maps are on file in the office of the Secretary of State of Minnesota.

[1947 c 589 s 2]

1.17 RATIFICATION. The Governor of Minnesota is authorized and directed to witness the ratification of this compact by the State of Minnesota by executing the final draft thereof in his own name as Governor for and on behalf of the State of Minnesota and affixing the seal of the State of Minnesota.

[1947 c 589 s 3]

1.18 [Repealed 1991]

1.21 GREAT LAKES BASIN COMPACT. The Great Lakes Basin Compact is hereby ratified, enacted into law, and entered into by this state as a party thereto with any other state or province which, pursuant to Article II of said compact, has legally joined therein in the form substantially as follows:

The party states solemnly agree:

ARTICLE I

The purposes of this compact are, through means of joint or cooperative action:

1. To promote the orderly, integrated, and comprehensive development, use, and conservation of the water resources of the Great Lakes Basin (hereinafter called the Basin),

2. To plan for the welfare and development of the water resources of the Basin as a whole as well as for those portions of the Basin which may have problems of special concern.

3. To make it possible for the states of the Basin and their people to derive the maximum benefit from utilization of public works, in the form of navigational aids or otherwise, which may exist or which may be constructed from time to time.

4. To advise in securing and maintaining a proper balance among industrial, commercial, agricultural, water supply, residential, recreational, and other legitimate uses of the water resources of the Basin.

5. To establish and maintain an intergovernmental agency to the end that the purposes of this compact may be accomplished more effectively.

ARTICLE II

A. This compact shall enter into force and become effective and binding when it has been enacted by the legislatures of any four of the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin and thereafter shall enter into force and become effective and binding as to any other of said states when enacted by the legislature thereof.

B. The Province of Ontario and the Province of Quebec, or either of them, may become a state party to this compact by taking such action as their laws and the laws of the Government of Canada may prescribe for adherence thereto. For the purpose of this compact the word "state" shall be construed to include a province of Canada.

ARTICLE III

The Great Lakes Commission created by Article IV of this compact shall exercise its powers and perform its functions in respect to the Basin which for the purposes of this compact shall consist of so much of the following as may be within the party states:

1. Lakes Erie, Huron, Michigan, Ontario, St. Clair, Superior, and the St. Lawrence River, together with any and all natural or man-made water interconnections between them.

2. All rivers, ponds, lakes, streams, and other watercourses which, in their natural state or in their prevailing condition, are tributary to Lakes Erie, Huron, Michigan, Ontario, St. Clair, and Superior or any of them or which comprise part of any watershed draining into any of said lakes.

ARTICLE IV

A. There is hereby created an agency of the party states to be known as The Great Lakes Commission (hereinafter called the Commission). In that name the commission may sue and be sued, acquire, hold and convey real and personal property and any interest therein. The commission shall have a seal with the words "The Great Lakes Commission" and such other design as it may prescribe engraved thereon by which it shall authenticate its proceedings. Transactions and personal property shall conform to the laws of the state in which the property is located, and the commissioner may by bylaws provide for the execution and acknowledgment of all instruments in its behalf.

B. The commission shall be composed of not less than three commissioners nor more than five commissioners from each party state so designated or appointed in accordance with the laws of the state which they represent and serving and subject to removal in accordance with such law.

C. Each state delegation shall be entitled to three votes in the commission. The presence of commissioners from a majority of the party states shall constitute a quorum for the transaction of business at any meeting of the commission. Actions of the commission shall be by a majority of the votes cast except that any recommendations made pursuant to Article VI of this compact shall require an affirmative vote of not less than a majority of the votes cast from each of a majority of the states present and voting.

D. The commissioners of any one or more party states may meet separately to consider problems of particular interest to their states but no action taken at any such meeting shall be deemed an action of the commission unless and until the commission shall specifically approve the same.
ARTICLE III

The commission shall elect annually, from among its members, a chairman and vice-chairman. The commission shall appoint an executive director who shall also act as secretary-treasurer, and who shall be bonded in such amount as the commission may require. The executive director shall serve at the pleasure of the commission and at such compensation and under such terms and conditions as may be fixed by it. The executive director shall be custodian of the records of the commission with authority to affix the commission’s official seal and to attest to and certify such records or copies thereof.

G. The executive director, subject to the approval of the commission in such cases as its bylaws may provide, shall appoint and remove or discharge such personnel as may be necessary for the performance of the commission’s functions. Subject to the aforesaid approval, the executive director may fix their compensation, define their duties, and require bonds of such of them as the commission may designate.

H. The executive director, on behalf of, as trustee for, and with the approval of, the commission, may borrow, accept, or contract for the services of personnel from any state or government or any subdivision or agency thereof, from any intergovernmental agency, or from any institution, person, firm or corporation; and may accept for any of the commission’s purposes and functions under this compact any and all donations, gifts, and grants of money, equipment, supplies, materials, and services from any state or government or any subdivision or agency thereof or intergovernmental agency or from any institution, person, firm or corporation and may receive and utilize the same.

I. The commission may establish and maintain one or more offices for the transacting of its business and for such purposes the executive director, on behalf of, as trustee for, and with the approval of, the commission, may acquire, hold and dispose of any property necessary to the performance of the commission’s purposes and functions.

J. No tax levied or imposed by any party state or any political subdivision thereof shall be deemed to apply to property, transactions, or income of the commission.

K. The commission may adopt, amend and rescind bylaws, rules and regulations for the conduct of its business.

L. The organization meeting of the commission shall be held within six months from the effective date of this compact.

M. The commission and its executive director shall make available to the party states any information within its possession and shall always provide free access to its records by duly authorized representatives of such party states.

N. The commission shall keep a written record of its meetings and proceedings and shall annually make a report thereof to be submitted to the duly designated official of each party state.

O. The commission shall make and transmit annually to the legislature and Governor of each party state a report covering the activities of the commission for the preceding year and embodying such recommendations as may have been adopted by the commission. The commission may issue such additional reports as it may deem desirable.

ARTICLE V

I. Prepare and publish reports, bulletins, and publications appropriate to this work and fix reasonable sale prices therefor.

J. With respect to the water resources of the Basin or any portion thereof, recommend agreements between the governments of the United States and Canada.

K. Recommend mutual arrangements expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of Canada including but not limited to such agreements and mutual arrangements as are provided for by Article XIII of the Treaty of 1909 Relating to Boundary Waters and Questions Arising Between the United States and Canada. (Treaty Series No. 664). Recommend uniform or other laws, ordinances, or regulations relating to the development, use and conservation of the Basin’s water resources to the party states or any of them and to other governments, agencies or intergovernmental bodies having interests in or jurisdiction sufficient to affect conditions in the Basin or any portion thereof.

L. Cooperate with the governments of the United States and of Canada, the intergovernmental bodies having interests in or jurisdiction sufficient to affect conditions in the Basin or any portion thereof.

M. At the request of the United States, or in the event that a province shall act as a party state, at the request of the Government of Canada, assist in the negotiation and formulation of any treaty or other mutual arrangement or agreement to be met in whole or in part in this manner. Except where the commission makes use of funds available to it under Article IV (H) hereof, the commission shall not incur any obligations prior to the allotment of funds by the party states adequate to meet the same.

N. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under the bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become a part of the annual report of the commission.

The commission shall have power to:

A. Collect, correlate, interpret, and report on data relating to the water resources and the use thereof in the Basin or any portion thereof.

B. Recommend methods for the orderly, efficient, and balanced development, use and conservation of the water resources of the Basin or any portion thereof to the party states and to any other governments or agencies having interests in or jurisdiction over the Basin or any portion thereof.

C. Consider the need for and desirability of public works and improvements relating to the water resources in the Basin or any portion thereof.

D. Consider means of improving navigation and port facilities in the Basin or any portion thereof.

E. Consider means of improving and maintaining the fisheries of the Basin or any portion thereof.

F. Recommend policies relating to water resources including the institution and alteration of flood plain and other zoning laws, ordinances and regulations, and recommend uniform or other laws, ordinances, or regulations relating to the development, use and conservation of the Basin’s water resources to the party states or any of them and to other governments, agencies or intergovernmental bodies having interests in or jurisdiction sufficient to affect conditions in the Basin or any portion thereof.

G. Recommend uniform or other laws, ordinances, or regulations relating to intergovernmental bodies having interests in or jurisdiction sufficient to affect conditions in the Basin or any portion thereof.

H. Consider means of improving and maintaining the fisheries of the Basin or any portion thereof.

I. Prepare and publish reports, bulletins, and publications appropriate to this work and fix reasonable sale prices thereof.

J. With respect to the water resources of the Basin or any portion thereof, recommend agreements between the governments of the United States and Canada.

K. Recommend mutual arrangements expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of Canada including but not limited to such agreements and mutual arrangements as are provided for by Article XIII of the Treaty of 1909 Relating to Boundary Waters and Questions Arising Between the United States and Canada. (Treaty Series No. 664). Recommend uniform or other laws, ordinances, or regulations relating to the development, use and conservation of the Basin’s water resources to the party states or any of them and to other governments, agencies or intergovernmental bodies having interests in or jurisdiction sufficient to affect conditions in the Basin or any portion thereof.

L. Cooperate with the governments of the United States and of Canada, the intergovernmental bodies having interests in or jurisdiction sufficient to affect conditions in the Basin or any portion thereof.

M. At the request of the United States, or in the event that a province shall act as a party state, at the request of the Government of Canada, assist in the negotiation and formulation of any treaty or other mutual arrangement or agreement to be met in whole or in part in this manner. Except where the commission makes use of funds available to it under Article IV (H) hereof, the commission shall not incur any obligations prior to the allotment of funds by the party states adequate to meet the same.

N. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under the bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become a part of the annual report of the commission.

F. The accounts of the commission shall be open at any reasonable time for inspection by such representative or representatives of the party states as may be duly constituted for that purpose and by others who may be authorized by the commission.
ARTICLE VII

Each party state agrees to consider the action the commission recommends in respect to:
A. Stabilization of lake levels.
B. Measures for combating pollution, beach erosion, floods, and shore inundation.
C. Uniformity in navigation regulations within the constitutional powers of the states.
D. Proposed navigation aids and improvements.
E. Uniformity or effective coordinating action in fishing laws and regulations and cooperative action to eradicate destructive and parasitical forces endangering the fisheries, wild life and other water resources.
F. Suitable hydroelectric power developments.
G. Cooperative programs for control of soil and bank erosion for the general improvement of the Basin.
H. Diversion of waters from and into the Basin.
I. Other measures the commission may recommend to the states pursuant to Article VI of this compact.

ARTICLE VIII

This compact shall continue in force and remain binding upon each party state until renounced by act of the legislature of such state, in such form and manner as it may choose and as may be valid and effective to repeal a statute of said state, provided that such renunciation shall not become effective until six months after notice of such action shall have been officially communicated in writing to the executive head of the other party states.

ARTICLE IX

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or in the case of a province, to the British North America Act of 1867 as amended, or the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to any state, agency, person or circumstance shall not be affected thereby, provided further that if this compact shall be held contrary to the constitution of the United States, or in the case of a province, to the British North America Act of 1867 as amended, or of any party state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

ARTICLE X

This compact shall continue in force and remain binding upon each party state until renounced by act of the legislature of such state, in such form and manner as it may choose and as may be valid and effective to repeal a statute of said state, provided that such renunciation shall not become effective until six months after notice of such action shall have been officially communicated in writing to the executive head of the other party states.

ARTICLE XI

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or in the case of a province, to the British North America Act of 1867 as amended, or the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to any state, agency, person or circumstance shall not be affected thereby, provided further that if this compact shall be held contrary to the constitution of the United States, or in the case of a province, to the British North America Act of 1867 as amended, or of any party state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

1.22 COMMISSIONERS. In pursuance of Article IV of the compact, there shall be five commissioners on the Great Lakes commission from this state who shall be members of the legislature, two members of the house of representatives and two members of the state senate; and one member to be from either the senate or the house and said house members shall be appointed by the speaker of the house and the members of the senate shall be appointed by the committee on committees. The commissioners so appointed shall exercise all voting rights conferred by the compact on the commissioners from the party state as provided in Article IV, (B and C) of the compact.

1.23 STATE OFFICERS, DUTIES. All officers of this state are hereby authorized and directed to do all things falling within their respective jurisdictions necessary to or incidental to the carrying out of said compact in every particular; it being hereby declared to be the policy of this state to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the state government or administration of this state are hereby authorized and directed at reasonable times and upon request of said commission to furnish the said commission with information and data possessed by them or any of them and to aid said commission by loan of personnel or other means lying within their legal powers respectively.

1.24 BUDGET OF COMMISSIONERS. The budget of the estimated expenditures of the commission shall be submitted to the commissioner of administration for such period and in form as shall be required by said official.

1.25 SECRETARY OF STATE, DUTIES. The secretary of state is hereby authorized and directed to transmit a duly authenticated copy of sections 1.21 to 1.25 and the compact contained therein to each jurisdiction now party to the compact and to each jurisdiction which subsequently shall become party to the compact.

1.31 MINNESOTA-WISCONSIN BOUNDARY COMPACT; POLICY. A compact for the purpose of present and future protection, use and development in the public interest, of the boundary lands, river valleys, and waters comprising the boundaries of this state is hereby ratified, enacted into law and entered into with the state of Wisconsin and with all other jurisdictions legally joining therein in the form substantially as follows:

COMPACT

Sec. 1. COMPACT; PURPOSE AND INTENT. In order to conduct studies and to develop recommendations relating to the present and future protection, use and development in the public interest, of the lands, river valleys and waters which form the boundary between this state and any other state party to this compact; and in order to assist in co-ordinating the studies, conservation efforts and planning undertaken by the several departments, agencies or municipalities of the states parties to this compact with respect to such lands, river valleys and waters; and in order to assist in the participation by states parties to this compact in federal programs which relate to the present and future protection, use and development in the public interest, of such boundary lands, river valleys or waters;
This state hereby solemnly agrees:
(1) To co-operate with any neighboring state party to this compact for the purposes of, and subject to the limitations provided by, this compact;
(2) To establish a boundary area commission;
(3) To consider, and to promote the consideration by its municipalities of, the recommendations of the boundary area commission with respect to:
   (a) Joint regional planning for the development of boundary areas;
   (b) Measures for controlling air and water pollution, maintaining water quality, and controlling water use;
   (c) Measures for control of soil and river bank erosion and the general improvement of the river basins;
   (d) Diversion of waters from and into the rivers;
   (e) Restrictions and regulation of land use development designed to preserve the scenic and recreational attributes of the river basins;
   (f) Other restrictions, regulations or programs the commission may recommend to the party states.

Sec. 2. COMMISSION CREATED. Subdivision 1. Members. There is hereby created an interstate commission to be known as the boundary area commission of the states parties to this compact. Each party state shall appoint five commissioners. The manner of appointing such commissioners, terms of office and provisions for removal and suspension of commissioners or appointments to fill vacancies shall be determined by each party state pursuant to the laws thereof but each commissioner shall be a resident of the state from which he is appointed.
Subd. 2. Compensation. The members of the commission shall serve without compensation, but the actual and necessary expenses incurred by any commissioner in the performance of his duties shall be met by the state which he represents, according to the laws thereof.
Subd. 3. Officers. The commission shall annually elect from among its members a chairman who cannot succeed himself, a vice chairman who shall not be a citizen of the state represented by the chairman, and a secretary-treasurer.

Subd. 4. Meetings. The commission shall meet at the call of the chairman, or at the call of three of its members, upon five days' notice, but at least twice in each calendar year, and such meetings shall not be held in the same calendar quarter.

Subd. 5. Advisory committees. In order to assist the commission in the execution of its functions, each party state shall create a legislative advisory committee comprising not more than ten members, and shall create a technical advisory committee consisting of not to exceed ten state administrative officers or employees having expertise in the subject matter areas of this compact. Members of the advisory committees shall be reimbursed as provided in subdivision 2.

Sec. 5. OPERATING REPORTS. Subdivision 1. Minutes. The commission shall make and make available to the public a written record of its proceedings and recommendations. The commission may provide for the recording verbatim of any testimony given before it.

Subd. 2. Reports. On or before January 15 of each odd numbered year the commission shall make a report to the governor and legislature of each state party to this compact and such report shall include, without limitation because of enumeration, accounts of:

(a) The activities of the commission during the biennium then concluded, and its intended activities for the biennium then commenced; and
(b) The current appropriations, gifts and grants, if any, received by the commission, and of the commission's expenditures from such funds as verified by the audit under section 6, subdivision 3 hereof.

Sec. 6. FINANCE. Subdivision 1. Donations, gifts, grants and appropriations. The commission may accept, for any of its purposes and functions, donations, gifts, grants and appropriations of money, equipment, supplies, materials and services from the federal government of the United States, from any party state or from any department, agency or municipality thereof, or from any institution, person, firm or corporation.

Subd. 2. Expenditures. All expenses incurred by the commission in exercising the powers conferred, or executing the duties imposed, upon it by this compact, unless otherwise provided in this compact, shall be paid by the commission out of the funds then available to it. The commission shall not go into debt. Except as provided in section 2, subdivision 2, nothing in this compact shall be construed as obligating any party state to commit its credit for the operation of the commission.

Subd. 3. Annual audit. The commission shall keep accurate accounts of all receipts and disbursements which shall be audited as of December 31 of each year by a qualified public accountant.

Subd. 4. Budget. The commission shall submit to the officer designated by the laws of each party state, at such times as required by the laws of each party state, a budget of its actual past and estimated future expenditures, for such periods as are required by the laws of each party state.

Sec. 7. ENTRY INTO FORCE AND WITHDRAWAL. Subdivision 1. Signature. The governor of each party state is authorized and directed to witness the ratification of this compact for his state by executing the final draft thereof in his own name as governor for and on behalf of his state and affixing thereto, pursuant to the laws of his state, the official seal of his state.

Subd. 2. Enabling legislation. This compact shall become operative immediately after the passage of an act by any two party states incorporating the provisions of this compact into the laws of such states.

Sec. 3. CONSTRUCTION AND SEVERABILITY. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or corporation is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact or any part thereof shall be held contrary to the laws of any party state, the compact shall remain in full force and effect as to the remaining party states and as to the state so affected, in full force and effect as to all other matters.

Sec. 132. COMMISSION, AUTHORITY. The Minnesota-Wisconsin boundary area commission shall have the powers, duties, and functions provided in the compact set out in section 1.51.

1965 c 807 s 1
1965 c 807 s 2
1.33 REPRESENTATIVES, SELECTION. In pursuance of section 1.31 creating the Minnesota-Wisconsin boundary area commission, the Minnesota representation thereon shall consist of five commissioners appointed by the governor, by and with the advice and consent of the senate, each for a four year term, but at the pleasure of the governor. Vacancies shall be filled by appointment by the governor with the advice and consent of the senate. The term of the first members of the commission shall commence on July 1, 1965. Vacancies shall be filled by the governor for the unexpired term.

1.34 LEGISLATIVE ADVISORY COMMITTEE. Subdivision 1. In order to assist the Minnesota-Wisconsin boundary area commission in the performance of its duties, there is created a legislative advisory committee comprised of five members of the house of representatives to be appointed by the speaker, and five members of the senate to be appointed by the committee on committees. The members of the advisory committee shall be selected before the close of any regular session of the legislature. Vacancies, when the legislature is not in regular session, shall be filled by appointment of the last duly elected speaker, in the case of members of the house of representatives, and the last duly elected members of the committee on committees, in the case of members of the senate.

Subd. 2. The members of the legislative advisory committee shall select a chairman and such other officers as may be deemed necessary.

1.35 TECHNICAL ADVISORY COMMITTEE. Subdivision 1. In order to assist the Minnesota-Wisconsin boundary area commission in the performance of its duties, there is created a technical advisory committee comprised of ten members, to be appointed by the governor and to serve at his pleasure. Each member of the technical advisory committee shall have expertise in the subject matter of the duties of the Minnesota-Wisconsin boundary area commission, and shall be either an officer or employee of the executive branch of the state government, or of any governmental subdivision, or body politic and corporate of the state.

Subd. 2. The members of the technical advisory committee shall select a chairman and such other officers as may be deemed necessary.

1.36 REIMBURSEMENT FOR EXPENSES. Members of the commission and members of the advisory committees shall serve without compensation, but the actual and necessary expenses incurred by any member thereof in the performance of his duties shall be reimbursed from the appropriation made by section 1.40.

1.37 COOPERATION OF STATE OFFICERS. All departments and agencies of the state shall cooperate with the commission and its advisory committees in the execution of their functions, and shall assist the commission in carrying out the duties imposed upon it.

1.38 GIFTS. The Minnesota commissioners may accept on behalf of the state a gift from any source, private or public, and may use such gift for the purposes for which tendered, consistent with the duties of the Minnesota-Wisconsin boundary area commission. Any money so received shall be deposited in the state treasury, and the amount thereof is hereby appropriated annually to the commissioners for the purpose of carrying out the terms and provisions of such gift.

1.39 BUDGET. The Minnesota commissioners shall submit a budget of the estimated expenditures of the commission from time to time to the commissioner of administration for such period and in such form as he shall require.

1.40 APPROPRIATION. There is appropriated from the general revenue fund in the state treasury the sum of $25,000 for the support of the Minnesota-Wisconsin boundary area commission for the fiscal biennium commencing July 1, 1965, and such money shall be paid over in such amounts and at such times as the Minnesota commissioners shall direct. Sufficient money of such appropriation, how-
CHAPTER 3
LEGISLATURE

INTERSTATE COOPERATION

3.29 Commission on Interstate Cooperation

INTERSTATE COOPERATION

3.29 COMMISSION ON INTERSTATE COOPERATION. Subdivision 1. Senate committee. There is hereby established a standing committee of the senate of this state, to be officially known as the senate committee on interstate cooperation, and to consist of five senators. The members and the chairman of this committee shall be designated in the same manner as is customary in the case of the members and chairmen of other standing committees of the senate. In addition to the voting members of this committee, the president of the senate shall be ex officio an honorary non-voting member of this committee.

Subd. 2. House committee. There is hereby established a similar standing committee of the house of representatives of this state, to be officially known as the house committee on interstate cooperation, and to consist of five members of the house of representatives. The members and the chairman of this committee shall be designated in the same manner as is customary in the case of the members and chairmen of other standing committees of the house of representatives. In addition to the regular members, the speaker of the house of representatives shall be ex officio an honorary non-voting member of this committee.

Subd. 3. Governor's committee. There is hereby established a committee of administrative officials and employees of this state to develop and maintain friendly contact by correspondence, by conference, and otherwise, with officials and employees of the other states, of the federal government, and of local units of government; and to endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for, and by facilitating:

(a) The adoption of compacts;
(b) The enactment of uniform or reciprocal statutes;
(c) The adoption of uniform or reciprocal administrative rules and regulations;
(d) The informal cooperation of governmental officers, with one another;
(e) The personal cooperation of governmental officials and employees with one another, individually;
(f) The interchange and clearance of research and information; and
(g) Any other suitable process.

Subd. 4. Minnesota commission. There is hereby established the Minnesota commission on interstate cooperation, which shall be composed of five regular members, the members of the senate committee on interstate cooperation, the members of the house committee on interstate cooperation, and the governor. The commission may employ a secretary and a stenographer; but they shall be paid their necessary expenses in carrying out their obligations under this chapter. The commission may employ a secretary and a stenographer; it may incur such other expenses as may be necessary for the proper performance of its duties; and it may, by contributions to the council of state governments, participate with other states in maintaining the council's district and central secretariats, and its other governmental services.

Subd. 5. Senate council and house council of American legislators. The standing committee of the senate and the standing committee of the house of representatives shall function during the regular sessions of the legislature and also during the interim periods between the sessions during the term of their respective offices and until their successors are designated by the president of the senate and the speaker of the house, respectively, and they all, respectively, constitute for this purpose a senate council and the house council of the American legislators' association. The incumbency of each administrative member of this commission shall extend until the first day of February next following his appointment, and thereafter until his successor is appointed.

Subd. 6. Functions of commission. It shall be the function of this commission:

(1) To carry forward the participation of this state as a member of the council of state governments;
(2) To encourage and assist the legislative, executive, administrative, and judicial officials and employees of this state to develop and maintain friendly contact by correspondence, by conference, and otherwise, with officials and employees of the other states, of the federal government, and of local units of government;

(3) To endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for, and by facilitating:

(a) The adoption of compacts;
(b) The enactment of uniform or reciprocal statutes;
(c) The adoption of uniform or reciprocal administrative rules and regulations;
(d) The informal cooperation of governmental officers, with one another;
(e) The personal cooperation of governmental officials and employees with one another, individually;
(f) The interchange and clearance of research and information; and
(g) Any other suitable process.

[1937 c 315 s 1-11; 1963 c 409 s 1] (5361 to 53-71)
Executive Departments

CHAPTER 4

GOVERNOR

4.07 GOVERNOR AS STATE AGENCY FOR FEDERAL FUNDS. Subdivision 1. Whenever the United States of America, pursuant to federal law or any rule or regulation promulgated thereunder, makes available to the state of Minnesota or any department, agency, governmental subdivision, or other instrumentality thereof of funds for any purpose and no state agency has been otherwise designated by law to apply for, receive, and accept such federal funds, the governor is hereby designated as the state agency for such purpose.

Subd. 2. The governor may designate a state agency or agencies to act for him in applying for, receiving, and accepting federal funds under the provisions of subdivision 1. Such designation of a state department or agency shall be filed in the office of the secretary of state.

Subd. 3. The governor or any state department or agency designated by him shall comply with any and all requirements of federal law and any rules and regulations promulgated thereunder to enable the application for, the receipt of, and the acceptance of such federal funds. The expenditure of any such funds received shall be governed by the laws of the state except insofar as federal requirements may otherwise provide. All such moneys received by the governor or any state department or agency designated by him for such purpose shall be deposited in the state treasury and are hereby appropriated annually in order to enable the governor or the state department or agency designated by him for such purpose to carry out the purposes for which the funds are received. None of such federal moneys so deposited in the state treasury shall cancel and they shall be available for expenditure in accordance with the requirements of federal law.

4.10 STATEWIDE PLANNING; PURPOSES. In order that the state benefit from an integrated program for the development and effective employment of its resources, and in order to promote the health, safety, and general welfare of its citizens, it is in the public interest that a planning agency be created in the executive branch of the state government to engage in a program of comprehensive statewide planning. The agency shall act as a directing, advisory, consulting, and coordinating agency to harmonize activities at all levels of government, to render planning assistance to all governmental units, and to stimulate public interest and participation in the development of the state.

4.11 STATE PLANNING AGENCY; CREATION AND ORGANIZATION. Subdivision 1. A planning agency in the executive branch of the state government is created under the supervision and control of the governor. It shall consist of the governor as the state planning officer, a director of planning, and other officers, employees, and agents appointed pursuant to law.

Subd. 2. The state planning officer shall appoint a director of planning who is in the unclassified service of the state. He shall be professionally competent in the fields of public administration and planning and shall possess demonstrated ability, based upon experience and past performance, to perform the duties of state planning director. He need not be a resident of the state of Minnesota at the time of his appointment.

Subd. 3. The state planning officer shall organize the agency and employ such officers, employees, and agents as he shall deem necessary to discharge the functions of his office, and define their duties. Such officers, employees, and agents are in the classified service of the state civil service.

Subd. 4. To the greatest extent practicable the state planning officer shall limit the personnel staff engaged in programs engaged in sections 4.10 to 4.17 and shall employ consultants, and use the existing facilities of state departments and agencies. It is desirable that he utilize the facilities of the university of Minnesota to provide (a) continuing geographic projection and detailed studies of the state's population, economy, and land use; (b) a central repository for the research data necessary for such functions; and (c) educational activities essential to the implementation of state planning.

Subd. 5. The governor may direct any state department or other agency of the state government to furnish the state planning agency with such personnel, equipment, and services as are necessary to enable it to carry out its powers and duties, prescribe the terms thereof, including reimbursement of costs thereof. Any moneys paid to a state department or other agency of the state government pursuant to this subdivision are hereby annually appropriated to such department or agency for the same purposes for which its funds were expended in furnishing personnel, equipment, and services to the state planning agency.

Subd. 6. Subject to his control and under such conditions as he may prescribe, the state planning officer may delegate any of his powers, duties, and responsibilities conferred by sections 4.10 to 4.17, to the director of planning or to any other state officer or department.

Subd. 7. Within the organization of the state planning agency an office of local and urban affairs is hereby created under the supervision of a local affairs coordinator, who is in the classified service of the state civil service, and who shall be appointed by the state planning officer.

4.12 STATE PLANNING AGENCY, POWERS AND DUTIES. Subdivision 1. The state planning officer shall:

(1) Prepare comprehensive, long range recommendations for the orderly and coordinated growth of the state including detailed recommendations for long range plans of operating state departments and agencies.

(2) The state, in the development of long range planning, shall take into consideration its relationship to local units of government and the planning to be accomplished on such levels.

Subd. 2. The state planning officer shall:

(1) Review current programming and future planning of all state departments and agencies.

(2) Report regularly and on or before January 15 of each odd numbered year to the legislature, reviewing in each report the state planning program, and the progress and development thereof. Thereafter, as soon as practicable, he shall make recommendations for desirable legislation and necessary appropriations.

(3) To the extent practicable coordinate with state budgets the items therein relating to and reflecting statewide planning as authorized by the legislature and as recommended for the consideration of the legislature.

(4) Require each state department and agency having planning programs to regularly file copies thereof with him for review.

(5) Make available to the legislature or any authorized committee or commission, a copy of the state's comprehensive statewide development plans and basic research from which the plans have been developed.

(6) Act as the coordinating agency for the planning activities of all state departments and agencies and local levels of government.

(7) Review all plans filed with the federal government by state departments and agencies pursuant to Minnesota Statutes, Section 16.165, or any other law as a part of his duties prescribed by this section. The commissioner of administration shall furnish the state planning officer the information required by this clause.

(8) Encourage the development of planning programs by state departments and agencies and local levels of government.
Subd. 3. The state planning officer: (1) shall appear before the municipal commission when requested by the commission to present studies and data regarding any annexation, incorporation, or detachment proceedings pending before the commission; (2) may contract with a county or regional planning agency or a planning consultant for the making of studies and the compiling of data relating to any annexation, incorporation, or detachment proceedings before the commission; (3) at his discretion or upon the written request of any governmental unit, group of governmental units, or a regional planning agency, may conduct studies relating to the feasibility of annexation, incorporation, or consolidation of a town or governmental units. Such studies shall be undertaken only in areas where there is reasonable grounds to believe that problems of urban growth may require the incorporation, or consolidation of governmental units, or the annexation of unincorporated areas in order to provide essential urban services.

Subd. 4. The office of local and urban affairs shall: (1) undertake studies to obtain information and data on urban and rural needs, assistance programs, and activities. It shall provide technical assistance and advice in the solution of such problems. The duties of the office shall include, but are not limited to, the collection, analysis, and dissemination of physical, social, and economic development data to inform local governmental units and interested persons and organizations of the availability and status of federal, state, and local programs and other resources for the solution of urban and rural problems; (2) make available to the governor and the legislature pertinent information relating to federal grants in aid to local governmental units and an analysis thereof; (3) inform local governmental units about federal programs of social or economic aid or assistance for which they are eligible, together with the criteria, standards, and conditions upon which such aid is based.

Subd. 5. The office of local and urban affairs: (1) shall not undertake on behalf of any local governmental unit the responsibility of filling in application forms for federal grants in aid required by federal law or regulation promulgated thereunder, but instead will limit its activities in relation to federal aid applications to the publication and distribution of manuals and the furnishing of advice and otherwise guide the officers of local governmental units in properly making out required application forms; (2) shall not be responsible in any way to promote any federal grant in aid or planning program; (3) shall coordinate information which shall be submitted to it by a special district or region recognized by the federal government with responsibility of reviewing federal grants in aid applications for community and nonprofit corporations. Such districts or regions shall submit copies of approved applications for such purpose. Unless the requirements of this clause are complied with no state department or agency may provide assistance or funds for any project submitted to the federal government through a special district or region. Where there is a metropolitan planning agency or regional council created by law, the state planning officer may delegate to such council or agency the responsibilities of this clause; (4) shall have only advisory responsibility or jurisdiction in any area of the state within the jurisdiction of a metropolitan planning agency or regional council created by law.

4.14 ADVISORY COMMITTEE CREATED. An advisory committee on planning is hereby created to act solely in an advisory capacity to the state planning officer. The advisory committee shall consist of three members of the senate appointed by the committee on committees of the senate, three members of the house of representatives appointed by the speaker thereof, and not more than eleven other members to be appointed by the governor. The governor may appoint any of the members of the state and of its governmental subdivisions as members of the advisory committee. All members shall serve at the pleasure of their appointing authorities. When the legislature is not in session vacancies on the committee as to legislative members shall be filled in the case of members of the senate by the last duly elected senator committee on committees and in the case of members of the house of representatives by the last duly elected speaker. Other vacancies on the committee shall be filled by the governor. The members of the advisory committee shall serve without compensation but shall be reimbursed for the necessary expenses in the same manner as state officers and employees are reimbursed therefor.

The members of the advisory committee shall elect a chairman and such other officers as they deem necessary. The state planning officer shall act as the executive secretary of the committee.

The advisory committee shall meet at the call of its chairman or the state planning officer.

4.15 COOPERATION BY STATE DEPARTMENTS AND AGENCIES. All state departments and agencies shall cooperate with the state planning officer in the performance of his duties. The powers and duties now imposed upon the state mapping advisory board by Minnesota Statutes 1965, Sections 92.33 to 92.37, are hereby transferred to and imposed upon the state planning officer. The state mapping advisory board as heretofore constituted is hereby abolished.

Subd. 1. All the powers and duties imposed upon the land use committee by Minnesota Statutes 1961, Sections 92.33 to 92.37, are hereby transferred to and imposed upon the state planning officer. The land use committee as heretofore constituted is hereby abolished.

Subd. 2. All the powers and duties imposed upon the land use committee by Minnesota Statutes 1961, Sections 92.33 to 92.37, are hereby transferred to and imposed upon the state planning officer. The land use committee as heretofore constituted is hereby abolished.

Subd. 3. All the powers and duties imposed upon the state historic sites and marker's commission by Minnesota Statutes 1961, Sections 138.08 and 138.09, are hereby transferred to and imposed upon the state planning officer. The state historic sites and marker's commission by Minnesota Statutes 1961, Sections 138.08 and 138.09, are hereby transferred to and imposed upon the state planning officer. The Minnesota historic sites and marker's commission as heretofore constituted is hereby abolished.

Subd. 4. All the powers and duties imposed upon the department of economic development relating to housing and redevelopment pursuant to the provisions of Minnesota Statutes 1965, Sections 462.141 to 462.711, are hereby transferred to and imposed upon the state planning officer. The department of economic development relating thereto as heretofore constituted, is hereby abolished.

Subd. 5. All the powers and duties imposed upon the department of economic development relating to community planning, pursuant to the provisions of Minnesota Statutes 1965, Sections 362.12, Subdivision 1(4) and 362.13, (7) and (8), are hereby transferred to and imposed upon the state planning officer. All urban planning assistance program funds and all contracts under the 701 program of the federal department of housing and urban development and all personnel engaged
in connection therewith are likewise transferred to the state planning officer. All
powers and duties of the department of economic development in relation thereto
as heretofore constituted, are hereby abolished.

[1965 c 685 s 7; 1967 c 299 s 9; 1967 c 898 s 6, 8]

4.17 RULES AND REGULATIONS. No moneys, regardless of the source
thereof, made available to the state planning officer pursuant to sections 4.10 to
4.17 or any other law shall be expended by him for planning programs until he
promulgates and adopts rules and regulations prescribing the criteria, standards,
and procedures to govern the expenditure thereof. Such rules and regulations shall
be promulgated and adopted under the administrative procedure act as contained
in Minnesota Statutes, Chapter 15, and shall conform with all terms and conditions
imposed on the state planning officer when such moneys are made available to him.

[1965 c 685 s 8]

CHAPTER 9

EXECUTIVE COUNCIL

Sec.

9.011 Members; duties, powers
9.041 Settlement of certain claims and controversies
with United States

9.011 MEMBERS; DUTIES, POWERS. Subdivision 1. The executive council
consists of the governor, secretary of state, state auditor, state treasurer, and attor­
ney general. The governor is chairman.

Subd. 2. The executive council appoints, fixes the salary of, and removes at
pleasure an executive secretary. He shall perform such duties as are assigned to
him by the executive council.

Subd. 3. Within the limits of, and subject to the conditions of, the appropriation
for salaries for the council, the executive secretary may employ such personnel as
is necessary, and who may be employed in other departments of the state when so
assigned.

[1953 c 498 s 1; 1959 c 693 s 5; 1961 G 561 s 4]

9.041 SETTLEMENT OF CERTAIN CLAIMS AND CONTROVERSIES WITH
UNITED STATES. Subdivision 1. The executive council may consider and propose
terms of settlement to the legislature of all claims and controversies between the
state and the United States over lands granted to the state by the United States
under any act of Congress. It may consider and propose terms of settlement of these
claims separately or totally. When the legislature approves a settlement, the execu­
tive council may accept patents of land issued by the United States and may reconvey
the United States any lands that it, by unanimous vote, determines should

be reconveyed to carry out the provisions of this section.

Subd. 2. The executive council shall refer its findings and conclusions to the
legislature for confirmation and no adjustment or settlement of any claim by the
executive council is final until ratified by the legislature. The executive council may
make final settlement and adjustment of individual claims of settlers or Indian
allottees, where the land in question does not exceed 100 acres.

Subd. 3. The state auditor shall report to the executive council the status of:
(1) All claims of the state against the United States for lands patented to the
state by the United States under any acts or grants relating to lands; and
(2) All claims of the United States against the state for lands alleged to have
been wrongfully patented or conveyed to the state by the United States.

Subd. 4. The state auditor shall expend from any fund appropriated to main­
tain any department of his office sums for clerk hire, travel, hotel bills, or other expenses
necessary to carry out this section. The state auditor shall audit and the executive
council shall approve these expenditures. A per diem expenditure may be audited
and approved for these purposes.

[1953 c 498 s 4]
STATE DEPARTMENTS AND AGENCIES

CHAPTER 17

DEPARTMENT OF AGRICULTURE

17.01 CREATION OF DEPARTMENT; COMMISSIONER; DEPUTY. There is hereby created a department of agriculture, which shall be in the charge of a commissioner to be known as the commissioner of agriculture, in chapter 17 called the commissioner, who shall be appointed by the governor for the term of four years. Before entering upon the duties of his office, he shall take and subscribe the oath required of state officials and give his bond to the state of Minnesota, to be approved by, and filed with, the secretary of state, for the sum of $5,000, conditioned for the faithful performance of his duties. He may appoint a deputy who shall be in the unclassified service, and such other assistants, clerks, and employees as occasion may require.

17.02 ADMINISTRATION. Sections 17.201 to 17.219, shall be administered by the commissioner of agriculture of the state of Minnesota, hereinafter referred to as the commissioner.

17.03 POWERS AND DUTIES OF COMMISSIONER. Subdivision 1. Development of agricultural industries. The commissioner shall encourage and promote the development of agricultural industries, investigate marketing conditions affecting the marketing of farm products, and assist farmers, processors, and consumers of any board, committee or commission that the commissioner is a member of by law. The designation shall be filed with secretary of state.

17.04 Statistics and information. The commissioner shall collect, compile, and supply statistics and information in regard to the agricultural products of the state and agricultural industries, and, to attain this result, he shall cause to be made a complete farm census at least once in two years, and may do so annually if deemed advisable. He is authorized to have made and supplied to the auditor of the several counties suitable blanks to be used by the assessor in each precinct upon which returns are required by the commissioner, and, in cases where a county assessor is employed, these blanks may be supplied to such assessor, and the county and local assessors are hereby required, as a part of their duties, to fill out such blanks according to instructions. When these blanks, so filled out, are returned to the county assessor or to the county auditor they shall then be forwarded to the commissioner to be used by him to compile for distribution in suitable form to persons engaged in agriculture.

17.05 Cooperations with federal agencies. The commissioner shall cooperate with the government of the United States, with financial agencies created to assist in the development of the agricultural resources of this state, and so far as practicable may use the facilities provided by the existing state departments and the various state and local organizations. This subdivision is intended to relate to every function and duty which devolves upon the commissioner.

17.06 Publication of information. The commissioner is authorized to publish, from time to time, such marketing or other information as may be deemed necessary to the welfare of agriculture, and to that end he shall have authority to investigate marketing conditions relating to agriculture in this and in other states and to make these investigations public in such manner as shall in his judgment be most effective.

17.07 Definitions. When used in sections 17.201 to 17.219:

(a) The term “person” includes individuals, partnerships, associations, firms and corporations.

(b) Words importing the singular number may extend and be applied to several persons or things, and words importing the plural number may include the singular.

(c) The term “commercial fertilizer” includes both mixed fertilizer or fertilizer materials.

(d) The term “fertilizer material” means any substance containing nitrogen, phosphoric acid, potash, or any recognized plant food element or compound which is used primarily for its plant food content or for compounding mixed fertilizers except unmanipulated animal and vegetable manures.

(e) The term “grade” means the minimum percentages of total nitrogen, available phosphoric acid, and soluble potash stated in the order given in this paragraph and which, when applied to mixed fertilizers, shall be in whole numbers only.

(f) The term “brand” means the name, and other designations under which a commercial fertilizer is distributed in this state.

(g) The term “sample” means any sample of commercial fertilizer taken by the commissioner or his agent according to methods prescribed by sections 17.201 to 17.219.

(h) The term “ton” means a net ton of two thousand pounds avoirdupois.

(i) The term “percent” or “percentage” means the percentage by weight.

(m) The term “specialty fertilizer” means any fertilizer distributed solely for
use on crops grown for noncommercial purposes such as gardens, lawns, shrubs, and flowers; and may include fertilizers used for research or experimental purposes.

17.204 REGISTRATION OF BRANDS AND GRADES. Subdivision 1. Each brand and grade of commercial fertilizer shall be registered before being offered for sale, sold, or distributed in this state. The application for registration shall be submitted in duplicate to the commissioner on forms furnished by the commissioner. Except as provided in this section, the applicant shall pay any and all of the following fees before a brand and grade may be registered:

1. A fee of $50 for each fixed location within Minnesota from which registered brands or grades are to be shipped. Any number of registered brands or grades may be shipped from a fixed location for which this license fee has been paid;

2. A total fee of $50 for all fixed locations outside of the state from which registered brands or grades are to be shipped into this state. Any number of registered brands or grades may be shipped from fixed locations outside of the state upon payment of this fee for fixed locations outside of the state. An applicant licensed under Minnesota Statutes, Section 17.206, Subdivision 3, shall pay only those fees required by section 17.206, subdivision 3, before the applicant’s brands or grades are transported. Those brands and grades transported in packages of 25 pounds or less shall be registered and inspected for the fee set forth in Minnesota Statutes, Section 17.206, Subdivision 1. Upon approval by the commissioner a copy of the registration shall be furnished to the applicant. All registrations and licenses expire on June 30 of each year. A distributor who blends or mixes fertilizer material to a customer's order without a guaranteed analysis of the mixture shall be licensed as provided in Minnesota Statutes, Section 17.206, Subdivision 3.

Subd. 2. The application shall include the following information in the following order:

1. The name and address of the company or person guaranteeing registration.

2. The brand and grade.

3. The guaranteed analysis showing the minimum percentage of plant food in the following order and form:

(a) Until July 1, 1960, and thereafter until the commissioner prescribes otherwise, the guaranteed analysis, in accordance with the provisions of subparagraph (b) hereof, the term "guaranteed analysis" shall mean the minimum percentage of plant food claimed in the following order and form:

```
Total Nitrogen (N) ...........................................percent
Available Phosphoric Acid (P₂O₅) .................percent
Soluble Potassium (K₂O) .................................percent
```

(b) At any time after July 1, 1960, that the commissioner finds, after public hearing following due notice, that the requirement for expressing the guaranteed analysis of phosphorus and potassium in elemental form would impose an economic hardship on distributors and users of fertilizer by reason of conflicting labeling requirements among the states, he may by regulation thereafter the "guaranteed analysis" shall be in the following form:

```
Total Nitrogen (N) ...........................................percent
Available Phosphoric Acid (P₂O₅) .................percent
Soluble Potassium (K₂O) .................................percent
```

provided, however, that the effective date of said regulation shall be not less than six months following adoption of said regulation for a period of two years following the effective date of said regulation, the equivalent of phosphorus and potassium may also be shown in the form of phosphoric acid and potash; provided, however, that after the effective date of a regulation issued under the provisions of this section, requiring that phosphorus and potassium be shown in the elemental guaranteed analysis for nitrogen, phosphorus, and potassium shall constitute the grade. In the case of bone, tankage, and other natural organic phosphate materials, the total phosphoric acid, but not the available, shall be guaranteed. Unaccredited mineral phosphatic materials and basic slag shall be guaranteed and labeled as to available phosphoric acid only, and as to the degree of fineness.

4. The sources from which the nitrogen, phosphoric acid, and potash are derived.

5. Additional plant food elements, determinable by chemical control methods, may be guaranteed only by permission of the commissioner with the advice of the director of the experiment station. When any such additional plant food elements are included in the guarantee, they shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the commissioner.

6. The commissioner may permit or require the potential basicity or acidity (expressed in terms of calcium carbonate equivalent in multiples of 100 pounds per ton) to be registered and guaranteed.

Subd. 3. The distributor of any brand and grade of commercial fertilizer shall not be required to register at the first or the grade shall be registered if it has already been registered under the Minnesota fertilizer law of 1949 by a person entitled to do so and such registration is then in effect.

Subd. 4. The plant food content of each and every brand and grade of commercial fertilizer must remain uniform for the period of registration.

17.205 LABELS. (a) Any commercial fertilizer offered for sale or sold or distributed in this state in bags, barrels, or other containers shall have placed on or affixed to the container the net weight and the data, in written or printed form, required by items 1, 2, 3, 5, and 6, of section 17.204, paragraph (a), or as required by paragraph (a) hereof, the term "guaranteed analysis" shall mean the minimum percentage of plant food claimed in the following order and form:

```
Total Nitrogen (N) ...........................................percent
Available Phosphorus (P) ..................percent
Available Potassium (K) ..................percent
```

(b) On transported in bulk, the net weight and the data, in written or printed form, as required by paragraph (a) hereof shall be placed on the container, or, if carried in containers, on the container itself, or if carried in bulk for sale at the point of sale, the net weight in pounds shall be printed or affixed to the end of the package midway between the ears or end or ends, as the case may be, of the container. The net weight shall be legible.

Subd. 4. The plant food content of each and every brand and grade of commercial fertilizer must remain uniform for the period of registration.

17.206 INSPECTION FEE. Subdivision 1. There shall be paid to the commissioner for all commercial fertilizers offered for sale, sold, or distributed in this state an inspection fee at the rate of ten cents per ton; provided that products sold to manufacturers or exchanged between them are hereby exempted when used exclusively for manufacturing purposes; and provided further that, on individual packages of commercial fertilizer containing 25 pounds or less, there shall be paid in lieu of the annual license fee of $50 and the ten cents per ton inspection fee, an annual registration fee and inspection fee of $25 for each brand and grade sold or distributed. If a person sells commercial fertilizer in packages of 25 pounds or less, and in packages over 25 pounds, the annual registration and inspection fee of $25 shall apply only to those brands and grades sold in packages of 25 pounds or less, and those brands and grades sold in packages over 25 pounds shall be subject to the inspection fee of ten cents per ton as provided in this section. Fees so collected shall be paid into the state treasury.

Subd. 2. Payment of the inspection fee levied by this section shall be made on the basis of semianual tonnage reports subscribed and sworn to by a notary, or witnessed by a duly authorized agent of the commissioner, and filed with the commissioner. The additional food elements, stated to be present in the mixture, shall be separately reported on the report. The tonnage reports shall cover the semianual periods ending June 30 and December 31, of each year and shall be filed with the commissioner not later than 30 days (which may be extended on valid reason therefor an additional 30 days, on written request to the commissioner) after the close of each semianual period. Remittance to cover the inspection fee at the rate prescribed in this section shall accompany each such report. Remittance to cover the inspection fee at the rate prescribed in this section shall accompany each such report. The commissioner or his authorized agent permission to verify the records upon which such statement of tonnage is based.

Subd. 3. Any distributor who blends or mixes fertilizer materials to a customer's order without a guaranteed analysis of the mixture in accordance with the methods and regulations that may be prescribed by the commissioner shall be required to register the mixture as a new brand and grade and to submit an application to the commissioner for such registration. The application for such a license shall be submitted in duplicate to the commissioner on forms furnished by the commissioner and shall be accompanied by a fee as herein prescribed which sum shall constitute the license fee in event the license is granted. If said distributor blends or mixes fertilizer materials at more than one fixed location, or by more than one mobile mechanical unit, then a license is required for each such location and for each such mobile mechanical unit. The license shall be $50 in the case of each location and in the case of mobile units and additional mobile units owned and operated by any one distributor shall be licensed at a rate of $50 for the first unit and $25 for each additional mobile unit. The license shall be $50 in the case of each location and in the case of mobile units.
shall expire on June 30 of each year. Each licensee shall furnish the commissioner with a confidential written statement of the tonnage of each grade of fertilizer material sold by him in this state in his blending and mixing operation. Said statement shall cover the semiannual periods ending June 30 and December 31 of each year and shall be filed with the commissioner not later than 30 days from date of the close of each period. The statement is not made within 30 days from date of the close of each period. The commissioner is authorized and empowered to cancel the license as herein provided upon satisfactory evidence that the licensee has used fraudulent and deceptive practices in the evasions or attempted evasions of the provisions of this section; provided that any license shall be revoked or refused until the licensee shall have been given a hearing by the commissioner.

17.207 COMMISSIONER, DUTIES. (a) It shall be the duty of the commissioner, who may act through his authorized agent, to sample, inspect, make analyses of, and test commercial fertilizers offered for sale, sold, or distributed within this state at such time and place and to such an extent as he may deem necessary to determine whether such commercial fertilizers are in compliance with the provisions of sections 17.201 to 17.219, and the commissioner shall have the further authority to obtain such additional information as he may deem advisable. The commissioner, individually or through his agent, is authorized to enter upon any public or private premises during regular business hours in order to have access to commercial fertilizers subject to the provisions of sections 17.201 to 17.219, and to enforce a written or printed “stop sale, use, or removal” order to the owner or custodian of any lot of commercial fertilizer and to hold at a designated place when necessary to carry into effect the full intent and meaning of sections 17.201 to 17.219.

(c) The commissioner is further authorized to require the registration by manufacturers or jobbers of soil inoculants or products which are sold or distributed for such use of a written or printed “stop sale, use, or removal” order to the owner or custodian of any lot of commercial fertilizer and to hold at a designated place when necessary to carry into effect the full intent and meaning of sections 17.201 to 17.219.

(b) The commissioner may make and publish regulations governing the labeling and distribution of soil conditioners and of such liming materials as are sold for such purposes, including: limestones (carbonates), slags (silicates), burned lime (oxides), and hydrated lime (hydroxides). Such products are not to be deemed fertilizers subject to the registration and tonnage fees stated in sections 17.201 to 17.219.

(c) The commissioner is further authorized to require the registration by manufacturers or jobbers of soil inoculants or products which are sold or distributed for such uses. The commissioner may also invoke regulations concerning the labeling of these products for specific use with the various legumes.

17.208 RULES. (a) The commissioner is authorized to prescribe and, after public hearing (following due public notice), adopt such rules and regulations relating to the manufacture, sale, and distribution of commercial fertilizers as he may deem necessary to carry into effect the full intent and meaning of sections 17.201 to 17.219.

(b) The commissioner may make and publish regulations governing the labeling and distribution of soil conditioners and of such liming materials as are sold for such purposes, including: limestones (carbonates), slags (silicates), burned lime (oxides), and hydrated lime (hydroxides). Such products are not to be deemed fertilizers subject to the registration and tonnage fees stated in sections 17.201 to 17.219.

(c) The commissioner is further authorized to require the registration by manufacturers or jobbers of soil inoculants or products which are sold or distributed for such use of a written or printed “stop sale, use, or removal” order to the owner or custodian of any lot of commercial fertilizer and to hold at a designated place when necessary to carry into effect the full intent and meaning of sections 17.201 to 17.219.

17.214 USES. (a) The commissioner is authorized to prescribe and, after public hearing (following due public notice), adopt such rules and regulations relating to the manufacture, sale, and distribution of commercial fertilizers as he may deem necessary to carry into effect the full intent and meaning of sections 17.201 to 17.219.

(b) The commissioner may make and publish regulations governing the labeling and distribution of soil conditioners and of such liming materials as are sold for such purposes, including: limestones (carbonates), slags (silicates), burned lime (oxides), and hydrated lime (hydroxides). Such products are not to be deemed fertilizers subject to the registration and tonnage fees stated in sections 17.201 to 17.219.

(c) The commissioner is further authorized to require the registration by manufacturers or jobbers of soil inoculants or products which are sold or distributed for such use of a written or printed “stop sale, use, or removal” order to the owner or custodian of any lot of commercial fertilizer and to hold at a designated place when necessary to carry into effect the full intent and meaning of sections 17.201 to 17.219.
17.217 SEIZURE OF PROPERTY. Any lot of commercial fertilizer not in compliance with the provisions of sections 17.201 to 17.219, shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the area in which said commercial fertilizer is located. In the event the court finds the said commercial fertilizer to be in violation of these sections and orders the condemnation of said commercial fertilizer, it shall be disposed of in any manner consistent with the character of the commercial fertilizer and the laws of this state. In no instance shall the disposition of said commercial fertilizer be entered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial fertilizer or for permission to process or relabel said commercial fertilizer under supervision of the commissioner to bring it into compliance with these sections. [1949 c 559 s 15]

17.218 EXCHANGES. Nothing in sections 17.201 to 17.219 shall be construed to restrict or avoid sales or exchanges of commercial fertilizers to each other by importers, manufacturers, or manipulators who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizers to manufacturers or manipulators who have registered their brands as required by the provisions of these sections. [1949 c 559 s 16]

17.219 PENALTY. (a) Any person convicted of violating any of the provisions of sections 17.201 to 17.219 or any rule or regulation issued thereunder shall be adjudged guilty of a misdemeanor.
(b) It shall be the duty of each county attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. [1949 c 559 s 17]
employed an administrative officer and such technical experts and such other agents

Subd. 2. Employees. The state soil and water conservation commission may employ an administrative officer and such technical experts and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. The commission may call upon the attorney general for such legal services as it may require. It shall have authority to prescribe the powers and duties of its officers and employees, and to delegate to its chairman or to one or more of its other officers or members or administrative officers of such other state officers, boards, or agencies, the supervision of any of its activities, the supervising officer of any state agency, or of any state institution of learning, shall, insofar as may be possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign or delegate to the commission the duties of the staff or personnel of the agency or institution of learning, and make such special reports, surveys, or studies as the commission may request.

Subd. 3. Officers; quorum; bonds. The commission shall designate its chairman, and may annually, from time to time, change such designation. A member of the commission shall hold office so long as he shall retain the office by virtue of which he shall be serving on the commission. A majority of the members shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. The ex officio members of the commission shall receive no compensation for their services on the commission, but shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties on the commission. The other members of said commission shall receive $20 per day for each day while engaged in the performance of their official duties and shall be reimbursed for all expenses, including traveling expenses necessarily incurred in connection with their duties as members of said commission, in the same manner as such officers and employees of the state soil and water conservation commission to serve as an advisory member. The other members of the commission shall receive $20 per day for each day while engaged in the performance of their official duties and shall be reimbursed for all expenses, including traveling expenses necessarily incurred in connection with their duties as members of said commission, in the same manner as such officers and employees of the state soil and water conservation commission.

40.02 PUBLIC POLICY; PURPOSE. As a guide to the interpretation and application of this chapter, the public policy of the state is declared to be as follows: The distinctive and widespread diseases which have caused the deterioration of crops grown thereon, and declining yields therefrom, and diminishing of the underlying water reserve, all of which have caused water shortages, intensified periods of drought, and crop failure, and thus brought about suffering, disease, and impeded the healthy development of our country; to prevent and control the damage of floods and dust storms; and that all of these effects may be prevented by land-use practices contributing to the conservation of top soil by carrying on of engineering operations such as the construction of terraces, check dams, dikes, ponds, ditches, and the utilization of strip cropping, inter-furrowing, contour cultivating, land irrigation, seeding and planting of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses.

It is hereby declared that it is for the public welfare, health, and safety of the people of Minnesota to provide for the conservation of the soil and soil resources of this state, and for the control and prevention of soil erosion, for land and water resources development, and for flood control, soil conservation, the superintendence of said lands, and the utilization of strip cropping, inter-furrowing, contour cultivating, land irrigation, seeding and planting of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses.

40.03 SOIL AND WATER CONSERVATION COMMISSION. Subdivision 1. Members. There is hereby established, to serve as an agency of this state and to perform the functions conferred upon it in this chapter, a state soil and water conservation commission to be composed of nine members, four of whom shall be bona fide farmers actually operating farms either as owners, operators, or tenants and selected as herein provided. Four members thereof shall be ex officio members composed of the following: The director of the agricultural extension service of the University of Minnesota; the dean of the institute of agriculture of the University of Minnesota; the commissioner of conservation; the commissioner of agriculture. The director of the agricultural extension service may designate the associate director of the agricultural extension service to act in his stead as a member of the commission, with all his rights and privileges. The designation shall be filed with the secretary of state. Similarly, the dean of the institute of agriculture may designate the associate dean of the institute of agriculture to act in his stead, with all his rights and privileges, which designation also shall be filed with the secretary of state. The commission shall invite the state representative of the United States soil conservation service to serve as an advisory member. The other five members shall be appointed by the commission from lists of names recommended by the state association of soil conservation district superintendents submitted to the governor, and in the event of a failure to submit such nominees to the governor he shall make the necessary appointments from bona fide farmers actually operating farms, either as owners, operators or tenants. The four members appointed by the commission shall serve for the balance of the terms for which they were appointed. The fifth member shall be appointed for a term of five years. Thereafter as vacancies occur appointments shall be made for terms of five years. The commission shall keep a record of its official actions, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this chapter.

Subd. 2. Employees. The state soil and water conservation commission may employ an administrative officer and such technical experts and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. The commission may call upon the attorney general for such legal services as it may require. It shall have authority to prescribe the powers and duties of its officers and employees, and to delegate to its chairman or to one or more of its other officers or members or administrative officers of such other state officers, boards, or agencies, the supervision of any of its activities, the supervising officer of any state agency, or of any state institution of learning, shall, insofar as may be possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign or delegate to the commission the duties of the staff or personnel of the agency or institution of learning, and make such special reports, surveys, or studies as the commission may request.

40.04 WATERSHED PROJECTS. Subdivision 1. Petition. Any 25 occupiers of land lying within the limits of the territory proposed to be organized into a district may file a petition with the state soil and water conservation commission asking that a soil conservation district be organized in the territory described in the petition. The petition shall set forth:

1. The proposed name of the district;
2. That there is need, in the interest of the public health, safety, and welfare, for a soil conservation district to function in the territory described in the petition;
3. A description of the territory proposed to be organized as a district, which

Subd. 2. Watershed project. Watershed Project. A "watershed project" means a project which is approved and authorized to be carried out by the district in a watershed area in accordance with a watershed work plan.

1937 c 435 s 2; 1965 c 425 s 81; 1977 c 168 s 2 (69A 2-3)
description shall not be required to be given by metes and bounds or by legal subdivisions, but shall be deemed sufficient if generally accurate; if the commission shall determine, after such hearing, due consideration of the relevant facts, that there is no need for a soil conservation district to function in the territory considered, the commission shall make and record such determination and deny the petition. After six months shall have expired from the date of the denial of any such petition, subsequent petitions concerning the case or substantially the same territory may be filed, as aforesaid, and new hearings held and determinations made thereon.

Subd. 3. Determination; election. After the commission has made and recorded its finding that there is need for a soil conservation district to function in the territory considered and has defined the boundaries thereof, it shall consider whether the operation of a district within these boundaries, with the powers conferred upon soil conservation districts in this chapter, is administratively practicable and feasible. To accomplish the purpose of this administrative practicability and feasibility, it shall be the duty of the commission, with due regard to the public policy set forth in section 40.02, to determine, after such hearing, after due consideration of the relevant facts, the desirability of including within the territory, in its entirety, all lands in the proposed district which may be considered, that is, the desirability of establishing a soil conservation district in the area described and lying in the county (or counties) of and the territory described and lying in the county (or counties) of.

Subd. 4. Supervision. The state soil and water conservation commission shall publish the result of the referendum or, if the commission shall determine that the operation of the district is not administratively practicable and feasible, shall publish the result thereof and proceed with the organization of the district in the manner hereinafter provided. If the commission shall determine that the operation of the district is administratively practicable and feasible, it shall record such determination and proceed with the organization of the district in the manner hereinafter provided. In making such determination the commission shall give due regard to the public policy set forth in section 40.02; provided, that the commission shall have authority to determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the proposition of creation of the district shall have been cast in favor of the creation of the district.
He finds that the name proposed for the district is not identical with that of any other soil conservation district in this state, or so nearly similar as to lead to confusion or uncertainty, he shall receive and file them and record them in an appropriate book of record in his office. If the secretary of state shall find that the name proposed for the district is identical with that of any other soil conservation district of the state, he shall cause to be printed a notice to be mailed to all land occupiers within the affected district or districts, as aforesaid, and no such modification shall be made, filed, and recorded, as herein provided, the district shall constitute a governmental subdivision of this state. The secretary of state shall make and issue to the supervisors a certificate, under the seal of the state, of the due organization of the district and record the certificate with the application and statement that the enumeration and statement have been made, filed, and recorded, as herein provided, the district shall constitute a governmental subdivision of this state. The secretary of state shall make and issue to the supervisors a certificate, under the seal of the state, that the name proposed for the district is not identical with that of any other soil conservation district in this state, or so nearly similar as to lead to confusion or uncertainty, he shall receive and file them and record them in an appropriate book of record in his office. If the secretary of state shall find that the name proposed for the district is identical with that of any other soil conservation district of the state, he shall cause to be printed a notice to be mailed to all land occupiers within the affected district or districts, as aforesaid, and in no event shall they include any area included within the boundaries of another soil conservation district organized under the provisions of this chapter.

Subd. 7. Later petitions. After six months shall have expired from the date of the first petition for organization, the soil and water conservation commission shall have determined that operation of a proposed district is not administratively practicable and feasible, and denial of a petition pursuant to such determination, subsequent petitions may be filed as aforesaid, and action taken thereon in accordance with the provisions of this chapter.

Subd. 8. Territory annexed; procedure. (1) Petitions for including additional territory within an existing district may be filed with the state soil and water conservation commission, and the proceedings herein provided for in the case of petitions to organize a district shall be observed in the case of petitions for such inclusion. The commission shall prescribe the form for such petitions, which shall be as prescribed in this chapter for petitions to organize a district. Where the total number of land occupiers in the area proposed for inclusion shall be less than 25, the petition may be filed when signed by a majority of the land occupiers of such area, and in such case no referendum need be held. In reference upon petitions for such inclusion, all occupiers of land lying within the proposed additional area shall be eligible to vote.

(2) Petitions for consolidating two or more districts or for separating an existing district into two or more districts may be filed with the state soil and water conservation commission by any 25 or more occupiers of land within the district or districts affected. In such event, it shall not be necessary to obtain the consent of the affected districts to consolidate or divide the existing districts, but all other proceedings herein provided for in the case of petitions to organize a district shall be observed in so far as they are applicable. The commission shall prescribe the form for such petitions, which shall be as nearly as may be in the form prescribed in this chapter for petitions to organize a district.

(3) In the holding of the referendum for consolidation or separation, all land occupiers within the affected district or districts shall be eligible to vote. The commission shall not have authority to determine the administrative practicability or feasibility of consolidating or separating districts unless a majority of the votes cast in the referendum within each and all of the separate districts to be affected, or within and each of the separate areas sought to be made separate districts, shall be in favor of such consolidation or separation.

40.08 THREE SUPERVISORS ELECTED FOR EACH DISTRICT. Subdivision 1. Within 30 days after the date of issuance by the secretary of state of a certificate of organization of a soil conservation district, or such further time as the state soil and water conservation commission determines necessary, nominating petitions may be filed with the state soil and water conservation commissioner nominating legal voters as candidates for election as supervisors of such district, one for a term to expire at the time of the third annual town election in March and one to expire at the time of the fourth succeeding town election, and one to expire at the fifth succeeding town election in March. Each petition must be signed by one or more legal voters of the district. No person shall sign petitions nominating more than three candidates and if he does his signature shall not be counted on any petition. The commission shall give due notice of the time and place where the election of three supervisors shall be held in the district, and shall specify therein the names of all...
candidates and the terms for which nominated. The commission shall prepare ballots for such election with the surnames of the candidates printed thereon in alphabetical order for each term and a square before each name and a direction to insert an X mark in the square before the name of the candidate of the voter's choice. All legal voters shall be eligible to vote at such election. The three candidates who shall receive the highest numbers respectively of the votes cast at such election shall be elected supervisors for the district. In case of a tie, the election shall be determined by lot, under the direction of the commission. The commission shall supervise such election, pay all the expenses thereof, prescribe the time and place of holding the annual spring town meeting and the town election officers shall act as the officers of the soil conservation district election. The supervisors of the soil conservation district shall be by separate ballot. Nominating petitions conforming to the rules stated in subdivision 1 shall be filed with the secretary of the soil conservation district at least 15 days before the time of holding the town meeting. The ballots for use at the election shall be prepared by the secretary of the conservation district and delivered to the town election officers. The rules to govern such election, the canvassers, and certifying the results of the election and publish the result.

Subd. 3. After the effective date of Laws 1943, Chapter 274, all elections except that provided for the organization of the district, in subdivision 1, shall be held at the time and place of holding the annual spring town meeting and the town election officers shall act as the officers of the soil conservation district election. Nominating petitions of the soil conservation district shall be by separate ballot. Nominating petitions conforming to the rules stated in subdivision 1 shall be filed with the secretary of the soil conservation district at least 15 days before the time of holding the town meeting. The ballots for use at the election shall be prepared by the secretary of the conservation district and delivered to the town election officers. The rules to govern such election, the canvassers, and certifying the results of the election and publish the result.

Provided, that whenever a soil conservation district is located within a town which is unorganized, or which has been dissolved, or where a district is composed entirely of unorganized territory, and where no town elections or town elections are held, the election of supervisors for any such district shall be held annually on the day when annual spring town meetings and elections of town officers in organized towns are held. The governing body of any such soil conservation district shall designate by resolution the time and place where the annual election will be held, and the secretary of such district shall give notice stating the time and place of holding such annual election. All laws relating to town elections and giving notice thereof shall govern. All provisions of law relating to the term of office, the election of supervisors, the canvassing and certifying of election returns shall govern. The county auditor shall canvass the returns and certify the result to the state soil and water conservation commission, and if the soil conservation district embraces land in more than one county the state soil and water conservation commission shall canvass the results and report the result.

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Subd. 4. If a vacancy except by reason of expiration of term shall occur in the office of an elected supervisor, more than 30 days before the next annual town meeting, the governing body of the district shall fill the vacancy and the successor appointed shall hold office until the next annual town meeting. If the term does not then expire, his successor shall be elected and hold office for the remainder of the term. If a vacancy except by reason of expiration of term shall occur in office less than 30 days before the next annual town meeting, the governing body of the district shall fill the vacancy by appointment; and the successor so appointed shall hold office until the next annual town meeting and at the succeeding town meeting, whichever is the shortest term, when his successor shall be elected.

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controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district, upon obtaining the consent of the occupier of such lands, either in the necessary rights or interests in such lands, in order to demonstrate by example the means, methods, and measures by which soil and soil resources may be conserved, and soil erosion in the form of soil blowing and soil washing may be prevented and controlled;

(3) To carry out preventive and control measures within the district, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures referred to in section 40.02, on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district, upon obtaining the consent of the occupier of such lands, either in the necessary rights or interests in such lands, including the owner of the fee thereof;

(4) To cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to, any agency, governmental or otherwise, or any occupier of lands within the district, in the performance of control and prevention operations within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this chapter;

(5) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive and accept contributions in money, services, or otherwise, to use or expend such income in carrying out the purposes and provisions of this chapter; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this chapter;

(6) To make available, on such terms as it shall prescribe, to land occupiers within the district, land and engineering machinery and equipment, fertilizer, seeds, and seedlings, and such other material or equipment as will assist such land occupiers to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion;

(7) To construct, improve, and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter;

(8) To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion within the district, which plans shall specify, in such detail as may be possible, the acts, procedures, performances, and avoidance practices which are necessary or desirable for the execution of such plans, including land and engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land: and to publish such plans and information and bring them to the attention of occupiers of lands within the district;

(9) To take over, by purchase, lease, or otherwise, and to administer, any soil-conservation, erosion-control, or erosion-prevention project located within its boundaries undertaken by the United States or any of its agencies, or by this state or any of its agencies; to manage, as agent of the United States or any of its agencies, or of this state or any of its agencies, any soil-conservation, erosion-control, or erosion-prevention project within its boundaries; to act as agent for the United States or any of its agencies, or for this state or any of its agencies, in connection with the administration, construction, operation, or administration of any soil-conservation, erosion-control, or erosion-prevention project within its boundaries; to accept donations, gifts, and contributions in money, services, or otherwise, from the United States or any of its agencies, or from this state or any of its agencies, and to use or expend such money, services, materials, or other contributions in carrying on its operations;

(10) To sue and be sued in the name of the district; to have perpetual succession, unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to make, and, from time to time, amend and repeal, rules and regulations not inconsistent with this chapter, to carry into effect its purposes and powers;

(11) As a condition to the extending of any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the supervisors may require contributions in money, services, materials, or otherwise, to any operations conferring such benefits; but the conditions with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the legislature shall specifically so state.

(12) To make application to the secretary of agriculture, or other designated authority, for federal assistance under the provisions of Public Law 566, 83rd Congress, Chapter 565, 2d Session, or any act amendatory thereof or supplementary thereto.

(13) To enter into any agreement or contract with the secretary of agriculture, or other designated authority, under the provisions of said Public Law 566, or any act amendatory thereof or supplementary thereto, for the construction, maintenance, and operation of any work of improvement as defined in said act, to acquire without charge in connection with works of improvement installed with federal assistance; to assume such proportionate share of the cost of installing any works of improvement involving federal assistance as may be determined by the secretary to be equitable in consideration of anticipated benefits from such improvements; to make arrangements satisfactory to the secretary for the operation and maintaining such works of improvement in accordance with regulations prescribed by said secret ary of agriculture; to acquire or provide assurance that land owners have acquired such water rights, pursuant to state law, as may be needed in the installation and operation of said works of improvement; to obtain agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than 50 percent of the lands situated in any drainage area above any retention reservoir which may be installed with federal assistance, all as prescribed in said Public Law 566, and to do any and all other acts necessary to secure federal aid under said Public Law 566, or any act amendatory thereof or supplementary thereto, subject, however, to the provisions contained in the following paragraph.

(14) Every contract attempted to be entered into or indebtedness or pecuniary liability attempted to be incurred by any soil conservation district, or supervisors thereof, whereby a financial obligation, express or implied, results or is created in connection with any funds under the control and supervision of any soil conservation district, or supervisors thereof, available for the payment hereof, shall be null and void in regard to any obligation thereby sought to be imposed, and no claim therefor shall be allowed by the supervisors of any such soil conservation district. Every supervisor of any soil conservation district participating or authorizing any such contract or obligation shall be individually liable to the soil conservation district, of which he is supervisor, for any damages caused thereby, and shall be liable to any person furnishing any labor, services, or materials, on any such contract entered into or obligation assumed.

40.12 COOPERATION BETWEEN DISTRICTS. The supervisors of any two or more districts organized under the provisions of this chapter may cooperate with another in the exercise of any or all powers conferred in this chapter.

40.13 STATE AGENCIES TO COOPERATE. Agencies of this state which shall have jurisdiction over, or be charged with the administration of, any state-owned lands, or any county-owned or other publicly owned lands, lying within the boundaries of any district organized hereunder, shall cooperate with the supervisors of such districts in the execution of programs and operations undertaken by the supervisors under the provisions of this chapter. The supervisors of such districts shall be given free access to enter and perform work upon any publicly owned lands.

40.14 DISCONTINUANCE OF DISTRICTS. At any time after five years after the organization of a district under the provisions of this chapter, 25 occupants of
land lying within the boundaries of the district may file a petition with the state soil and water conservation commission praying that the operations of the district be terminated and the existence of the district discontinued. The commission may conduct such public meetings and public hearings upon the petition as may be necessary to assist in the consideration thereof. Within 60 days after the petition has been received by the commission, it shall give due notice of the holding of a referendum, supervise the referendum, and issue appropriate regulations governing the conduct thereof, the question to be submitted by ballots, upon which the words “For terminating the existence of the (name of the soil conservation district to be here inserted)” and “Against terminating the existence of the (name of the soil conservation district to be here inserted)” shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of these propositions as the voter may favor or oppose discontinuance of the district. All occupiers of lands lying within the boundaries of the districts shall be eligible to vote in the referendum. Only these land occupiers shall be eligible to vote. No informality in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum, or the result thereof, if notice thereof shall have been given substantially as herein provided and the referendum shall have been fairly conducted.

The commission shall publish the result of the referendum and shall thereafter determine whether the continued operation of the district within the defined boundaries is administratively practicable and feasible. If the commission shall determine that the continued operation of the district is administratively practicable and feasible, it shall record such determination and deny the petition. If the commission shall determine that the continued operation of the district is not administratively practicable and feasible, it shall record such determination and certify such determination to the supervisors of the district. In making such determination the commission shall give due regard and weight to the attitudes of the occupiers of lands lying within the district, the number of land occupiers eligible to vote in the referendum who shall have voted, the proportion of the votes cast in the referendum in favor of the discontinuance of the district to the total number of votes cast, the approximate wealth and income of the land occupiers of the district, the probable expense of carrying on erosion-control operations within the district, and such other economic and social factors as may be relevant to such determination, having due regard to the declaration of public policy set forth in section 40.02. The commission shall not have authority to determine that the continued operation of the district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum shall have been cast in favor of the continuance of the district.

Upon receipt from the state soil and water conservation commission of a certification that the commission has determined that the continued operation of the district is not administratively practicable and feasible, pursuant to the provisions of this section, the supervisors shall forthwith proceed to terminate the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction and pay over the proceeds of the sale to be covered into the state treasury. The supervisors shall thereupon file an application, duly verified, with the secretary of state for the discontinuance of the district, and transmit with the application the certificate of the state soil and water conservation commission setting forth the determination that the continued operation of the district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as in this section provided, and set forth a full accounting of these properties and proceeds of the sale. The secretary of state shall issue to the supervisors a certificate of dissolution and record the certificate in an appropriate book of record in his office.

Upon issuance of a certificate of dissolution under the provisions of this section, all ordinances and regulations theretofore adopted and in force within these districts shall be of no further force and effect. All contracts theretofore entered into, to which the district or supervisors are parties, shall remain in force and effect for the period provided in the contracts. The state soil and water conservation commission shall be substituted for the district or supervisors as party to the contracts. The commission shall be entitled to all benefits and subject to all liabilities under the contracts, and shall have the same right and liability to perform, to require performance, to sue and be sued thereon, and to modify or terminate the contracts by mutual consent, or otherwise, as the supervisors of the district would have had. The dissolution shall not affect the lien of any judgment entered under the provisions of section 40.11, nor the pendency of any action instituted under the provisions of section 40.11, and the commission shall succeed to all the rights and obligations of the district or supervisors as to these liens and actions.

The state soil and water conservation commission shall not entertain petitions for the discontinuance of any district nor conduct referenda upon the petitions, nor make determinations pursuant to the petitions in accordance with the provisions of this chapter, more than once in two years.

40.15 CITATION. SOIL CONSERVATION DISTRICTS LAW. This chapter may be known and cited as the Minnesota soil conservation districts law.

[1937 c 441 s 16] (6932-16)
DEPARTMENT OF CONSERVATION

CHAPTER 84

84.015 Purchase. The purpose of Laws 1967, Chapter 905 is to centralize the operating authority of the department of conservation in a commissioner and his deputy in lieu of the commissioner and several operating divisional directors; to coordinate the management of the public domain; to eliminate duplication of effort and expenses; and to best serve the public in the development of a long range program to conserve the natural resources of the state.

84.025 CREATION AND ORGANIZATION. Subdivision 1. Continuance. The department of conservation shall continue as now constituted, subject to the provisions of Laws 1967, Chapter 905.

Subd. 2. Supervision. The department shall be under the supervision and control of a commissioner of conservation who shall be appointed by the governor by and with the advice and consent of the senate. The commissioner shall be chosen with regard to his knowledge, training, experience, and ability in the field of public administration. The commissioner shall serve for a term expiring on February 15 of the year in which a governor takes office, and until his successor is appointed and has qualified. In case of a vacancy the governor shall appoint a commissioner by and with the advice and consent of the senate, for the balance of the unexpired term.

The term of the incumbent commissioner of conservation on February 15, 1971, shall expire on that date. Appointment to the office of commissioner of conservation therefor shall be in conformity with this subdivision.

Subd. 3. Bond. The commissioner shall give a bond to the state in the sum of $50,000.

Subd. 4. Deputy. The commissioner may appoint a deputy to serve at his pleasure, who shall be in the unclassified service of the state. The deputy may exercise all the powers of the commissioner, subject to his direction and control. The deputy shall give a bond to the state in the sum of $25,000.

Subd. 5. Assistant commissioner and employees. The commissioner may appoint an assistant commissioner to serve at his pleasure who shall be in the unclassified service of the state. He may employ such other persons in the classified service as he deems necessary for the performance of other functions of the department not assigned to the several divisions.

Subd. 6. Deputy attorney general. The attorney general shall appoint a deputy attorney general, in addition to the number now authorized by law, who shall be the attorney for the department of conservation. He shall receive the same salary as other deputy attorneys general, to be paid from moneys appropriated therefor to the department of conservation. The deputy attorney general and such other attorneys as may be assigned to the department of conservation are designated as the legal bureau of the department of conservation.
state auditor with respect to such sales and conveyances. The county treasurers shall make all reports of collections thereunder in duplicate and shall transmit a copy of each report to the state auditor and the commissioner.

Subd. 7. Limitation of powers. Except as otherwise expressly provided, nothing herein shall confer on the commissioner any authority over any property of the state devoted pursuant to law to any specific purpose under any officer or agency of the state other than the commissioner or the department of conservation or its divisions.

Subd. 8. Selection of lands for certain purposes. The commissioner of conservation may select from any available lands owned by the United States in this state such lands as he deems suitable in lieu of any deficiencies which may have occurred in grants of school lands or other lands heretofore made to the state under any act of congress, and may, with the approval of the executor or trustees, accept on behalf of the state any grants or patents of lands so selected issued by the United States to the state.

This subdivision shall not be deemed to amend, supersede, or repeal any existing law, but shall be supplementary thereto. [1947 c 60 s 1; 1953 c 382 s 1]

84.028 COMMISSIONER OF CONSERVATION, SPECIFIC ASSIGNMENTS. Subdivision 1. The powers, duties and responsibilities of the department of conservation relating to boat safety, firearm safety, wild rice harvest programs, and such other programs as are now or hereafter vested by statute in the department of conservation, shall be under the control and supervision of the commissioner of conservation.

Subd. 2. The overall coordination of acquisition and development programs, comprehensive planning activities, including statewide recreational planning programs required by state or federal law, and the responsibility of the state planning agency, are under the control and supervision of the commissioner.

Subd. 3. The operation of the game warden service in the division of game and fish is under the direct control and supervision of the commissioner. The name of the personnel in such game warden service is changed to conservation officers. Conservation officers shall continue to have the powers and duties of game wardens as they existed before July 1, 1967 and may be assigned to public relations, conservation instruction, and recreational areas for the enforcement of laws and rules relating to resources management which the commissioner shall direct. The commissioner may create a separate division or bureau to be composed of conservation officers and may appoint a chief conservation officer to serve at his pleasure in the unclassified service of the state. [1967 c 966 s 1]

84.029 ADDITIONAL DUTIES AND POWERS. So far as practicable the commissioner shall collect and arrange statistics and other information in reference to the lands and general and special resources of the state.

He is hereby authorized and empowered to take such measures as he may deem advisable to advertise, both within and without the state, sales of all state lands, and to secure, compile, and issue such valuable statistics of the resources of the state.

He may adopt and promulgate reasonable rules and regulations, not inconsistent with law, governing the use and enjoyment of state land reserved from sale, state parks, state public camp grounds, public access sites, boat launching facilities, state recreation reserves, trails, state monument sites, and all other recreational lands under the jurisdiction of the department of conservation, and for desirable acquisitions thereto, such report to include an inventory of the tracts and parcels of land, and rights, interests, and easements therein, held by the state or withdrawn from sale for any of these purposes, with the value thereof. He shall maintain a long range plan governing the use of the public domain under his jurisdiction. [1905 c 201 s 1; 1907 c 267 s 5; 1933 c 470 s 8, 14; 1941 c 522 s 8; 1967 c 905 s 1] (77, 4302, 4304, 4305)

84.03 LOW WATER MARK, STIPULATION. In any civil action involving the rights or use of any body of water, river or stream, or the ownership of the bed thereof, wherein the state is a party thereto, the commissioner of conservation, in behalf of the state, with the approval of the attorney general, may agree by written stipulation with any riparian owner and party to such action as to the location of the ordinary low-water mark upon the riparian lands of such party. Such stipulation when executed by all parties, shall be presented to the judge of the district court wherein the action is pending for approval. If approved, the judge shall make and enter an order therein providing that the final judgment when entered shall, as to the parties to such stipulation, conform to the location of the ordinary, low-water mark as provided for in such stipulation. [1951 c 51 s 1]

84.031 DEPARTMENT DIVISIONS AND BUREAUS. Subdivision 1. Directors. The department of conservation shall be organized with the following divisions: a division of lands and forestry, a division of waters, soils and minerals, a division of game and fish, and a division of parks and recreation. Each division shall be under the immediate charge of a director, subject to the supervision and control of the commissioner. The director shall be appointed by the governor for a term of four years and shall serve at his pleasure in the unclassified service of the state.

Subd. 2. Directors, bonds. Each director shall give a bond to the state in the sum of $5,000, covenanted for the use and benefit of funds in the custody of the director and the director of game and fish who shall each give a bond in the sum of $5,000.

Subd. 3. Directors may employ assistants. Each director, with the approval of the commissioner, may employ such assistants as may be necessary for the work of his division. Each director, with the approval of the commissioner, may designate one of his employees as deputy director, and may revoke such designation at any time he may see fit. The director may exercise all of the powers of the director, subject to his direction and control, including powers delegated by the commissioner unless otherwise prescribed by him. [1943 c 60 s 3; 1943 c 601 s 1; 1947 c 587 s 17; 1949 c 556 s 1; 1949 c 730 s 7; 1951 c 51 s 11; 1967 c 965 s 1]

84.032 ASSIGNMENT AND DELEGATION OF DUTIES. Subdivision 1. Each division shall have charge of administering the activities indicated by its title and such other duties and functions as may be assigned by the commissioner, subject to the right of the commissioner to revise and change assignments of any and all activities, functions, and duties severally or otherwise for such purposes as he may see fit. The commissioner may, by written order filed in the office of the secretary of state, delegate to the directors or other employees designated by him, any of the powers or duties vested in or imposed upon the commissioner by this act or by any other law upon such conditions as he may prescribe and subject to the right of the commissioner to revoke, modify, or alter such delegations of powers as may be exercised or performed by such directors or other employees designated by him in the manner and subject to the conditions prescribed by him.
84.09 CONSERVATION OF WILD RICE. From time immemorial the wild rice crop of the waters of the State of Minnesota has been a vital factor to the sustenance and the continued existence of the Indian race in Minnesota. The great present market demand for this wild rice, the recent development of careless, wasteful, and depolluting methods of harvesting, together with water conditions of the past few years, have resulted in an emergency, requiring immediate stringent methods of control and regulation of the wild rice crop. The traditional methods of the Indian in such harvesting are not destructive. On the other hand, the despoliation of the rice fields as now progressing under commercial harvesting methods will result in imminent danger of starvation and misery to large bands of these Indians. They are in danger of becoming relief charges upon the state and the counties, many of which are overburdened with relief loads now. It is further true that many of the reservation lands which were ceded to these Indians have never been sold and others are reverting because of non-payment by the purchasers. It is therefore declared the purpose of sections 84.09 to 84.15, and Laws 1938, Chapter 281, to meet this emergency in part a moral obligation to these Indians of Minnesota by strictly regulating the wild rice harvesting upon all public waters of the State and by granting to these Indians the exclusive right to harvest the wild rice crop upon all public waters within the original boundaries of the White Earth, Leech Lake, Nett Lake, Vermillion, Grand Portage, Fond du Lac, and Mille Lacs reservations.

[1939 c 281 s 1] (6151-1)

84.10 WILD RICE HARVESTED IN CERTAIN LAKES. It shall be unlawful for any person to take wild rice grain from any of the waters within the original boundaries of the White Earth, Leech Lake, Nett Lake, Vermillion, Grand Portage, Fond du Lac, Mille Lacs Reservations except said persons be of Indian blood, or residents of the reservation upon which said wild rice grain is taken.

[1939 c 281 s 2; 1941 c 371 s 1; 1943 c 220 s 1; 1945 c 171 s 1; 1947 c 42 s 1] (6151-5)

84.11 [Repealed, 1947 c 424 s 6]

84.111 WATER CRAFT; METHODS OF HARVEST; HOURS OF HARVEST.

Subdivision 1. It shall be unlawful to use, in harvesting wild rice in any public waters in this state, any water craft other than a boat, skiff, or canoe propelled by hand, which boat, skiff, or canoe may have a top width of not more than 36 inches and a length of not more than 18 feet, or any machine or mechanical device for gathering or harvesting the grain other than with flails not over 30 inches in length nor over one pound in weight, which flails must be held and operated by hand.

Subd. 2. It is unlawful to use any pole for propelling any water craft used in such harvesting which is not forked at the end, with each branch less than 12 inches in length.

Subd. 3. It is unlawful to use in such harvesting any machine or device for gathering the grain other than a flail not over 30 inches in length nor one pound in weight, held and operated by hand.

Subd. 4. It is unlawful to harvest any wild rice in any public waters between three o'clock p.m. and nine o'clock a.m. following except as otherwise expressly permitted in writing by an authorized committeeman or other agent of the commissioner pursuant to regulations of the commissioner.

[1949 c 506 s 8, 14; 1959 c 684 s 1; 1963 c 174 s 11]

84.12, 84.13 [Repealed, 1947 c 424 s 6]

84.14 DIRECTOR OF WILD RICE HARVEST. Subdivision 1. The commissioner may appoint a director of the wild rice harvest, who shall be a man proven experienced in the actual cultivation and harvesting of wild rice, and such assistants as may be deemed necessary. The director shall serve at the will of the commissioner in this capacity and shall be appointed from the classified service of the state. He may be paid such salary as may be determined by the director of civil service and the commissioner of administration and for such periods during the year as may be designated by the commissioner, together with reasonable traveling expenses, from any sums available to the division of game and fish. The director shall have the duty of investigating the conditions affecting the crop of wild rice upon any waters that are proposed to be harvested.

Subd. 2. The director may, with the approval of the commissioner, appoint deputies or committeemen to assist him in any or all of his duties. The deputies or committeemen shall be in the unclassified service of the state and shall serve without compensation. However, provided that the director himself and the deputies and committeemen appointed for the purpose of regulating the harvesting of wild rice may be authorized by the commissioner to enforce the laws and regulations in relation thereto in the same manner as conservation officers are authorized to do.

84.15 COMMISSIONER MAY RESTRICT HARVEST. Subdivision 1. The commissioner may, in his discretion, restrict or prohibit the harvesting of wild rice grain on public waters of any designated area when, upon investigation of conditions, it shall be determined necessary or advisable to protect against undue depletion of the crop so as to retard resowing or restocking of such area or so as to endanger its effective use as a natural food for wildlife.

Subd. 2. The commissioner may harvest not to exceed 10,000 pounds of wild rice in any calendar year for the purposes of obtaining wild rice seed for experimental and research purposes and replanting in public waters of the state, including waters within the original boundaries of the Minnesota Indian Reservations.

[1949 c 506 s 11; 1951 c 771 s 8; 1959 c 129 s 1, 2; 1959 c 684 s 2; 1963 c 709 s 1; 1965 c 355 s 1, 2, 3, 4; 1967 c 905 s 9] (6151-4)

84.151 COMMISSIONER MAY REVISE REGULATIONS. The commissioner may, from time to time, upon investigation of conditions, amend or alter any regulations made under section 84.15 in such manner as seems to him necessary to protect against undue depletion of the crop or to preserve the wild rice within the original boundaries of the Minnesota Indian Reservations.

84.154 LAC QUI PARLE WATER CONTROL PROJECT. Subdivision 1. Conservation project. The commissioner is hereby authorized, with the approval of the executive council, and on such terms as may be deemed advantageous to the state, to sell and convey to the United States the fee title, free from any mineral reservation, of lands acquired by the state for the Lac qui Parle River water control project upon which dams and appurtenant structures have been or may be constructed and such rights of way as may be required by the United States to provide access thereto for the purposes of construction, maintenance and operation, and to grant, sell and convey either such fee title to, or flowage rights over, all
lands acquired for the project on and above Lac qui Parle Lake which lie below the 935.7 foot elevation on project datum, and to grant, sell and convey flowage rights, easements,或其他 of such lands, including all such lands, and to lease any such lands above or below such 935.7 foot elevation on project datum, and over all of such lands on and above either of these lakes which lie above such elevations, and to lease to any appropriate agency of the United States for conservation purposes, subject to such flowage rights, any of such lands the ownership of which is retained by the state, or to enter into cooperative agreement with any such agency for the development of recreation, fishing, hunting, wildlife or other conservation activity thereon; provided, that no such conveyance or agreement shall waive any claim of the state for reimbursement from the United States under the flood control act of June 28, 1938, and any amendments thereof. Each such lease for conservation purposes and such cooperative agreement for the development and management of wild life or other conservation activity on such lands shall contain specific conditions reserved protecting the public during all open seasons for hunting and waterfowl as public shooting grounds.

Subd. 2. Commissioner of conservation may complete Lac qui Parle and Big Stone Lake projects. Inasmuch as the cessation of the work relief program of the Federal government and the entry of the United States into the present war prevented completion of certain contemplated features of the Lac qui Parle and Big Stone Lake water control projects heretofore undertaken by the executive council, in cooperation with Federal agencies, and it is desirable that such projects be completed in order to secure effective control and utilization of the waters affected for the purposes of prevention and control of floods, water conservation, improvement of conditions for game and fish, and other authorized public uses, the commissioner of conservation is authorized to construct all works and improvements pertaining or incidental to said projects which he deems necessary for such purposes, and to maintain and operate the same so as not transferred to the United States pursuant to law.

Subd. 3. Powers of commissioner. The commissioner of conservation may use for any project herein authorized any land of the state under his jurisdiction or control so far as is not inconsistent with the laws governing the same, may acquire by purchase, gift, or condemnation any additional lands or interests in lands required for such projects, including lands or interests in adjacent states if authorized by the laws thereof, may accept gifts or grants of money or property from the United States or any other source for such projects, may use and apply any money or property so received in accordance with the terms of the gift or grant so far as is not inconsistent with the provisions of this act or other laws, may act in behalf of the state as sponsor for any such project undertaken or authorized by the United States, may make any sponsor's contributions required for any such project out of moneys appropriated by Laws 1943, Chapter 476, or otherwise made available therefor under the act; and may make any authorized agency of either in constructing, maintaining and operating any such project upon such terms and conditions as he may deem proper not inconsistent with the laws of this state.

Subd. 4. May sell or lease land. The commissioner of conservation may, in behalf of the state, with the approval of the governor, sell or lease to the United States any part of the lands or interests in lands heretofore or hereafter acquired for the state for the purposes of such projects, with any structures or improvements thereon, on any terms and conditions as he may determine, and to continue maintenance and operation of such projects for the purposes herein specified; provided that the provisions of this section shall not be deemed to repeal or supersede the provisions of Laws 1941, Chapters 142 and 518, with respect to lands or interests hereof or hereafter acquired, so far as applicable thereto; provided, that the governor shall not approve any such sale or lease without first consulting the legislative advisory committee and securing their recommendation, which shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation.

Subd. 5. Special funds created. (1) There is hereby created a special fund to be known as the Lac qui Parle and Big Stone Lake Water Control Projects Fund, in which shall be placed all moneys heretofore or hereafter received for any lands or other property acquired by the state for the Lac qui Parle water control project and hereof or hereafter sold or leased to the United States pursuant to Laws 1925, Chapter 426; Laws 1933, Chapter 355; Extra Session Laws 1933, Chapter 25; Laws 1935, Chapter 51; Extra Session Laws 1935, Chapter 101; Laws 1937, Chapters 209 and 459; Extra Session Laws 1937, Chapter 89; Laws 1941, Chapters 142 and 518; Laws 1943, Chapter 476; Laws 1945, Chapter 325; Laws 1947, Chapter 571; and Minnesota Statutes, Section 81.54, are hereby transferred to the commissioner of conservation.

(2) These lands, which consist of 22,000 acres, more or less, located in the north and east corner of Lac Qui Parle County and portions of the south and west edges of Chippewa, Swift and Big Stone Counties, shall be used and developed as a game refuge and public hunting grounds as the commissioner of conservation may designate and shall include all state-owned lands acquired pursuant to the provisions of law above stated.

(3) The right of eminent domain will not be exercised in the case of the acquisition of any of these lands to this game refuge and public hunting ground.

Subdivision 1. Grant of easement to United States. There is hereby granted to the United States an easement and right to flow and overflow by water the right-of-way of any and all town, county and state roads or highways lying within the Lac qui Parle Water Control Project in Chippewa, Lac qui Parle, Big Stone, and Swift counties, below the 945.0 foot elevation on project datum, and no claims for damage shall be maintainable against the United States by the state or any of its governmental subdivisions for any damage or injury to such roads or highways, below such 945.0 foot elevation, because of the operation of any of the damns in said project or the maintenance of any water levels thereof.

Subd. 2. Commissioner of conservation to acquire certain title. The commissioner of conservation of the state of Minnesota is hereby authorized to acquire by gift, purchase or condemnation, the underlying fee title to the right-of-way of any township or county roads or highways lying within such water control project and not now in public ownership, or the right to flow and overflow the same. The commissioner is further authorized to convey such fee title or flowage easements to the United States, together with any fee titles or easements heretofore obtained by or on behalf of the state, the counties or townships involved, to the right-of-way of any such roads or highways, when such conveyances are required to carry out the purposes of Laws 1943, Chapter 476, and Laws 1941, Chapter 518.

Subd. 3. Grant effective upon acceptance. The grant contained in subdivision 1
herein shall become effective upon the acceptance of title or easements by the United States to lands adjacent to each such road or highway.

Subd. 4. Certain laws continued in effect. Nothing herein be deemed to repeal or supersede Laws 1943, Chapter 476, or Laws 1941, Chapter 518, but the same and the whole thereof shall be continued in effect.

[1945 c 356 s 14]

84.153 GRANT OF FLOWAGE EASEMENTS. The commissioner of conservation is hereby authorized to grant easements upon state-owned lands, or tax-forfeited lands, in the region of upper Red Lake upon such terms and conditions as he may deem expedient.

[1947 c 148 s 1]

84.161 COMMISSIONER MAY ACQUIRE LAND FOR CERTAIN PURPOSES. The commissioner of conservation is hereby authorized to acquire on behalf of the state of Minnesota, all dam site and flowage easements and other interests in lands, for the purchase, condemnation, or otherwise, which may be necessary to accomplish the purposes of this section and to construct all dams, structures and control works needed to restore and control the water levels of Goose and Mud Lakes, Cass County, Minnesota, which authority to condemn shall include the condemnation of state-owned land whether held in trust or otherwise and whether or not the same be set aside as lake shore property or other special use under other provisions of law and the commissioner may further use any land of the state under his jurisdiction for this project; all for the purpose of improving habitat for fish, wild fowl and game, wild rice and for forestry and fire protection.

[1957 c 69 s 1]

84.162 ADDITIONAL POWERS OF COMMISSIONER. The commissioner of conservation is hereby authorized to enter into contracts and agreements with the United States and any authorized agency thereof for the use of any flowage rights and other interests in land held by the United States needed for the flowage of land for this project and the commissioner of conservation may acquire such property in fee and may further contract and cooperate with the United States for the operation and control of the levels of said water and the construction and maintenance of any of the structures needed therefor upon such terms and conditions as he may deem necessary and proper not otherwise inconsistent with law.

[1957 c 69 s 2]

84.165 LICENSES, PERMITS. Subdivision 1. Utility companies, permit to cross state-owned lands. The commissioner of conservation may, at public or private sale and for such price and upon such terms as he may prescribe (except where prohibited by law) grant licenses permitting passage over, under, or across any part of any school, university, internal improvement, swamp, tax-forfeited or other land or public water under the control of the commissioner of conservation, of telephone, telegraph, or electric power lines, cables or pipe lines for gas, liquids, or solids in suspension. Any such license shall be cancelable upon reasonable notice by the commissioner for substantial violation of its terms, or if at any time its continuance will conflict with a public use of the land or water over or upon which it is granted, or for any other cause. All such land or public water shall remain subject to sale or lease or public or other legal use, but in case of sale, lease or other use there may be excepted from the grant or other disposition of land or public water all rights included in any license over, under, or across it, and the license may contain an agreement that there will be such exception. All rights so excepted shall be reserved to the state and be cancelable by the commissioner for the same reasons as the grant thereof, but in such case the state or its agents may enter upon the land or water. Upon such cancellation, which shall be only after reasonable notice to the licensee, all rights granted by the license shall be vested in the state and may be granted again by the commissioner on the terms and conditions he may prescribe, but subject to cancellation for the same reasons or causes as they might have been canceled before such sale, lease or other use of the land or water.

84.181 LICENSES OR PERMITS FOR AIRCRAFT. Each utility company shall provide a fee of not more than $4 per mile or proportionately for each fraction of a mile, but not less than $1 annually. In the event the commissioner has certified to the Attorney General pursuant to the laws of Minnesota that the granting of licenses or permits is necessary to the public welfare and the public interest of the state, the commissioner of conservation may, at public sale, grant licenses permitting passage over, under, or across such fee or other disposal of land or public water all rights included in any license over, under, or across it, and the license may contain an agreement that there will be such exception. All rights so excepted shall be reserved to the state and be cancelable by the commissioner for the same reasons as the grant thereof, in such case the state or its agents may enter upon the land or water. Upon such cancellation, which shall be only after reasonable notice to the licensee, all rights granted by the license shall be vested in the state and may be granted again by the commissioner on the terms and conditions he may prescribe, but subject to cancellation for the same reasons or causes as they might have been canceled before such sale, lease, or other use of the land or water.

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time as the fulfillment of such purposes may require. Such designations shall be made by regulations adopted as provided by and subject to the laws relating to regulations of administrative agencies of the state, and may be modified or rescinded in like manner; provided, that in addition to or in connection with the proceedings required under said laws, the commissioner of conservation or his authorized agent shall hold a hearing on any proposal for a designation or a change therein hereunder at a place designated by him in a county containing lands affected thereby, of which at least two weeks published notice shall be given in each county affected, and at least 30 days notice shall be given by mail to the county auditor of each such county.

84.46 COMMISSIONER OF AERONAUTICS. Subdivision 1. The commissioner of aeronautics shall have power and it shall be his duty as soon as practicable after the passage of Laws 1949, Chapter 630, to designate as aircraft checking stations at least three airports having suitable facilities for the landing of aircraft in wilderness areas. Such checking stations shall be located so as to cover the commonly used approaches to such wilderness areas by air from all sides, as far as practicable, and each such station shall be within 100 miles of the nearest point on the boundary of such wilderness areas. The designation of such checking stations shall be made by regulations adopted as provided by law; and subject to the laws relating to regulations of the commissioner of aeronautics, and may be modified or rescinded in like manner from time to time as may be necessary for the purposes of sections 84.43 to 84.52. The commissioner of conservation shall appoint attendants for such checking stations and shall prescribe their powers and duties, subject to the provisions hereof. Officers or employees of other state departments or governmental subdivisions of the state may be appointed as such attendants with the approval of their appointing authorities.

Subd. 2. The provisions of this subdivision shall apply to all aircraft and pilots thereof except as otherwise provided herein. From and after the designation of not less than three checking stations herebefore provided, no such aircraft shall be permitted to land at any aircraft landing in wilderness areas, unless it has been determined by an aircraft landing in such wilderness area as a base and at least 2,000 feet from the ground, except as may be necessary for safety, without first landing at a checking station designated hereunder and making a written report to the attendant, on a form prescribed by the commissioner of conservation, containing the following information: type and federal registration number of the aircraft; name, address, and license number of the pilot; names and addresses of the passengers; purpose of flight; proposed line of flight and destination within the wilderness areas, proposed period of stay therein, and proposed checking station for reporting on departure therefrom. The attendant shall deliver to the pilot a countersigned copy of the report, which the pilot shall retain in his possession at all times while in the wilderness areas on the trip covered thereby. Any such aircraft shall not be operated, landed, or kept at any place within the wilderness areas except as specified in the report, and shall not remain within such areas after the expiration of such period. Upon leaving such areas at any time after entering the same, the pilot, before landing the aircraft at any other place, shall immediately proceed to and land at the checking station designated for checking his aircraft; make a check out by submitting his copy of the report to the attendant, who shall endorse the same to show such checking-out and return the same to the pilot; provided, that if by reason of weather conditions or otherwise it is impracticable for the pilot to check out at the station designated in the report, he may check out at any other checking station established hereunder with the permission of its attendant or other law enforcement officer. All records made hereunder shall be kept on file at the checking stations, and shall be subject to inspection by the commissioner of aeronautics, the commissioner of conservation, or their authorized agents, and by any conservation officer or other law enforcement officer.

Subd. 3. The provisions of sections 84.43 to 84.52 shall not apply to the use of aircraft by any officer or agency of the state or of the United States for any authorized public purpose.

Subd. 4. The provisions of sections 84.43 to 84.52 shall not prohibit or prevent the operation or landing of any aircraft within any such area so far as may be necessary to save life or property or prevent substantial injury thereto in an emergency.

84.47 PERMITS TO PRIVATE PROPERTY OWNERS. Subdivision 1. In case there shall be any private property situated within any such area and such private property, at the time such area is designated, is improved and used for purposes other than the use to which it was improved and used prior to the designation of such area, such area shall be declared to be a wilderness area and the provisions hereof shall not apply to such private property as it was improved and used prior to such designation, by the commissioner of aeronautics which shall authorize the operation of aircraft without check in or check out for the transportation of persons, their lawful possessions and materials to such extent as is necessary for the continuation of such use of the property affected existing at the time of the designation of the area, such permits to be issued upon the following conditions:

(a) The owner, lessee or operator of such private property shall have a licensed seaplane base on or adjacent to his property.

(b) Such permits shall thereupon be issued to the owner or operator of any aircraft to fly to, from, and between such bases and such other points as may be designated in such permit, provided such aircraft owner or operator has first complied with reasonable standards as to safety, equipment, and insurance to be established by the commissioner of aeronautics as provided by law.

(c) If the private property affected is situated in a wilderness area designated by the commissioner of conservation as herebefore provided, a permit shall be issued for such aircraft operation as may be necessary for the continuation of any lawful use of the property as it was improved and used prior to such designation, whether existing at the time of the designation of such area or thereafter developed.

(d) A permit shall be effective until the end of the calendar year in which it is issued, and shall be renewable annually upon the continued existence of the conditions authorizing its original issue. Every permit shall be subject to suspension or revocation, as the commissioner of aeronautics shall determine, upon conviction of the permittee of any violation of the provisions of sections 84.43 to 84.52.

(e) Every holder of a permit hereunder shall keep daily written records in duplicate, on forms prescribed by the commissioner of conservation, of all aircraft operations under the permit, containing the following information as to each flight, in which such other information as may be required by law or by regulations of the commissioner of conservation: type and federal registration number of the aircraft; name, address, and license number of the pilot; names and addresses of passengers; purposes of flight, place, date, and time of beginning and termination of flight, line of flight and destinations. On or before the first day of each month the permittee shall mail one of the duplicates of such records for all flights during the preceding calendar month to the commissioner of conservation, and said permittee shall keep the same on file and subject to inspection in like manner as herebefore provided for inspection of copies of reports at checking stations.

Subd. 2. Any aircraft owner or operator carrying passengers for hire from a licensed seaplane base outside of the wilderness areas may obtain a permit in like manner as hereinbefore provided for operating between such base or other points outside of such areas, to be designated in the permit, and any points within such areas, subject to compliance with the requirements for keeping and mailing records and all other conditions pertaining to permits as hereinbefore prescribed, so far as applicable.

84.48 TWO-WAY RADIO SYSTEM. No aircraft shall fly into or over any such area except at the altitudes authorized in section 84.46, without being equipped with a two-way radio system, provided that this requirement shall not become effective until prescribed by order of the commissioner of aeronautics and provided further that when it has been so prescribed, the operator of each such aircraft shall be furnished with the necessary equipment and instructions by the commissioner of aeronautics and at such times during his stay within the area as the commissioner of aeronautics may prescribe. Orders of the commissioner of aeronautics under this section shall be prescribed by regulations adopted, modified, or rescinded as may be necessary for the purposes of sections 84.43 to 84.52 in accordance with the laws relating to his regulations in other cases.

84.49 WATER CRAFT, LIMITATION OF OPERATION. No aircraft pilot, owner or operator shall keep or maintain within any wilderness area designated hereunder, any boat, canoe or other watercraft at any point within such area except at private property encumbered with a structure or structures suitable for human
occupancy, or unless in the immediate possession and control of a person authorized
by the owner to so possess and control it. Any boat, canoe or other watercraft
not so maintained, possessed or controlled shall be deemed contraband and be
subject to confiscation in the name of the state by any state conservation officer or
peace officer and shall be disposed of in the same manner as other property confis-
cated by the director of game and fish.

84.50 VIOLATIONS AND PENALTIES. Violation of any provision of sections
84.43 to 84.52 shall be a misdemeanor, and any court imposing sentence shall be
authorized upon recommendation of the commissioner of aeronautics to prohibit
the pilot so convicted from operating an aircraft within the state for a period not
exceeding one year.

84.51 INSPECTION. Every aircraft while landed at a checking station to re-
port as herein provided shall be subject to inspection by the commissioner of con-
ervation or his authorized agents, or by any conservation officer, any of whom
may, without a warrant, examine and search such aircraft for wild animals illegally
or other things declared contraband by the laws relating to wild animals, and may seize and confiscate in the name of the state any such
contraband which may thereafter be found.

84.52 CERTAIN ZONING REGULATIONS APPLICABLE. Nothing herein
contained shall authorize interference or conflict with the operation of any airport
or other aeronautics facilities authorized, constructed, or maintained under any
law, nor so as to interfere or conflict with any zoning regulations or any other
regulations relating to aeronautics prescribed by or adopted pursuant to any
other law.

84.53 TOPOGRAPHIC SURVEY; COMMISSIONER OF CONSERVATION.
The commissioner of conservation is authorized to make or provide for a topo-
graphic survey of the state and maps thereof, including preliminary aerial surveys
incident thereto, so far as funds may be made available therefor, and subject to
the provisions herefor. For that purpose he may cooperate with the United States
 Geological Survey or any other federal, state, or local public agency or govern-
mental subdivision, or with any private agency, on terms mutually agreed upon.
He may accept or reject any offers of money or property for the purposes herefor,
and the same are hereby appropriated therefor. All surveys and maps made here-
under shall conform with standards prescribed or approved by the United States
Geological Survey or other federal authority.

84.54 STATE MAPPING ADVISORY BOARD. There is hereby created a
State Mapping Advisory Board, which shall study the general topographic survey
and mapping needs of the state, and shall advise the commissioner of conserva-
tion in determining the order of surveys and otherwise planning the operations, and
shall promote coordination of survey and mapping activities of public and private
agencies within the state. The board shall consist of eight members, including the
Commissioners of Aeronautics, Agriculture, Business Research and Development,
Highways, Iron Range Rehabilitation, and Taxation, the director of the Minnesota
Geological Survey at the University of Minnesota and one member at large, who
shall be appointed by the governor to serve at his pleasure. Each of said commis-
sioners may appoint a member of his department to serve in his place and at his
pleasure as a member of the board. The member at large shall receive no com-
ensation for his services, but he shall receive necessary and actual travelling and subsistence expenses for any meeting of the board or for trips which he may make in connection with the business thereof. The other members of the board shall receive no additional compensation for their services as members thereof, but shall receive their necessary and actual travelling and subsistence expenses while en-
gaged in the business of the board, to be paid from the appropriations to their sev-
eral departments.

The first meeting of the board shall be called by the governor. The board shall
elect a chairman, vice-chairman, and secretary from its membership, and may adopt
rules for its own procedure.

84.57 UNDERGROUND WATERS, DISPLACEMENT BY UNDERGROUND
STORAGE OF GAS OR LIQUID UNDER PRESSURE. It shall be unlawful for
the state, any person, partnership, association, private or public corporation, county,
municipality or other political subdivision of the state to displace any underground
waters of this state whether in consolidated or unconsolidated formations by the
underground storage of any gas or liquid under pressure without first having se-
quired a permit therefor from the commissioner of conservation.

84.58 PERMIT FOR UNDERGROUND STORAGE. Subdivision 1. Application.
Application for said permit shall be made to the commissioner of conservation in
writing on a form prescribed by the commissioner accompanied by maps, plans
and specifications describing the proposed displacement of underground waters
and the underground storage of gases or liquids and such other data as the com-
missioner may require.

Subd. 2. Public hearing. No permit for the displacement of underground
waters shall be issued by the commissioner without first having held a public
hearing thereon.

Subd. 3. Time of hearing. Within 30 days after the receipt of the application
together with all data requested by him the commissioner shall fix a time and
place for said hearing thereon.

Subd. 4. Notice of hearing. Notice of hearing on any application shall be reci-
ected the date, time and place fixed by the commissioner for the public hearing thereon
and the notice shall show the location of waters and property affected and be
published by the applicant, or by the commissioner if the proceeding is initiated
by him, once each week for two successive weeks in a legal newspaper published in
the county in which a part or all of the affected waters are located. Notice shall also
be mailed to the commissioner to the county auditor and the chief executive
official of any municipality affected.

Subd. 5. Procedure at hearing. The hearing shall be public and shall be
conducted by the commissioner or a referee appointed by him. All affected persons
shall have an opportunity to be heard. All testimony shall be taken under oath
and the right of cross-examination shall be accorded. The commissioner shall
proceed at the hearing to determine whether the proposed storage will be
confined to geological stratum or strata lying more than 500 feet below the surface of
the soil;
The proposed storage will not substantially impair or pollute any water resources;
that the public convenience and necessity of a substantial portion of the gas consuming public in the state will be served by such undertaking; and unless said order shall contain conditions and restrictions which will reasonably protect;
the rights of the owners of lands, or of owners of any interests in said lands, lying within the boundaries of said proposed storage area, or those claiming under said owners, to explore for, drill for, produce or develop for the recovery of oil or gas or minerals under said lands, or to drill wells on said lands for the development and the production of water; provided, that such exploration, drilling, producing or developing shall comply with orders, rules and regulations of the commissioner issued for the purpose of protecting underground storage strata or formations against pollution and against the escape of gas therefrom; and
Any public resources of the state which may be adversely affected by such use.

§14.61 DAMAGES, PAYMENT. The commissioner may, in such order or permit, require such corporation to demonstrate to the commissioner that said corporation has adequately provided a method to insure payment of any damage resulting from the operation of the gas or liquid storage reservoir.

§14.62 CERTIFICATE OF USE. No use shall be made of said gas or liquid storage reservoir by the applicant unless and until the right to use the property involved in said project has been filed with the commissioner of conservation and a certificate of use issued by him.

§14.63 CONVEYANCE OF INTERESTS IN LANDS TO STATE AND FEDERAL GOVERNMENTS. Notwithstanding any existing law to the contrary, the commissioner of conservation is hereby authorized on behalf of the state to convey to the United States or to the state of Minnesota or any of its subdivisions, upon state-owned lands under the administration of the commissioner of conservation, permanent or temporary easements for specified periods or otherwise for highways, roads and trails, flowage for development of fish and game resources, stream protection, flood control, and necessary appurtenances thereto, such conveyances to be made upon such terms and conditions including provision for reversion in the event of nonuse as the commissioner of conservation may determine.

84A.01 RED LAKE GAME PRESERVE. For the purpose of vesting and re­vesting the state with title to lands in the area heretofore described which are suitable primarily for state use and development for the purpose of preserving, protecting, propagating, and breeding wild life of all suitable kinds, including all species of game and fish and fur-bearing animals and birds of rare and useful species, and for the development of forests and prevention of forest fires, and the preservation and development of rare and distinctive species of flora native in such area, there is hereby located, established, and created a state wild life preserve and hunting ground comprising all lands and waters in Lake of the Woods county lying south of Rainy river, and south of Lake of the Woods, and all full and fractional townships in Beltrami county lying north of the north line of township 151, excluding all of the lands and waters lying within Red Lake Indian reservation, and including also all that part of Koochiching county lying west and northwesterly of the following described line:

Beginning at a point where the range line between ranges 26 and 27 west of the fifth principal meridian intersects the southerly bank of Rainy river; thence south on this range line to the point formed by the intersection of this range line with the easterly boundary line of the original Red Lake Indian reservation; thence southwesterly along the easterly boundary line of the original Red Lake Indian reservation to a point formed by the intersection of such boundary line with the range line between ranges 29 and 30 west of the fifth principal meridian; to be known as the Red Lake game preserve, sometimes called "preserve and hunting ground."
game preserve and hunting grounds, and for the sale of merchantable timber from these lands when and where, in the opinion of the department, the same can be sold and to the further use and development of the land for a habitat of wild life and game in this game preserve and hunting ground, and for the purposes for which this preserve and hunting ground is established by sections 84A.01 to 84A.11. The department may provide for the policing of this preserve and hunting ground in such manner as may be needful for the proper development and the preserve and hunting ground for the purposes specified, and all supervisors, guards, custodians, and caretakers assigned to duty in this preserve and hunting ground shall have and possess the authority and powers of peace officers while in their employment. The department shall also make and enforce such rules and regulations, not inconsistent with the laws and ordinances of the state, concerning

...
section 84A.01, and after the title to any such lands has been acquired by the state, in the manner provided, such lands may be reclassified, from time to time, All such lands which shall be the absolute property of the state under the provisions of sections 84A.01 to 84A.11, which have been classified as suitable for agriculture and timber, from any lands so acquired, shall be subject to sale by the state, as provided by law.  [1929 c 258 s 81 (5620-8)]

8A.09 GIFTS RECEIVED. The department is hereby authorized and empowered to receive, for and on behalf of the state, and to make suitable acknowledgments of, any gifts, devises, or grants of land or interests in lands in this preserve and hunting ground, or of money or personal property of any kind, which it may deem suitable for use in connection with the operation, control, development, or use of the preserve and hunting ground.  [1929 c 258 s 91 (5620-9)]

8A.10 EMINENT DOMAIN. The department is hereby authorized and empowered to acquire, by exercise of the right of eminent domain, which right is hereby given it, described in the manner provided in chapter 117, or for the purchase, any lands or interests in lands in this preserve and hunting ground which the department shall deem necessary for state ownership, use, or development for the purposes of sections 84A.01 to 84A.11. No moneys shall be used for the purposes specified herein until and unless the department shall have determined that such moneys will not be required to meet the requirements of the counties authorized under section 84A.04, or for payment of certificates of indebtedness and interest thereon.  [1929 c 258 s 10 (5620-10)]

8A.11 WHEN BONDS PAID IN PART BY COUNTIES. Any county wherein a portion of this preserve and hunting ground is located may voluntarily assume, in the manner specified, the obligation to pay that portion of the principal and interest of the bonds, herefore issued and which may remain unpaid at maturity, of any school district or town situated in the county and wholly or partly within the boundaries of this preserve and hunting ground, which portion bears the same proportion to the whole of such bonds as the 1928 assessed valuation of lands then acquired by the state pursuant to sections 84A.01 to 84A.11 in such school district or town bears to the total 1928 assessed valuation of such school district or town. This assumption shall be evidenced by a resolution of the county board, a copy of which shall be certified to the state auditor within one year after the passing of sections 84A.01 to 84A.11, and thereafter. If any of these bonds remain unpaid at maturity, the county board shall, upon demand of the governing body of the school district or town or of the holder of any such bonds, provide for the payment of the portion thereof so assumed, and the county board shall levy general taxes on all the taxable property of the county therefor, and shall issue its bonds to raise such sum as may be needed conforming to the provisions of law respecting the county refunding bond fund, from which the proceeds of these taxes or revenues derived from such bonds shall be paid over to the county treasurer for the benefit of such school district or town. The proceeds of these taxes or revenues derived from such bonds shall be paid over to the county treasurer, the proceeds of which shall be used to pay the principal and interest of these bonds as they become due.  [1929 c 258 s 11, 12 (5620-11, 5620-12)]

8A.20 REFORESTATION AREAS TO BE SET OFF. For the purpose of vesting and reconstituting the state with title to lands suitable primarily for the development of forests and permanent timber, the natural preservation, care, protection, propagation, and disposition of any and all forest, and other public purposes, the department of conservation adopted and promulgated in accordance with the provisions of sections 84A.01 to 84A.11 shall be deemed guilty of a misdemeanor.  [1929 c 258 s 11, 12 (5620-11, 5620-12)]

8A.21 DEPARTMENT TO MANAGE AREAS. Each of such projects so approved and accepted shall be under the management and control of the department, which shall have and is hereby given full power and authority to make, establish, promulgate, and enforce all necessary rules and regulations not inconsistent with the laws of the state for the care, preservation, protection, and development of forests and for experimenting in and practically advancing afforestation and reforestation therein, and impounding, controlling, and regulating the waters of meandered lakes and the flow of natural streams in the state, or for either or any of such purposes, or for other public purposes, the bonds of county commissioners of any county within which such lands are located and in which on January 1, 1931, the bonded indebtedness of the county containing such lands are located and in which on January 1, 1931, the bonded indebtedness of the county containing such lands and in which the bonded indebtedness of the county containing such lands equals or exceeds nine per cent of the assessed valuation of the county, exclusive of money and credits, may by resolution duly adopted propose to the State of Minnesota that one or more areas in the state be occupied, each area to be taken over by the department for afforestation, reforestation, flood control projects, or other public state purposes, to be managed, controlled, and used for the development of forests and the prevention of forest fires, and for the purpose of experimenting in and practically advancing afforestation, reforestation, or for the purpose of impounding, controlling, and regulating the waters of meandered lakes and the flow of natural streams in the state, or for either or any of such purposes, or for other public state purposes, on lands to be acquired by the state within such projects, if hereinafter set forth. Each such area shall include lands which have been assessed for all or part of the cost of the establishment and construction of public drainage ditches under the laws of this state, and on which such assessments or instalments thereof are overdue, delinquent, and unpaid. A duly certified copy of each such resolution of the county board shall be submitted to and filed with the department and considered and acted upon by the department; if approved by the department, it shall then be submitted to, considered, and acted upon by the executive council and if approved by the executive council the proposition shall be formally accepted by the department and such acceptance and purchase shall be evidenced by a certificate of purchase executed by the auditor of the county. State lands which have been sold as provided by law and for which certificates of sale have been issued shall be considered taxable land within the meaning of this section and if the taxes against such lands or the interest of the purchaser therein are delinquent, shall be considered lands on which the taxes are delinquent within the meaning of this section until such time as the title of the holder thereof shall have been terminated by the commissioner in accordance with the provisions of section 82.16.  [1931 c § 407 s 11 (6452-1)]

8A.22 DEPARTMENT TO MANAGE AREAS. Each of such projects so approved and accepted shall be under the management and control of the department, which shall have and is hereby given full power and authority to make, establish, promulgate, and enforce all necessary rules and regulations not inconsistent with the laws of the state for the care, preservation, protection, and development of forests and for experimenting in and practically advancing afforestation and reforestation therein, and impounding, controlling, and regulating the waters of meandered lakes and the flow of natural streams, or for either or any of such purposes, or for other public purposes, the bonds of county commissioners of any county within which such lands are located and in which on January 1, 1931, the bonded indebtedness of the county containing such lands and in which the bonded indebtedness of the county containing such lands equals or exceeds nine per cent of the assessed valuation of the county, exclusive of money and credits, may by resolution duly adopted propose to the State of Minnesota that one or more areas in the state be occupied, each area to be taken over by the department for afforestation, reforestation, flood control projects, or other public state purposes, on lands to be acquired by the state within such projects, if hereinafter set forth. Each such area shall include lands which have been assessed for all or part of the cost of the establishment and construction of public drainage ditches under the laws of this state, and on which such assessments or instalments thereof are overdue, delinquent, and unpaid. A duly certified copy of each such resolution of the county board shall be submitted to and filed with the department and considered and acted upon by the department; if approved by the department, it shall then be submitted to, considered, and acted upon by the executive council and if approved by the executive council the proposition shall be formally accepted by the department and such acceptance and purchase shall be evidenced by a certificate of purchase executed by the auditor of the county. State lands which have been sold as provided by law and for which certificates of sale have been issued shall be considered taxable land within the meaning of this section and if the taxes against such lands or the interest of the purchaser therein are delinquent, shall be considered lands on which the taxes are delinquent within the meaning of this section until such time as the title of the holder thereof shall have been terminated by the commissioner in accordance with the provisions of section 82.16.  [1931 c § 407 s 11 (6452-1)]
84A.22 DISPOSAL OF PROCEEDS. The proceeds of all certificates of indebtedness issued under the provisions of sections 84A.20 to 84A.30, all moneys received from redemption, as provided in sections 84A.22 to 84A.30, all moneys received as gifts to the state for the purposes of any such project, and all income which may be received from the operation, development, management, and use of these projects, including fees received from licenses and permits, all income which may be received from animals, fish, and from state forests and parks, the sale of lands and timber thereon owned by the state within such area, other than university, school, and swamp lands, state forest lands set apart pursuant to the Constitution of the State of Minnesota, Article 8, Section 6, and state lands acquired under the system of rural credit, and all moneys of the state which may hereafter be transferred to the state treasury and credited to the project to which the same pertain and the same are hereby annually appropriated for the purposes thereof; provided, that, under the provisions of sections 84A.20 to 84A.30, the aggregate or total of all certificates of indebtedness issued shall not exceed $2,250,000.00.

84A.23 COUNTY AUDITOR TO MAKE LIST OF LANDS. As soon as practicable after the approval and acceptance of any such project the auditor of each county in which the same is situated shall certify to the state auditor a list of all the lands within the boundaries of the project, except lands lying within the boundaries of any city or village, which have been bid in for the state at the delinquent tax sale held in the year 1926 for the non-payment of taxes or special drainage assessments and not redeemed or assigned to an actual purchaser, which certificate shall contain the following information:

1. The legal description of each parcel of such lands;
2. The amount of the principal and interest of delinquent drainage assessments, if any, or installments thereof for all years prior to the date of such report against each such parcel of land;
3. The amount of drainage assessments assessed against each such parcel of land, which have been or are to be extended upon the tax rolls of such county for collection with the taxes for the year 1927 and subsequent years.

84A.27 REPORTS, CERTIFICATION. Upon receipt of the report of the county auditor specified in section 84A.23 he shall certify a copy thereof to the department, which shall classify such lands as to their suitability for or in connection with, reforestation, reforesting, or improving, controlling, and regulating the waters of meandered lakes and the flow of natural streams, for other public state purposes; and after the title to any such lands has been acquired by the state in the manner provided in sections 84A.20 to 84A.30 such lands may be classified as suitable for agriculture, and timber from any lands so acquired, shall be subject to sale by the state as provided by law.

84A.28 DEPARTMENT TO ACCEPT GIFTS. The department is hereby authorized and empowered to receive for and in behalf of the state, and to make suitable disposition of, any gift, bequest, devise, or grant of land or interests in lands in any such project, or of money or personal property of any kind, which it may deem suitable for use in connection with the operation, control, development, or use of any such projects.

84A.29 DEPARTMENT TO HAVE RIGHT OF EMINENT DOMAIN. The department is hereby authorized and empowered to acquire by exercise of the right of eminent domain, which right is hereby given it, to be exercised in the manner provided in Chapter 117, or by purchase, any lands or interests in lands in any such project, which the department shall deem necessary for state ownership, use, or development for the purposes of sections 84A.20 to 84A.30. No moneys shall be used for the purpose of raising any funds specified in this section and the state auditor shall have determined that such moneys will not be required to meet the requirements of the counties authorized under sections 84A.23 or for the payment of certificates of indebtedness and interest thereon theretofore provided.
84A.31 STATE FOREST REDEVELOPMENT PROJECTS. For the purpose of vesting and reestablishing the state title to lands similarly for the development of forests, and for experimenting in and practically advancing afforestation and reforestation, and for the purpose of creating and establishing wild game and fish reserves, or on public state purpose, the board of county commissioners within which such lands are located, and in which, on January 1, 1933, the taxes on more than 25 percent of the acreage of the lands in any town in the county, as shown by the tax books, are delinquent, and in which, on January 1, 1933, the tax books are delinquent, or for which, on January 1, 1933, the tax books are delinquent, and of which, on January 1, 1933, the bonded ditch indebtedness of any county wherein any of the lands are located equals or exceeds 15 percent of the assessed value of the county for the year 1932, as fixed and determined by the Minnesota tax commission, exclusive of money and credits, may by resolution duly adopted propose to the state legislature, in any "area in the county consisting of one or more townships, or part of any township, containing such lands be taken over by the state for afforestation, reforestation, flood control projects, wild game and fishing reserves, other public state purpose, to be managed, controlled, and used for the development of forests and prevention of forest fires, and for the purpose of experimenting in and practically advancing afforestation, reforestation, or for the purpose of impounding, controlling, and regulating the waters of meandered lakes and the flow of natural streams, or for the purpose of creating and establishing wild game and fishing reserves, or for either or any such purposes," or for any other public state purpose, on lands to be acquired by the state within such areas, as herein set forth; and, if approved by the executive council, each such area shall be established in lieu thereof, and, if approved by the executive council, it shall then be submitted to, considered and acted upon by the executive council; such as shall be established in lieu thereof, and, if approved by the executive council, the proposition shall be formally accepted by the governor and his acceptance shall be published once in the official newspaper of each county affected and shall take effect 30 days after the publication thereof. The department may exclude from the operation of any such rules or regulations any lands owned by private individuals upon which taxes are delinquent for the tax years of 1930, 1931, and 1932, for which certificates of sale have been issued by the conservator of rural credit shall be considered taxable lands, within the meaning of this section; and, if the taxes or ditch lien instalments on such lands or the interest of the purchaser therein are delinquent, shall be considered lands on which the taxes are delinquent within the meaning of this section. 

84A.32 MANAGEMENT. Subdivision 1. Rules and regulations. Each of such projects so approved and accepted shall be under the management and control of the department, which shall have full power and authority, establish, promulgate, and enforce such rules and regulations not inconsistent with the laws of this state for the care, preservation, protection, conservation, and improvement of the forest lands, and for experimenting in and practically advancing afforestation and reforestation therein, and impounding, controlling, and regulating the waters of meandered lakes and the flow of natural streams, or for other public state purposes, for the prevention of forest fires therein, and for the sale of merchantable timber from lands acquired by the state; and when and where such lands shall be sold, removed without damage or injury to the purposes of such projects. No such rules or regulations shall in any manner interfere with, destroy, or damage any privately-owned property without just compensation being made to the owner of the private property by purchase or in condemnation proceedings duly instituted pursuant to the laws of the state; or for the purpose of preventing, discovering, protecting, preserving, and disposal of any and all species of wild life therein and the regulation, issuance, sale, and revocation of special licenses or special permits for hunting, fishing, camping, or other uses of these areas not inconsistent with the terms of any laws of the state now or hereafter applicable thereto. The department may do any act which may be necessary or convenient for the proper development, use, and protection thereof, and of its purpose, and all supervisors, guards, custodians, and caretakers assigned to duty in any such project shall have and possess the authority and powers of peace officers while in its employ. All lands acquired by the state shall be subject to these rules and regulations, whether owned by the state, or privately, consistent with the constitutional rights of the private owners or with the laws of this state now or hereafter applicable thereto. The department may exclude from the operation of any such rules or regulations any lands owned by private individuals upon which taxes are delinquent for the tax years of 1930, 1931, and 1932, for which certificates of sale have been issued by the conservator of rural credit shall be considered taxable lands, within the meaning of this section; and, if the taxes or ditch lien instalments on such lands or the interest of the purchaser therein are delinquent, shall be considered lands on which the taxes are delinquent within the meaning of this section. 

84A.33 COUNTY AUDITORS TO CERTIFY TAX DELINQUENT LANDS. As soon as practicable after the approval and acceptance of any such project, the auditor of each county in which the same is situated shall certify to the state auditor a list of all lands within the boundaries of any such project, except lands lying within the bounds of incorporated cities and villages and which are shown as not delinquent for the taxes of three years or more, which have been bid in for the state at any delinquent tax sale hereafter or hereafter held in the non-payment of taxes, and which have not been redeemed or assigned to any actual purchaser, and which certificates shall contain the following information:

1. The legal description of each parcel of such land;
2. The name and number of the ditch and the amount of the principal and interest of delinquent drainage assessment as it appears on the tax books of the county for all years prior to the date of such certificate against each such parcel.
of the instalment.

On or before the fifteenth day of June in each year thereafter, the county auditor shall certify to the state auditor a list of all lands within the boundaries of the county, except lands lying within the boundaries of any city or village, and except lands which have been described in any previous certificate, and upon which taxes are delinquent for three years or more and which have been billed in the for the state at any delinquent tax sale heretofore or hereafter held for the non-payment of taxes, and which have not been redeemed or assigned to an actual purchaser, and which certificate shall contain the following information:

1. The legal description of each parcel of such land, contained in any prior certificate upon which all taxes have been redeemed;
2. The legal description of each parcel of such lands which, on May fourteenth of the year in which the certificate is issued, is delinquent for three years or more;
3. The name and number of the ditch and the amount of the principal and interest of each delinquent ditch assessment instalment as it appears on the tax books of the county for all years prior to the date of such certificate against each such parcel of land, together with interest thereon at six percent per annum since the due date of each instalment; provided, that the certificate shall not contain the delinquent drainage assessment instalments included in any certificate therefore furnished.

When the delinquent drainage assessment instalment on any such parcel of land included in any such certificate of the county auditor is redeemed, paid, or assigned to any person the county auditor shall forthwith report the same to the state auditor and the county treasurer shall forthwith remit to the state treasurer the amount so paid in the county treasury on account of any such delinquent drainage assessment instalment or instalments.

Forthwith upon the approval and acceptance of any such project and therefor, after each distribution has been made of the tax collections for the June and November tax settlements, such county auditor shall certify to the state auditor the following information relating to bonds issued to finance or refinance public drainage ditches lying wholly or partly within such projects, and the collection of assessments levied on account of such ditches:

1. The amount of principal and interest to become due on such bonds prior to the next ensuing tax settlement and distribution;
2. The amounts collected from such drainage assessments and credited to the funds of such ditches, not already transmitted to the state treasurer as provided in sections 18A.31 to 18A.42.
3. The amount of the deficit in the ditch fund of the county chargeable to such ditches.

Forthwith upon the approval of this certificate of the county auditor by the state auditor, he shall draw a warrant or warrants on the state treasurer, payable out of the funds herein provided for, and transmit the same to the county treasurer of the county, and these moneys shall be credited to the proper ditch of the county and placed in the ditch bond fund of the county, which is hereby created, and used to pay the ditch bonded indebtedness of the county assumed by the state under sections 18A.31 to 18A.42 for that purpose. The total amount of all such warrants so drawn by the state auditor shall not exceed in any one year the total amount of the deficit hereinbefore provided for under this section.

The state shall be subrogated to all title, right, interest, or lien of the county in or on the lands so certified within these projects.

As to all public drainage ditches which lie wholly within any such project, the minimum amount of money which shall be paid to, for and on account of such ditches, in the manner above provided, shall never exceed the principal and interest of the bonds issued to finance or refinance any such ditch outstanding, less moneys on hand in the county ditch fund to the credit of any such ditch at the time of the passage and approval of sections 18A.31 to 18A.42, which bears the same proportion to the whole amount of such bonds as the original benefits assessed upon the lands within the project bear to the original total benefits assessed to the entire system for any such ditch, and this liability shall be reduced from time to time by the payments of all assessments hereafter extended made by the owners of lands within the project of assessments for benefits hereinafter assessed on account of such ditch.

The county auditor shall provide and prescribe the forms for any reports required to be made to him and to require further and additional information from any officials of any such county which he deems necessary for the proper administration thereof.

84A.31, 84A.35 [Repealed, 1949 c 498 s 8]

84A.36 LANDS TO BE HELD BY STATE IN FEE. The title to all parcels of land lying wholly within any such project, except lands lying within the boundaries of any city or village, which shall be acquired by the state under the provisions of sections 280.13 and 280.17, shall be held by the state free from any trust in favor of the taxing districts therein specified and shall be held and used or disposed of in accordance with the provisions of any law of this state.

84A.37 STATE AUDITOR TO CERTIFY CERTIFICATE TO DEPARTMENT. Upon receipt by the state auditor of the report of the county auditor specified in section 18A.33, he shall certify a copy thereof to the department, which shall classify all such lands as to their suitability for agriculture or for forestation, reforestation, or for the purpose of impounding, controlling, and regulating the waters of natural streams, as well as for the use and benefit of the state and its political subdivisions.

84A.38 DEPARTMENT TO RECEIVE GIFTS. The department is hereby authorized and empowered to receive for and on behalf of the state and to make suitable acknowledgment thereof any gift, bequest, devise, or grant of land, or interests in lands, in any such project, or of money or personal property of any kind, which may deem suitable for use in connection with the operation, control, development, or use of any or all such projects.

84A.39 DEPARTMENT SHALL HAVE RIGHT OF EMINENT DOMAIN. The department is hereby authorized and empowered to acquire by exercise of the right of eminent domain, which right is hereby given to it, to be exercised in the manner provided in chapter 117, or by purchase, any privately-owned lands or interests in lands within the boundaries of any such project which it shall deem necessary for the public use, the development of the purposes of sections 18A.31 to 18A.42 provided, that no moneys shall be used for the purposes specified in this section until and unless the department and the state auditor shall have determined that such moneys will not be required to meet the requisitions of the counties authorized under section 18A.33 or for the payment of certificates of indebtedness and interest thereon.

84A.40 COUNTY MAY ASSUME BONDS. Any county wherein any such project or portion thereof is located may voluntarily assume, in the manner hereinafter specified, the obligation to pay that portion of the principal and interest of the bonds issued before the approval and acceptance of the project and still remaining unpaid at maturity, of any school district or town situated in the county and wholly or partly lying within the project, which portion bears the same proportion to the whole of the bonded indebtedness of the county and the interest thereon as the bondholders in the project have of the whole of the bondholders in the county; provided, that prior to the acceptance of the project, lands thereby acquired by the state pursuant to sections 18A.31 to 18A.42 in such school districts or towns bears to the total assessed valuation for the tax year of the last preceding sale for taxes. The county auditor shall report such actions to the state auditor, who shall forthwith transmit a copy of the same to the state treasurer.
the same year of the school district or town. This assumption shall be evidenced by a resolution of the board of the county, a copy of which shall be certified to the county board and the county shall levy such taxes on all the taxable property of the county therefor, and issue its bonds to raise such sum as may be needed, conforming to the provisions of law respecting the issuance of county refunding bonds. The proceeds of such taxes or bonds shall be paid over by the county treasurer to the treasurer of the school district or town; provided, that no such payments shall be made by the county until all such time as the moneys due in the treasury of the school district or town, together with the moneys so to be paid by the county, shall be sufficient to pay in full each of the bonds as it may become due.

In the event that any such county shall fail or neglect so to adopt and certify such resolution, the state auditor shall withhold from the payments to be made to the county under the provisions of section 84A.32 a sum equal to that portion of the principal and interest of such outstanding bonds which bears the same proportion to the whole thereof as the above determined assessed valuation of lands acquired by the state within the project bears to the total assessed valuation for the same year of the school district or town. Moneys so withheld from the state treasury shall be set aside in the state treasury and not paid to the county until the full principal and interest on the school district and town bonds be paid.

In the event that any such bonds remain unpaid at maturity, upon demand of the governing body of the school district or town, or of the holder of any such bond, the state auditor shall issue to the treasurer of the school district or town a warrant on the state treasurer for that portion of the past due principal and interest computed as in the case of the county’s liability hereinafter authorized to be voluntarily assumed. All moneys received by any school district or town pursuant to this section shall be applied to the payment of such past due bonds and interest.

84A.41 DEFINITIONS. Subdivision 1. Taxes. The word “taxes,” as used in sections 84A.31 to 84A.42, shall be held to include taxes of every kind, including special assessments of every kind.

Subd. 2. Bonds or bonded indebtedness. The words “bonds” or “bonded indebtedness,” as used in sections 84A.31 to 84A.42, include bonds and accumulated interest thereon of every nature issued to finance or refinance the construction, maintenance, or repair of public drainage ditches.

84A.42 VIOLATIONS A MISDEMEANOR. Any person who within the limits of any project established in accordance with the provisions of section 84A.31 shall wilfully violate or fail to comply with any rule or regulation of the department of conservation adopted and promulgated in accordance with the provisions of sections 84A.31 to 84A.42 shall be deemed guilty of a misdemeanor.

84A.50 CERTAIN CERTIFICATES ACCEPTED AS CORRECT AND VALID. All certificates relating to bonds issued to finance or refinance public drainage ditches, the principal and interest thereon, the amount of moneys collected from drainage assessments and credited to ditches, and the amount of the deficit in the ditch fund made by a county auditor pursuant to section 84A.22 or 84A.33, or any predecessor statute thereof to the state auditor on which payment has been made by the state are accepted as correct and are validated.

84A.51 CONSOLIDATED CONSERVATION AREAS FUND. Subdivision 1. There is created in the state treasury the consolidated conservation areas fund, hereinafter referred to as the consolidated fund.

Subd. 2. All moneys in any fund established pursuant to Minnesota Statutes, Sections 84A.03, 84A.22 or 84A.32, subdivision 2, are transferred to the consolidated fund, except as provided in subdivision 3. The moneys in the consolidated fund, or so much thereof as may be necessary, are hereby appropriated for the purposes set forth in this section.

Subd. 3. Within thirty days after the end of each fiscal year the state auditor shall pay one-half of the income received in the consolidated fund in that fiscal year to the county wherein is located the land from which such income is derived, and that amount is hereby so appropriated.

Subd. 4. The funds received by each county shall be apportioned by the county auditor according to the dollar amount of any project created, to be expended under the direction of the county board for the rehabilitation and development of the portion of the county lying within the conservation area: 40 percent to the capital outlay fund of the school district from which derived; 20 percent to the county revenue fund; and 10 percent to the township road and bridge fund of the township from which derived, provided however, that in the event the proceeds are derived from an unorganized township wherein there is no levy for road and bridge purposes, the township portion shall be credited to the county revenue fund.

84A.52 ACCOUNTS: EXAMINATION, APPROPRIATION, PAYMENT. As a part of the examination provided for by Minnesota Statutes 1945, Section 215.11, of the accounts of the several counties within a game preserve, area, or project established pursuant to Minnesota Statutes 1945, Sections 84A.01, 84A.20, or 84A.31, the public examiner shall segregate the audit of the accounts reflecting the receipt and expenditure of all moneys collected or disbursed pursuant to Minnesota Statutes 1945, Chapter 84A or from the sale of any tax-forfeited lands which are held by the state pursuant to Minnesota Statutes 1945, Sections 84A.07, 84A.26 or 84A.36, and shall include in the reports required by section 215.11 summary statements as of December 31 preceding the examination which shall set forth the principal amount of principal and interest due from the state to the individual county and any moneys due the state from the county remaining unremitted under chapter 84A, or from the sale of any tax-forfeited lands referred to above, and such other information as the state auditor may require. Upon the receipt of a report, the state auditor shall determine the net amount due to the county for the period covered and shall draw a warrant upon the state treasurer payable out of the consolidated fund for such amount which shall be paid to and received by the county as payment in full of all amounts due for the period stated thereon from the state under any provision of Minnesota Statutes 1945, Chapter 84A.

There is hereby appropriated to the counties entitled to such payment, from the consolidated fund in the state treasury, such sums as may be necessary to pay the warrants specified herein.

84A.53 CERTAIN FUNDS CREDITED TO GENERAL REVENUE FUND. All moneys hereofetore or hereafter collected from tax levies hereofetore made pursuant to Minnesota Statutes 1945, Chapter 84A, shall be deposited in the state treasury to the credit of the general revenue fund. Upon completion of the payment provided for in Section 84A.52 the state auditor shall make the appropriate entries. None of the moneys referred to in this section shall be used for the payment provided for in Section 84A.52 until all other moneys in the Consolidated Fund have been expended.

84A.54 CERTAIN COLLECTIONS DEPOSITED IN CONSOLIDATED FUND. Except as provided in Section 84A.53, all moneys hereofetore received from any source pursuant to Minnesota Statutes 1945, Chapter 84A, or from the sale of tax-forfeited lands which are held by the state pursuant to Minnesota Statutes 1945, Sections 84A.01, 84A.20 or 84A.31, are under the management, operation, and control of the commissioner of conservation, herein called the commissioner, who shall have the powers and duties relating thereto granted and prescribed in this section.

Subd. 1. All game preserves, areas, and projects established pursuant to Minnesota Statutes 1945, Sections 84A.01, 84A.20 or 84A.31, are under the manage­nent, operation, and control of the commissioner of conservation, herein called the commissioner, who shall have the powers and duties relating thereto granted and prescribed in this section.

Subd. 2. The commissioner shall care for, preserve, protect and develop the
The commissioner may sell in like manner to the sale of timber on state-owned or other state lands the merchantable timber on lands held by the state pursuant to Minnesota Statutes 1945, Sections 84.07, 84.26, or 84.36.

Subd. 4. The commissioner may impound, control, and regulate the waters of meandered and other public lakes therein and the flow of natural streams therein.

Subd. 5. The commissioner shall care for, protect and preserve any or all species of wild life therein, so far as means are available.

Subd. 6. The commissioner may regulate and license, subject to revocation for violation of any law of this state relating to wild animals or of Laws 1949, Chapter 408, the breeding, propagation and disposition of wild life therein by any person as may be necessary to execute subdivision 5.

Subd. 7. The commissioner may issue, subject to revocation for violation of any law of this state relating to wild animals or of sections 84.30 to 84.58, special licenses or permits for hunting, fishing, camping or other uses not inconsistent therewith or any other applicable law of this state.

Subd. 8. The commissioner may police the game preserves, areas and projects as may be necessary to execute the provisions of this section. All persons assigned to the policing shall have the authority and powers of police officers while so engaged.

Subd. 9. The commissioner may make necessary investigations and surveys for and may undertake projects for the drainage of any state-owned lands within any game preserve, conservation area, or other area subject to the provisions hereof so far as he shall determine that such lands will be benefited thereby in furtherance of the purposes for which the area was established, and may pay the cost thereof out of any funds appropriated and available therefor. If the commissioner shall determine after investigation that any project for the construction, repair, or improvement of any public ditch or ditch system undertaken by any county or other public agency as otherwise provided by law will benefit such lands in furtherance of said purposes, he may cooperate in such project by joining in the petition therefor or consenting thereto or approving the same upon such conditions as he shall determine, and may authorize the imposition of assessments therefor upon such lands in such amounts as he shall determine, or may make lump sum contributions to the county or other public funds established for the payment of the cost of the project; provided, such assessments or contributions shall not in any case exceed the value of such benefits to such state-owned lands as determined by the commissioner and specified by his written certificates or other statement filed in the proceedings, and shall be payable only out of funds appropriated and available therefor in such amounts as the commissioner may determine.

Subd. 10. The commissioner may construct and maintain and contribute funds for construction and maintenance of roads and airplane landing fields or strips within any game preserve, conservation area or other area subject to the provisions hereof. Payments for highway purposes under this subdivision may be made to any governmental subdivision or to the United States in such amounts as the commissioner shall determine from the fund created by Minnesota Statutes, Section 84.51.

Subd. 11. The commissioner may promulgate rules and regulations necessary for the execution of this section, including but not limited to the conditions of licenses and permits under subdivision 7 and the amount of fees to be paid therefor, giving in addition to notice required by other provisions of law 30 days notice posted in each township affected thereby. Every such regulation shall have the force and effect of law, and any violation thereof shall be a misdemeanor. All lands within the boundaries of any game preserve, area or project referred to in subdivision 1, whether owned privately or by the state or any governmental subdivision thereof, shall be subject to such rules and regulations to the fullest extent consistent with the constitutional rights of private owners or with any other applicable provision of the laws of this state.

Subd. 12. Nothing shall be done under this section which will in any manner, directly or indirectly, obstruct or interfere with the operation of any ditches or drainage systems existing in any game preserve, area or project referred to in subdivision 1, or damage or destroy any existing road or highway therein, so far as constructed, improved or maintained by any governmental subdivision or public agency or person other than the commissioner, unless the right thereto shall first be acquired by the commissioner by purchase or condemnation, upon payment of just compensation to the governmental subdivision, public agency, or person affected and damaged thereby.

Subd. 13. The commissioner may acquire by purchase or condemnation any land or interest therein or any public work or project or right therein which may be necessary for any purpose herein authorized.

Subd. 14. All salaries and expenses incurred in the execution of this section shall be paid from money appropriated from the Consolidated Fund or such other fund as may be designated, as may be designated in the applicable appropriation act.

(1949 c 398 s 6; 1953 c 64 s 1; 1955 c 792 s 1)
CHAPTER 85
DIVISION OF PARKS AND RECREATION

85.20 VIOLATIONS; TRESPASSES; PENALTIES.

Subd. 3. Trespasses; wild animals. Every person, including Indians, who shall wilfully cut, injure, or take any tree, shrub, timber, or plant in Itasca state park, or who shall kill, cause to be killed, or pursue with intent to kill, any wild animal, or who shall, except with the consent of the director, take any fish from the waters thereof, raise or lower any of the lakes or streams within the park, or set any fire therein, or who shall wilfully injure any building, improvement, or property of the state therein, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of $50.

85.32 CANOE AND BOATING ROUTES. Subdivision 1. Areas marked. The commissioner of conservation is authorized in cooperation with local units of government and private individuals and groups when feasible to mark canoe and boating routes on the Little Fork, Big Fork, Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon, Des Moines, Crow Wing, St. Louis, Rum, Kettle, Cloquet, Root, and Crow rivers which have historic and scenic values and to mark appropriately points of interest, portages, camp sites, and all dams, rapids, waterfalls, whirlpools, and other serious hazards which are dangerous to canoe and watercraft travelers.

Subd. 2. Camp sites and portages, land acquisition. The commissioner may take by easements and by leases, land for camp sites and portages and develop and maintain such camp sites and portages along such routes on the rivers designated in subdivision 1 from funds appropriated to the division of parks and recreation.

Subd. 3. Dedication, application of statute. Portages, canoe routes, boating routes, and camp sites designated and marked under this section shall not be subject to the provisions of section 160.06.

[1963 c 386 s 1; 1967 c 862 s 1-3; 1967 c 905 s 5]

CHAPTER 86
NATURAL RESOURCES

86.01 CITATION. Laws 1963, Chapter 790, may be cited as the Omnibus Natural Resources and Recreation Act of 1963.

86.02 PURPOSE. The purpose of the legislature in this enactment is to provide the legislature with the background necessary to evaluate programs proposed to preserve, develop and maintain the natural resources of this state. Such resources include, but without limitation, forests, parks, historic sites, wildlife areas, access to an improvement of lakes, rivers, streams, scenic areas, and camping grounds. It is the intention of this legislature to study and examine anticipated future needs and the extent to which private and commercial facilities will need supplementation of publicly subsidized and operated facilities and opportunities.

86.03 FUNDS. This legislature anticipates the tax hereinafter provided will be adequate to insure funds for carrying out the program herein contemplated for the period of years necessary for its accomplishment.

86.06 DEFINITIONS. For the purposes of Laws 1963, Chapter 790, as amended, the following definitions obtain:

(1) "Commission" shall mean the Minnesota Resources Commission;
(2) "Resources" shall mean the land and water areas in the state of Minnesota.
86.08 PERSONNEL. Subdivision 1. Staff. The commission is authorized, without regard to the civil service laws and regulations, to appoint and fix the compensation of such additional legal and other personnel and consultants as may be necessary to enable it to carry out its functions, or to contract for services to supply necessary data, including the full or part-time services of a recreation and planning assistant except that any state employees subject to the civil service laws and regulations who may be assigned to the commission shall retain civil service status without interruption or loss of status or privilege.

Subd. 2. Liaison officers. The commission shall request each department or head of all state agencies with a direct interest and responsibility in any phase of outdoor recreation to appoint, and the latter shall appoint for his agency, a liaison officer who shall work closely with the commission and its staff. [1963 c 790 art 2 s 3; 1965 c 810 s 3]

86.09 [Repealed, 1967 c 867 s 10]

86.10 RESOURCES AND OPPORTUNITIES. Subdivision 1. Appraisal and evaluation. The commission shall obtain and appraise all information, through private organizations and groups, utilizing to the fullest extent possible studies, data and reports previously prepared or currently in progress by public agencies, private organizations, groups, and others, concerning trends in population, leisure, transportation, and all other pertinent factors and shall determine the amount, kind, quality, and location of such outdoor recreation resources and opportunities as will be required by the year 2000.

Subd. 2. Data from state agencies, availability. The commission may request information from any state office or agency in order to assist in carrying out the terms of Laws 1963, Chapter 790, and such officer or agency is authorized and directed to promptly furnish any data required.

Subd. 3. [Repealed, 1967 c 867 s 10]

86.11 DUTIES. Subdivision 1. Public access, use, fees, etc., study of problem. The commission shall study the state policy relating to public access, shall study the system of user fees and permits and concession awards with a view toward making adequate maintenance and improvement of facilities to be afforded, shall study use permit and license fees imposed in the other parts of the United States for similar outdoor recreational facilities and compile data upon the fees and charges made by private enterprise for affording similar outdoor recreational facilities to the public.

Subd. 2. Control of algae and scum, study of problem. The commission shall study the problem of aquatic vegetation, control of algae and scum conditions, on public waters, methods of combating and controlling the same, and shall recommend methods and agencies for control and an equitable method for apportioning the costs thereof and levying assessments therefor.

Subd. 3. [Repealed, 1965 c 810 s 22]

Subd. 4. Cooperation with Historical Society. The commission shall study in cooperation with the Minnesota State Historical Society the establishment and maintenance of historic sites.

Subd. 5. Reports and recommendations. The commission shall present on December 1 of each even numbered year a report as to the state of its work, a compilation of its data, and its recommendations to the legislature. The commission shall report to the legislature from time to time setting forth its findings as a result of its investigations and studies, and shall make such recommendations as it deems proper to assist the legislature in formulating legislation. Any data compiled by the commission shall be made available to any standing or interim committee of the legislature upon request of the chairman of the respective committee.

Subd. 6. Hearings. The commission is authorized to conduct public hearings and otherwise to secure data and expressions of opinion.

Subd. 7. Land exchange study. The commission shall study the desirability and advisability of future land exchanges between the state and the federal government, particularly with respect to lands in the Chippewa and Superior National Forests. It shall consider the overlapping of activities of federal, state, and county agencies concerned, and methods of coordination. It shall consider the programs of federal agencies for acquiring further lands within the state and the desirability of state consent to such acquisition. It shall consider the desirability and worth of federal policies in the Boundary Waters Canoe Area, and shall report the subject of federal control and ownership as contrasted with the worth of state development and control. It shall report its findings and conclusions to the legislature.

Subd. 8. Timber cutting policies study. The commission shall make a study of timber cutting "area" policies in Itasca and other Minnesota state parks.

Subd. 9. Historical and archaeological sites study. The commission shall make a special study of joint management problems concerning historical and archaeological sites in state parks and make recommendations for legislation with reference to the proper management thereof.

[1963 c 790 art 2 s 5; 1965 c 810 s 5, 6, 7; 1967 c 867 s 4, 5]

86.12 COORDINATION OF MULTIPLE USES. The commission in its inquiries, findings and recommendations shall recognize that wherever feasible outdoor recreational facilities may be provided by private enterprise, and that the responsibility of government is to supplement such facilities and opportunities rather than to compete therewith. The commission shall recognize that lands, waters, forests, wetlands, wildlife and such other natural resources which serve economic purposes also serve to varying degrees and for varying uses outdoor recreation purposes, and that sound planning of resource utilization for the full future welfare of this state must include coordination and integration of all such multiple uses.

[1963 c 790 art 2 s 7]

CONSERVATION WORK PROJECTS

86.31 CONSERVATION WORK PROJECTS. To the extent of funds provided herein the commissioner of conservation is authorized to engage in work projects authorized by law for the conservation of the natural resources and property of the state not otherwise undertaken by him by reason of the unavailability of appropriated funds.

[1963 c 790 art 7 s 1]

NOTE: Laws 1963, Chapter 790, Article 8, Section 5 reads:
Sec. 5. There is appropriated to the commissioner of conservation from the general revenue fund in the state treasury the sum of $500,000 to be immediately available for the purposes of Article VII of this act. Such sums shall be expended as provided by law and shall be available until expended. Such moneys shall be repaid to the general revenue fund from the natural resource fund periodically and as funds are available.

86.32 EMPLOYMENT OF NEEPLY PERSONS. For these purposes the commissioner of conservation shall employ only needy persons from areas of economic distress except such skilled and supervisory personnel as may be needed.

[1963 c 790 art 7 s 8]

86.33 APPROVAL OF PROJECT BY GOVERNOR. All such projects shall be first approved by the governor upon the recommendation of the commissioner of conservation and after consultation with the legislative advisory committee in the same manner as he consults with such committee in making expenditures from the general contingent fund as provided by section 3.30.

[1963 c 790 art 7 s 9]

86.34 PURPOSE. It is the purpose of sections 86.31 to 86.35 to promote the conservation of natural resources and to provide for employment in areas of economic distress.

[1963 c 790 art 7 s 10]

86.35 ELIGIBILITY FOR EMPLOYMENT. Eligibility for employment on work projects authorized by sections 86.31 to 86.35 shall be governed by procedures established by the department of conservation. Any procedures or rules and regulations promulgated in connection therewith may be made by the department of conservation without compliance with any existing law or statutory provision relating to the promulgation of rules and regulations by departments, agencies or instrumentalities of the state.

[1963 c 790 art 7 s 11]

ACQUISITION OF LAND

86.41 LAND ACQUISITIONS. Within the limits of appropriations contained in Laws 1963, Chapter 790, the commissioner of administration for the commissioner of conservation is authorized to acquire the lands designated in Laws
86.12 APPROPRIATIONS. Subdivision 1. There is hereby appropriated from the natural resources fund the sum of $150,000, together with any sums received as grants in aid from federal sources and any sums granted by private sources to carry out the purposes of sections 86.06 to 86.12. Such moneys shall be available to the commission until expended.

Subd. 2. There is appropriated to the Minnesota outdoor recreation resources commission from the natural resources fund in the state treasury the sum of $100,000, and so much thereof as may be necessary, for the biennium beginning July 1, 1965. [1963 c 790 art 8 s 1; 1965 c 810 s 10]

NOTE: Laws 2005, Chapter 2, Section 2 reads: "Sec. 2. The sum of $50,000 is appropriated from the natural resources fund in the state treasury to the Minnesota outdoor recreation resources commission. This appropriation is in addition to the appropriation made to such commission by Laws 1963, Chapter 790, Article VIII, Section 2."

86.42 APPROPRIATIONS. Subdivision 1. There is hereby appropriated from the natural resources fund the sum of $150,000, together with any sums received as grants in aid from federal sources and any sums granted by private sources to carry out the purposes of sections 86.06 to 86.12. Such moneys shall be available to the commission until expended.

Subd. 2. There is appropriated to the Minnesota outdoor recreation resources commission from the natural resources fund in the state treasury the sum of $100,000, and so much thereof as may be necessary, for the biennium beginning July 1, 1965. [1963 c 790 art 8 s 1; 1965 c 810 s 10]

NOTE: Laws 2005, Chapter 2, Section 2 reads: "Sec. 2. The sum of $50,000 is appropriated from the natural resources fund in the state treasury to the Minnesota outdoor recreation resources commission. This appropriation is in addition to the appropriation made to such commission by Laws 1963, Chapter 790, Article VIII, Section 2."

LETTING OF CONTRACTS

86.51 CONTRACTS, MANNER OF LETTING. Insofar as is reasonably practicable, the studies and the improvements to be planned and constructed under Laws 1963, Chapter 790, requiring professional and non-professional services shall be accomplished by letting contracts therefor pursuant to the provisions of Minnesota Statutes 1961, Chapter 16, and any act amendatory thereof. Whenever any study or improvement over $10,000 is planned the department should present to the commissioner of administration, in writing, a cost breakdown showing why direct employment was necessary on the particular project. Where the direct employment of persons furnishing material or services is necessary, such persons shall be employed for a fixed term and shall be in the unclassified services of the state. [1963 c 790 art 9 s 1; 1965 c 810 s 20]

86.52 [Repealed, 1967 c 867 s 10]

86.53 EMPLOYEES. Persons employed by the commissioner of conservation and by the commissioner of administration in order to carry out the provisions of Minnesota Statutes 1961, Chapter 16, and any act amendatory thereof, whenever any study or improvement over $10,000 is planned the department should present to the commissioner of administration, in writing, a cost breakdown showing why direct employment was necessary on the particular project. Where the direct employment of persons furnishing material or services is necessary, such persons shall be employed for a fixed term and shall be in the unclassified services of the state. [1963 c 790 art 9 s 1; 1965 c 810 s 20]

86.61 EXPENDITURES. All moneys expended pursuant to any appropriation made by Laws 1963, Chapter 790, are subject to the provisions of Minnesota Statutes 1961, Chapter 16, and any act amendatory thereof. None of the provisions of this section however shall apply to any appropriation made to the Minnesota outdoor recreation resources commission established by section 86.07. [1963 c 790 art 10 s 1; 1965 c 8 s 1]

FEDERAL FUNDS

86.71 FEDERAL LAND AND WATER FUND; ACCEPTANCE OF FUNDS; DISTRIBUTION. Subdivision 1. The governor is designated as the state agency to apply for, accept, receive and disburse federal funds and private funds which are granted to the state of Minnesota from the Federal Land and Water Fund Act.

Subd. 2. The governor or any state department or agency to act for him in applying for, receiving, and accepting federal funds under the provisions of subdivision 1. Such designation of a state department or agency shall be filed in the office of the secretary of state.

Subd. 3. The governor or any state department or agency designated by him
CHAPTER 87

PRIVATE LANDS AND WATERS, PUBLIC USE

Sec. 87.01 Policy.
Sec. 87.02 Definitions.

87.01 POLICY. It is the policy of the state, in furtherance of the public health and welfare, to encourage and promote the use of privately owned lands and waters by the public for beneficial outdoor recreational purposes, and the provisions of sections 87.01 to 87.04 are enacted to that end.

[1961 c 638 s 1]

87.02 DEFINITIONS. Subdivision 1. The definitions given in this section shall obtain for the purposes of sections 87.01 to 87.04, except as otherwise specified or indicated by the context.

Subd. 2. "Outdoor recreational use" includes, without limitation, hunting, fishing, boating, swimming, walking, climbing, skating, skiing on land or water, snowshoeing, riding, camping, picnicking, participating in outdoor sports or games, nature study, and other pursuits for the purpose of outdoor recreation.

Subd. 3. "Free recreational area" means any privately owned area of land or water which the owner or the person having the right of possession and control thereof has made subject to any recreational use or uses by the public without compensation, evidenced by any of the following methods:

(1) By written declaration describing the area and specifying the free public uses permitted therein, executed by such owner or person as provided by law for a conveyance of land and recorded in the office of the register of deeds of the county wherein the area is situated. Such declaration shall run with the land and remain in effect until modified or revoked by written instrument executed by the fee owner and recorded in like manner.

(2) By posting printed notices at reasonable intervals upon the boundaries of the area, which notices shall contain the following statement: "Open for recreational use under Minnesota Statutes, Chapter 87," and be signed by the owner or the person having the right of possession and control of the area.

(3) Lands listed or registered under the provisions of sections 270.31 to 270.39, or 88.47 to 88.53.

[1961 c 638 s 1; 1965 c 207 s 1]

87.03 DEDICATION. No dedication of any free recreational area or part thereof to any outdoor recreational use by the public specified pursuant to section 87.02, subdivision 3, shall take effect in consequence of the exercise of such use for any length of time hereafter except as expressly permitted or provided by the owner. No dedication of any road, path, trail, portage, waterway, or other passageway through or over any such area for the purpose of or in connection with any outdoor recreational use by the public specified pursuant to section 87.02, subdivision 3, shall take effect in consequence of the exercise of such use for any length of time hereafter except as expressly permitted or provided by the owner or otherwise expressly provided by sections 160.05 and 160.06, or other legislative act.

[1961 c 638 s 1; 1965 c 207 s 1]

87.04 LIABILITY FOR INJURIES. No liability or cause of action for any injury to person or property occurring in the course of or in connection with any outdoor recreational use of any free recreational area specified pursuant to section 87.02, subdivision 3, shall lie against the owner or the person having the right of possession and control of the area except as could be maintained by a trespasser.

[1961 c 638 s 4; 1965 c 207 s 3]
CHAPTER 92

STATE LANDS; SALES, INVESTMENT OF PROCEEDS

Sec. 92.01 State public lands or state lands
Sec. 92.03 Revolving fund for clearing unsold school and swamp land
Sec. 92.04 Minimum price of certain state lands
Sec. 92.05 State bond on meandered lakes withdrawn from sale; exception
Sec. 92.06 Appraisal of school and other state lands
Sec. 92.07 Sale of improved lands
Sec. 92.08 Expensive; how paid
Sec. 92.09 Minimum price of all lands belonging to the state by virtue of the various congressional acts set forth in sections 92.03 and 92.04 shall be including the value of the state timber sales or he may sell the land as agricultural land, requiring the purchaser to pay down as first payment an amount equal to the value of the timber, and other reports show land should be sold for continuous forest production or other conservation purpose, and the minimum price established by such appraisal shall be the minimum price for such lands until changed by subsequent appraisal. No school or other state lands shall be sold until so appraised, nor for a less price than $5 per acre. In the appraisal, the appraisers to report to the commissioner such lands as in their opinion should be sold. After the state has constructed or sand bond for any assessed ditch or drain the lands assessed or improved shall thereafter be reappraised before being offered for sale.

Subd. 5. Sale of land and timber. Where land mainly valuable for agricultural purposes as shown by the appraisement and other reports in the office of the commissioner contains only small quantities of timber, the commissioner may in his discretion either sell the timber separately in the manner provided by law for state timber sales or he may sell the land as agricultural land, requiring the purchaser to pay down as first payment an amount equal to the value of the timber, and other reports show land should be sold for continuous forest production or other conservation purpose, and the minimum price established by such appraisal shall be the minimum price for such lands until changed by subsequent appraisal. No school or other state lands shall be sold until so appraised, nor for a less price than $5 per acre. In the appraisal, the appraisers to report to the commissioner such lands as in their opinion should be sold. After the state has constructed or sand bond for any assessed ditch or drain the lands assessed or improved shall thereafter be reappraised before being offered for sale.

Subd. 6. Drainage. It shall be the duty of the appraisers to report to the commissioner such lands as in their opinion should be drained. After the state has constructed or sand bond for any assessed ditch or drain the lands assessed or improved shall thereafter be reappraised before being offered for sale.

NOTE: As to Volstead lands, see Laws 1961, Chapter 472, and Laws 1963, Chapter 390, Section 1.

92.02 STATE PUBLIC LANDS OR STATE LANDS. The term "state public lands" or "state lands" means school, swamp, university, internal improvement, and other lands granted to the state by acts of Congress.

[1941 c. 374 s 1]

92.04 MINIMUM PRICE OF CERTAIN STATE LANDS. All lands selected for state institutions under an act of the legislature entitled "An act to appropriate swamp lands to certain educational and charitable institutions and for the purpose of creating a state prison," approved February 13, 1865, and all lands known as state capitol lands, shall be appraised and sold as school lands are sold. The minimum price of all lands belonging to the state by virtue of the various congressional acts set forth in sections 92.03 and 92.04 shall be the value of timber reproduction not less than $5 per acre, and the terms of payment and conditions of sale shall be the same as now provided by law. Where state lands have been benefited by and assessments paid for drainage, such drainage improvements shall be duly considered by the state land examiner in making appraisals. When such drained lands are sold the principal and interest received thereon shall be credited to the special fund to which the land belongs.

92.12 APPRAISAL OF SCHOOL AND OTHER STATE LANDS. Subdivision 1. Appraisers. When in the opinion of the commissioner it will be for the public interest that an appraisal of any of the school or other state lands should be made he shall designate therefor one or more of the regularly appointed and qualified state appraisers. Each appraiser shall before entering upon the duties of his office take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability and that he Is not interested directly or indirectly in any of the state lands to be appraised or the timber or improvements thereon and make a report thereof to the commissioner as he may direct.

Subd. 2. Valuation and appraisal. The appraiser after taking oath of office shall proceed to view and appraise such lands and the merchantable timber and improvements thereon and make a report thereof to the commissioner as he may direct. The valuation of such lands and the merchantable timber and improvements thereon shall each be made and stated separately in the appraisement and the minimum price established by such appraisal shall be the minimum price for such lands until changed by subsequent appraisal. No school or other state lands shall be sold until so appraised, nor for a less price than $5 per acre. In the appraisal, the basic value of the land before the addition of the value of merchantable timber and improvements shall include the value of timber reproduction.

Subd. 3. [Repealed, 1961 c 657 s 3]

Subd. 4. Sales. The commissioner shall hold frequent sales of school and other state lands, the time and place of such sales to be publicly posted on the front door of the courthouse in the county in which the sale is to take place at least 30 days in advance of such sale, in addition to the regular notice of sale provided by law. At this sale the commissioner shall sell such lands as he considers for the public interest.

92.50 UNSOLD LANDS SUBJECT TO SALE MAY BE LEASED. Subdivision 1. The commissioner of conservation may, at public or private vendue and at such prices and under such terms and conditions as he may prescribe lease any state-owned lands under his jurisdiction and control for the purpose of taking and removing sand, gravel, clay, rock, marl, peat, and black dirt therefrom, for storing thereon ore, waste materials from mines, or rock and tailings from ore milling plants, for roads or railroads, or for any other uses not inconsistent with the interests of the state. No such lease shall be made for a term not exceeding ten years, except in the case of leases of lands for storage sites for ore milling plants, or for the removal of peat, which may be made for a term not exceeding 25 years, provided that such leases for the removal of peat shall be approved by the executive council. All such leases shall be subject to sale and leasing of the land for mineral purposes under the legal provisions and contain a provision for their cancellation at any time by the commissioner upon three months written notice, provided that a longer notice...
period, not exceeding three years, may be provided in leases for storing ore, waste
materials from mines or rock or tailings from ore milling plants; provided further,
that in leases for the removal of peat, the commissioner may determine the
terms and conditions upon which the lease may be canceled. All money received
from leases under this section shall be credited to the fund to which the land
belongs.

Subd. 2. The commissioner may grant leases and licenses for terms not exceed-
ing 25 years, subject to cancelation at any time upon three years' notice, to deposit
tailings from any iron ore beneficitation plant in any public lake not exceed-
ing 160 acres in area, upon first holding a public hearing in the manner and under the
procedure provided in Laws 1937, Chapter 468, as amended; and upon finding in
pursuance of such public hearing

(a) that such use of each lake is necessary and in the best interests of the
public, and

(b) that the proposed use will not result in pollution or sedimentation of any
outlet stream;

Provided, further, that the commissioner may impose further conditions and re-
strictions with respect to use of said lake to safeguard the public interest, including
the requirement that the lessee or licensee acquire suitable permits or easements
from the owners of all lands riparian to such lake. Any money received therefrom
shall be deposited in the permanent school fund.

NOTE: As to Volstead lands. see Laws 1961, Chapter 472, and Laws 1963, Chapter 390, Section .1.

92.53 REVOLVING FUND FOR CLEARING UNSOLD SCHOOL AND SWAMP
LAND. The sum of $100,000 is hereby set apart and appropriated from the fund
derived from the sale of school and swamp lands. This sum of money is to be used
as a revolving fund and as contemplated by the Constitution of the State of Minne-
sota, Article 8, Section 2, in clearing unsold school and swamp land.

The director shall have the charge of the investment and expenditure of the
moneys hereinbefore appropriated.

92.54 IMPROVEMENTS. The director shall have charge of the improvements
of all public lands. He shall appoint such engineers, agricultural experts, and other
employees as shall be necessary for making such improvements. The governor may
on recommendation of the director require any necessary expert work to be per-
formed under the direction of the director by employees of other state bureaus,
departments, and institutions.

92.55 IMPROVEMENTS, WHERE MADE. The director shall from time to
time determine the townships within which the improvements of state lands shall
be made and shall at all times give preference to those lands which in his judgment
can most successfully be used at the time for agricultural purposes. No contract
shall be let for an improvement involving less than the equivalent of one section of
state land within the limits of any township, unless and until the state shall have
no land in such quantity which in the judgment of the director is suitable for im-
provement.

92.56 EXTENT OF IMPROVEMENTS. The director shall determine the extent
of the improvements to be made on any area, the character of the improvements to
be as provided in sections 92.53 to 92.57; provided, that not more than five acres
shall be cleared on each 40-acre tract and the total cost of the improvements on any
area improved shall not exceed $300 on each 40-acre tract.

92.57 CONTRACT AWARDED. The work of making any such improvements
upon state lands shall be done under contract by the lowest responsible bidders.
Contracts may be let for different classes of work, separately or combined, or for
different tracts in the same selected area, separately or combined. The contractor
may be paid for his work either on its completion or from time to time during its
progress, as the director shall determine; provided, that no payment shall be made
until a competent inspector appointed by the director shall have examined the work
and certified that the work was done well and fully justifies the payment. Contracts
shall be let under such regulations, terms, and conditions as the director may deter-
mine.

92.59 SALE OF IMPROVED LANDS. Lands improved under sections 92.53 to
92.57 shall be sold as are other state lands.

92.62 EXPENSES; HOW PAID. The necessary expenses of the director under
the provisions of this chapter shall be paid out of the state treasury and upon satis-
factory vouchers the auditor shall issue his warrant therefor.
CHAPTER 93
MINERAL LANDS

93.01 RESERVATION OF MINERALS AND WATER POWERS. The state heretofore reserves for its own use all the iron, coal, copper, gold, and other valuable minerals, and all water powers in or upon all lands which now or hereafter may belong to it by virtue of any act of congress. This reservation shall not apply to lands granted or conveyed to be conveyed by the United States or by this state.

93.04 Unlawful to mine under public waters.

93.05 Holder of permit or lease.
93.06 Reservation of minerals under navigable lakes.
93.07 Prospecting for minerals under waters of meandered lakes and streams.

93.08 Right of lease to prospect for minerals.
93.09 Minerals owned by public levees.
93.10 Forfeiture of permits and leases.
93.11 Drawing of lakes and leasing of ore lands in beds thereof.

93.08 PROSPECTING FOR MINERALS UNDER WATERS OF MEANDERED LAKES AND STREAMS. Subdivision 1. Rules and regulations for issuance of permits. The department, with the approval of the executive council, shall adopt rules and regulations for the issuance of permits to prospect for gold, silver, copper, cobalt, graphite, other mineral lands, sand, gravel, stone, natural gas, and all minerals, excepting iron ore, under the waters of any public lake or stream in the state, including that portion of boundary lakes and streams within the boundaries of the state, and for the issuance of leases for the mining and removal of such minerals upon such terms and conditions as such regulations may prescribe.

93.10 RIGHT OF LESSEE TO PROSPECT FOR MINERALS. The holder of any such lease shall have the right to prospect for, mine, and remove any such minerals under the public waters within the area described by such lease.
93.11 MINERALS MATTER OF PUBLIC INTEREST. The discovery and mining or removing of the minerals described in section 93.08 under the public water in the state is a matter of public interest to the state. [1955 c 62 s 81] (6402-9)

93.12 FORFEITURE OF PERMITS AND LEASES. In the event the holder of such permit or lease shall fail to comply with all the provisions contained in sections 93.08 to 93.12 to be by him performed or observed and such default shall continue for a period of 30 days, the commissioner upon 30 days notice to the holder of such permit or lease by registered mail to the address of such holder as shown by the records of the state auditor may declare such permit or lease and all rights acquired thereunder forfeited. Upon the filing of an order of forfeiture with the state auditor all rights under such permit or lease shall cease. [1935 c 79 s 91] (6402-29)

93.13 DRAINING OF LAKES AND LEASING OF ORE LANDS IN BEDS THEREOF. When a meandered or public lake does not exceed 80 acres in area, within the original meander line, and is surrounded in part by state land upon whose surface any such lake from the bed thereof by the lessee or its assigns under such a mineral lease for the purpose of mining iron ore owned by the state under the bed of such lake adjoining the lands covered by such state mineral lease under the terms and conditions of such state mineral lease.

The royalty payments by the lessee to the state for the ore that shall be removed from such lake shall be fixed by the executive council and shall be not less than the minimum royalties provided for in section 93.20. In case the addition of the ore to the area subject to such state mineral lease shall increase the area covered by such lease to an area exceeding 80 acres then the annual ground rental for such enlarged area shall be increased by $1,000.

The lessee or its assigns shall have the power to institute condemnation proceedings, to pay for the interests of private persons or corporations who may be injured or whose rights may be destroyed by the carrying on of such operations. [1937 c 118 s 1; 1945 c 510 s 1] (6402-11)

93.34 UNLAWFUL TO MINE UNDER PUBLIC WATERS. Subdivision 1. Authority required. It shall be unlawful for any individual, copartnership, or corporation to mine any mineral below the low water mark of any public lake or river without first having obtained authority from the state.

Subd. 2. Draining of meandered public lake for mining purposes forbidden. It shall be unlawful for any individual, copartnership, or corporation to drain any meandered public lake for the purpose of mining minerals without first having received the consent of the executive council.

Subd. 3. Violation; penalty. Any individual, copartnership, or corporation violating the provisions of this section shall be unlawful for any injury or damage which may be occasioned to any riparian owners affected by such operations. The commissioner of conservation with the approval of the executive council, shall have power to institute condemnation proceedings to pay for the interests of private persons or corporations who may be injured or whose rights may be destroyed by the carrying on of such operations, and such contract, lease or agreement for mining, removing or disposing of such iron ore or manganese shall be in the discretion of the court to return the waters of such lake or river to their former beds as nearly as possible after the ore shall have been removed. Any such contract, lease or agreement shall expressly provide that all persons engaged in exploring, mining, or removing any ores or minerals thereunder, shall comply with all laws, lawful orders or regulations relating to or affecting the safety of those engaged in such operations. [1915 c 78 ss 1, 2, 3] (6402-11)

93.35 PROSPECTING FOR IRON ORE IN BED OF STATE WATERS. The commissioner of conservation may, in his discretion, semiannually give public notice of sale of permits to prospect for iron ore situated in the bed of any public lake or river within the state in the same manner and for the same purpose as provided for sale of permits to prospect for iron ore under the provisions of section 93.16. [1945 c 808 s 1]

93.352 APPLICATION FOR PERMITS TO PROSPECT. Applications for permits to prospect for iron ore shall be in accordance with the rules and regulations prescribed by the commissioner of conservation. [1945 c 808 s 2]

93.353 RIGHTS OF PERMIT HOLDERS. The holder of any such permit shall have the right to prospect for iron ore on the land described therein for one year from the date thereof, and no longer; but no ore shall be removed therefrom until a lease has been executed. The work of prospecting under such permit shall begin in a substantial manner as soon after the date thereof as conditions will permit and shall be continued until the permit expires, or surrendered, if additional for. The lessee shall report to the commissioner on the first business day of each April, July, October, and January, the progress of the work of prospecting and accompany such reports with maps showing the character and extent of the water, the nature of materials encountered in such work and the analysis for iron, silica, phosphorus, alumina, and manganese of a representative sample of the materials. The lessee shall pay all damages sustained by riparian owners occasioned by operations under such lease. [1945 c 808 s 3]

93.355 PAYMENTS ON LEASES. Such contracts, leases, or agreements shall provide for an annual minimum rental payable quarterly in such sum as shall be determined by the commissioner of conservation with the approval of the executive council, and shall contain a provision requiring the lessee to assume and agree to pay all damages sustained by riparian owners occasioned by operations under such lease. [1945 c 808 s 4]

93.356 REVENUES PAID INTO PERMANENT SCHOOL FUND. All revenues derived from any permits, contracts, leases, or agreements issued hereunder shall
be paid into the permanent school fund of the state.  

93.37 APPROVAL OF INSTRUMENTS. All instruments affecting the title or ownership of any interest granted by the state hereunder shall be invalid and ineffectual for any purpose, unless approved by the commissioner of conservation and filed with him within 30 days of the execution thereof.  

93.43 PERMITS, LICENSES, AND LEASES TO COPPER, COPPER-NICKEL OR NICKEL PRODUCERS. The business of mining, producing or beneficiating copper, copper-nickel or nickel is declared to be in the public interest and necessary to the public welfare, and the use of property therefor is declared to be a public use and purpose. The commissioner of conservation is authorized to grant permits or licenses on and across lands owned by the state to any corporation or association engaged in the business of or preparing to engage in the business of mining, producing or beneficiating copper, copper-nickel or nickel for pipe lines, pole lines, conduits, sluiceways, roads, railroads, tramways or flowage, and to lease any lands owned by the state to any such corporation or association for the depositing of striping, lean ores, tailings, or waste products of such business. The commissioner of conservation is also authorized to license the flooding of state lands in connection with any permit or authorization for the use of public waters issued by the legislature or by the commissioner pursuant to law. Such permits, licenses, and leases shall be upon such conditions and for such consideration and for such period of time as the commissioner may determine. The county auditor, with the approval of the county board, is authorized to grant permits, licenses, or leases for all such purposes of or across tax forfeited lands held by the state in trust for any and all taxing districts, upon such conditions and for such considerations and for such period of time as the county board may determine. Any proceeds from the granting of such permits, licenses, or leases by the county auditor shall be apportioned and distributed as other proceeds from the sale or rental of tax forfeited lands.  

94.41 MINNESOTA LAND EXCHANGE COMMISSION. The commission created by the Constitution of the State of Minnesota, Article 8, Section 7, consisting of the governor, the attorney general, and the state auditor, shall be known as the Minnesota Land Exchange Commission. The term "commission" as used in sections 94.341 to 94.347 refers to such commission. The governor shall be chairman of the commission. The state auditor shall be secretary of the commission and keep a record of its proceedings. Approvals of land exchanges and other official acts of the commission may be evidenced by the certificate of the state auditor as secretary, under his official seal. When a land exchange has been approved by the commission it shall be presumed that all other pertinent requirements of the law have been complied with, and no exchange shall be invalidated by reason of any defect or omission in respect of any such other requirement.  

94.42 CLASSES OF LAND. Subdivision 1. Class A. All land owned by the state and controlled or administered by the commissioner or by any division or agency of the department of conservation shall be known as Class A land for the purposes of sections 94.341 to 94.347. Class A land shall include school, swamp, internal improvement, and other land granted to the state by acts of congress, state forest land, tax-forfeited land held by the state free from any trust in favor of taxing districts, and other land acquired by the state in any manner and controlled or administered as aforesaid; but this enumeration shall not be deemed exclusive.  

Subd. 2. Class B. All lands heretofore or hereafter acquired by the state through tax-forfeiture, held subject to a trust in favor of taxing districts, and under the control of county authorities for classification, appraisal, and sale shall be known as Class B land for the purposes of sections 94.341 to 94.347.  

Subd. 3. Class C. No land specifically designated by law as a state park shall be given in exchange hereunder unless expressly authorized by the legislature. No land bordering on or adjacent to any meandered or other public waters and withdrawn from sale by law shall be given in exchange unless expressly authorized by the legislature or unless through the same exchange the state acquires land on the same or other public waters in the same general vicinity affording at least equal opportunity for access to the waters and other riparian use by the public; provided, that any exchange with the United States or any agency thereof may be made free from this limitation upon condition that the state land given in exchange bordering on public waters shall be subject to reservations by the state for public travel along the shores as provided by Minnesota Statutes 1945, Section 92.45, and that there shall be reserved by the state such additional rights of public use upon suitable portions of such state land as the commissioner of conservation, with the approval of the land exchange commission, may deem necessary or desirable for camping, hunting, fishing, access to the water, and other public uses.
CLASS A LAND EXCHANGED: CONDITIONS. Subdivision 1. Except as otherwise herein provided, any Class A land may, with the unanimous approval of the commissioner, be exchanged for land of the United States, or of any other public domain, or of any state, whether or not the same is within the state, in the manner and subject to the conditions herein prescribed. The commissioner, with the approval of the commission, shall formulate general programs of exchange of Class A land designed to serve the best interests of the state in the acquisition, development, and use of lands for purposes within the province of the department, and the state lands purchased therefor to be examined and appraised by qualified state appraisers. The appraised values shall be subject to the approval of the commission. The commissioner, with the approval of the commission, may require such reports to be filed and preserved for a period of not less than 20 years. The appraisers shall determine the fair market value of the lands involved, disregarding any minimum value fixed for state land by the state constitution or by law, and shall make a report thereof, together with such other pertinent information respecting the use and values of the lands to the state as they deem pertinent or as the commissioner or the commission may require. Such reports shall be filed and preserved in the same manner as other reports of appraisal of state lands. The appraised values shall not be conclusive, but shall be taken into consideration by the commissioner and the commission, together with such other matters as they deem material, in determining the values for the purposes of exchange.

Subd. 2. Except as herein expressly prohibited, Class A land may be exchanged, though devoted to a specific public use, if the use is discretionary and the authority in charge thereof shall approve the exchange. If the commissioner, with the approval of the commission, determines that the exchange will not materially impair the activity or project for which the land is used; provided, that exchanges of land belonging to any state forest, game preserve, conservation area, or other territory designated by law for particular purposes shall be made so as to consolidate or fill out the state's holdings of land therein, and not materially to reduce the same.

Subd. 3. Except as otherwise herein provided, Class A land shall be exchanged only for land of at least substantially equal value to the state, as determined by the commissioner, with the approval of the commission. For the purposes of such determination, the commissioner shall cause the state land and the land proposed to be exchanged therefor to be examined and appraised by qualified state appraisers in like manner as state land to be offered for sale; provided, that in exchanges with the United States, the examination and appraisal may be made in such manner as the land exchange commission may direct. The appraisers shall determine the fair market value of the lands involved, disregarding any minimum value fixed for state land by the state constitution or by law, and shall make a report thereof, together with such other pertinent information respecting the use and values of the lands to the state as they deem pertinent or as the commissioner or the commission may require. Such reports shall be filed and preserved in the same manner as other reports of appraisal of state lands. The appraised values shall not be conclusive, but shall be taken into consideration by the commissioner and the commission, together with such other matters as they deem material, in determining the values for the purposes of exchange.

Subd. 4. There shall be reserved to the state in all Class A land conveyed in exchange and water power rights and such other rights and easements as the commissioner, with the approval of the commission, shall direct. All Class A land at which the time of exchange is subject to the provisions of section 110.13 shall remain subject thereto as a condition of the exchange, and all land received by the state for Class A land within the area to which those provisions apply shall become subject thereto. Land may be received in exchange subject to any mineral reservations or other reservations thereon. All such reservations and conditions shall be taken into consideration in determining the value of the lands exchanged.

Subd. 5. Class A land may be exchanged for land of greater value if the other party to the exchange shall waive payment for the difference or if there is an appropriation available for the acquisition of such land from which the difference may be paid.

Subd. 6. Class A land may be exchanged for land of less value in any case where disposal of the state land is not limited by the state constitution to public sale, provided the other party to the exchange shall pay to the state the amount of the difference in value either upon consummation of the exchange or by a certificate of sale of the land proposed to be exchanged therefor, together with such other pertinent information as the commissioner, with the approval of the commission, may require. In case of deferred payment, a certificate of sale of the state land shall be issued to the other party as in case of sale of state public land, crediting the value of the land received by the state in exchange as an initial payment, and providing for payment of the balance upon like terms and subject to like conditions as in case of sale; provided, that the commissioner, with the approval of the commission, may require a further initial cash payment and may shorten the time for payment of the balance. Money received in such cases shall be credited to the same fund as in case of sale of the land, if such fund exists, otherwise to the special fund, if any, from which the cost of the land was paid, otherwise to the general revenue fund.

Subd. 7. Before giving final approval to any exchange of Class A land, the commission shall hold a public hearing thereon at the capital city or at some place where the commissioner may designate, giving notice thereof to all landholders affected thereby, together with such other pertinent information as the commissioner, with the approval of the commission, may require. The commissioner shall give notice of such hearing to the landholders affected thereby, by publication in a legal newspaper published in the county. Such notice shall be published at least once before the hearing. The county auditor shall also cause a copy of the notice to be published at least once before the hearing in a legal newspaper published in the county. The cost of publishing the notice shall be paid by the state out of any moneys appropriated for the expenses of the commission.

Subd. 8. The commissioner, with the approval of the commission, may submit a proposal for exchange of Class A land to any land owner concerned. Any land owner may submit to the commissioner and the commission a proposal for exchange in such form as the commissioner, with the approval of the commission, may prescribe.

Subd. 9. No exchange of Class A land shall be consummated unless the attorney general shall have given his opinion in writing that the title to the land proposed to be conveyed to the state is good and marketable, free from all liens and encumbrances except reservations herein authorized. If required by the attorney general, the land owner shall submit an abstract of title and file with the commissioner an affidavit as to possession of the land, improvements, liens, and encumbrances thereon, and other matters affecting the title.

Subd. 10. Conveyance of Class A land given in exchange shall be made by deed executed by the commissioner in the name of the state, with a certificate of unanimous approval by the commission appended. All such deeds received by the state shall be recorded or registered in the county in which the lands lie, and all copies and certificates of registered title shall be forwarded to the auditor of the county or other territory designated by law for particular purposes shall be made so as to consolidate or fill out the state's holdings of land therein, and not materially to reduce the same.

Subd. 11. Land received in exchange for Class A land shall be subject to the same trust, if any, and shall otherwise have the same status as the state land given in exchange. The commissioner, with the approval of the commission, shall determine accordingly the status of each tract of such land received in exchange, and shall make and file a certificate thereof in the same manner as state land to be offered for sale. The state land and the land proposed to be exchanged therefor shall be examined and appraised by qualified state appraisers. The appraised values shall not be conclusive, but shall be taken into consideration by the commissioner and the commission, together with such other matters as they deem material, in determining the values for the purposes of exchange.

Subd. 12. When an exchange of Class A tax-forfeited land, which is subject to sale by county authorities is under consideration, the commissioner may notify the county auditor to withdraw the land from sale. Thereupon the land shall be withdrawn from sale until the proposed exchange is consummated or rejected, of which the commissioner shall notify the county auditor.
Subd. 4. There shall be reserved to the state in all Class B land conveyed in exchange the same rights and easements as may be required by law in case of sale of tax-forfeited land and no other rights and easements shall be reserved or assigned by the state. All such reservations and conditions shall be taken into consideration in determining the value of the lands exchanged.

Subd. 5. Class B land may be exchanged for land of greater value only in case the other party to the exchange shall waive payment for the difference.

Subd. 6. Class B land may be exchanged for land of less value, provided the other party to the exchange shall pay the amount of the difference to the county treasurer either upon consummation of the exchange or by deferred payment, as the county board may direct. In case of deferred payment, a certificate of sale of the state land shall be issued to the other party in like manner as in the case of sale of tax-forfeited land, crediting the value of the land received by the state in exchange as an initial payment, and providing for payment of the balance upon due terms and subject to like conditions as in case of such sale; provided, that the county board may require a further initial cash payment and may shorten the time for payment of the balance. Money received in such cases shall be disposed of in like manner as the proceeds of sale of tax-forfeited land.

Subd. 7. Before giving final approval to any exchange of Class B land, the county board shall hold a public hearing thereon. At least two weeks before the hearing the county auditor shall post in his office a notice thereof, containing a description of the lands affected, and shall cause a copy of the notice to be published in the newspaper designated for publication of the official proceedings of the county board.

Subd. 8. By direction of the county board the county auditor may submit a proposal for exchange of Class B land to any land owner or lessee. Any land owner may file with the county auditor a proposal for exchange for consideration by the county board. Forms for such proposals shall be prescribed by the commissioner.

Subd. 9. No exchange of Class B land shall be consummated unless the title to the land proposed to be exchanged therefor shall first be approved by the county board and the proposal for exchange be submitted to the county auditor and the auditor's opinion on the title shall be subject to approval by the attorney general.

Subd. 10. After approval by the county board, every proposal for the exchange of Class B land shall be transmitted to the commissioner in such form and with such information as he may prescribe, for consideration by him and by the county attorney. Any evidence of title, if any, shall accompany the proposal. If the proposal be approved by the commissioner and the county attorney, the title be approved by the attorney general, the same shall be mailed to the commissioner of taxation, who shall execute a deed in the name of the state conveying the land given in exchange, with a certificate of unconditional approval by the attorney general and the title approved by the county auditor, if any. The county auditor shall cause all deeds received by the state in such exchanges to be recorded or registered, and thereafter shall file the deeds or the certificates of registered title in his office.

Subd. 11. Forthwith after the consummation of any land exchange the county board shall determine the amount to be paid, if any, to the governmental subdivision wherein the Class B lands were located as full compensation for the trusts, rights, and easements defined in Minnesota Statutes, Section 94.342, held in such lands; and the amount so determined shall be transferred by the county auditor from the tax-forfeited funds accruing to the governmental subdivision wherein the privately owned lands were situated to the governmental subdivision wherein the Class B lands lay. The lands received shall thereafter be subject to such trust in favor of the governmental subdivision wherein they lie and to all laws relating to tax-forfeited lands.
94.35 [Renumbered 92.461, subd. 2]

94.351 ESCHATE SUBJECT TO ENCUMBRANCE. When any land has become the property of the state by escheat and is subject to any encumbrance arising from taxes, assessments, or otherwise the auditor, with the approval of the governor and the attorney general and for a consideration to be determined by the board in the name of the state a deed of the land to the holder of the encumbrance.

[R. L. s. 2441] (6529)

94.36 RECLAMATION BOARD TO SELECT TRACTS FROM SWAMP, STUMP, OR CUT-OVER LANDS. The governor is hereby authorized, empowered, and instructed to appoint a reclamation board of three members, to serve without pay, to select tracts of land in the state for the purpose of doing any act which may be necessary therefor, and may establish permanent station marks, and erect the necessary signals and temporary observatories. If the parties interested cannot agree upon the amount to be paid for damages sustained by their land, the board is authorized to appoint a rebrain for the purpose of assessing damages as provided in sections 94.37 to 94.40.

[1911 c. 367 s. 1] (6533)

94.37 RECLAMATION BOARD, DUTIES, POWERS, APPRAISAL. Such selections when made by the board shall be certified to the commissioner, who shall thereupon forthwith proceed to cause the selections of state lands to be appraised in the manner provided by law. After such appraisal the board shall cause one-half of each tract so selected to be cleared of trees, brush, or stumps, or otherwise improved and prepared for cultivation, as shall be deemed advisable by the board, and for this purpose the board is authorized and empowered to enter into such contracts or agreements as are necessary in carrying into effect the provisions of sections 94.36 to 94.40.

[1911 c. 367 s. 2] (6544)

94.38 REPORT OF RECLAMATION BOARD; DUTIES OF COMMISSIONER. Immediately after the clearing and preparation of each such tract the reclamation board shall cause to be made a detailed report thereof and of the cost of clearing and improving the same, showing the nature and extent of such improvement and file this report in the office of the commissioner. It shall thereupon be the duty of the commissioner, as early as may be, to make special public sale of the tracts so reported upon in the manner and upon like notice as is required by law and like certificates shall be issued and delivered as in other cases of sale of state lands of like character.

[1911 c. 367 s. 3] (6555)

94.39 LANDS, HOW SOLD. No such tract of land shall be sold for less than its appraised value ascertained as provided in sections 94.36 to 94.40, plus the cost of the improvement of the tract as certified by the board. The terms of sale, rate of interest on the purchase price, and other details of the sale or the disposition of the proceeds shall be as is provided by law in case of sale of other state lands of like character and the proceeds of the sale and the interest thereon as the same is paid shall go to and be credited to the funds to which the purchase price of these lands or to which the interest thereon would be credited under existing law if the sale were made without such improvement.

[1911 c. 367 s. 4] (6556)

94.40 EXPENSES. Payment for the clearing or improvement of these lands and of all other costs and expenses incurred in carrying into effect sections 94.36 to 94.39 shall be made upon certificate of the reclamation board filed with the commissioner. Actual traveling and other expenses shall be allowed to the members of the board in performance of their duties.

[1911 c. 367 s. 5] (6557)

94.41 RELINQUISHMENT OF LANDS TO UNITED STATES. When any land has been erroneously certified or conveyed to the state by the United States, the governing body of such corporation has any right it shall be lawful for the governing body of such corporation to grant and convey the same to the United States.

[R. L. s. 8517] (6529)

94.45 UNITED STATES SURVEY; DAMAGES. Any person employed pursuant to the laws of the United States in the execution of a survey may enter upon in the manner and upon like notice as is required by law and like certificates shall thereupon be given to all parties interested, and shall, with or without view of the premises, as the court may determine, hear the parties and assess the damages. The person so entering upon the land may tender to the injured party damages and if, in case of a petition, the damages assessed do not exceed the amount tendered, the person entering shall recover costs; otherwise the other party shall recover costs.

[R. L. s. 8518] (6530)

94.46 INJURY TO SIGNAL. Whoever wilfully defaces, injures, or removes any signal, monument, building, or other property of the United States erected or used in the coast and geodetic survey, pursuant to the laws of the United States, shall forfeit not exceeding $50 for each offense, and shall be liable to the United States for all damages sustained by it in consequence thereof, to be recovered in a civil action.

[R. L. s. 8519] (6531)

94.47 COMMISSIONER MAY PURCHASE LANDS FROM UNITED STATES GOVERNMENT. The commissioner is hereby authorized to purchase, to accept by gift or by other title, any lands owned by the United States government, including timber thereon, within the townships in which state forests, or state parks, or game refuges, or public shooting grounds have been set apart, or will hereafter be set apart by the legislature. These tracts when the title thereto has become vested in the state shall become and be a part of the state forests, or state parks, or game refuges, or public shooting grounds subject to all laws, rules, and regulations relating to state forests, or state parks, or game refuges, or public shooting grounds.

[1935 c. 533 s. 1] (6536-1)

94.48 MAY EXPEND MONEY ON LEASED LAND. When lands are obtained by lease from the United States government under sections 94.47 to 94.51 the commissioner shall be authorized to make expenditures from any funds not otherwise obligated for the management, development, and utilization of such areas; to sell or otherwise dispose of products from such lands and make necessary rules and regulations to carry out the purposes of sections 94.47 to 94.51. Unless otherwise provided all incomes derived from such leased lands shall be paid into the state treasury and credited to the state forest fund, and the same is hereby annually appropriated for the use of the commissioner in the acquisition, management, development, and sale of such leased lands until all obligations incurred have been paid in full. Thereafter all revenues received therefrom shall be distributed in accordance with Laws 1933, Chapter 313.

[1935 c. 533 s. 2] (6536-2)

94.49 NOT TO CREATE DEBT. Obligations for the acquisition of lands by lease incurred under the authority of sections 94.47 to 94.51 shall be paid solely and exclusively from revenues derived from such lands and shall not impose any liability under the general credit and taxing power of the state.

[1935 c. 533 s. 3] (6536-3)

94.50 MAY SELL AND EXCHANGE LANDS. The commissioner, with the approval of the executive council, shall have full power and authority to sell, exchange, or lease lands under his jurisdiction when it is deemed advantageous to the state in the interest of the highest development, utilization, and management of state forests. Such sale, lease, or exchange of lands shall not be contrary to the terms of any contract which has been entered into and shall not apply to state trust fund lands.

[1935 c. 533 s. 4] (6536-4)
CHAPTER 97
GAME AND FISH

97.01-97.39 [Repealed, 1945 c 248 s 7]

97.40 DEFINITIONS. Subdivision 1. For the purposes of chapters 97 to 102 the following terms shall have the meanings given them in this section.

Subd. 2. “Commissioner” means the commissioner of conservation of the state of Minnesota.

Subd. 3. “Division” means the division of game and fish of the department of conservation of the state of Minnesota.

Subd. 4. “Director” means the director of the division of game and fish.

Subd. 5. “Wild animals” means all living creatures, not human, wild by nature, endowed with sensation and power of voluntary motion, and includes quadrupeds, mammals, birds, reptiles, crustacea and mollusks.

Subd. 6. “Protected wild animals” includes all wild animals which are accorded some measure of protection in the time or manner of taking, other than restrictions in the use of artificial lights or poisons.

Subd. 7. “Fur bearing animals” includes all protected mammals, except deer, moose, elk and caribou.

Subd. 8. “Big game” includes deer, moose, elk and caribou.

Subd. 9. “Small game” includes all protected wild mammals and birds not included in “big game.”

Subd. 10. Every provision relating to any wild animal shall be deemed to apply to any part thereof with the same force and effect as it applies to the whole.

Subd. 11. “Rough fish” includes carp, buffalo, perch, suckers, redhorse, sheepshead, dogfish, eelpout, bullheads, garfish, goldeyes, bullheads and turtles.

Subd. 12. “Minnows” includes all members of the minnow family (Cyprinidae), except carp and goldfish; mudminnows; all members of the sucker family (Catostomidae) not over 12 inches in length; yellow perch, bullheads, tullibees, garfish, goldeyes, bullheads and turtles.

Subd. 13. “Open season” means the period during which protected wild animals may be taken.

Subd. 14. “Closed season” means the period during which protected wild animals may not be taken.

Subd. 15. “Taking” includes pursuing, shooting, killing, capturing, trapping, snaring and netting wild animals, and all lesser acts such as disturbing, harming or worrying or placing, setting, drawing or using any net, trap or other device used to take wild animals, and includes every attempt to take and every act of assistance to any other person in taking or attempting to take wild animals.

Subd. 16. “Possession” means both actual and constructive possession and any control of the things referred to.

97.481 Acquisition of wildlife lands
97.482 Buckhorns on small game hunting licenses
97.483 Wildlife acquisition fund established

97.490 Breach fish taken under contract or permit, sale
97.500 Police powers
97.501 Reciprocity with other States in appointing officers
97.510 Rewards
97.520 Enforcement
97.530 Violations, penalties
97.535 Removal of beaver from state-owned lands
97.570 Destruction of beaver dams
Subd. 17. “Transport, transportation” means carrying or moving by any instrumentality, causing to be carried or moved by any instrumentality, attempting to do so, or accepting or receiving wild animals for transportation or shipment.

Subd. 18. “Sale, sell” includes barter, exchange for consideration, offer to sell, or possession with intent to sell.

Subd. 19. “Buy” includes barter, exchange for consideration, offer to buy, or attempt to buy.

Subd. 20. “Person” includes any individual, and except when used in reference to licensing to take wild animals, any firm, copartnership, joint stock company, association, or municipal or private corporation.

Subd. 21. “Resident” means any citizen of the United States who has maintained a legal residence in the state of Minnesota for a period of six months immediately preceding the date of application for license, and who is a domestic corporation, or a foreign corporation authorized to do business in the state which has conducted the business licensed at an established place within the state for a period of at least ten years.

Subd. 22. “Waters of this state” includes all boundary and inland waters.

Subd. 23. “Dark house” is a structure set on the ice and so darkened as to permit the discernment of fish in the water beneath such structure.

Subd. 24. “Contraband” means any wild animal taken, bought, sold, transported, or possessed in violation of chapters 97 to 102, and all instrumentalities and devices used in taking wild animals in violation thereof as are subject to confiscation.

Subd. 25. “Undressed birds” means birds with heads and feet intact, but does not prohibit the removal of entrails or feathers, other than on the head.

Subd. 26. “Undressed fish” means fish with heads, tails, fins and skins intact, whether entrails, gills, or scales are removed or not.

Subd. 27. “Local minnow dealer” includes any person who is engaged in taking, buying, or transporting minnows for sale, or in selling minnows, who has an established place of business, and who does not take or transport such minnows to or from any point more than 15 miles from such place of business. “Itinerant minnow dealer” includes any other person engaged in taking, buying, or transporting minnows for sale, or in selling minnows, regardless of distance of transportation.

Subd. 28. All dates specified in chapters 97 to 102 and all periods prescribed as open season or for the doing of certain things shall be inclusive, unless otherwise specified.

Subd. 29. “Motor vehicle” means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle, whether operated upon a highway, railroad track, on the ground, in the water, or in the air.

Subd. 30. “Camp” means the temporary abode of any hunter, fisherman, trapline occupant, trapper, trapper’s helper, herder, guide, trapper, hunter, or other person voluntarily or involuntarily occupying a place on a hunting, fishing, or trapping trip or on a tour or vacation trip, including resorts, tourist camps, and other establishments providing temporary lodging for such persons.

Subd. 31. “Hunting” includes pursuing, shooting, killing, capturing, and trapping birds or quadrupeds and all lesser acts, such as disturbing, harrying, or worrying or placing, setting, drawing, or using any device commonly used to take birds or quadrupeds; and includes every attempt to take and every act of assistance to any other person in taking or attempting to take birds or quadrupeds.

Subd. 32. “Angling” means taking fish by hook and line in hand, or rod in hand, with not to exceed more than one bait attached thereto, nor with more than one line or rod.

Subd. 33. “Commercial fishing” means the taking of fish for resale, except minnows.

97.42 OWNERSHIP OF WILD ANIMALS, AQUATIC VEGETATION. The ownership of wild animals, and of all wild rice and other aquatic vegetation growing in the public waters of the state, insofar as they are capable of ownership, is in the state, subject to the sovereign capacity of the state for the benefit of all its people, and no person shall acquire any property therein, or destroy the same, except as authorized by chapters 97 to 102 or sections 84.09 to 84.15 and Laws 1939, Chapter 231.

97.43 GENERAL RESTRICTIONS. No person shall at any time, take, buy, sell, transport, or possess any protected wild animals except as permitted by Laws 1949, Chapter 150. Every legal title to all wild animals where it has been lawfully acquired by permission of Laws 1949, Chapter 150, and the title to any wild animals lawfully acquired shall revert to the state whenever any law relating to its sale, transportation or possession is violated.

97.44 POSSESSION RESTRICTED. Subdivision 1. No person shall possess within this state any wild animal which has been unlawfully taken, bought, sold or possessed outside of the state, or unlawfully shipped thencefrom into the state.

Subd. 2. No person shall possess within this state any protected wild animal except during the open season and for five days thereafter; without having obtained permission from the commissioner or his authorized agent so to do, in such form as the commissioner may prescribe, and which may be renewed for an indefinite period, subject, however, to the exceptions contained in section 100.27, subdivision 6, and section 102.23.

Subd. 3. Wild animals lawfully taken, bought, sold or possessed outside this state may be brought or shipped into this state, whether taken in or out of the period prescribed for the open season in Minnesota, and possessed during the periods prescribed in subdivision 2 upon obtaining the commissioner’s permit.

Subd. 4. No person except the commissioner or his agents shall place or store or receive or accept for storage in a commercial cold storage warehouse, any protected wild animals except fish or furs lawfully taken. Protected wild animals lawfully placed and preserved may be in refrigerators or cooling rooms in butcher shops or in locker plants or other places not classified as commercial cold storage warehouses, but all packages of protected wild animals so stored shall be plainly marked in ink, showing the name and address of the owner, the number of license under which they were taken, and the number and species therein.

Subd. 5. Protected wild animals may be disposed of only by gift, or without consideration, and when so disposed of, may be possessed or transported without license, provided, if they are transported beyond the boundaries of the county in which the possessor lives, there shall be attached a tag marked in ink, showing the name and address of the owner and the number of the license under which they were taken, or in lieu thereof the possessor shall furnish an affidavit showing the name and address of the owner and the number of the license under which they were taken, and in lieu thereof the possessor shall furnish an affidavit showing the name and address of the owner and the number of the license under which they were taken, or in lieu thereof the possessor shall furnish an affidavit showing the name and address of the owner and the number of the license under which they were taken.

Subd. 6. Mounted specimens of wild animals, deer horns, tanned hides, and dressed furs lawfully taken, are excepted from the provisions of this section.

Subd. 7. Licensed tanners, upon receipt of any raw beaver or muskrat hides or fur pelts, shall immediately procure a tag or seal, as prescribed by the commissioner, which tag or seal shall be attached to the hide or pelt and remain thereon during the entire process of tanning and dressing, and so long as retained in the possession of the tanner.

97.45 TRANSPORTATION RESTRICTED. Subdivision 1. No person shall transport any wild animals taken, bought, sold or possessed in violation of chapters 97 to 102.

Subd. 2. Any person may transport within the state, or from a point within to a point without, during the open season, any protected wild animals which may be lawfully sold, except as otherwise expressly prohibited.

Subd. 3. Any resident, except agents or employees of a common carrier while engaged in the performance of their duties, may carry with him, or may be possessed of, any vehicle or vessel furnished to him or under his control.

Subd. 5. A resident may transport by common carrier dressed or undressed fish lawfully taken and possessed by him during the open season for taking such fish, to any point within the state, consigned to himself only.
Subd. 6. (1) A licensed nonresident may transport by common carrier to a point within or without this state in any one season one shipment containing not more than 25 pounds of filleted or dressed game fish of any species lawfully taken and possessed by him in this state, or containing not more than 15 pounds of filleted or dressed game fish so taken and possessed. If packaged as hereinafter provided, a shipping coupon designed for the purposes of this subdivision may be issued for each nonresident fishing license, and such coupon shall be cancelled as prescribed by the commissioner by the agent of the carrier to whom the shipment is first delivered.

(2) Such nonresident may carry with him in any vehicle or on a common carrier to any point within or without the state undressed fish lawfully taken by him, not exceeding the limit, which he is authorized to possess within the state, provided that such fish are not transported otherwise than lawfully, or so carried with him filleted or dressed fish lawfully taken by him, not exceeding the possession limit nor containing more than 15 pounds, if packaged as hereinafter provided.

(3) For the purposes of the foregoing provisions of this subdivision undressed fish of any species may have the heads removed.

(4) Filleted or dressed game fish may be transported only if the container bears the name and license number of the shipper, the name of the person preparing the container for shipment, his license number as issued under Minnesota Statutes, Section 98.46, Subdivision 5, and the number and species of fish contained, as well as the net weight thereof, and such records shall be available for inspection by state game wardens at all times.

(5) Each licensee authorized to prepare dressed game fish for shipment shall maintain a permanent record of the name, address and license number of each licensed fisherman making such shipment, the name and address of the consignee, the number and species of fish contained in the shipment, the net weight thereof, and such records shall be available to inspection by state game wardens at all times.

(6) Notwithstanding any law to the contrary, nonresidents under the age of 16 may take fish by angling without procuring a license, if their parent or guardian has obtained a nonresident fishing license. Fish so taken shall be included in the daily and possession limit of the parent or legal guardian.

Subd. 15. No minnow dealer shall transport any minnows beyond the boundaries of the state, except fathead minnows, which may be transported without the state by any resident minnow dealer holding an exporting minnow dealers license. No person who is not a resident shall transport or be employed as a helper in transporting minnows from this state to any point beyond the boundaries of this state. No motor vehicle which is not registered and licensed in this state shall be used in transporting minnows from this state to any point beyond the boundaries of this state, and it shall be unlawful for any Minnesota minnow dealer or his helper to assist any nonresident minnow dealer or trucker in transporting minnows within the boundaries of this state.

97.46 CONFISCATION OF COMMINGLED GOODS. Confiscation of any part of a shipment shall include the entire shipment, when two or more wild animals of the same or different species are possessed or contained in the same package, bag, crate, box, automobile, airplane, vehicle, room, or other receptacle, or are in any other way mixed or commingled, and one or more thereof are contraband, then the whole shipment or parcel shall be deemed contraband.

97.47 WANTON WASTE. Except as expressly permitted, no person shall wantonly waste or destroy any usable part of any protected wild animal.

97.48 COMMISSIONER, GENERAL POWERS. Subdivision 1. The commissioner may extend protection to any species of wild animal in addition to that accorded by chapters 97 to 102. By further limiting or closing open seasons, areas of the state, or by reducing limits with respect to any or all areas of the state, whenever he finds such action necessary to guard against undue depletion or extinction, or to promote the propagation and reproduction of such animals, provided he shall not restrict or prohibit the taking of game fish or any species thereof by angling or spearing through the ice so as to close at any given time not more than 50 percent of the named lakes or streams of any county, nor shall he close or limit or close any regular fishing season for the taking of any species of game fish by spearing through the ice in any designated waters unless the same order he limits or closes the next following regular statutory season for the taking of said species by angling in the same waters in the same proportion, nor shall he reduce the limits for the taking or possession of such species by spearing through the ice in any designated waters during any regular season therefor below the limits prescribed for the taking or possession of said species by angling in the same waters during the next following regular statutory season therefor.

Subd. 2. The commissioner is authorized to enter into contracts with North and South Dakota, Wisconsin and Iowa, relating to the removal of rough fish in boundary waters between Minnesota and those states, and providing for the letting of contracts to remove such fish, and for the inspection of proceeds of such work, and for regulating matters relating to such fishing in the specified rough fish waters, provided, if no such agreement can be made, the commissioner may remove rough fish from such boundary waters in the same manner as he is authorized to remove rough fish from any of the waters of this state.

Subd. 3. The commissioner is authorized and shall have the power to make any and all regulations for the taking, possession and transportation of wild animals, fish and mussels from any boundary waters between Minnesota and adjacent states, and from international waters.

Subd. 4. Except as otherwise expressly provided, the commissioner is authorized to take rough fish, turtles, ciscos, herring, whitefish and smelt from any of the waters of this state by means of day laborers to be permitted through the use of seine nets, nets, or any other devices, under such rules, regulations or permits as he shall prescribe. All rough fish, turtles, ciscos, herring, whitefish and smelt so removed by the provisions of this subdivision shall be disposed of in such form and in such manner as he prescribes by regulations, subject to the provisions of Laws 1939, Chapter 431, as amended, so far as applicable to the letting or making of contracts for taking or sale of rough fish or other species hereunder. In awarding any contract for the removal of such rough fish or other species, the commissioner shall take into consideration the qualifications of the applicant, his equipment, his knowledge of the affected waters, and his general ability to perform the work to be done, and in view thereof shall fix the contractor's compensation at such rate or rates as the commissioner deems reasonable without competitive bidding. The provisions of this subdivision are subject to the provisions of section 97.486 relating to the sale of such rough fish or other species to the public.

Subd. 5. The commissioner is authorized to close any areas of the state to mussels fishing and to prescribe any other rules, regulations or orders relating to the taking thereof, but not more than 50 percent of the mussel producing waters of the state shall be closed during the open season at any one time.

Subd. 6. The commissioner is authorized to close any waters of the state to the taking of minnows for commercial purposes if a survey discloses that such action is necessary to guard against undue depletion or extinction.

Subd. 7. The commissioner shall be charged with the execution and the enforcement of all the laws of this state relating to wild animals.

Subd. 8. The commissioner shall do all things deemed by him desirable in the preservation, protection and propagation in their natural state, and artificially, of all desirable species of wild animals.

Subd. 9. The commissioner shall dispose of or destroy, as he deems advisable, undesirable or predatory wild animals.

Subd. 10. The commissioner shall acquire by purchase, gift, exchange, or other arrangement, wild animals or their eggs, for breeding or stocking purposes.

Subd. 11. The commissioner shall set aside and reserve for any period he deems advisable, any waters of the state, in the aid of propagation and protection of any wild animals.

Subd. 12. The commissioner shall acquire by gift, lease, purchase, or condemnation in the manner prescribed under section 117.20, in the name of the state, any
personal or real property required for game farms or hatcheries, and to construct, maintain, operate and alter suitable buildings or other works thereon.

Subd. 13. The commissioner shall acquire by gift, lease, easement, purchase, or condemnation in the manner prescribed under section 117.20, in the name of the state, lands or any interest in lands suitable and desirable for establishing and maintaining public hunting grounds, game refuges and the management of fisheries, and to make all improvements thereon deemed by him advisable, provided that not more than one-third of any area so acquired for a public hunting grounds or game refuge shall be established as a refuge.

Subd. 14. The commissioner shall sell or dispose of any land acquired, or public hunting grounds, if it is not necessary or desirable for the use to which those lands are put, or a public hunting grounds, or game refuge shall be established as a refuge.

Subd. 15. The commissioner shall acquire by gift, lease, purchase, or condemnation, in the manner prescribed by chapter 117, all the name of the state, from public waters to which the public theretofore had no access or where the access is inadequate and upon which the public has a right to hunt and fish, and such easements and rights of way as may be required to connect such areas with public highways, provided, no acquisition costing over $3,000 shall be made without first obtaining the approval of the executive council, and provided further that the authority herein granted shall not extend to lakes completely surrounded by lands owned and maintained for the purpose of conducting an educational or religious institution, or to lakes which are unmeandered or which contain less than 200 acres, or which are of such character, containing less than 200 acres but not less than 150 acres within the meander lines, the authority herein granted shall apply where the lands, easements, or rights of way required are acquired by gift or purchase but not by condemnation. All areas, easements, and rights of way acquired hereunder shall be maintained by the commissioner from the game and fish fund, except that the commissioner may make agreements with the county board if the connecting public highway is a county state-aid highway or county highway and the town board if the connecting public highway is a town road for the maintenance of the easements and rights of way to the areas. The county board and town board may expend money from their road and bridge funds for such maintenance in accordance with the agreement.

Subd. 16. The commissioner shall rescue, transfer, or otherwise dispose of or sell fish found in waters, which by reason of their shallowness, will endanger such fish to smothering in winter, or by published order, or in cases of emergency to enter into agreements with private landowners to improve or develop wildlife habitat on such private lands by providing financial, technical, professional, and material assistance.

Subd. 17. The commissioner shall prohibit the taking of turtles during such period as he may deem necessary, from any waters of the state in which he is conducting operations in aid of the fish propagation program.

Subd. 18. The commissioner shall prescribe rules and regulations for the harvesting and possession of wild rice.

Subd. 19. The commissioner shall collect, compile, disseminate and publish statistics, bulletins and information germane to conservation.

Subd. 20. The commissioner shall adopt reasonable rules and regulations designed to encourage or maintain activities of local sportsmen to engage in the propagation of game fish by use of rearing ponds; prescribe reasonable rules and regulations for the lawful acquisition of brood stock for such ponds from the public waters by sale; prescribe reasonable rules and regulations for the ownership and use by such sportsmen's organizations of seines and other equipment to be used for rearing pond propagation; and prescribe regulations for the planting of the young fish so produced in the public waters of the state, giving first consideration to the needs of the community in which the same are produced and the desires of the organizations operating such rearing ponds.

Subd. 21. The commissioner may issue permits to take turtles or frogs at any time with the use of artificial lights in any waters designated in such permits.

Subd. 22. The commissioner shall authorize the maintenance and operation of private fish hatcheries, and prescribe rules and regulations as the commissioner shall prescribe for the raising and disposition of any fish indigenous to Minnesota except carp. No license shall be required of any person for taking fish by angling at a licensed private fish hatchery operated in accordance with the rules and regulations of the commissioner, or from an artificial pool containing only fish purchased from a licensed private fish hatchery. The operator shall furnish to each person taking such fish a written certificate in such form as the commissioner shall prescribe, giving the number and description of the fish taken and such other information as the commissioner requires, whereupon such fish may be purchased, shipped, sold or transported within the state in like manner as fish taken by a resident under a license. Any person making a false statement in any such certificate shall be guilty of a misdemeanor and subject to the same penalties as prescribed for violations of section 97.55, subdivision 11.

Subd. 23. If the date of the opening of the season for the taking of any species of animal except those under federal regulations as prescribed by law, falls on any day other than a Saturday, the executive council may designate the nearest Saturday to said date as the opening day of the season. If the statutory closing date falls on a Saturday, the commissioner of conservation may extend it through the following day.

Subd. 24. The commissioner may limit the number of persons who may hunt deer by means of firearm on any game refuge or public hunting ground, when he determines that the game supply or area open to hunting is too small for unrestricted hunting, and he may establish by order any practicable method, including a drawing, for impartially determining the persons who may hunt in such areas.

Subd. 25. The commissioner may, for purposes of identification, post any land under his jurisdiction required for public hunting grounds, food and cover planting areas, game refuges, wildlife lands and conservation area lands, as “wildlife management area.”

Subd. 26. The commissioner may designate all or part of any lake which does not exceed 2,000 acres of water area or any stream, but in aggregate not more than 15 lakes or five streams, nor more than 10,000 acres of water, at any one time, as experimental waters and, notwithstanding any other provision of law, may establish by order the seasons, limits and methods for the taking of fish therefrom and such other regulations relating thereto as he deems desirable; provided the above may be done only on waters to which the public has free access after a public hearing has been held in the county where the lake or stream, or major portion thereof, is located, notice of said public hearing shall be published once in a legal newspaper within the county or counties where the lake is located not less than seven days prior to the hearing.

Subd. 27. The commissioner is authorized, notwithstanding any law to the contrary, to enter into agreements with private landowners to improve or develop wildlife habitat on such private lands by providing financial, technical, professional, and material assistance.
recreational or public hunting areas as he shall deem desirable. No such lands shall be acquired, before any first approval for such purchase, or leased, by a majority of the members of the board of county commissioners in the counties where the land to be purchased, or leased, is located. In the counties in which a soil conservation district is organized the supervisors will act as counsellors to the board of county commissioners regarding the best utilization and capability of the land proposed for purchase, including the questions of drainage and flood control. The commissioner in purchase of such wetlands must recognize that when a majority of land owners, or owners of a majority of the land in the watershed, petition for a drainage outlet, that the state should not interfere, or unnecessarily delay such drainage proceedings when such proceedings are conducted according to the Minnesota Drainage Code. In no case should state lands, so purchased, or leased, be used to produce crops which are in a surplus as defined by the federal government unless such crops are needed to sustain wildlife. No lands described herein shall be acquired unless there is acquired simultaneously therewith a right-of-way or easement from said lands to a public road so as to make entry upon said lands available to the public.

97.483 SURCHARGE ON SMALL GAME HUNTING LICENSES APPROPRIATED. To provide funds for the purpose of carrying out the provisions of sections 97.481 to 97.484, there is hereby imposed upon all small game hunting licenses a surcharge of $1, which shall be added to such license fee, and such surcharge shall be free from any commissions and so stated on the back of the small game hunting licenses, together with the following statement: "This $1 surcharge is being paid by sportsmen for the acquisition and development of wildlife lands."

97.483 WILDLIFE ACQUISITION FUND ESTABLISHED. There shall be established in the state treasury a separate fund known as the "Wildlife Acquisition Fund" into which the proceeds derived from the surcharge shall be deposited and all moneys so deposited shall be used by the commissioner for conservation for the purposes of sections 97.481 to 97.484, in accordance with appropriations made by the legislature.

NOTE: Sections 97.481 to 97.484 are in effect until December 31, 1972

97.485 FISH STOCKING PROHIBITED WHERE PUBLIC DOES NOT HAVE ACCESS. The department of conservation or any other state agency shall not stock, restock or plant fish in any waters to which the public is denied free access and use.

97.486 ROUGH FISH TAKEN UNDER CONTRACT OR CONTRACT, SALE. Subdivision 1. The commissioner of conservation of the state of Minnesota shall grant any person engaged in taking rough fish under contract or under permit the right to sell any or all of said rough fish so taken by him to such persons and for such prices and on such terms as he sees fit, subject to such conditions as may be contained in the contract or permit pertaining to the fish to the state, and subject to any other regulation imposed by the commissioner.

Subd. 2. The commissioner of conservation may, upon the request of any fisherman or permittee under contract or permit with the state of Minnesota, sell the rough fish so produced by such fisherman.

97.490 FUNDS. Subdivision 1. All unexpended balances and moneys hereafter received from licenses of any kind issued by the commissioner on behalf of the division, together with all receipts from fines, sale of contraband or property of any kind, including wild animals, under the control of the division, reimbursements of expenditures or contributions to the division and all other moneys accruing to the state by virtue of chapters 97 to 102, shall be credited by the state treasurer to the general fund and used for the purposes provided for in sections 97.481 to 97.487.

97.490 FISHERMAN OR PERMITTEE UNDER CONTRACT OR PERMIT WITH THE STATE OF MINNESOTA, FISHERMAN OR PERMITTEE UNDER CONTRACT OR PERMIT WITH THE STATE OF MINNESOTA, FISHERMAN OR PERMITTEE UNDER CONTRACT OR PERMIT WITH THE STATE OF MINNESOTA, FISHERMAN OR PERMITTEE UNDER CONTRACT OR PERMIT WITH THE STATE OF MINNESOTA, FISHERMAN OR PERMITTEE UNDER CONTRACT OR PERMIT WITH THE STATE OF MINNESOTA.

97.50 POLICE POWERS. Subdivision 1. The commissioner, director, game refuge patroons, and conservation officers are hereby authorized and empowered to execute and serve all warrants and processes issued by any justice of the peace or magistrate or by any court having jurisdiction under any law relating to wild animals, wild rice, use of water, conservation, protection or control of public waters, state-owned dams or other works affecting public waters or water pollu
tion, in the same manner as any constable or sheriff may do so, and to arrest, without a warrant, any person arrested in the actual violation of any provisions of chapters 84, 97 to 102, 105 and 106, and section 609.68, and acts amendatory thereof, and to bring such person before any court in the county in which the offense was committed and file a proper complaint.

When a person is arrested for any violation of the above named chapters, punishable as a misdemeanor, and is not taken into custody and immediately taken before a court or magistrate, the arresting officer shall prepare, in duplicate, a written notice to appear before the court or magistrate, the written notice shall contain the name and address of the person arrested, the offense charged, and the time and the place he is to appear before the court or magistrate. This place must be before a court or magistrate who has jurisdiction within the county in which the offense charged is alleged to have been committed.

Such notice without being taken into custody and immediately taken before the court or magistrate, the arrested person must give his written promise so to appear before the court or magistrate by signing, in quadruplicate, the written notice prepared by the arresting officer. The officer shall retain the original of the notice and deliver the copy thereof marked "summons" to the person in charge of the property at the time of seizure, if any. In all cases where the person so arrested is held for the purpose of carrying out the duties and functions of the division, or to make investigations of the game and fish laws, and in aid thereof to take affidavits upon oath administered by them, and to cause proceedings to be instituted if proofs at hand warrant.

Subd. 2. The commissioner, director, game refuge patrolmen, and game wardens are hereby authorized and empowered to enter upon any lands within the state for the purpose of carrying out the duties and functions of the division, or to make investigations of the game and fish laws, and in aid thereof to take affidavits upon oath administered by them, and to cause proceedings to be instituted if proofs at hand warrant.

Subd. 3. The commissioner, director, game refuge patrolmen, and game wardens are hereby authorized and empowered to enter and inspect any commercial cold storage warehouse and any hotel, restaurant, butcher shop or other plant or building used for the storage of dressed meats, game or fish, for the purpose of determining whether wild animals are kept or stored therein in violation of chapters 97 to 102; to examine and inspect the books and records of all persons, firms or corporations which they have reason to believe have violated the provisions of such chapters. In order to enter and examine any camp, vessel, or other property, including fences, snares, traps, spears or dark houses used, by the owner or any other with his knowledge, in unlawful taking or transporting such wild animals, Articles which have no lawful use may be summarily destroyed. All other articles may be retained for use of the division, or sold at the highest price obtainable, in the manner prescribed by the commissioner.

Subd. 4. The commissioner, director, game refuge patrolmen, and game wardens are hereby authorized and empowered to enter and inspect at all reasonable times the premises whereon is being conducted any business or activity requiring a license under provisions of chapters 97 to 102.

Subd. 5. The commissioner, director, game refuge patrolmen, and game wardens are hereby authorized and empowered to seize and confiscate in the name of the state, any wild animals taken, bought, sold, transported or possessed in violation of chapters 97 to 102, and to seize, confiscate and dispose of all guns, firearms, bows and arrows, powder, shot, lines, rods, poles, shooting tools, snares, traps, spears or dark houses used, by the owner or any other with his knowledge, in unlawful taking or transporting such wild animals. Articles which have no lawful use may be summarily destroyed. All other articles may be retained for use of the division, or sold at the highest price obtainable, in the manner prescribed by the commissioner.

Subd. 6. The commissioner, director, game refuge patrolmen, and game wardens shall seize all motor vehicles, trailers, and airplanes, used in violation of section 100.29, subdivisions 10 or 11, or section 97.45, subdivision 15, and all boats, motors and motor boats used or possessed in violation of section 98.45 with respect to the licenses, operations, or species of fish specified in section 98.40, subdivisions 10, 11, 12 and 13, or in violation of sections 102, subdivision 10, 27, or 28, or in violation of any order, rule, or regulation of the commissioner relating thereto, and hold them, subject to the order of the district court of the county in which the offense was committed. Such property so held shall be confiscated after conviction of the person from whom the same was seized, upon compliance with the following provisions: if the property owner shall file with the court a sworn complaint against the property, describing the same and charging its use in the specified violation, and specifying substantially the time and place of the unlawful use. A copy of the complaint shall be served upon the defendant or person in charge of the property at the time of seizure. If the person disclaims the complaint against the property and order the same returned to the persons legally entitled thereto. Upon conviction of the person arrested, the court shall issue an order directed to any person known or believed to have any right or title in, or lien upon, any such property, and to persons unknown claiming any such right, that the court finding that the same was seized and that a complaint against the same, charging the specified violation, has been filed with the court, and requiring such persons to file with the clerk of the court their answer to the complaint, setting forth any claim they may have to any right or title to, interest in, or lien upon any such property, within 10 days after such property is seized and thereafter provided, and notifying them in substance that if they fail to so file their answer within that time, the property will be sold by the commissioner or his agents. The court shall cause the order to be served upon any person known or believed to have any right, title, interest or lien in the case of a summons in a civil action, and upon unknown persons by publication of notice for service of summons in a civil action. If no answer is filed as and within the time prescribed, the court shall, upon affidavit by the clerk of the court, setting forth such fact, order the property sold by the commissioner or his agents, and the proceeds of the sale, after deducting the expense of keeping the property and fees and costs of sale, paid into the state treasury, to be credited to wildlife fund.

If no answer is filed as and within the time prescribed, the court shall, upon affidavit by the clerk of the court, setting forth such fact, order the property sold by the commissioner or his agents, and the proceeds of the sale, after deducting the expense of keeping the property and fees and costs of sale, paid into the state treasury, to be credited to wildlife fund. Any sale under the provisions of this section shall operate to free the property sold from any and all liens thereon, and appeal from such order of the district court will lie to the supreme court as in other civil actions. At any time after seizure of the articles specified in this subdivision, and before the hearing herein provided for, the property shall be returned to the owner or person having a legal right to possession thereof upon execution by him of a good and valid bond, conditioned for the performance of all the duties and services of a corporate surety, in the sum of not less than $100 and not more than double the value of the property seized, to be approved by the court in which the case is tried, or a judge thereof, conditioned to abide any order and the judgment of the court, and to pay the full value of the property at the time of seizure.

Subd. 7. Upon complaint made to any magistrate, who has authority to issue warrants in criminal cases, by any person that he knows or has good reason to believe that any wild animal taken, bought, sold, transported or possessed contrary to the provisions of chapters 97 to 102, or any article declared contraband therein, is concealed or illegally kept in any home, building or other receptacle, not otherwise authorized herein to be entered, inspected and searched, such magistrate shall issue a search warrant and cause a search to be made of such place, and may cause
97.54 PROSECUTIONS AND BURDEN OF PROOF. Subdivision 1. No prosecution under chapters 97 to 102 shall be commenced more than three years after commission of the offense complained of.

Subd. 2. In any prosecution under the provisions of chapters 97 to 102, the burden of establishing the fact that animals alleged to have been unlawfully taken, bought, sold, transported or possessed, were domesticated or were reared in a private preserve, raised in a private fish hatchery, taken for scientific purposes, or lawfully taken without this state, shall rest upon the defendant.

Subd. 3. Possession of wild animals more than 90 days after the close of the season, or in excess of the limits prescribed herein, shall be presumptive evidence that the same were unlawfully taken, except as to those tagged, sealed or identified as provided by chapters 97 to 102.

97.55 VIOLATIONS, PENALTIES. Subdivision 1. Unless a different penalty or punishment is specifically prescribed, a person who takes, buys, sells, transports or possesses any wild animal in violation of any provisions of chapters 97 to 102, or who aids, or assists in such violation, or knowingly shares in the proceeds thereof, or who fails to perform any duty or comply with any of the requirements or provisions imposed by chapters 97 to 102, or who applies any duty adopted order, rule or regulation of the commissioner or director, or who attempts to do, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $10 nor more than $100 for the first offense, not less than $25 nor more than $100 for subsequent offenses, committed within three years of the former, or by imprisonment in the county jail for not less than 30 days nor more than 90 days. Each wild animal taken, bought, sold, transported or possessed in violation of law shall constitute a separate and distinct offense, provided that an acquittal in any such case shall constitute a bar to any subsequent prosecution upon a charge of a like offense based upon another animal involved in the same transaction.

Subd. 2. The punishment for violating any of the provisions of law or commissioner's order, relating to commercial fishing, shall be a fine of not less than $5 nor more than $100, or imprisonment in the county jail for not less than 60 days nor more than 90 days.

Subd. 3. Except where it becomes a gross misdemeanor under subdivision 5, a person who takes, transports, or possesses deer in violation of any of the provisions of chapters 97 to 102, shall be punished by a fine of not less than $25 nor more than $100, or by imprisonment in the county jail for not less than 30 days nor more than 90 days.

Subd. 4. Violation of any provision relating to game and fur farms, to unlawfully taking or possessing wild animals on state parks, to hunting deer with bow and arrows, to hunting with prohibited types of guns or ammunition, or of section 101.42, subdivisions 11 and 12, relating to certain prohibited methods of fishing, shall be a felony of not less than three years nor more than 15 years or by imprisonment in the county jail for not less than 30 days nor more than 90 days.

Subd. 5. Any person convicted of violating any provisions of chapters 97 to 102, which are defined as gross misdemeanors, shall be punished by a fine of not less than $100 nor more than $1,000 or by imprisonment in the county jail for not less than 30 days nor more than one year, or by both such fine and imprisonment.

Subd. 6. Every person who shall falsely impersonate a conservation officer or a police officer, or under authority of laws relating to wild animals, or who shall falsely claim to have special authority under those laws to perform any act affecting the rights or interests of another, or who, without authority, shall assume any uniform or badge by which such an officer or person is lawfully distinguished, and in such assumed character purport to be official whereby another is injured or defrauded shall be guilty of a gross misdemeanor.

Subd. 7. Every person who violates any provision relating to setting guns or swivel guns shall be guilty of a gross misdemeanor.

Subd. 8. Every person who shall unlawfully take, buy, sell, transport, or possess marten, otter, fisher, mole, skunk, or caribou shall be guilty of a gross misdemeanor.

Subd. 9. Every person violating the provisions of section 100.29, subdivisions 10 or 11, relating to using an artificial light to locate wild animals, while in possession of such light, shall be guilty of a gross misdemeanor.
session of a firearm, bow or other implement, capable of killing big game animals, or knowingly transporting a big game animal illegally taken, or provisions relating to buying or selling deer or buying fur bearing animals or raw furs shall be guilty of a gross misdemeanor.

Subd. 10. Every person violating the provisions of section 100.29, subdivision 6, relating to hunting while visibly intoxicated, under the influence of narcotics, or who is an habitual user of narcotics shall be guilty of a gross misdemeanor.

Subd. 11. Any person making a false statement in any affidavit given in connection with a game law violation or in any application for any license authorized to be issued under chapters 97 to 102 shall be guilty of a misdemeanor. Any license agent who knowingly antedates a game and fish license or issues a game and fish license to a person whom he knows is not entitled to such license shall be guilty of a misdemeanor.

Subd. 12. M.S. 1961 [Renumbered 97.55, subd. 13]

Subd. 13. Any person who shall at any time alter in any material manner any license issued under the provisions of chapters 97 to 102 shall be guilty of a misdemeanor.

Subd. 14. Every itinerant minnow dealer who buys, sells, transports, or possesses minnows in violation of any provisions of chapters 97 to 102, or who violates any duly adopted order, rule, or regulation of the commissioner, or director pertaining to the buying, selling, transporting, or possession of minnows shall be guilty of a gross misdemeanor.

97.56 REMOVAL OF BEAVER FROM STATE-OWNED LANDS. In any county in the state where the board of county commissioners shall have unanimously requested him to do so, the commissioner of conservation shall take necessary steps to remove beaver, at state expense, from state owned lands located in that county.

1953 c 628 s 1

97.57 DESTRUCTION OF BEAVER DAMS. In any county with unanimous consent of the county board of commissioners, and approval of the land owner, the department of conservation shall direct the destruction of any beaver dam and removal of beaver from any waterway, stream, or ditch where drainage is being impaired. All state parks, state game refuges, and federal game preserves are excluded from this provision.

1953 c 636 s 2

CHAPTER 98
LICENSES, TAKING OF GAME AND FISH

Sec. 98.45 Requirement. Subdivision 1. Except as specifically permitted in chapters 97 to 102, no person may take, buy, sell, transport, or possess any protected wild animals of this state or any aquatic plants without first procuring a license therefor as provided in section 98.46 or in section 98.48. Every license is issued for the calendar year and is void after the last day of the open season or the lawful time within which the act authorized may be performed. No license to take deer with firearm may be issued after the first day of the regular rifle season, and all license agents shall return all stubs and unsold license blanks to the county auditor after the first day of such season. Only one license of each kind, except the non-resident short term angling license, may be issued to a person in any calendar year. No license may be transferred except as expressly authorized.

Subd. 2. Every person to whom a license is issued shall have it upon his person while doing any act for which the license is required and while traveling to and from the grounds upon which such acts are performed, and upon the request of any conservation officer or peace officer shall exhibit the license issued to him. No receipt for license fees, copy of any license, or any evidence purporting to show the issuance of a license is valid evidence as to entitle the holder to exercise the rights or privileges conferred by a license.

Subd. 3. No person may lend or transfer to another or borrow or solicit from another any license, coupon, or seal attached thereto or issued therewith, or use any license, coupon, or seal not issued to him unless otherwise expressly authorized.

Subd. 4. Except as provided in subdivision 6, a person who is not a citizen of the United States may take, buy, sell, transport, or possess wild animals in this state only as a nonresident. Any firearm in possession of such alien for any purpose, other than hunting as a nonresident, is contraband and subject to confiscation.

Subd. 5. When provision is not made for a license for nonresidents to engage in activities requiring a license of residents, nonresidents may not engage in such activities.

Subd. 6. An alien wife or husband of a resident of this state may take, buy, sell, transport, or possess wild animals as a resident. Any other alien who has made a declaration of intention to become a citizen of the United States in accordance with the statutes of the United States relating to the naturalization of aliens, and who is qualified as a resident of the state except for citizenship, may take, buy, sell, transport, or possess wild animals as a resident.

Subd. 7. A non-resident who is a bona fide full-time student at a public or private educational institution in this state who resides in the state of Minnesota during the full term of the school year may take fish, or small game, and obtain licenses therefor as a resident upon such proof of his status as a student as the commissioner may prescribe.

1945 c 348 s 2; 1946 c 150 s 17; 1953 c 308 s 1; 1955 c 182 s 1; 1959 c 164 s 1; 1963 c 938 s 1; 1965 c 628 s 1; 1967 c 904 s 1;

98.46 FEES. Subdivision 1. Subject to all applicable provisions of law, the licenses specified in this section shall be issued upon payment of the fees herein specified.

Subd. 2. Fees for the following licenses, to be issued to residents only, shall be:
(1) To take small game, $2;
(2) To take deer with firearms, $5;
(3) To take deer with bow and arrow, $5;
(4) To take fish by angling, $2.25;
(5) Combination husband and wife, to take fish by angling, $2.75;
(6) To take muskrat, $5.25.

Subd. 3. The fees for the following license, to be issued to residents only, shall be:

(1) To harvest wild rice, $3.
(2) No license shall be required of any person under 16 years of age. No license shall be required of a recipient of old age assistance or members of his immediate family. Identities of such persons shall be issued without fee to any such recipient and to each member of the family. The term "immediate family" shall include husband and wife and minor children having their abode and domicile with the parent or legal guardian.

Subd. 4. Fees for the following licenses, to be issued to residents only, shall be:

(1) To trap fur bearing animals, except beaver, $3;
(2) To buy or sell raw furs anywhere within the state, $20;
(3) To sell or buy raw furs anywhere within the state, as authorized in (2) and including the privilege of selling to resident manufacturers or to unlicensed non-residents, representing unlicensed non-residents as a broker or agent, or conducting a fur auction wherein sales are made to unlicensed non-residents or resident manufacturers, provided that no raw furs shall be delivered to any unlicensed non-resident until a registration card disclosing the purchaser's name and place of business, the number and species of fur and the name and place of business of the licensee from whom the purchase is being made has been forwarded to such licensee, for the issuance of the card as a privilege of such business, and, provided further that any employee, partner, officer buying or selling at the established place of business for such licensee may secure a supplemental license for $10.
(4) To trap beaver during an open season or by permit when damage, $2.50.

Subd. 5. Fees for the following licenses, to be issued to residents only, shall be:

(1) To spear fish from a dark house, $1;
(2) For any fish house or dark house used during the winter fishing season, $2 for each fish house or dark house not rented or offered for hire, and $3 for each fish house or dark house rented or offered for hire;
(3) To net whitefish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, $1;
(4) To conduct a taxidermist business, $2;
(5) To maintain fur and game farms, including deer, $5;
(6) To take mussels or clams, $5.

(7) To prepare dressed game fish shipments for nonresidents as provided by Minnesota Statutes, Section 97.45, Subdivision 6, as amended, $10;
(4) Itinerant minnow dealer, $15 plus $10 for each vehicle;
(9) Itinerant minnow dealer's helper, $2.50 for each helper. Itinerant minnow dealer's helpers' licenses shall be issued to the itinerant minnow dealer and are transferable by the dealer at will to his own helpers;
(10) Exporting minnow dealer, $200 plus $10 for one vehicle only. No licenses to transport fished minnows beyond the boundaries of the state will be issued for 1961 calendar year after the effective date of Laws 1961, Chapter 477, and the number issued prior to the effective date of Laws 1961, Chapter 477, will not be exceeded in subsequent years. The renewal of such existing licenses shall be reserved through April 1 of the following year; licenses not so renewed will not be made available until the total number has been reduced to below 35 licenses.

Subd. 6. Fees for the following licenses, to be issued to residents only, shall be:

(1) 15 each pound net or staked trap net, $35;
(2) For each fyke net with wings or lead not exceeding four feet in height, $5;
(3) For each fyke net with either wings or lead over four feet in height, an additional $5 for each additional two feet or fraction thereof;
(4) For each 100 feet of gill net, $1.50;
(5) For each submerged trap net, $15;
(6) For helper's license, $15;
(7) For each trawl, $500.

Subd. 7. Fees for the following licenses to net fish in Rainy Lake, to be issued to residents only, shall be:

(1) For each pound net, $35;
(2) For each 100 feet of gill net, $1.50;
(3) For helper's license, $35.

Subd. 11. Fees for the following licenses to net fish in Lake Superior, to be issued to residents only, shall be:

(1) For a boat over 18 feet in length, $10;
(2) For a boat over 18 feet but not more than 24 feet in length, $25;
(3) For a boat over 24 feet in length but not more than 35 feet in length, $30;
(4) For a boat over 35 feet in length, $50, plus $1 per foot over 35 feet.

NOTE: Subd. 12 is also amended by Laws 1963, Chapter 70, Section 1 to read:

Subd. 12. Fees for the following licenses to fish commercially in Lake Superior, to be issued to residents only, shall be:

(1) For a boat 18 feet or less in length, $10;
(2) For a boat over 18 feet but not more than 24 feet in length, $25;
(3) For a boat over 24 feet in length but not more than 35 feet in length, $30;
(4) For a boat over 35 feet in length, $50, plus $1 per foot over 35 feet.

Subd. 12. Fees for the following licenses to fish commercially in Lake Superior, to be issued to residents only, shall be:

(1) For a boat 18 feet or less in length, $10;
(2) For a boat over 18 feet but not more than 24 feet in length, $25;
(3) For a boat over 24 feet in length but not more than 35 feet in length, $30;
(4) For a boat over 35 feet in length, $50, plus $1 per foot over 35 feet.
shall be issued to the commissioner within ten days after the end of each calendar month during the period covered by the license a written report, in such form as the commissioner shall prescribe, signed by the licensee, stating the total amount of wild rice bought, sold, or processed by him during such calendar month, whether raw or processed.

(4) No license under this subdivision shall at any time buy, sell, or process any wild rice for which a license is required hereunder in excess of the amount covered by his license. In case a licensee shall desire to buy, sell, or process any wild rice in excess of such amount, he shall before doing so make application for a supplemental license covering the increased amount of wild rice involved, and such license shall be issued to him upon payment of the prescribed fee therefore, less credit for the fees paid for the previous license or licenses issued to him hereunder for the same calendar year. Upon the issuance of such supplemental license, such prior license or licenses shall be surrendered.

(5) The willful making of a false statement in any application for a license under this subdivision or in any report required hereunder, or the willful making of a false entry in any record required hereunder, or any other violation of or failure to comply with any provision of this subdivision shall be a misdemeanor, punishable as provided by Minnesota Statutes, Section 95.55, Subdivision 1. Upon conviction of any person of any offense under this subdivision hereunder then held by him shall immediately become null and void, and no such license shall be issued to him for one year after the date of such conviction.

Subd. 19. Fees for the following licenses, to be issued to either residents or nonresidents, shall be:

(1) To buy fish from licensed commercial fishermen on Lake Superior:
   (a) For the purpose of selling to retailers, $25;
   (b) For the purpose of retail selling only, $5.

(2) To buy fish from licensed commercial fishermen on Lake of the Woods, Namakan, Sand Point, or Rainy Lakes:
   (a) Wholesale fish buyer's license, $100;
   (b) Fish buyer's license to ship from one place to another on international waters only, $10.

(3) To tan or dress raw furs, $2;

(4) Fish peddler's license, to peddle with the use of a motor vehicle, any fish lawfully salable within the state, $5. It shall be unlawful to misrepresent the species of any fish sold by any licensed fish peddler or his employee. Upon conviction of misrepresentation of the species of fish sold by any fish peddler licensed hereunder or his employee, his license shall be revoked, and such licensee shall not be eligible to obtain a fish peddler's license for the period of one year after said revocation. Misrepresentation shall include the following acts in addition to any other acts constituting misrepresentation in fact: (1) The designation of any fish by any name other than its common name in Minnesota; (2) The designation of any fish by any other name than its common name in the locality where it was taken if it is not generally known by any common name in Minnesota.

Subd. 20. Coupons, tags, or seals may be obtained upon payment of the following fees:

(1) One nonresident shipping coupon for each individual nonresident fishing license, $1;

(2) Beaver, fisher or otter seals, 25 cents.

(3) [Clause (3) Repealed, 1957 c 411 s 2]

Subd. 21. The commissioner may by order require every licensee to tag at the time of sale or release: (a) Each fish sold by any licensed commercial fisherman on Lake of the Woods, Namakan, Sand Point, or Rainy Lakes; (b) Each beaver, fisher, or otter so sold. The tag shall be of a type prescribed by the commissioner and bearing the license number of the owner and the year of its issue. Tags will be issued with the license at no additional cost. Within the time designated by the commissioner, not exceeding ten days after the close of a beaver or otter trapping season, the expiration of the beaver or otter trapping permit, every person having taken or killed such fish, shall produce such tag and such other portions of every such beaver or otter as may be required by the commissioner, to the inspection of a state conservation officer, who shall affix to each skin a metal locking seal, in the presence of the licensee or permittee.
has been affixed to its carcass between the tendon and the bone and around the bone of the leg so that such seal cannot be removed without breaking the lock. The seal must be so placed and locked at the time the deer is brought into any hunting camp, dwelling, farm yard, or other place of abode of any kind occupied overnight, or before being placed wholly or partially on a motor vehicle of any kind, or upon a conveyance towed by a motor vehicle of any kind. Provided, that deer taken by bow and arrow shall be tagged by a conservation officer or other authorized agent as may be prescribed by the commissioner, in addition to the seal herein provided for.

Subd. 23. All applicants for licenses to buy raw furs shall, at the time of application for a license, furnish a corporate surety bond in favor of the state in the sum of $1,000, conditioned upon the observance of all laws of this state relating to wild animals.

Subd. 24. It shall be unlawful without an appropriate license to do any act or possess use a substance, article, or equipment for any purpose or under any circumstances for which a license is provided by chapters 97 to 102, except that the provisions of this act relating to an increase in the license fee for a combination license issued to husband and wife to take fish by angling and for an increase in the resident license fee for a combination license issued to husband and wife to take fish by angling and for an increase in the partial license fee for a combination license issued to husband and wife to take fish by angling shall take effect January 1, 1950.

1935 c 249 s 2; 1937 c 283 s 1; 1937 c 306 s 2; 1947 c 357 s 1, 2; 1947 c 494 s 4, 5; 1947 c 559 s 1; 1947 c 606 s 9-11; 1949 c 150 s 18; 1949 c 506 s 1-4; 1950 c 650 s 1, 2, 3; 1951 c 361 s 1, 2; 1951 c 671 s 2, 3; 1955 c 297 s 1; 1955 c 531 s 2; 1955 c 559 s 1; 1955 c 781 s 1; 1955 c 511 s 1, 2; 1955 c 340 s 2; 1959 c 163 s 1, 2; 1959 c 267 s 1; 1961 c 366 s 1; 1961 c 366 s 2; 1963 c 773 s 1; 1965 c 349 s 1; 1965 c 349 s 2; 1965 c 559 s 1; 1965 c 523 s 3; 1967 c 35 s 1; 1967 c 755 s 1; 1967 c 904 s 2; 1967 c 906 s 9.

83.47 EXEMPTIONS. Subdivision 1. Residents under the age of 16 years may take fish and trap fur bearing animals except beaver or otter without procuring a license. Residents under the age of 13 years may take small game without a license. No resident under the age of 16 years and over will be permitted to use traps provided they have in their possession while hunting a valid firearm safety certificate.

Residents under 14 must be accompanied by a parent or guardian while hunting.

Subd. 25. The provisions of this act relating to an increase in the license fee to be issued to residents only for the purpose of taking fish by angling and for an increase in the resident license fee for a combination license issued to husband and wife to take fish by angling and for an increase in the partial license fee for a combination license issued to husband and wife to take fish by angling shall take effect January 1, 1950.

Subd. 2. The commissioner shall, without fee, to hold field days by any responsible purpose, and for training dogs trials by any responsible purpose, and for training dog trials, and for such other purposes as may be prescribed by the commissioner, to or on the lands of the United States, or any reserve or component thereof, now or hereafter organized, who has been officially transferred to, and is stationed within the state.

Subd. 4. A courtesy nonresident license for taking fish or game may be issued in the discretion of the commissioner, without charge, to any person officially employed in the game and fish conservation department of another state or of the United States, or any reserve or component thereof, now or hereafter organized, to the official of another state, the United States, foreign countries, or officers or representatives of conservation organizations or publications while in the state as guests of the governor or commissioner.

Subd. 5. Licenses to take fish or small game in or upon any boundary waters may be granted to nonresidents upon the same terms and conditions as licenses granted to residents of such state or province to take fish for such waters; provided, that the fees for such licenses granted by this state shall not be less than the fees for corresponding resident licenses.

Subd. 6. Except as otherwise expressly provided, the license to take small game shall be required of all persons taking the same, and the license to trap fur bearing animals shall be required in addition where traps are used. The license to take fish by angling shall be required of all persons taking the same, but spearing and netting licenses shall be required in addition where those means are used.

Subd. 7. No license to trap beaver shall be issued to any person to whom a fur buyer's license shall have been issued and in force, and no license to take fish commercially in international waters extending from Pigeon Point West to the North Dakota boundary line shall be issued to any person or member of his household, or employee, engaged in the business of conducting a summer resort.

Subd. 8. A license to take fish shall be issued to any citizen of Minnesota receiving old age assistance, or who is blind, without charge.

Subd. 9. Helpless persons' licenses shall be issued under section 98.46, subdivision 7, clause (6), subdivision 8, clause (3), subdivision 10, clause (5), subdivision 11, clause (3), and subdivision 13, clause (2), to the holder of a master's license, and shall be transferable upon his application. Every person assisting the holder of a master's license, in going to and from fishing locations, or in setting or lifting nets, shall have a helper's license, unless he be the holder of a master's license.

Subd. 10. The resident owner or lessee of any lands occupied by himself as a permanent abode, and any member of such person's immediate family residing with him, may take small game by hunting upon such lands without procuring a license, in any manner and at any time not otherwise prohibited by law.

Subd. 11. A license to take fish shall be issued to any citizen of a foreign country who is attending any public, private or parochial school in this state as an exchange student, without any charge therefor.

Subd. 12. Any inmate of a state mental or penal institution may be permitted to fish in waters contiguous to the lands of the mental or penal institution during the open season only as long as they are inmates without retaining a license but subject to the written consent of the superintendent of the institution.

Subd. 13. A license for the taking of fish may be issued by the commissioner of conservation to any person who is a ward of the commissioner of public welfare and who is institutionalized in an institution under the control of the commissioner of public welfare, upon application by the commissioner of public welfare to the commissioner of conservation. Any license issued under this subdivision shall be without cost.

Subd. 14. Any person who is a ward of the commissioner of public welfare and who is institutionalized in an institution under the control of the commissioner of public welfare may become a member of a hunting organization or may become a member of an institution under the control of the commissioner of public welfare if that person is a resident of this state and if that person is not a resident of this state, the person may become a member of a hunting organization or may become a member of an institution under the control of the commissioner of public welfare if that person is a member of a hunting organization.

Subd. 15. Any person who is a ward of the commissioner of public welfare and who is institutionalized in an institution under the control of the commissioner of public welfare may become a member of a hunting organization or may become a member of an institution under the control of the commissioner of public welfare if that person is a resident of this state and if that person is not a resident of this state, the person may become a member of a hunting organization or may become a member of an institution under the control of the commissioner of public welfare if that person is a member of a hunting organization.

Subd. 16. Any person who is a ward of the commissioner of public welfare and who is institutionalized in an institution under the control of the commissioner of public welfare may become a member of a hunting organization or may become a member of an institution under the control of the commissioner of public welfare if that person is a resident of this state and if that person is not a resident of this state, the person may become a member of a hunting organization or may become a member of an institution under the control of the commissioner of public welfare if that person is a member of a hunting organization.

Subd. 17. Any person who is a ward of the commissioner of public welfare and who is institutionalized in an institution under the control of the commissioner of public welfare may become a member of a hunting organization or may become a member of an institution under the control of the commissioner of public welfare if that person is a resident of this state and if that person is not a resident of this state, the person may become a member of a hunting organization or may become a member of an institution under the control of the commissioner of public welfare if that person is a member of a hunting organization.

Subd. 18. A courtesy nonresident license for taking fish or game may be issued in the discretion of the commissioner, without charge, to any person officially employed in the game and fish conservation department of another state or of the United States, or any reserve or component thereof, now or hereafter organized, to the official of another state, the United States, foreign countries, or officers or representatives of conservation organizations or publications while in the state as guests of the governor or commissioner.
Subd. 1. The commissioner shall have the power to make rules and regulations and prescribe the form of the permits provided for in this section.

Subd. 2. The commissioner may issue special permits, without fee, to any individual, to any lake improvement association or group of riparian owners who have obtained the written consent of each and every riparian owner of the lake or river that all riparian owners are banded game birds which have been legally purchased from licensed game farms, state parks, and public lands, and their progeny, or possessed as pets, may be disposed of only as prescribed by the commissioner.

Subd. 4. The commissioner may issue special permits, upon payment of a fee prescribed by him, to take any protected wild animals or fur-bearing animals from game refuges or state parks in accordance with rules and regulations prescribed by the commissioner.

Subd. 5. The commissioner may issue special permits, without fee, to take any protected wild animals which are doing damage to private or public property, except that as to beaver the regular license and seal provisions shall apply.

Subd. 6. The commissioner may issue special permits, upon payment of a fee prescribed by him, to possess and use a rascal and to use same for the purpose of training dogs for hunting purposes.

Subd. 7. The commissioner may issue special permits, without fee, to establish and conduct rifle ranges or trap shooting premises by duly organized gun clubs of ten or more members on lands owned or leased for that purpose by such clubs and to take and small game and fish, to nonresidents of the state. Each county auditor shall be responsible for the sale of the licenses issued by his agents, except in a county to which Laws 1951, Chapter 381, applies, or in a county where the county auditor does not retain fees paid for such purpose and such county the responsibility imposed above upon the county auditor is imposed upon the county.

Subd. 8. The commissioner may require county auditors to furnish such additional corporation surety bonds as in his opinion may be required to secure the state, in addition to the auditor's official bond. The commissioner shall prescribe rules and regulations setting up such accounting and procedural requirements as he may deem necessary to assure the efficient handling of licenses and license fees, and all county auditors and other agents shall strictly comply therewith.

Subd. 9. The county auditor may authorize the county auditor to furnish such additional corporation surety bonds as in his opinion may be required to secure the state, in addition to the auditor's official bond. The commissioner shall prescribe rules and regulations setting up such accounting and procedural requirements as he may deem necessary to assure the efficient handling of licenses and license fees, and all county auditors and other agents shall strictly comply therewith.

Subd. 10. The county auditor may authorize the county auditor to furnish such additional corporation surety bonds as in his opinion may be required to secure the state, in addition to the auditor's official bond. The commissioner shall prescribe rules and regulations setting up such accounting and procedural requirements as he may deem necessary to assure the efficient handling of licenses and license fees, and all county auditors and other agents shall strictly comply therewith.

Subd. 11. The county auditor may authorize the county auditor to furnish such additional corporation surety bonds as in his opinion may be required to secure the state, in addition to the auditor's official bond. The commissioner shall prescribe rules and regulations setting up such accounting and procedural requirements as he may deem necessary to assure the efficient handling of licenses and license fees, and all county auditors and other agents shall strictly comply therewith.

Subd. 12. The county auditor may authorize the county auditor to furnish such additional corporation surety bonds as in his opinion may be required to secure the state, in addition to the auditor's official bond. The commissioner shall prescribe rules and regulations setting up such accounting and procedural requirements as he may deem necessary to assure the efficient handling of licenses and license fees, and all county auditors and other agents shall strictly comply therewith.

Subd. 13. The county auditor may authorize the county auditor to furnish such additional corporation surety bonds as in his opinion may be required to secure the state, in addition to the auditor's official bond. The commissioner shall prescribe rules and regulations setting up such accounting and procedural requirements as he may deem necessary to assure the efficient handling of licenses and license fees, and all county auditors and other agents shall strictly comply therewith.

Subd. 14. The county auditor may authorize the county auditor to furnish such additional corporation surety bonds as in his opinion may be required to secure the state, in addition to the auditor's official bond. The commissioner shall prescribe rules and regulations setting up such accounting and procedural requirements as he may deem necessary to assure the efficient handling of licenses and license fees, and all county auditors and other agents shall strictly comply therewith.
he shall be deemed an agent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting for and handling of such licenses.

The county auditor shall promptly deposit all moneys received from the sale of licenses with the county treasurer, and shall promptly transmit such reports as may be required by the commissioner, together with his warrant on the county treasurer for 90 percent of all license fees received during the accounting period. The other ten percent shall be the agent's commission, the county auditor retaining two percent of the fees for licenses sold for cash and resale, and five percent of licenses not sold for cash. Unsold license blanks in the hands of any agent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner therefor. Any license blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the agent possessing the same or to whom they are charged shall be accountable therefor.

Subd. 6. The commissioner shall prescribe rules and regulations for the issuance of duplicate licenses to persons whose licenses have been lost or destroyed, but no such duplicate license shall be issued until the applicant has taken oath covering the facts of loss or destruction of the license.

Subd. 7. In addition to other penalties, any agent to sell licenses, who violates any provision of law or regulation of the commissioner relating to the sale, handling or accounting for such licenses, shall forfeit his agency or his right to sell or handle licenses for a period of one year.

Subd. 8. The commissioner may appoint agents throughout the state to sell licenses to harvest wild rice to residents of this state. Such agent shall pay cash to the commissioner for all books of licenses obtained by him and may deduct eight percent from the price established by law as his commission.

1915 c 218 s 2; 1949 c 150 s 25; 1951 c 270 s 1; 1953 c 305 s 1; 1955 c 181 s 1; 1955 c 270 s 1; 1955 c 242 s 1; 1963 c 707 s 1

98.51 REPORTS AND RECORDS. Subdivision 1. Every person who has any protected quadruped or bird shall on or before the last day of January each year, mail or deliver to the commissioner a written report on a form furnished him, stating the number and kind of each protected quadruped or bird taken during the preceding calendar year.

Subd. 2. Every person who is required by chapters 97 to 102 to obtain a license for buying or selling any wild animals or other things or substances, or for tanning or dressing raw furs, or mounting specimens of wild animals, shall keep a correct and complete book record in the English language of all transactions and activities covered by the license as carried on by the licensee. Such records shall show from whom obtained and to whom disposed of, giving the post-office addresses, together with the date of receipt, shipping or sale of such animals, a detailed account as to the number and kinds thereof contained in each shipment, purchase, or sale, and the serial number of each seal, tag, or permit, where such seal, tag, or permit is required to be affixed to the wild animals handled, and the trapping license number if the wild animal handled is a protected animal, but if the trapper is exempt from the license requirement, such fact shall be noted. Provided a licensed fur dealer, buying for one employer only, at his established place of business, need not keep a separate book record if the employer shall first notify the commissioner in writing of the fact of such employment and his agreement to identify in his own records each transaction of the employer so excepted. All records required hereby shall be open for inspection by the commissioner, director, or their agents at all reasonable hours. They shall be kept intact for a period of two years after the expiration of any license issued.

Subd. 3. Every person who is required to keep the records provided for in subdivision 2 shall furnish the commissioner such reports as he may require for statistical purposes, on blanks to be furnished by the division for that purpose.

[1945 c 248 s 2; 1947 c 609 s 16, 17; 1949 c 150 s 23; 1965 c 507 s 1]

98.52 LOSS AND REVOCA TION OF LICENSES. Subdivision 1. Except as otherwise provided herein, the license of any person who is convicted of violating any provisions of Chapters 97 to 102, or any order or regulation duly prescribed by the commissioner under authority thereof, relating to the license or to the wild animals, shall immediately become null and void, and no license of the same kind shall be issued to such person for one year after the date of conviction. Every person convicted of doing anything without a license for which Chapters 97 to 102 require a license, shall forfeit his right to secure such a license for a period of one year from conviction.

Subd. 2. The provisions of subdivision 1 shall apply to licenses to take small game or to take fish by angling or by spearing, only upon a second conviction within a period of three years.

Subd. 3. Where, in his opinion, the public welfare will so require, the commissioner may reinstate the following types of licenses which have become null and void by operation of subdivision 1, provided such authority to reinstate shall not extend to persons who have been so convicted during the preceding three year period:

(1) To maintain and operate fur and game farms or private fish hatcheries;
(2) To take fish commercially in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior;
(3) To buy fish from licensed commercial fishermen in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior;
(4) To sell live minnows.

Subd. 4. Any person convicted of violating the provisions of Section 100.29, subdivision 6, shall not be licensed to hunt with a firearm or bow and arrows for five years from date of conviction.

Subd. 5. The hunting or trapping license of any person failing to wear the color as required by section 100.29, subdivision 8, shall be canceled, and no such licenses shall be issued to any person found violating those provisions, for one year from the date of violation. Any officer authorized to inspect licenses shall take the licenses of any offender of that provision into his possession, mark them void, together with the date of the offense, and turn them in to the director. No other penalty shall be imposed.

[1945 c 248 s 2; 1949 c 150 s 24; 1951 c 209 s 4; 1961 c 104 s 1]
CHAPTER 101
FISH

101.42 RESTRICTIONS AND PROHIBITIONS.

Subd. 13. Except as otherwise specifically permitted, it shall be unlawful to construct or maintain any dam or other obstruction except a boat pier in or over any public waters without first having secured a permit therefor from the commissioner, and without complying with all written directions of the commissioner concerning the construction or modification of any fishway around or over such dam or obstruction.

Subd. 17. Except as otherwise specifically permitted, it shall be unlawful to place, throw, discharge, or allow to run or fall into any of the waters of this state, any refuse, sawdust, shavings, tan bark, lime, oil, tar, poison, chemical or any other substance in such quantities causing injury to or detrimental to the propagation of any wild animal found in or upon such waters, or causing the flesh of any such wild animal to become tainted or unpalatable. Each day during which an act or operation in violation of this provision occurs or continues shall constitute a separate and distinct offense. Any recurrent or continuous violation shall be deemed a public nuisance and an action may be brought by the attorney general in the name of the commissioner to enjoin and abate such nuisance. This section shall not apply to chemicals used for pest control in the interest of the general welfare of the public.

101.43 FISH SCREENS. No person, except with the permission of the commissioner, shall obstruct any creek, stream, or river, thereby preventing the passage of fish, by means of any rack or screen, and any obstructions in such creek, stream or river shall be removed forthwith upon order of the commissioner, by the person erecting the same, or by the owner of the land upon which it is located.

101.47 OVERCROWDED LAKES. Subdivision 1. The commissioner of conservation is authorized to establish a list of lakes and rivers not including more than six in any one county, or more than 10 at any one time in the state, which lakes or rivers have been found by the director of game and fish to contain an unbalanced fish population or to contain species of fish which by overcrowding have become stunted. The seasons, limits and methods of taking fish from the lakes and rivers so listed may be prescribed by the commissioner by order duly published in the county where any such lakes and rivers lie. Such regulations may be changed from time to time by similarly published order, and within the limitations hereby prescribed, the list of lakes and rivers herein provided for may be changed or amended from time to time in the discretion of the commissioner.

Subd. 2. [Repealed, 1959 c 574 s 2]

101.23 POSSESSION, SALE AND TRANSPORTATION. Subject to all applicable provisions of chapters 97 to 102, mussels and clams and all fish taken under commercial fishing licenses may be possessed in any quantity, bought, sold or transported during any open seasons provided for such fishing, and for seven days thereafter. Such fish may be frozen or cured during the open season, and when so cured, may be transported, bought and sold at any time.

102.23 POSSESSION, SALE AND TRANSPORTATION. Subject to all applicable provisions of chapters 97 to 102, mussels and clams and all fish taken under commercial fishing licenses may be possessed in any quantity, bought, sold or transported during any open seasons provided for such fishing, and for seven days thereafter. Such fish may be frozen or cured during the open season, and when so cured, may be transported, bought and sold at any time.

102.27 Namakan and Sand Point Lakes; fishing

102.28 Lake Superior fishing

102.29 Interference with commercial fishing

102.30 Upper and Lower Red Lake; transportation, sale and disposal

NOTE: For definitions, see section 97.40.

CHAPTER 102
COMMERCIAL FISHING

102.23 POSSESSION, SALE AND TRANSPORTATION. Subject to all applicable provisions of chapters 97 to 102, mussels and clams and all fish taken under commercial fishing licenses may be possessed in any quantity, bought, sold or transported during any open seasons provided for such fishing, and for seven days thereafter. Such fish may be frozen or cured during the open season, and when so cured, may be transported, bought and sold at any time.

102.24 MUSSELS AND CLAMS. Subdivision 1. Except as changed from time to time by order of the commissioner, under authority of section 97.48, subdivision 5, mussels of not less than one and three-fourths inches in greatest dimensions, including the pearly fresh water mussel, or clam, or Naiad, and the shells thereof, may be taken at any time except between March 1st and May 15th, subject to all other provisions of chapters 97 to 102.

Subd. 2. Except as otherwise authorized, not more than one boat or rig may be used for taking mussels by any licensee, and an additional boat for towing may be used when no mussel-taking apparatus is attached thereto. Not more than four crow-foot bars or bars having hooks attached thereto, such bars to be not more than 20 feet in length, shall be possessed by any licensee while taking mussels at any one time, and no more than two such bars shall be used in gathering clam shells at any one time. Not more than one dredging apparatus shall be used, and no dredge, the openings of which are more than three feet in length, or the prongs or forks of which are more than four inches, shall be used, provided pitchforks may be used in gathering clam shells. All under-sized mussels, except pig-toes, shall be returned to the water without injury.

102.25 INLAND, MISSISSIPPI AND MINNESOTA RIVER FISHING. Subdivision 1. Licenses to take rough fish from the Mississippi River from the St. Croix River junction to St. Anthony Falls, shall be restricted to the use of the following equipment and methods:

1. Seines may be used only under regulations as prescribed by commissioner's order;

2. Set lines may be used having not more than 100 hooks, but no licensee may operate more than one set line;

3. Operations shall be conducted only in the flowing waters of the river and in such tributary backwaters as the commissioner may prescribe by regulation;

4. The location of any net or seine shall not be changed from the place specified in the application for a license, without first notifying the commissioner of the probable change;

5. No net shall be raised, laid out, or landed, between sunset and sunrise the following morning;

6. Seines shall be hauled to a landing immediately after being placed, and no seine shall be joined together in the water.

Subd. 2. Licensed set lines to take rough fish, containing not more than ten hooks, in the Minnesota River from Mankato to its junction with the Mississippi River, and in the Mississippi River from St. Anthony Falls to the St. Croix River junction, shall be set in the flowing waters of the river only, staked only at one end, and the location thereof shall not be changed from the place designated in the application for license except after notice to the commissioner and his approval thereof. No person shall use more than one such set line.

[1945 c 248 s 6; 1949 c 150 s 48]
section 97.48, subdivision 3, the following regulations and restrictions shall apply to all commercial fishing operations conducted in Lake of the Woods and Rainy Lake:

1. Any variety of fish, except black bass, rock bass, muskellunge, crappie, perch, and sunfish, may be taken subject to all other restrictions contained in chapters 97 to 102.

2. Towed nets and staked trap nets shall be of mesh not less than two and one-half inches nor more than four inches stretch measure in the pot or crib, and shall not exceed 300 meshes in width.

3. Gill nets shall be of mesh not less than four inches stretch measure, and shall not exceed 300 meshes in length. The depth of pot or crib shall not exceed 12 feet.

4. The mesh of the cod end or bag shall be of a size no smaller than 3 inches stretch measure.

5. The walleyed pickerel catch shall not exceed 1,000 pounds in any calendar month and the total for the season shall not exceed 5,000 pounds.

6. No northern pike shall be taken in trawling operations.

Subd. 2. No license shall be issued for the taking of Lake Superior commercial fish in the waters covered by this section, when it can be done in connection with the licensed commercial fishing, to take eggs for propagation purposes under such rules and regulations as the commissioner may prescribe.

Subd. 5. Possession of any net or equipment declared illegal under the provisions of chapters 97 to 102 or under any order of the commissioner issued by authority of section 97.48, subdivision 3, at any place within ten miles of any portion of Lake of the Woods or Rainy Lake, shall be unlawful, and such nets or equipment shall be confiscated whenever found.

Subd. 6. (a) The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 7. Gill nets for taking lake trout and whitefish shall be less than 4½ inches mesh, flexible rule measure. The commissioner may by regulation limit the amount of gill nets to be licensed for the taking of lake trout and whitefish and may limit the amount of net to be operated by each licensee.

Subd. 8. Gill nets for taking live herring and whitefish shall be less than 2 inches mesh and shall not exceed 2½ inches mesh, flexible rule measure.

Subd. 9. The commissioner of conservation is hereby authorized and directed to issue special permits to duly licensed commercial fishermen not exceeding 50 in number for the purpose of taking whitefish and herring spawn during the closed season for the propagation of whitefish and herring in Lake Superior and adjacent waters under such rules and regulations as may be prescribed by him.

Subd. 10. No person shall knowingly place or maintain any obstruction which will hinder, prevent, or interfere with commercial fishing operations conducted in Lake of the Woods or Rainy Lake, shall be unlawful, and such nets or equipment shall be confiscated whenever found.

Subd. 11. The commissioner of conservation may require any person licensed to take fish for commercial purposes in the waters covered by this section, when it can be done in connection with the licensed commercial fishing, to take eggs for propagation purposes under such rules and regulations as he shall prescribe.

Subd. 12. The commissioner of conservation may issue commercial licenses for fishing along that portion of the Hudson on which the webbing is attached.

Subd. 13. To exchange such trap nets for gill nets. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 14. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 15. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 16. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 17. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 18. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 19. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 20. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 21. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 22. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 23. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 24. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 25. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 26. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 27. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 28. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 29. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 30. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 31. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 32. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.

Subd. 33. The commissioner of conservation may by order limit the amount of gill nets to be licensed in Sand Point for the taking of lake trout and lake whitefish. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for Lake Superior and adjacent waters under such rules and regulations as the commissioner may prescribe.
CHAPTER 105

DIVISION OF WATERS, SOILS AND MINERALS

Sec. 105.37 Definitions. Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following words and terms, for the purposes of sections 105.37 to 105.55, shall have the meanings subjoined to them.

Subd. 2. Surveys and Investigations. The commissioner is authorized to cause to be made all such surveys, maps, investigations and studies of the water resources and water power of the state as may be necessary to provide the information required by sections 105.37 to 105.55.

Subd. 3. Administration over waters and water power. The commissioner shall have administration over the use, allocation and control of public waters, the establishment, maintenance and control of lake levels and water storage reservoirs, and the determination of the natural ordinary high water level of any public waters.

Subd. 4. Power to acquire property; eminent domain. The commissioner shall have the power to acquire title to any private property for any authorized purpose by purchase or by the exercise of the right of eminent domain; and the use of such property in the furtherance of lawful projects under sections 105.37 to 105.55 is hereby declared to be a public purpose. On request by the attorney general, the commissioner shall proceed to acquire the necessary title to private property for such uses and under the provisions of Minnesota Statutes 1945, section 117.

Subd. 5. Contracts. The commissioner is authorized to approve contracts for all works under sections 105.37 to 105.55, to change the plans thereof when necessary, and to supervise, control, and accept the same when complete. He is further authorized to cause the same, together with expenses incurred in connection therewith, to be paid for out of any funds made available to the use of the commissioner.

105.39 AUTHORITY AND POWERS OF COMMISSIONER. Subdivision 1. Water conservation program. The commissioner shall devise and develop a general water resource conservation program for the state. The program shall contemplate the conservation, allocation, and development of all the waters of the state, surface and underground, for the best interests of the people. The commissioner shall be guided by such program in the issuance of permits for the use of the waters of the state and the construction, reconstruction, repair, removal, or abandonment of dams, reservoirs and other control structures as provided by sections 105.37 to 105.55.

Subd. 2. Surveys and Investigations. The commissioner is authorized to cause to be made all such surveys, maps, investigations and studies of the water resources and water power of the state as may be necessary to provide the information required by sections 105.37 to 105.55.

Subd. 3. Administration over waters and water power. The commissioner shall have administration over the use, allocation and control of public waters, the establishment, maintenance and control of lake levels and water storage reservoirs, and the determination of the natural ordinary high water level of any public waters.

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Subd. 5. Contracts. The commissioner is authorized to approve contracts for all works under sections 105.37 to 105.55, to change the plans thereof when necessary, and to supervise, control, and accept the same when complete. He is further authorized to cause the same, together with expenses incurred in connection therewith, to be paid for out of any funds made available to the use of the commissioner.

105.40 DIRECTOR; QUALIFICATIONS, DUTIES. Subdivision 1. The director of the division of waters of the department of conservation shall be a registered professional engineer, skilled in hydrology. Under the direction of the commissioner, he shall make the surveys and engineering investigations required by sections 105.37 to 105.55 and perform the following duties.

Subd. 2. A complete copy of all preliminary and final engineers’ maps, plans and reports on all public ditch projects initiated in the state shall be filed in the office of the director of hydrology by the respective county engineers.

Subd. 3. The director is authorized to prepare and publish runoff data and information in connection with any ditch that is built or in operation for any public purpose.

Subd. 4. The director is authorized to prepare and publish runoff data and information in connection with any ditch that is built or in operation for any public purpose.

Subd. 5. The director is authorized to prepare and publish runoff data and information in connection with any ditch that is built or in operation for any public purpose.

Subd. 6. The director is authorized to prepare and publish runoff data and information in connection with any ditch that is built or in operation for any public purpose.
Subd. 7. The director shall perform such engineering work as may be requested by the state water policy board, and shall appear in all hearings and proceedings before the state water policy board affecting waters within the state.

Subd. 8. The commissioner may examine any air conditioning or industrial cooling installation which utilizes surface or underground water, and the owner or person in charge of every installation for appropriating or using water shall be equipped with a flow meter that will measure the quantity of water used or appropriated as herein provided. Each installation for appropriating or using water shall be accompanied by maps, plans, and specifications describing the proposed appropriation and use of the water and shall supply such information concerning such installation as the commissioner may require.

Subd. 9. The commissioner is authorized to receive applications for permits and to grant the same, with or without conditions, or refuse the same as hereinafter set forth. Provided, that if the proposed activity for which the permit is requested is within or affects a watershed district the commissioner may refuse the permit. Said managers shall file their recommendation within a reasonable time of the receipt of the application.

Subd. 10. Authority. The commissioner is authorized to receive applications for permits and to grant the same, with or without conditions, or refuse the same as hereinafter set forth. Provided, that if the proposed activity for which the permit is requested is within or affects a watershed district the commissioner may refuse the permit. Said managers shall file their recommendation within a reasonable time of the receipt of the application.

Subd. 11. Waiver of hearing. The commissioner in his discretion may waive hearing on any application and make his order granting or refusing such application. In such case, if any application be granted with conditions or be refused, the order shall be in writing and filed with the commissioner.
become final at the expiration of ten days after mailed notice thereof to the applicant.

Subd. 4. Time. The commissioner shall act upon all applications within 20 days after the application and all required data is filed in his office; either waiving hearing and making an order thereon or directing hearing thereon.

Subd. 5. Notice. The notice of hearing on any application shall state the date, place and time of hearing and shall name the commissioner for public hearing thereon and shall show the waters affected, the levels sought to be established or any control structures proposed. The notice shall be published by the applicant, or by the commissioner if the proceeding is initiated by him, once each week for two successive weeks prior to the day of hearing in a legal newspaper published in the county in which a part or all of the affected waters are located. Notice shall also be mailed by the commissioner to the county auditor and the chief executive official of any municipality or watershed district affected.

Subd. 6. Hearing. The hearings shall be public and shall be conducted by the commissioner or a referee appointed by him. All affected persons shall have an opportunity to be heard. All testimony shall be taken under oath by the examining officer, and cross-examination shall be allowed. The commissioner shall provide a stenographer to take testimony and a record of the testimony and all proceedings at the hearing shall be taken and preserved. The commissioner shall not be bound by judicial rules of evidence or of pleading and procedure.

Subd. 7. Witnesses; contempt. The commissioner may subpoena and compel the attendance of witnesses and the production of all books and documents material to the purposes of the hearing. Disobedience of every such subpoena, or refusal to be sworn, or to answer as a witness, shall be punishable as a contempt in like manner as a contempt of the district court on complaint of the commissioner before the district court of the county in which such disobedience or refusal occurred.

Subd. 8. Permit to irrigate agricultural land. When an application for permit to irrigate agricultural land from public waters is made, a general statement in the application of the purposes of the proposed use of public waters and the acreage to be irrigated shall be sufficient compliance with the requirements of subdivision 1 with respect to maps, plans and specifications, unless the commissioner reasonably may require additional specified information within ten days of the filing of the application. In such case the commissioner shall make order granting the application unless he finds after hearing that granting thereof would be against the public interest or would deprive another than the applicant of the share of public water which such other has requested and to which he is entitled. In the case of an application for permit to irrigate agricultural land, failure of the commissioner to grant or deny the hearing thereon within 30 days after filing of the application, or in case the commissioner has reasonably required additional specified information than that given in the application within 20 days after the filing of such additional information, shall be deemed an order granting the application.

Subd. 9. Limitations on permits. Except as otherwise expressly provided by law, every permit issued by the commissioner of conservation under the provisions of Minnesota Statutes 1949, Sections 105.37 to 105.55, or any amendment thereof, shall be subject to the following:

1. Cancellation by the commissioner at any time if deemed necessary by him for any cause for the protection of the public interests;
2. Conditions respecting the terms of the permit or the cancellation thereof as the commissioner may prescribe and insert in the permit;
3. All applicable provisions of law existing at the time of issuance of the permit or thereafter enacted by the legislature;
4. Any applications granted under subdivision 8, or deemed granted under the provisions of Sections 105.37 to 105.55, shall be deemed prima facie reasonable.

If the commissioner concludes that the plans of the applicant provide for the construction authorized in the permit must be completed, or within which the appropriation or use of the water must be made, which time shall not exceed five years from the date of the permit. Such time may be thereafter extended by the commissioner for good cause shown. Permits granted in connection with the mining, transportation, conversion or shipment of taconite as defined in Minnesota Statutes 1946, Section 93.20, and permits granted in connection with the mining, production or reclamation of copper, nickel or nickel, shall be revocable for the term therein without the consent of the permittee, except for breach or non-performance of any condition of the permit by the permittee and the commissioner may order the revocation or cancellation of such permit and direct that the permittee shall cease and desist from all operations and take all necessary steps to ensure that all operations are ceased.

Subdivision 8. Permit to irrigate agricultural land. When an application for permit to irrigate agricultural land from public waters is made, a general statement in the application of the purposes of the proposed use of public waters and the acreage to be irrigated shall be sufficient compliance with the requirements of subdivision 1 with respect to maps, plans and specifications, unless the commissioner reasonably may require additional specified information within ten days of the filing of the application. In such case the commissioner shall make order granting the application unless he finds after hearing that granting thereof would be against the public interest or would deprive another than the applicant of the share of public water which such other has requested and to which he is entitled. In the case of an application for permit to irrigate agricultural land, failure of the commissioner to grant or deny the hearing thereon within 30 days after filing of the application, or in case the commissioner has reasonably required additional specified information than that given in the application within 20 days after the filing of such additional information, shall be deemed an order granting the application.

Subd. 7. Witnesses; contempt. The commissioner may subpoena and compel the attendance of witnesses and the production of all books and documents material to the purposes of the hearing. Disobedience of every such subpoena, or refusal to be sworn, or to answer as a witness, shall be punishable as a contempt in like manner as a contempt of the district court on complaint of the commissioner before the district court of the county in which such disobedience or refusal occurred.

Subd. 8. Permit to irrigate agricultural land. When an application for permit to irrigate agricultural land from public waters is made, a general statement in the application of the purposes of the proposed use of public waters and the acreage to be irrigated shall be sufficient compliance with the requirements of subdivision 1 with respect to maps, plans and specifications, unless the commissioner reasonably may require additional specified information within ten days of the filing of the application. In such case the commissioner shall make order granting the application unless he finds after hearing that granting thereof would be against the public interest or would deprive another than the applicant of the share of public water which such other has requested and to which he is entitled. In the case of an application for permit to irrigate agricultural land, failure of the commissioner to grant or deny the hearing thereon within 30 days after filing of the application, or in case the commissioner has reasonably required additional specified information than that given in the application within 20 days after the filing of such additional information, shall be deemed an order granting the application.

Subd. 9. Limitations on permits. Except as otherwise expressly provided by law, every permit issued by the commissioner of conservation under the provisions of Minnesota Statutes 1949, Sections 105.37 to 105.55, or any amendment thereof, shall be subject to the following:

1. Cancellation by the commissioner at any time if deemed necessary by him for any cause for the protection of the public interests;
2. Conditions respecting the terms of the permit or the cancellation thereof as the commissioner may prescribe and insert in the permit;
3. All applicable provisions of law existing at the time of issuance of the permit or thereafter enacted by the legislature;
4. Any applications granted under subdivision 8, or deemed granted under the provisions of Sections 105.37 to 105.55, shall be deemed prima facie reasonable.

If the commissioner concludes that the plans of the applicant provide for the construction authorized in the permit must be completed, or within which the appropriation or use of the water must be made, which time shall not exceed five years from the date of the permit. Such time may be thereafter extended by the commissioner for good cause shown. Permits granted in connection with the mining, transportation, conversion or shipment of taconite as defined in Minnesota Statutes 1946, Section 93.20, and permits granted in connection with the mining, production or reclamation of copper, nickel or nickel, shall be revocable for the term therein without the consent of the permittee, except for breach or non-performance of any condition of the permit by the permittee and the commissioner may order the revocation or cancellation of such permit and direct that the permittee shall cease and desist from all operations and take all necessary steps to ensure that all operations are ceased.
105.45 DAM CONSTRUCTION AND MAINTENANCE BY STATE. The commissioner, in order to improve navigation, protect and improve domestic water supply, protect and improve fish and other wildlife, protect and improve the scenic and shore lines of public waters, and promote public health, shall have power to construct, maintain, and operate all necessary dikes, dams and other structures necessary to maintain such uniform water levels as may be established under sections 105.37 to 105.55.

For the purposes of sections 105.37 to 105.55 the commissioner is authorized to acquire lands or any necessary interest therein by purchase, gift or condemnation. All dams owned by the state or erected upon lands owned or controlled by the state shall be maintained under the direction of the commissioner and the same shall be operated under his direction and control.

The commissioner is authorized to accept from local governmental and civic agencies or persons funds for the purpose of constructing, maintaining, or operating dams and control structures or acquiring the lands required therefor.

105.49 COOPERATION WITH OTHER AGENCIES. The commissioner may cooperate and enter into agreements with the United States government, any department of the State of Minnesota, or any state or country adjacent to the State of Minnesota for effecting any of the provisions of sections 105.37 to 105.55. He may cooperate with any department of the government of the United States in the execution of surveys within the state.

105.50 COMMISSIONER TO APPEAR FOR STATE. The commissioner may appear, represent and act for the state in any matter relating to any application to be made to the federal government relating to waters within the state or the use thereof; and he may do and perform such acts in connection therewith as he deems proper to protect the interests of the people of the state consistent with the provisions of sections 105.37 to 105.55.

105.52 EXAMINATION AND REPAIR OF DAMS AND RESERVOIRS. Upon complaint or upon his own initiative, the commissioner is authorized to examine any reservoir, dam or waterway obstruction. If the commissioner determines that such reservoir, dam or waterway obstruction is unsafe or needs repair, he shall notify the owner thereof to repair or remove the same as the exigencies of the case may require. The work of repair or removal shall be commenced and completed and be done within reasonable time as may be prescribed by the commissioner.

105.53 APPLICATION. Sections 105.37 to 105.55 shall not in any way supersede or amend the provisions of Minnesota Statutes 1945, Sections 92.45 and 110.13. Nothing in sections 105.37 to 105.55 shall apply to dams, reservoirs or control works existing on or prior to July 1, 1937, except as may be necessary to protect the health and safety of the people of the state.

105.54 VIOLATION A MISDEMEANOR. Any person, partnership, association or corporation violating any of the provisions of sections 105.37 to 105.55 shall be guilty of a misdemeanor.

Any public officer responsible for the violation of sections 105.37 to 105.55 shall be subject to removal from office by the governor.

105.55 COMMISSIONER'S ORDERS, ENFORCEMENT. Upon application of the commissioner, the district court of any county in which the project is wholly or partially located, may by injunction, enforce the compliance with, or restrain the violation of, any order of the commissioner made pursuant to sections 105.37 to 105.55, or restrain the violation of sections 105.37 to 105.55.

105.60 ACQUISITION OF EASEMENTS FOR THE USE OF STOPLOGS. In order to provide more effective regulation of the waters controlled by the Lac qui Parle water control project in Chippewa and Lac qui Parle counties for flood control, water conservation, and other authorized public purposes, the commissioner of conservation is hereby authorized to acquire in the name of the state by purchase, gift, or condemnation under the provisions of section 84.154, and other applicable statutes any and all rights or easements, in addition to those already owned by the state, that may be necessary for the use of stoplogs in not more than five of the openings in the concrete spillway in the dam at the outlet of the Lac qui Parle reservoir in said project, upon the following conditions:

(1) That no stoplogs shall be placed or kept in any of said openings from the time the reservoir freezes over in the fall until April 1 following;

(2) That between April 1 and April 30 following, inclusive, stoplogs may be placed and maintained in said five openings, or any thereof, to a height not exceeding four feet above the fixed concrete crest of said spillway;

(3) That thereafter and until the reservoir freezes over in the following fall, stoplogs may be placed and maintained in said five openings, or any thereof, to a height not exceeding six and one-half feet above the crest of said spillway.

105.61 USE OF STOPLOGS UPON INSTITUTION OF PROCEEDINGS. The commissioner of conservation, either upon making and filing in the office of the state auditor an order declaring the taking of any of the rights or easements specified in section 105.60, and upon the filing of certified copies of such order in the offices of the county and district of said Chippewa and Lac qui Parle counties, or upon the filing of an appropriate petition in condemnation proceedings for the taking of any such rights or easements, may thereupon forthwith exercise and use the rights or easements described in such order or petition, as the case may be.

105.62 EXPENSE PAID FROM CERTAIN WATER CONTROLLED PROJECTS. All costs and damages incurred on account of the taking, exercise, or use of right or easement under sections 105.60 to 105.62 shall be paid from the Lac qui Parle and Big Stone Lake Water Control Projects fund created by section 84.154, and such amounts as may be necessary therefor are hereby appropriated from any other funds available.
moneys now or hereafter credited to said fund, subject to disbursement as provided for other expenditures from said fund.

1947 c 571 s 3

DAM AND WATER CONTROLS

105.63 TRANSFER OF CUSTODY OF CERTAIN DAM AND WATER CONTROLS TO STATE AGENCY. Subdivision 1. Upon application by resolution of the governing body of any governmental subdivision of the state having authority to maintain dams or other water control works on or in any of the waters, the commissioner of conservation, hereinafter called the commissioner, with the approval of the executive council, may transfer to such subdivision the custody of any such dam or other water control works belonging to the state and under the supervision or control of the commissioner in any case where he shall determine that the transfer of such works is in the best interests of the public. Such transfer shall be made by order of the commissioner upon such terms and conditions as he shall prescribe respecting maintenance and operation of the project. In connection with such transfer the commissioner may convey to the transferee by deed or other appropriate instrument in the name of the state any lands, easements, or other property pertaining to the project, subject to such restrictions, limitations, and reservations as he may deem proper. A duplicate of every order, conveyance, or other instrument executed by the commissioner in connection with a transfer shall be filed with the state auditor.

Subd. 2. A transfer may be made hereunder with or without payment of money consideration to the state, as may be agreed upon between the commissioner and the transferee. Any amount not so considered shall be paid into the general revenue fund.

1949 c 571 s 1

WATER DRAINAGE OR DIVERSION

105.64 DRAINAGE OR DIVERSION OF WATER TO FACILITATE MINING. Subdivision 1. The commissioner of conservation may grant permits for the drainage of any water, or for the diversion of water, necessary for the mining of iron ore, taconite, copper, copper-nickel or nickel deposits, or by the owner of the right to mine the same. Except as otherwise herein provided, all matters pertaining to such application, to the proceedings thereon, and to any permit issued thereon shall be governed by the provisions of sections 105.37 to 105.55 relating to applications and permits affecting waters, so far as applicable.

Subd. 2. Application for such permit shall be made to the commissioner in such form as he shall prescribe by the owner of the iron ore, taconite, copper, copper-nickel or nickel deposits, or by the owner of the right to mine the same. Except as otherwise herein provided, all matters pertaining to such application, to the proceedings thereon, and to any permit issued thereon shall be governed by the provisions of sections 105.37 to 105.55 relating to applications and permits affecting waters, so far as applicable.

Subd. 3. A permit shall be granted hereunder only upon determination by the commissioner of the following conditions:

1. That the proposed drainage, diversion, control, or use of waters will be necessary for the mining of iron ore, taconite, copper, copper-nickel or nickel deposits, or by the owner of the right to mine the same.

2. That the proposed drainage, diversion, control, or use of waters will be substantially impair the interests of the public in lands or waters or the substantial beneficial public use thereof except as expressly authorized in the permit, and will not endanger public health or safety.

3. That the proposed mining operations will be in the public interest, and that the public benefits resulting therefrom will be sufficient to warrant the proposed drainage, diversion, or control of waters.

Subd. 4. In any case where the operations authorized by a permit hereunder may affect any public or private property not owned by the permittee, before proceeding therewith the permittee shall acquire all rights or easements necessary therefor, shall pay or furnish security for the payment of all damages resulting from such property that may result therefrom, and shall furnish such evidence of compliance with the provisions hereof as the commissioner may require. Neither the state nor any of its officers, agents, or employees shall incur any liability on account of the issuance of a permit hereunder or on account of any act or omission of the permittee, his agents or servants, under or in connection with any such permit.

Subd. 5. Notwithstanding any other limitations prescribed by law, every permit hereunder shall be granted for such term as the commissioner shall find necessary for the completion of the proposed mining operations, and he may allow and prescribe in the permit such time as he deems reasonable for the commencement or completion of any operations or construction under the permit or the exercise of the rights granted thereby. The original term of the permit or the time allowed for the performance of any condition or condition theretofore may be extended by the commissioner for good cause shown upon application of the permittee. In any permit issued hereunder the commissioner may prescribe such conditions as he deems necessary and practicable for restoration of the waters affected to their former condition after completion of the mining operations or after expiration or cancelation of the permit, and may prescribe the extent to which he deems necessary to protect the health, safety, and welfare, and may require the permittee to furnish a bond to the state, in such form and amount as the commissioner deems appropriate, as security for compliance with the conditions of the permit and all applicable provisions of law.

Subd. 6. Every permit issued hereunder shall be irrevocable for the term thereof and for any extension of such term except as follows:

(1) A permit may be modified or canceled by the commissioner at the request or with the consent of the permittee upon such conditions as the commissioner deems necessary for protection of the public interests;

(2) Subject to appeal in the manner provided by sections 105.37 to 105.55, a permit may be modified or canceled by the commissioner in case of any breach of the terms of the permit, or in case of any act or omission of the permittee, his agents or servants, or in case the commissioner finds such modification or cancelation necessary to protect the public health or safety, or to protect the public interests in lands or waters against substantial injury resulting in any manner or to any extent not expressly authorized by the permit, or to prevent substantial injury to persons or property not authorized by the permit, or to protect persons or property against such danger, and may require the permittee to take any measures necessary to prevent or remedy such injury; provided, that no such order shall be in effect for more than 30 days from the date thereof without giving the permittee at least ten days' written notice of such order and an opportunity to be heard thereon;

(3) By written order to the permittee the commissioner may forthwith suspend operations under a permit if he finds it necessary in an emergency to protect the public health or safety or to protect public interests in lands or waters against substantial injury by any mining operation or other condition or use of the mining operation or of the right to mine the same.

Subd. 7. This section shall not amend, supersede, or repeal any existing law, but shall be supplementary thereto.

1949 c 559 s 1, 4; 1967 c 566 s 2, 5, 1

WATER RESOURCES BOARD

105.71 WATER RESOURCES BOARD. Subdivision 1. There is hereby established to serve as an agency of the state a board to be known as the Minnesota Water Resources Board to perform such functions and duties as shall be prescribed by law. The board shall be composed of three members who are conversant with water problems and conditions within the watersheds of this state and who are not otherwise employees of the state, and the federal government. The members of the board shall be appointed by the governor, with the advice and consent of the senate. Such members shall first be appointed for the following terms: one for two years, one for four years, and one for six years, and thereafter their successors shall be appointed for a term of six years. The membership of said board may be increased by the governor to five members. The term of the members shall be for three and five year terms, respectively, and shall have the same qualifications and be appointed in the same manner as the members of the original board.

The board shall keep a record of its official actions, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the discharge of its duties and to carry out its powers.

Subd. 2. The state board may employ such technical and professional personnel and such other agents and employees, permanent or temporary, as it may require, and shall determine their qualifications, duties, and compensation. It shall have authority to prescribe the powers and duties of its officers and employees.
Upon request of the board for the purpose of carrying out any of its functions, the supervising officer of any state agency, or any state institution of learning, shall, in so far as it may be possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign or detail to the board the staff or personnel of the agency or institution of learning, and make such special reports, surveys or studies as the state board may request.

Subd. 3. The board shall designate its chairman, and may annually from time to time change such designation.

A majority of the board shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for a determination.

The members of the state board shall receive $25 per day for each day while engaged in the discharge of their official duties, and shall be reimbursed for all expenses including traveling expenses necessarily incurred.

In connection with their duties as members of the board, the board shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, orders, decisions, and proceedings issued or adopted.

The commissioner of administration shall provide and make available within the department of conservation suitable and adequate office facilities and space for the board. The public examiner shall annually audit the books of the board if funds and personnel permit.

105.72 DECLARATION OF POLICY. The code of water law of Minnesota is contained in numerous statutes enacted from time to time, which must be considered as a whole to effect a systematic administration of water policy for the public welfare. Seeming contradictions in these laws when applied in a specific proceeding create a need for a forum where the conflicting aspects of public interest involved can be presented and by consideration of the whole body of water law the controlling policy can be determined and apparent inconsistencies resolved.

105.73 DEFINITIONS. Unless the context clearly indicates a different meaning is intended, the following terms for the purposes of this chapter shall be given the meanings ascribed to them in this section.

Board—Minnesota water resources board.

Proceeding—Any procedure under any of the laws enumerated in section 105.74 however administratively discretion or duty thenceunder may be invoked in any instance.

Agency—Any state officer, board, commission, bureau, division, or agency, other than a court, exercising duty or authority under any of the laws enumerated in section 105.74.

Court—The court means the district court or a judge thereof before whom the proceedings are pending.

Question of water policy—Where use, disposal, pollution, or conservation of water is a purpose, incident, or factor in a proceeding, the question or questions of state water law and policy involved, including either (a) determination of the governing policy of state law in the proceeding, resolving apparent inconsistencies between the respective policies or (b) the proper application of that policy to facts in the proceeding when application is a matter of administrative discretion, or both (a) and (b).

105.74 ADDITIONAL DUTIES OF BOARD. In addition to duties elsewhere prescribed, the board has the function defined in sections 105.72 to 105.79 when the decision of any agency in a proceeding involves a question of water policy in one or more of the areas of water conservation, water pollution, water management, drainage, soil conservation, public recreation, forest management, and municipal planning under any of the following: Minnesota Statutes, Sections 84.57, 97.48 (subdivision 13), 105.41, 105.42, 105.43, 105.44, 105.64, 106.021, 106.671, 115.04, 115.05, 144.38, 144.39, and Chapter 110.

105.75 PETITION FOR INTERVENTION. Subdivision 1. The board's intervention is invoked by a petition addressed to it for referral of a question of water policy involved in the proceeding. The petition must identify the proceeding in which it is made and state the grounds for referral generally but in sufficient detail to inform interested parties of the nature of the questions proposed to be presented to the board and the public importance thereof.

This petition can be made by the applicant in the proceeding, by any person thereon, or the attorney thereon, by the governor, the agency, the commissioner or director of any division or agency thereto, the chairman of the board, or any organization or group of persons of appropriate membership, or by any person, or on behalf of the petitioner, any of its officers, shall be filed in duplicate, one counterpart with the board, the other with the agency.

Subd. 2. The intervention of the board can be invoked by this petition in any proceeding at any time after the proceeding is initiated and before the agency's order is made.

105.751 COURT REFERRALS. The court may refer any procedure before it under any of the laws enumerated in Minnesota Statutes, Section 105.74, to the board. This referral may be made in both original and appellate matters; it may be made at any time before action in the proceeding is taken. A proceeding may be referred to the board under any of the laws enumerated in Minnesota Statutes, Sections 105.72 to 105.79.

105.76 PETITION ABATES PROCEEDING UNTIL BOARD ACTS.

When a consent, notice, or proceeding is filed the board proceeds with all reasonable dispatch to hear, determine, and make its recommendation on the questions it has consented to consider. The hearings and procedures so conducted that the board may be fully informed about all aspects of the public interest in those questions, to the extent its recommendation will state an impartial, scientific, and factualrecommendation. The recommendation of the board is its decision on the question of water policy considered by it; the ultimate question to which the board's consent is directed in all cases is the proper course of action to be followed by the agency in the proceeding in relation to questions of water policy considered by the agency; the decision is in the form of a written recommendation by the board. The decision by the board is not conclusive and the rules, regulations, and procedure of the board is not made final unless the board, in its discretion, by a majority vote, determines that the public interest requires immediate action by the state agency.

105.77 HEARING, DETERMINATION. As a petition is filed the board proceeds with all reasonable dispatch to hear, determine, and make its recommendation on the questions it has consented to consider. The hearings and procedures so conducted that the board may be fully informed about all aspects of the public interest in those questions, to the extent its recommendation will state an impartial, scientific, and factualrecommendation. The recommendation of the board is its decision on the question of water policy considered by it; the ultimate question to which the board's consent is directed in all cases is the proper course of action to be followed by the agency in the proceeding in relation to questions of water policy considered by the agency; the decision is in the form of a written recommendation by the board. The decision by the board is not conclusive and the rules, regulations, and procedure of the board is not made final unless the board, in its discretion, by a majority vote, determines that the public interest requires immediate action by the state agency.

105.78 CONSENT, NOTICE AND PROCEDURE. When a consent, notice, or proceeding is filed the board proceeds with all reasonable dispatch to hear, determine, and make its recommendation on the questions it has consented to consider. The hearings and procedures so conducted that the board may be fully informed about all aspects of the public interest in those questions, to the extent its recommendation will state an impartial, scientific, and factualrecommendation. The recommendation of the board is its decision on the question of water policy considered by it; the ultimate question to which the board's consent is directed in all cases is the proper course of action to be followed by the agency in the proceeding in relation to questions of water policy considered by the agency; the decision is in the form of a written recommendation by the board. The decision by the board is not conclusive and the rules, regulations, and procedure of the board is not made final unless the board, in its discretion, by a majority vote, determines that the public interest requires immediate action by the state agency.

105.79 CONSENT, NOTICE AND PROCEDURE. When a consent, notice, or proceeding is filed the board proceeds with all reasonable dispatch to hear, determine, and make its recommendation on the questions it has consented to consider. The hearings and procedures so conducted that the board may be fully informed about all aspects of the public interest in those questions, to the extent its recommendation will state an impartial, scientific, and factualrecommendation. The recommendation of the board is its decision on the question of water policy considered by it; the ultimate question to which the board's consent is directed in all cases is the proper course of action to be followed by the agency in the proceeding in relation to questions of water policy considered by the agency; the decision is in the form of a written recommendation by the board. The decision by the board is not conclusive and the rules, regulations, and procedure of the board is not made final unless the board, in its discretion, by a majority vote, determines that the public interest requires immediate action by the state agency.
ber thereof, before the district court of the county where such disobedience or refusals occurred. Witnesses receive the same fees and mileage as in civil actions. All persons are sworn before testifying and the right to examine or cross-examine the witness is the same as in civil actions. All hearings are publicly attended by the board or any authorized member thereof, and all affected persons have the privilege to be heard. The board provides a stenographer to take the testimony and all proceedings at the hearings are recorded and preserved. All hearings are conducted in the same manner as civil actions. It is proper for the division of state government and the agencies thereof to adopt opposite positions in respect to the matter before the board when full advocacy will assist to disclose the public interest.

1957 c 740 s 7

105.79 FINDINGS BY BOARD. Within sixty days of the close of any hearing the board makes its findings and recommendations based solely on the evidence adduced at the public hearing. Hearings may be continued from time to time as the situation may require.

1957 c 740 s 8

IMPOUNDING AND DIVERSION OF DRAINAGE SYSTEM WATERS

105.81 PETITION; BOND; INVESTIGATION; REPORT; HEARING; ORDER. For the purpose of conserving and making more adequate use of our water resources, any person, public or municipal corporation, governmental subdivision, the state or any of its departments or agencies, the commissioner of conservation and the United States or any of its agencies, may petition the county board in the case of a system lying wholly within one county or the district court in the case of a drainage system affecting two or more counties for the installation of dams or other control works in said ditches or divert water for any beneficial use. Said petition shall contain the location, installation, plans and specifications for the proposed structure, and a map of the area likely to be affected by the impoundment or diversion. The petition shall be given and a public hearing held as provided in Minnesota Statutes, Section 106.011. If the petition is filed by the state, any of its departments or agencies, the commissioner of conservation, the United States or any of its agencies, and cities, villages or boroughs. Said petition shall also be accompanied by a permit from the commissioner of conservation as required in Minnesota Statutes, Sections 105.31 and 105.42.

On receipt of the petition, bond, and permit, if required, the board or court shall appoint an engineer to investigate the effect of the proposed installation and file a report of his findings. Upon filing of the engineer's report, notice shall be given and a public hearing held as provided in Minnesota Statutes, Section 106.101. If at this hearing it appears from the engineer's report and other evidence presented that such installation will be of a public or private benefit and that it will not impair the utility of the ditch or deprive affected land owners of the benefit thereof, the board or court shall issue a permit authorizing its installation. Before the petitioner shall install or construct any impoundment or diversion, he shall obtain such rights of way and flowage easements from all owners of land to be affected thereby.

The order of the court modifying the ditch system shall provide that all construction and subsequent maintenance and repairs of the ditch modification shall be done and performed by the petitioner without any cost to the owners of lands and properties previously within the drainage system.

1963 c 817 s 1

CHAPTER 106

DRAINAGE

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106.61 [Repealed, 1947 c 143 s 67]

106.611 DEFINITIONS. Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases, for the purposes of sections 106.011 to 106.661, shall have the meanings subjoined to them.

Subd. 1. “Publication” means publication once a week for three successive weeks in one legally qualified newspaper published and in general circulation in each county affected.

Subd. 2. “Notice by mail” or “mailed notice” means a notice mailed and addressed to each person entitled to receive notice if the address be known to the auditor or clerk, or can be ascertained by inquiry at the office of the county treasurer of the county wherein the affected land or property is located.

Subd. 3. “Board” or “county board” means the county board of the county wherein drainage proceedings are pending.

Subd. 4. “Court,” the court,” “the district court,” or “district judge” means the district court, or a judge thereof, of the county where the judicial drainage proceedings are pending.

Subd. 5. “Court,” the court,” “the district court,” or “district judge” means the district court, or a judge thereof, of the county where the judicial drainage proceedings are pending.

Subd. 6. “Board or court” or “county board or district court” means the county board in any county where proceedings are pending before a county board or the district court, or a judge thereof, in all proceedings pending before the district court.

Subd. 7. “County auditor” or “auditor” means the auditor of the county wherein drainage proceedings are pending.

Subd. 8. “Clerk” or “clerk of the district court” means the clerk of the district court with the petition is filed in judicial proceedings.

Subd. 9. “Auditor or clerk” or “county auditor or clerk of the district court” means the county auditor in any case where proceedings are pending before the county board, and means the clerk of the district court in all proceedings pending before the district court.
Subd. 10. "Director" means the director of the division of waters, soils and
minerals in the department of conservation of the state of Minnesota.
Subd. 11. "Person" means a person, firm, copartnership, or private
organization.
Subd. 12. "Public corporation" or "municipal corporation" means cities, villages,
boroughs, counties, towns, school districts, and other political subdivisions.
Subd. 13. "Public health" extends to and includes any act or thing tending to
improve the general sanitary condition of the community, whether by drainage,
reclaiming land occupied by stagnant and unhealthy conditions, or by preventing
the overflow of any lands which produce or tend to produce unhealthy conditions.
Subd. 14. "Public welfare" or "public benefit" extends to and includes any act or
thing tending to improve or benefit the general public, either as a whole or as to
any particular community or part, and is construed to include any works
contemplated by this chapter which shall drain or protect from overflow public
highways, and which shall protect from overflow or reclaim and render suitable for
cultivation lands normally wet and needing drainage or subject to overflow.
Subd. 15. "County ditch" or "county drainage proceeding" means a proceeding
by authority of the commissioner of conservation of the state of Minnesota.
Subd. 16. "Judicial ditch" or "judicial drainage proceeding" means a proceeding
by authority of this chapter before the district court of any county.
Subd. 17. "Ditch," "drainage system," "public drainage system," "improvement," or
"drainage proceeding" means either an open or closed system and all
lateral or branches thereof; also the improvement of any natural waterway included in
or utilized in the construction of any drainage system; also the adoption and inclusion
in any drainage project of any overall plan for flood control as proposed by the
United States government; and includes any work, excavation, structures, or
improvements necessary to complete the system as adopted and ordered by the
board or court.
Subd. 18. "Road," "public road," or "highway" means any road or street or
improvement for the public highway purposes.
Subd. 19. "Resident owner" or "resident freeholder" means the owner of land
or the contract purchaser, and who resides in the state.
Subd. 20. "Public waters" means waters as defined in Minnesota Statutes, Section
105.38(1).
Subd. 21. "Engineer" means a professional engineer registered under the laws
of Minnesota, including the county highway engineer of a county wherein affected
land or property is located.
Subd. 22. "Lateral" or "lateral system" means any construction either by
branch, lateral, parallel extension or branches or lateral thereof required to
connect lands with an established ditch.
Subd. 23. A petition for a "private ditch" or "private drainage proceeding" is
filed with the board of any county in which such ditch is entirely within one county,
or with the clerk of the district court, in case of a county drainage system, to the
county, and in case of a judicial drainage system, to the counties named in the petition,
with the signature of a majority of the residents of the petitioned for.
Subd. 24. A petition for a "private ditch" or "private drainage proceeding" is
filed with the board of any county in which such ditch is entirely within one county,
or with the clerk of the district court, in case of a county drainage system, to the
county, and in case of a judicial drainage system, to the counties named in the petition,
with the signature of a majority of the residents of the petitioned for.
Subd. 25. A petition for a "private ditch" or "private drainage proceeding" is
filed with the board of any county in which such ditch is entirely within one county,
or with the clerk of the district court, in case of a county drainage system, to the
county, and in case of a judicial drainage system, to the counties named in the petition,
with the signature of a majority of the residents of the petitioned for.
Subd. 26. A petition for a "private ditch" or "private drainage proceeding" is
filed with the board of any county in which such ditch is entirely within one county,
or with the clerk of the district court, in case of a county drainage system, to the
county, and in case of a judicial drainage system, to the counties named in the petition,
with the signature of a majority of the residents of the petitioned for.
Subd. 27. A petition for a "private ditch" or "private drainage proceeding" is
filed with the board of any county in which such ditch is entirely within one county,
or with the clerk of the district court, in case of a county drainage system, to the
county, and in case of a judicial drainage system, to the counties named in the petition,
with the signature of a majority of the residents of the petitioned for.
the county or counties from loss on account of any costs or expenses incurred or to be incurred, the court or board shall require an additional bond. In such event, all further proceedings shall be stayed until such bond is furnished, and if such additional bond be not furnished within such time as the board or court shall fix, the proceedings may be dismissed.

In all drainage proceedings, the expenses incurred prior to establishment shall not exceed the penalty named in the bond or bonds given by the parties. No claim in excess of the amount of such bond or bonds shall be allowed by the engineer. The engineer shall examine and report the nature and capacity of the outlet and any additional requirements of the ditch or drain as may be requisite to assist him in his duties.

Subd. 7. Reports. Every two weeks after the beginning of his work and during the period provided for such work, the engineer shall examine and report the progress of the proposed ditch or drain and the matters and problems which may arise in connection with such work.

Subd. 8. Consulting engineer. Subsequent to the appointment of the engineer, and during the pendency of any ditch proceeding or during the construction of the ditch, the board or court may, if deemed advisable, employ an engineer as a consulting engineer in such proceeding. In the event of such appointment, the consulting engineer shall be paid in such manner as the board or court shall fix, and in no case shall he incur any greater expense on account of such project than the penalty of the bond provided by the petitioners.

auditor or clerk shall keep and file all orders, exhibits, maps, charts, profiles, plans, and specifications and records of such proceedings, and said files or any portion thereof shall not be removed except upon written order of the court or board.

All maps, plans, charts, plans, specifications or other written documents, writings, or drawings which have been filed or received in evidence or used in connection with drainage proceedings under this chapter shall be subject to the provisions of Minnesota Statutes, Section 15.17.

(d) It shall be the duty of all county boards, upon their own volition, or by an order of the court, to provide the auditor or clerk with necessary filing and storage facilities for the proper protection of all files and records in all proceedings under this chapter. The board or court may provide for the care and filing of the records and proceedings under this chapter by photographic devices as provided in Minnesota Statutes, Section 15.17. Such photographic copies shall, in the event of loss of the originals, upon authentication by the auditor or clerk, be deemed originals.

Subd. 7. Reports. Every two weeks after the beginning of his work and during the period provided for such work, the engineer shall make a report of all expenses incurred by him or under his direction in connection with the drainage project, including the names of assistants and employees and the time each was employed, together with his own time and every item of expense by him incurred. He shall forthwith file this report with the auditor or clerk, and in no case shall he incur any greater expense on account of such project than the penalty of the bond provided by the petitioners.

Subd. 8. Consulting engineer. Subsequent to the appointment of the engineer, and during the pendency of any ditch proceeding or during the construction of the ditch, the board or court may, if deemed advisable, employ an engineer as a consulting engineer in such proceeding. In the event of such appointment, the consulting engineer shall be paid in such manner as the board or court shall fix, and in no case shall he incur any greater expense on account of such project than the penalty of the bond provided by the petitioners.

Subd. 1. Appointment. Upon the filing of the petition and bond, the board or court shall, within 30 days thereafter, by order appoint the engineer to examine and file a preliminary report as provided in section 106.081 within the time fixed by such order.

Such engineer shall act as engineer throughout the proceeding unless otherwise ordered.

Subd. 2. Qualification. The engineer so appointed shall within ten days thereafter take and subscribe an oath to faithfully perform the duties assigned to him according to the best of his ability, and give a bond in the sum fixed by the board or court, the surety or sureties, in no case to be less than $3,000 with good and sufficient surety, for the faithful performance of the duties assigned to him. The engineer shall be the agent and representative of the county or counties acting under the provisions of this chapter, all the petitioners may dismiss the same at any time prior to the work employed in the proceedings, conditioned that he will diligently, honestly, and skillfully perform his duties as such engineer in the proceedings; this bond to be approved by the auditor or clerk, provided, however, that the aggregate liability of the surety for all such damages shall in no event exceed the amount of said bond. In case of a change of engineers, each succeeding engineer shall make and file the oath and bond required of the former engineer.

Subd. 3. Vacancy. If, after appointment of an engineer, the office becomes vacant, the board or court shall forthwith appoint another engineer in his place.

Subd. 4. Assistants; compensation. The engineer may appoint such assistant engineers as circumstances require to aid in the completion of the work, for whose acts he shall be responsible and whom he may remove at pleasure. The engineer may authorize such assistants to perform his duties as such engineer in the proceedings; this bond to be approved by the auditor or clerk, provided, however, that the aggregate liability of the surety for all such damages shall in no event exceed the amount of said bond.

The engineer shall examine and report the nature and capacity of the outlet and any additional requirements of the ditch or drain as may be requisite to assist him in his duties. The compensation of the engineer and his assistants and other employees shall be fixed as provided by section 106.431.

Subd. 5. Removal. The engineer may be removed by the board or court at any time, and in such event a successor shall be forthwith appointed.
and the sufficiency thereof and also the probable cost of the drains and improvements, as shown on his plan, and all other information and data necessary to disclose the practicability, necessity and feasibility of the proposed improvement, including such other information as the board or court may order.

Subd. 4. Limitation of survey. The engineer shall confine his preliminary survey to the drainage area described in the petition, except to secure outlet, unless authorized by order of the board or court, with the consent of the bondsmen, at a hearing to be held within thirty days after the filing of a petition for a bond, and any such order permitting the preliminary survey to be made by the engineer as to outlet, without such order, shall be confined to the necessary levels to ascertain the distance necessary to secure the proper fall.

Subd. 5. Filing engineer's report; authority of director. Subdivision 1. Filing. Upon completion of his survey and report, the engineer shall file his report in duplicate with the auditor or clerk.

Subd. 2. Director's report. Upon request by the board or court, the engineer shall transmit one copy thereof to the director of the division of waters, soils and minerals.

Subd. 3. Sufficiency of petition. The board or court shall first examine the petition and if the petition be found sufficient as required by law shall so find.

Subd. 4. Dismissal. If the petition be found insufficient in that it is not signed by the requisite number of owners of lands described in the petition, or otherwise, the hearing shall be adjourned and the petition referred back to the petitioners for such action thereon as may be advised. The petitioners, by unanimous action, may thereupon amend the recitals in the petition. They may procure the signatures of additional owners as added petitioners. At the adjourned hearing, if the petition be found insufficient, the proceedings shall be dismissed.

Subd. 5. Findings and order. If the board or court shall be satisfied that the proposed improvement as outlined in the petition or modified and recommended by the engineer, is that there is necessity therefor, that it will be of public benefit and promote the public health, and that the outlet is adequate, the board or court shall make such order as shall be designed to carry out the proposed improvement from that outlined in the petition. These changes may be described in general terms and shall be sufficiently described by filing with the order a map outlining the proposed improvement thereon. Thereafter the petition shall be treated as modified accordingly. When the ditch shall outlet into an existing county or judicial ditch, the board or court may find that the outlet is adequate subject to confirmation and permission being obtained in accordance with section 106.53.

Subd. 6. Effect of findings. The findings herebefore required shall be construed as conclusive only as to the sufficiency of the petition, the nature and extent of the proposed plan and the need of a permanent survey, and only as to the practicability of the engineer's preliminary survey as likely to be affected by the improvement. All questions relative to the practicability and necessity of the proposed drain or improvement shall be subject to further investigation and consideration at the final hearing.

Subd. 7. Court may approve adoption of plan relating to federal flood control project. In the event that the proposed drainage or flood control project described in the petition therefor, constitutes a part or portion of a general flood control plan proposed by the United States or any of its agencies for the relief of flood conditions in the natural rivers or streams within said county or counties, a substantial portion of the cost of which improvement will be borne, or if otherwise the project is under consideration of the petition, or at any time thereafter, upon the submission of preliminary plans and engineering data prepared by the government thereon and such additional information as may be necessary to determine the boundaries, ownership and description of the lands to be affected thereby, may approve the adoption of such project in accordance with said preliminary plans and specifications, and may direct the board of county commissioners in the county or counties affected by said project, to enter into a contract or agreement with the government or associations whereby the said county boards do undertake and agree to furnish and comply with the necessary elements of cooperation as are required in the authorization for such project.
(6) the outlines of any meandered lake and public body of water affected; (7) such other physical characteristics of the watershed as may appear necessary for the understanding thereof.

(b) A profile of all lines of ditch proposed showing graphically, the elevation of the ground and grades at each 100 foot station, the station number at each section line and at each property line, whether open or tiled, the size of tile and the bottom line and at each property line, whether open or tiled, the size of tile and the bottom

(c) Plans for all private bridges and culverts proposed to be constructed as a part of the proposed ditch, together with plans for all other works and items of construction necessary for the completion of the proposed ditch.

(d) A tabular statement showing the number of cubic yards of earth to be excavated on all open ditches, the footage of each section of tile on each section line, and the average depth thereof, and all bridges, culverts, works and other construction items required by the plans and specifications for the completion of the system, together with the estimated cost of highway bridges and culverts required for the plans and specifications.

(e) The acreage which will be required for the ditch in each immediate area, and the cost of construction of all necessary works and improvements.

(f) Specifications for drain tile shall require that all drain tile used shall comply with the American Society for Testing Materials standard requirements.

(g) When more economical construction will result, the engineer may divide and number the proposed ditch as the ditch, together with and in such number of sections or individual or particular parts of the ditch, or portions thereof, that it may be practicable in which the whole work or any section thereof shall be done, as practicable in which the whole work or any section thereof shall be done.

(h) Such other data, plans, and information as shall appear requisite to fully inform the board or the court of the practicability and necessity of the proposed improvements, together with his recommendations thereon.

Subd. 5. Soil survey. If deemed necessary by the engineer, or if ordered by the board or court, the engineer shall make a soil survey of the area in the proposed ditch.

Subd. 6. Variance. In planning a public drainage system, the engineer may vary from the line and plan described in the petition if, in his opinion, the proposed ditch or improvement is not practical, he shall file his recommendations for changes deemed advisable and, if in his opinion, the proposed ditch or improvement is not practical, he shall file his recommendations for changes deemed advisable.

Subd. 7. Outlet in another state. Where no practical outlet can be had through the lands of an adjoining state, the engineers shall provide a description of such outlet and in the same in his report.

Subd. 8. Filing. The engineer shall prepare the complete set of plans, specifications, and estimates of cost required by this section and shall make a complete filing of the plans and specifications in duplicate of his work and recommendations to the board or court, including in the land area, and the names of the owners of the land or property of the area to be affected, the ditch, as well as matter herein, all maps, profiles and matters herein provided for, and file the same with the auditor or clerk where the proceedings are pending. If the same be filed with the auditor or clerk, a complete copy thereof shall also be filed with the auditor of each county affected.

After the final acceptance of the ditch, the engineer shall make revisions of his plan, profiles and designs of structures to show the project as actually constructed on the original tracings, and shall file the same, together with a copy thereof, with the auditor or clerk. The auditor or clerk shall forward the original or copy to the director for permanent record.

106.13 [Repealed, 1947 c 143 s 67]

106.131 AUTHORITY OF DIRECTOR; DIRECTOR'S REPORT. Upon the filing of the engineering report, a complete copy thereof shall be transmitted to the director by the auditor or clerk.

The director shall examine the same and within 15 days make his report thereon to the board or court. If he finds the report incomplete and not in accordance with the provisions of this chapter, he shall so report. If he approves the plan and evidences, he shall so report. If a soil survey appears advisable, he shall so advise, and in such event the engineer shall make the soil survey and report thereon before the final hearing. The report shall be directed to the board or court and shall be filed with the auditor or clerk. Such report shall be deemed advisory only.

Such report shall be deemed advisory only.

106.14 [Repealed, 1947 c 143 s 67]

106.111 VIEWERS; APPOINTMENT; QUALIFICATION. Subdivision 1. Appointment. Following the order for a detailed survey as provided in section 106.111, the board or court shall make an order appointing three disinterested resident freeholders of the county or counties affected as viewers.

Subd. 2. Qualification. Within five days after the filing of the final report and survey of the engineer, the auditor or clerk shall make an order designating the time, place and manner of holding a public meeting for the election of three disinterested resident freeholders of the county or counties affected as viewers.

Subd. 3. Failure to qualify. If any of the viewers so appointed shall fail for any cause to qualify at such meeting, the auditor or clerk shall appoint another person to take his place.

106.15 [Repealed, 1947 c 143 s 67]

106.151 VIEWERS, DUTIES. The viewers, with or without the engineer, shall determine the benefits or damages to all lands and properties affected by the proposed ditch or improvement and shall report thereon to the board or court.

Such report shall show in tabular form the description of each lot and forty-acre tract, or fraction thereof, under separate ownership, benefited or damaged, the number of acres in each tract benefited or damaged, the number of acres added to any tract by the drainage of meandered lakes and the value thereof, the damage. Any notice shall issue for the final hearing until the director's report shall be filed.

106.17 [Repealed, 1947 c 143 s 67]

106.19 BENEFITS AND DAMAGES. Benefits and damages shall be determined and reported to the board or court on the basis of the proposed ditch or improvement.

Benefits and damages shall be reported on all lands owned by the state the same as upon taxable lands.

Such report all benefits and damages that will result to all railways and other utilities, including land and property used for railroad or other utility purposes.

They shall report the benefits and damages resulting to the state of Minnesota and all counties and other municipal corporations resulting from the proposed ditch or improvement. When any public road or street shall be benefited or damaged, the state or the county, or other corporation, which is by law charged with the duty of keeping such road or street in repair, shall be assessed or allowed the amount of benefits or damages accruing to such road or street; except that
benefits and damages assessed and allowed for bridges or culverts shall be assessed and allowed to the state, county or other municipal corporation which is by law charged with the duty of constructing and maintaining such bridge or culvert as required by Minnesota Statutes, Section 106.271.

The viewers shall find and report the benefits accruing to all lands and properties benefited or damaged, whether the same accrue immediately from the construction of the system, or as the same affords an outlet for drainage, makes an outlet more accessible, or otherwise directly benefits such lands or properties.

If the proposed drainage system furnishes outlet to any existing county or judicial ditch and it appears that such outlet will benefit the lands therein, the viewers may determine and report the benefits from the proposed drainage system to each tract drained by the existing ditch, or, in a lump sum as outlet benefits to such existing ditch, as may appear just and equitable.

In case of a lump sum found for outlet benefits, the lien therefor shall be proportioned among all lands and properties benefited in proportion to the benefits determined in such existing ditch proceeding. All assessments heretofore made in conformity herewith are hereby validated.

In the case where the viewers are unable to agree, each viewer shall separate his findings on any matter disagree upon. A majority of the viewers shall be competent to perform the duties required of them by this chapter.

106.16 [Repealed, 1947 c 143 s 67]

106.161 FILING OF VIEWERS' REPORT. Upon the completion of their work, the viewers shall file their report with the auditor or clerk. With such report they shall file a detailed statement showing the actual time they were engaged and expenses incurred. The viewers shall perform their duties and make their report at the earliest possible date following their first meeting. If the report be filed with the clerk, a copy thereof shall also be filed with the auditor of each county affected.

1947 c 138 s 16

106.17 [Repealed, 1947 c 143 s 67]

106.18 [Repealed, 1947 c 143 s 67]

106.19 [Repealed, 1947 c 143 s 67]

106.191 PROCEEDINGS AT HEARING. Subdivision 1. Consideration of petition. At the time and place specified in the notice, or at any adjournment thereof, the board or court shall consider the petition for the drainage system, together with all such reports of the engineer's, viewers' and director's reports. The board or court shall hear and consider the evidence and findings contained in behalf of all parties interested. The engineer, or his assistant, and at least one viewer shall be present.

The director may appear and be heard. If the director does not personally appear, his report shall be read in open hearing. The hearing may be adjourned from time to time as may be found necessary.

Subd. 2. Changes. If it appears to the board or court that the general plan reported by the engineer may be improved by changes therein, or that the viewers have made inequitable returns of benefits or damages to any property, the board or court shall have authority to forthwith amend the engineer's or viewers' reports, or both, so as to make such findings in relation thereto as shall be deemed necessary and proper. The board or court may have amendments of the engineer or to the viewers for immediate consideration. In such event, the engineer or viewers shall forthwith proceed to reconsider such matters and shall make and file amended findings and report accordingly. Such amended reports shall thereafter become a part of the original reports.

Subd. 3. Re-examination. If the board or court consider it advisable for the engineer or viewers, or both, to re-examine the proposed system, or the lands benefited or damaged thereby, or if it is found that other lands not included in the notice should be included and assessed, then the board or court may resubmit the reports to the engineer or viewers, or both, as circumstances may require. In such case the hearing shall be continued for such time as may be necessary to make such examination and report. If the amended report includes lands or property not included in the original report, the board or court may by order adjourn the hearing and direct the auditor or clerk to cause to be published, posted and mailed, or served, the proper notice with reference to all such lands or properties not included in the previous notice of the time and place of such hearing to be given to all persons interested, and shall continue in all respects as to all lands and properties for which proper notices were given, and no new or additional notice shall be required with reference thereto.

1947 c 143 s 19

106.20 [Repealed, 1947 c 143 s 67]

106.201 ORDER ESTABLISHING. Subdivision 1. Dismissal. If it shall appear that the benefits are not more than the total cost, including damages awarded, or that the proposed system will not be of public benefit, or that the same is not practicable, the board or court shall so find and the petition shall be dismissed.

Subd. 2. Establishment. If the board or court shall find that the engineer's and viewers' reports have been made and all other proceedings in the matter had in accordance with law, that the estimated benefits are greater than the total estimated cost for the system, and that the damages and benefits have been duly determined, that the proposed drainage system will be of public utility and benefit, and will promote the public health, that the proposed system is practicable, and that such reports as made or amended are complete, just and correct, then the board or court shall by order containing such findings, establish the drainage improvement as reported or amended, and adopt and confirm the viewers' report as made or amended.

1947 c 143 s 20

106.21 [Repealed, 1947 c 143 s 67]

106.211 JUDICIAL DITCHES; APPORTIONMENT OF COST. In all judicial proceedings the clerk shall file a certified copy of the viewers' report with the auditor of each county affected within 20 days following the date of the order establishing the ditch system. In case of making the order establishing the ditch system, or at any time thereafter upon petition by the auditor of any county affected, the court shall make an order determining the percentage of the cost of the system to be paid by the respective counties, which, unless reason exists to the contrary, shall be in proportion to the benefits received. In case of a petition by a county auditor, the
matter shall be brought on for hearing on five days written notice to the auditor of each county affected. Upon five days written notice to the county auditors, the court may at any time thereafter modify such order as justice may require, or make any additional order in the premises.

106.22 [Repealed, 1947 c 143 s 67]

106.221 CONTRACT AND BOND. Subdivision 1. Provisions. The contract and bond to be executed and furnished by the contractor shall be attached. The contract shall contain the specific description of the work to be done, either expressly or by reference to the plans and specifications, and shall provide that the work shall be done by or with such contractors as provided in the plans and specifications and subject to the inspection and approval of the engineer. The county attorney, the engineer, and the auditor for the petitioners shall prepare the contract and bond. The contractor shall make and file with the auditor or clerk a bond, with good and sufficient surety, to be approved by the auditor or clerk, in a sum not less than 75 percent of the contract price of the work. Such bond shall be entered into by the provisions required by this chapter and provided by law for bonds given by contractors for public works, and shall be conditioned as provided by statute in case of public contractors for the better security of the contracting county or counties and of parties performing labor and furnishing material in and about the drainage system in question, and that the aggregate liability of the surety for all such damages shall in no event exceed the total estimated cost of construction. If the bond is not filed within thirty days following the filing of the order establishing a drainage system, the auditor shall hold the letting at the office of the auditor of the county in which the proceedings are pending.

106.223 LETTING CONTRACT. Subdivision 1. After the expiration of 30 days following the filing of the order establishing a drainage system, that one or more appeals have been taken involving the question of benefits or damages, no contract shall be let until the appeals have been determined, unless ordered by the board or court. Application for such order may be made by the auditor or auditors or any interested person. If application be made by some person other than an auditor, then the auditor or auditors shall give notice of hearing upon such application that will be entered into as to such portion so to be let to the lowest responsible bidder or contractors therefor.

106.231 PROCEDURE WHEN CONTRACT NOT LET. Subsequent to the establishment of any drainage system, if no bids are received except for a price more than 30 percent the total estimated cost of construction of any ditch from uniting in a written agreement with the contractor and his bondsmen for the modification of any such contract as to the manner or time within which such ditch or any part thereof shall be constructed, provided that such modification is recommended in writing by the engineer and approved by the board.

1947 c 143 s 21

1947 c 143 s 62; 1949 c 220 s 61

106.23 Letting contract. Subdivision 1. After the expiration of 30 days following the filing of the order establishing a drainage system, that one or more appeals have been taken involving the question of benefits or damages, no contract shall be let until the appeals have been determined, unless ordered by the board or court. Application for such order may be made by the auditor or auditors or any interested person. If application be made by some person other than an auditor, then the auditor or auditors shall give notice of hearing upon such application that will be entered into as to such portion so to be let to the lowest responsible bidder or contractors therefor.

Subd. 2. It shall appear at the expiration of 30 days from the filing of the order establishing a drainage system, that one or more appeals have been taken involving the question of benefits or damages, no contract shall be let until the appeals have been determined, unless ordered by the board or court. Application for such order may be made by the auditor or auditors or any interested person. If application be made by some person other than an auditor, then the auditor or auditors shall give notice of hearing upon such application that will be entered into as to such portion so to be let to the lowest responsible bidder or contractors therefor.

Subd. 3. The auditor of the county in which the proceedings are pending shall give notice of the letting of the contract by publication in a newspaper in such county stating the time and place where the contract shall be let. When the estimated cost of construction is more than $3,000, the auditor shall also advertise such letting in a trade paper. Such notice shall state the approximate amount of work and the estimated cost thereof and shall invite bids for the work as one job, or in sections, or separately, for bridges, open work, tile, or tile construction work, as may be required or deemed advisable. The notice shall require that each bid be accompanied by a certified check or a bond furnished by a surety bonded by any insurance company. The auditor may require the surety bonding corporation to be surety on the bond, or the auditor may require the surety to be surety on the bid. The auditor or auditors may receive sealed bids at their office or at such other place as may be designated by the auditor or auditors. The auditor or auditors shall open the bids in the manner provided by law or as provided by the board of county commissioners or the council of a city, town, village, or other governmental unit. The auditor or auditors shall make and file with the auditor or clerk a bond, with good and sufficient surety, to be approved by the auditor or clerk, in a sum not less than 75 percent of the contract price of the work. Such bond shall be entered into by the provisions required by this chapter and provided by law for bonds given by contractors for public works, and shall be conditioned as provided by statute in case of public contractors for the better security of the contracting county or counties and of parties performing labor and furnishing material in and about the drainage system in question, and that the aggregate liability of the surety for all such damages shall in no event exceed the total estimated cost of construction. If the bond is not filed within thirty days following the filing of the order establishing a drainage system, the auditor shall hold the letting at the office of the auditor of the county in which the proceedings are pending.

Subd. 4. The auditor shall attend the letting and no bid shall be accepted without his approval as to compliance with plans and specifications.

Subd. 5. The auditor shall attend the letting and no bid shall be accepted without his approval as to compliance with plans and specifications.

Subd. 6. The auditor shall attend the letting and no bid shall be accepted without his approval as to compliance with plans and specifications.
the efficiency thereof, then any of said persons may petition the board or court so stating and asking that an order be made reconsidering and rescinding the order therefor and made establishing the drainage system, and that the engineer's and viewers' reports be referred back to the engineer and to the viewers for further consideration.

Upon presentation of such petition, the board or court shall order a hearing, therein designating the time and place for hearing, and cause notice thereof to be given by publication in the same newspapers where the notice of final hearing was therefor. The hearing shall be held at the time and place so designated.

At the time and place specified in the order and notice, the board or court shall consider the petition and hear all interested parties.

Upon said hearing, if it shall appear that the engineer's original estimate was erroneous and should be corrected, or that the plans and specifications could be changed without affecting the intended use thereof, and without interfering with the efficiency thereof, and further, that upon said correction or modification, a contract could be let within the 30 percent limitation and within the available benefits, then the board or court may, by order, authorize the engineer to amend his report. If the changes recommended by the engineer in any manner affect the amount of benefits or damages to any property, the viewers' report shall be referred back to the viewers to re-examine the benefits and damages and report the same to the board or court.

The board or court may continue the hearing to give the engineer or the viewers additional time for the making of their amended reports and in such case the hearings shall be commenced within a reasonable time named in the notice.

Upon said hearing the board or court shall have full authority to reopen the original order establishing said ditch, and to set said order aside, and to consider the amended engineer's report and the amended viewers' report, if any, and to make findings and order thereon the same as is provided in sections 106.191 and 106.201. All proceedings thereafter taken shall be the same as is provided upon the original findings and order of the board or court.

[1947 c 143 s 2]

106.25 [Repealed, 1947 c 143 s 67]

106.251 DAMAGES, PAYMENT. When damages are awarded and duly confirmed, the county board, or county and town board, as the case may be, shall, in making the payment, order the same paid, less any assessment made against the property, but in the case of a county and a municipality being awarded such damages upon its request the assessment shall not be deducted. In case of appeal, the damage shall not be paid until the final determination thereof. If there is doubt as to the damages, the board may pay the same to the clerk of the district court of the county to be disbursed by the clerk upon order of the court to the persons thereto entitled.

[1947 c 143 s 65; 1963 c 15 s 1]

106.26 [Repealed, 1947 c 143 s 67]

106.27 [Repealed, 1947 c 143 s 67]

106.271 CONSTRUCTION AND MAINTENANCE OF BRIDGES; AUTHORITY OF DIRECTOR. The auditor or clerk shall notify the state and each municipality, railroad company, or other corporation to construct any bridge or culvert required for right of way, within a reasonable time named in the notice. If the work is not done within the time limited, the county board or district court may order the same built as a part of the construction of the system and the cost thereof shall be deducted from the damages allowed the corporation or collected from it as in case of an assessment for benefits, and in all cases where the repairs or modification of a bridge, the board or court may order sufficient retained from any sum due such municipality, railroad, or other corporation to secure the construction of the bridge or culvert.

On public highways, all bridges and culverts required by the construction and improvement of any public open ditch, shall be constructed and maintained by the public authority charged by law with the duty of keeping such highway in repair, except as hereinafter in this section noted.

In all cases where a public road or street, not a state trunk highway, is on the line or within two rods thereof, whether in the same county or not, such corporations shall bear jointly and in equal shares the cost of constructing any bridge or culvert on such road or street made necessary by the construction or improvement of any public drainage ditch; and such corporations shall bear jointly and in equal shares the cost of maintaining the same.

In all cases where a public drainage ditch is constructed along the boundary line between two counties or townships, and excavated material therefrom is deposited on the boundary line or within two rods thereof, the cost of constructing and maintaining all bridges and culverts constructed across such ditch along the boundary line or within two rods thereof, shall be paid and borne equally by the town or county where the bridge or culvert is located and by the other town or county adjoining the boundary.

Private bridges or culverts, constructed as a part of any ditch system hereafter established, shall be maintained by the county board as a part of the ditch. Private bridges on any part of any ditch system established by proceedings instituted before March 25, 1947, may be maintained, repaired, or rebuilt as a part of the ditch by the county board at the option of the board the cost of which may be paid in whole or part by the ditch system.

No bridge or culvert, public or private, shall be constructed or maintained in accordance with the percentage of the ditch with less waterway opening than specified in the engineer's report, except with the written approval of the director. If the engineer's report does not specify the waterway opening, no bridge or culvert, public or private, in or across any public drainage ditch, may be constructed or reconstructed without the approval of the director of the dimensions of waterway opening.

[1947 c 143 s 87; 1963 c 183 s 1]

106.28 [Repealed, 1947 c 143 s 67]

106.281 INSPECTION; PARTIAL PAYMENTS. It shall be the duty of the engineer during the progress of the work to inspect the same and require that it be done in accord with the plans, specifications and contract for construction. Each month during the progress of the work, he shall report in writing to the board or court showing all work completed since the last prior report and all materials furnished, in accord with the provisions of the contract, and shall there With issue his preliminary certificate for work done and approved or materials delivered. The certificate shall contain the number of the work covered by the certificate and, in case of an open ditch, the actual yardage of the excavation done, the amount paid to the contractor, the materials furnished, the amount paid for materials, and the percentage of the total value of material furnished and delivered. Such material shall be delivered only as required in the course of construction as authorized by the engineer. Each certificate shall show that no loss will result from the partial payment therein set forth.

[1947 c 143 s 28; 1959 c 76 s 1]

106.29 [Repealed, 1947 c 143 s 67]

106.291 ADDITIONAL PARTIAL PAYMENTS. Where any one contract exceeds $50,000, and the contract, exclusive of materials furnished and not installed, is one-half or more complete, and the contractor is not in default, the contractor may file a verified petition with the auditor or clerk setting forth such facts and praying that an order be made directing the payment of 40 percent of the retained percentage.

Upon the filing of such petition, the auditor, or the clerk with the consent of the judge, shall fix a time and place for hearing upon the petition before the board or court. Not less than seven days prior to the date of hearing, the auditor or clerk shall give the parties of record notice of the date and place of hearing. The petitioners, the surety on the contractor's bond, and, in judicial proceedings, to the auditors of the counties affected.

At the time and place specified in the notice, the board or court shall hear all
the engineer shall report that fact to the board or court showing the work performed
shall immediately remove and then the contract completed, any unfinished portion of the contract
be recovered upon the bond of the first contractor.
shall advertise for bids for the completion of the contract in the manner provided in
shall complete the same within the time specified or extended, then the auditor or auditors
shall be the amount of retained percentage, which amount shall be determined as follows.
the auditor and the attorney for the petitioners and, in case of judicial proceedings, to the county auditors of the several counties.
the names of the owners of all lands and properties and the names of all
corporate and public entities within their respective counties benefited or damaged by
the construction of the proposed work as appears from the viewers' report as
fixed and approved by the order of establishment.
(5) The amount each tract and property will be liable for and must pay into
the treasury of the county for the establishment and construction of the drainage system,
which amount shall be determined as follows. The auditor shall make a full statement showing the total cost of the drainage system,
including the estimated cost of all items required to complete the same. Such cost shall be prorated to each tract and property affected in direct proportion
thereon. The results so obtained, less the amount of damages, if any, shall be the amount that each tract or property will be liable for on account of such
improvement; and the same shall be shown in the tabular statement opposite the
name and description of each tract, property or corporation, public or private.
The amount any tract or property may be liable for on account of the establishment
and construction of any drainage system shall in no event exceed the benefits
which will accrue thereto as determined in the proceedings.
(1947 c 143 s 35)
106.35 [Repealed, 1947 c 143 s 67]
106.351 FILING LIEN STATEMENT; EFFECT THEREOF. The lien statement
shall be certified by the auditor and recorded by the register of deeds of the county.
The fees of the register of deeds for recording shall be paid on allowance by
the county board, and the lien statement, after recording, shall be returned and preserved
by the auditor.
The amount that each tract and property will be liable for, as shown by the statement,
and the interest thereon as hereinafter provided, shall be and remain a
first and paramount lien thereon until fully paid; and shall take precedence of all
mortgages, charges, encumbrances and other liens. Payment thereof shall be made
as hereinafter provided. The filing of the statement shall be notice to all parties
interested of the existence of the lien.
(1947 c 143 s 55)
106.58 [Repealed, 1947 c 143 s 67]
106.361 SUPPLEMENTAL LIEN STATEMENT. If any item of the cost of
the drainage system have been omitted from the original lien statement, then a
supplemental lien statement, including the omitted items, shall be made and
the engineer shall report that fact to the board or court showing the work performed
thereunder, the contract price thereof, the amount paid on partial certificates and the balance unpaid. On filing the report, the auditor, or the clerk with the approval of
the court, shall fix a time and place for hearing thereon and give notice of the
LIENS; INTEREST. Subdivision 1. Liens filed against property benefited under the provisions of this chapter, shall be payable to the treasurer of the county, as follows:

One installment of the principal on or before November 1 subsequent to the filing of a lien in the office of the register of deeds, and another installment on or before the first day of November of each year thereafter until the whole amount of the lien is paid. The lien shall be payable in not more than 20 equal annual installments.

The lien in its discretion so orders, then payment of such lien shall be made to the county treasurer, as follows:

One-fifteenth of the principal on or before five years from November subsequent to the filing of the lien in the office of the register of deeds, and one-fifteenth on or before the first day of November of each year thereafter until the whole amount of the lien is paid.

Whenever the principal amount of any lien against any one lot, tract or parcel of land, or against any county or other municipal corporation, is less than $50 the board or court may in its discretion order that such lien shall be paid in a single installment or not more than two installments, notwithstanding that a greater number of installments has been fixed for the payment of other liens in the same ditch proceeding.

Subd. 2. The principal of the lien shall bear interest at a rate to be fixed by the board, not to exceed six percent per annum from the date of the filing of the lien statement in the office of the register of deeds. All interest shall constitute an additional lien on all lands and properties until fully paid and shall be due and payable as follows:

Subsequent to November 1 of each year, after the filing of the lien statement until the whole amount of the lien and interest is paid, and before the tax lists for such year are turned over to the county treasurer, the auditor shall compute the interest on the unpaid balance of the lien at the rate fixed by the board, and enter such interest, together with the instalment, if any then due, on the tax lists for the year. Such amount, instalment and interest, shall be collected in the same manner as real estate taxes for that year on the property in question are collected, and each such lien shall be entered without abatement for prepayment.

The auditor shall be entitled to receive the sum of 25 cents for each description in his certificate, and his fee and the fee of the register of deeds shall be paid from the ditch fund.

Subd. 3. The auditor shall keep a ditch lien record in each ditch proceeding showing the amount of the lien remaining from time to time unpaid. The amount of interest to be entered shall be reckoned from the date of filing the lien to August 15 of the succeeding calendar year and thereafter from August 15 to August 15 of each succeeding year on the whole of the principal of the lien remaining from time to time unpaid. Interest on any such lien shall be paid at any time before the date of payment except that after the annual interest shall have been entered on the tax lists for the year, it shall be paid as entered without abatement for prepayment.

Subd. 4. The auditor shall keep a ditch lien record in each ditch proceeding showing the amount of the lien remaining from time to time unpaid against each tract and property benefited thereon.

Enforcement of Assessments; Public and Corporate. Assessed assessments filed for benefits to any municipal corporation shall thereupon become a lienable property and shall be due and payable with interest in installments on November 1 of each year as provided in section 106.371. If such instalments and interest are not paid on or before November 1, the amount thereof, with interest added as provided in section 106.371, shall be extended by the county auditor against all the property in such municipal corporation liable to taxation, a levy thereof made thereon, and the same shall become due, to be paid and collected in the same manner and at the same time as other taxes.

When any public road found to be benefited is a county or state aid road, the assessment filed thereon shall be against the county and paid out of the road and bridge fund of the county.

In case of assessment against the state for benefits to trunk highways, the same shall be chargeable to and payable out of the trunk highway fund. Upon presentation of a certified copy of the assessment against the state for benefits to any trunk highway, the commissioner of highways shall cause the same to be paid out of the trunk highway fund.

All said properties, including rural credit lands, shall be assessable for benefits received and such assessment shall be paid by the state from any funds appropriated and available therefor upon certification thereof by the state officer having jurisdiction over the state lands and property assessed to the state auditor.

All properties owned by any railroad or other utility corporation benefited by any such drainage system, shall be liable for the assessments for benefits thereto in the same as taxable lands. From the date of the filing by the county auditor in the office of the register of deeds of the lien statement, the amount of the assessment with interest shall constitute a lien against all property of the corporation with the lien stated against the said property or any other property which may be designated by the board or court in its discretion so orders, then payment of such lien shall be made to the county auditor, the occupants of the premises, and on all parties having an interest in the land, or any part thereof, may petition the district court or county board of the county wherein the land is situated to have the lien apportioned between specified portions of the tract. Upon the filing of this petition, the court or county board shall by order fix a time and place when the petition shall be heard and requiring personal service of a notice of the hearing to be made upon the county auditor, the occupants of the premises, and on all parties having an interest in the premises, as shown by the records of the register of deeds of the county. The notice of the hearing shall be served ten days before the hearing; or if for any reason personal service cannot be made upon all of such persons, notice may be given by publication. The court or county board shall hear all evidence bearing upon the matter and shall by order apportion the lien. A certified copy of the order shall be recorded in the office of the register of deeds of the county wherein the lien is filed, and a copy thereof shall be filed in the office of the auditor. The petitioner shall pay the costs incurred for service or publication. The subdivision by platting of any tract or parcel of land against which any liens are recorded in the office of the register of deeds, shall be released and discharged on record. The auditor shall be entitled to receive the sum of 25 cents for each description in his certificate, and his fee and the fee of the register of deeds shall be paid from the ditch fund.

Assessments filed for benefits to any municipal corporation shall thereupon become a lienable property and shall be due and payable with interest in installments on November 1 of each year as provided in section 106.371. If such instalments and interest are not paid on or before November 1, the amount thereof, with interest added as provided in section 106.371, shall be extended by the county auditor against all the property in such municipal corporation liable to taxation, a levy thereof made thereon, and the same shall become due, to be paid and collected in the same manner and at the same time as other taxes.
the bonds have been or will be taken according to law. for benefits in amount not less than the amount of the bonds, and that all proceeds relative to the construction of the county shall be conclusive in favor of proceedings relative to the construction of the ditch bonds. Such recitals shall be conclusive in favor of the holders of the temporary bonds in order of the serial numbers of the bonds.

Subd. 3. Such bonds shall be payable at such time or times, not to exceed 23 years from their date, and bear such rate or rates of interest, the net average rate of interest on the aggregate amount of such bonds not to exceed the rate of six percent per annum. Such bonds shall mature serially at such times and in such amounts that the principal and interest can be paid when due by the collection of assessments levied for the cost of ditch construction financed thereby which are granted by law to holders of other ditch bonds, except the right to sell definitive bonds at or before the maturity of the temporary bonds.

Subd. 4. Instead of bonds maturing as provided in subdivision 3 above, the county board may in its discretion issue and sell temporary bonds maturing not more than two years from their date of issue, which bonds and interest thereon the county shall be obligated to pay out of the proceeds of definitive ditch bonds which the county board shall issue and sell prior to the maturity of the temporary bonds, to the extent that the same cannot be paid out of assessments therefore collected or any other funds determined to be available. The holders of such temporary bonds, and the taxpayers of the county, shall have and may enforce, by mandamus or other appropriate proceedings, all rights respecting the levy and collection of sufficient assessments to pay the cost of ditch construction financed thereby which are granted by law to holders of other ditch bonds, except the right to sell definitive bonds at or before the maturity of the temporary bonds, and shall have the additional right to require the offering of such definitive bonds for sale or, if such bonds have not been sold and delivered prior to the maturity of the temporary bonds, to require the issuance of bonds in exchange therefor, on a pro rata basis, of the rate of such temporary bonds. The bonds so issued in exchange for any issue of temporary ditch bonds shall be payable from and shall mature serially at such times and in such amounts that the principal and interest can be paid when due by the collection of assessments levied for the ditch financed by the temporary bond issue, and shall be subject to redemption and payment in the manner prescribed as to the temporary bonds, except that the certificate of issue thereof shall be mailed to each holder thereof who has registered his name and address with the county treasurer; and such bonds shall be delivered in order of their serial numbers, lowest numbers first, to the holders of the temporary bonds in order of the serial numbers of the bonds held by them. Any funds of the issuing county may be invested in temporary ditch bonds in accordance with the provisions of sections 471.56 and 475.66, except that such temporary bonds may be purchased by such county upon their initial issue, and they shall be purchased only out of funds which the county board determines will not be required for other purposes prior to their maturity, and shall be resold prior to maturity only in case of unforeseen emergency. When such purchase is made out of the moneys held in a sinking fund for other bonds of the county, the bonds shall be applied first to the current obligations of the county to sell definitive bonds at or before the maturity of the temporary bonds, or to exchange the same, in the same manner as holders of such temporary bonds.

Subd. 5. Each bond shall contain a recital that it is issued by authority of and in strict accordance with this chapter. Such recital shall be conclusive in favor of the holders of the bonds as against the county, that the drainage project has been properly established that property within the county is subject to assessment for benefits in amount not less than the amount of the bonds, and that all proceedings relative to the construction of the drainage system or systems financed by the bonds have been or will be taken according to law.

Subd. 6. The county board shall have power to sell and negotiate such definitive bonds for not less than their par value. All such bonds shall be sold at public sale after advertised notice as provided by chapter 475.

Subd. 7. The board may pay drainage bonds issued under the provisions of this chapter out of any available funds in the county treasury when the money on hand in the common ditch bond redemption fund or in the ditch fund on account of which any such bond is issued are insufficient therefor; but the funds from which said moneys have been taken shall be replenished with interest for the time actually needed at the rate of six percent per annum from assessments on such ditch or from the sale of funding bonds as hereinafter provided.

Subd. 8. The county board may provide in the contract for the sale of bonds, for the delivery of the bonds as the work proceeds and the funds are needed, and for the payment of interest only from the date of delivery.

Subd. 9. The board may empower the county treasurer to accept in payment of liens under the provisions of this chapter, any outstanding bond or bonds issued under the provisions of this chapter.

106.421 FUNDING BONDS. Subdivision 1. Issuance. The county board of any county may issue ditch funding bonds under the conditions and terms in this section prescribed.

Subd. 2. Application. Such bonds may be issued in any county where it at any time appears that moneys in the fund of any ditch or in the common ditch bond redemption fund will not be sufficient to pay in full the principal and interest of the ditch bonds payable from such fund and becoming due within one year thereafter or if the county has paid any of the principal or interest on any of its drainage ditch bonds (1) out of county funds other than the fund from which the bonds are payable, or (2) by the issuance of county warrants issued and outstanding.

Subd. 3. Auditor's certificate. Before bonds shall be authorized or issued under the provisions of this section, there shall first be presented to the county board and entered in its records a certificate signed by the county auditor under his seal. This certificate shall state the amount that will be required to make good any existing shortage within the meaning of subdivision 1, and the probable amount which will be required to pay the principal and interest of the county's outstanding ditch bonds to become due within one year thereafter. The certificate shall state the amount in each of which the bonds is applied to any of the several ditch systems. The certificate shall be conclusive evidence that the county has authority to issue bonds under the provisions of this section to an amount not exceeding the aggregate amount specified in such certificate.

Subd. 4. Issuance of bonds. Pursuant to the filing of the certificate, the county board of such county is empowered to issue and sell, from time to time, to a total amount not exceeding the aggregate amount specified in such certificate.

Subd. 5. Obligation. The proceeds of any such bonds paid into the treasury shall be applied to the purpose for which they are issued.

Any bonds which a county may issue under this section shall be general obligations of the county and shall be included in determining the county's net indebtedness under the provisions of any applicable law.

106.43 [Repealed, 1947 c 143 s 67] 106.431 FEES AND EXPENSES; PAYMENT. Subdivision 1. Fees and expenses. The following fees and expenses shall be allowed and paid for services rendered under this chapter:

1. The compensation of the engineer and his assistants and other employees shall be on a per diem basis and shall be fixed by the order of the county board. The order fixing the fees shall provide for payment of the actual and necessary expenses of the engineer and his assistants and other employees, including the cost of the engineer's bond.
such per diem shall be in addition to all sums and fees allowed by law for each day actually employed in drainage proceedings and for each day employed in the inspection of a ditch system, if the time expended be such reasonable time as can be properly charged to the account of the ditch, and in addition thereto, his actual and necessary expenses incurred therein. Such per diem shall be in addition to all sums and fees allowed by law.

(4) The county auditor, the attorney for the petitioners and the clerk of the district court shall be paid such reasonable compensation as the board may actually render as may be fixed by the board or court; and the fees and compensation of all county officials in drainage proceedings shall be in addition to all sums and fees allowed by law.

(5) The cost of petitioners' bond.

Subd. 2. Payment. All fees and expenses provided for in this chapter shall, in the case of a county ditch, be audited, allowed and paid upon the order of the county board, and, in case of a judicial ditch, the court shall audit, allow and order the same paid upon ten days' written notice to each county interested. Such notice shall be given by the clerk to the auditor of each county stating that all bills on file with the clerk at the date of the notice will be brought on for hearing and allowance at the time and place named thereon.

[1947 c 143 s 5]; 1957 c 556 s 1; 1961 c 207 s 3; 1964 c 474 s 71

106.44 [Repealed, 1947 c 143 s 67]

106.45 COUNTY ATTORNEY. The county attorney shall represent the county in all drainage proceedings without special compensation therefor. No county attorney, or his assistants, or any attorney associated with him in business, shall otherwise appear in any drainage proceeding for any person interested therein.

[1947 c 143 s 46]

106.45 [Repealed, 1947 c 143 s 67]

106.451 PAYMENT OF COSTS AND EXPENSES; WARRANTS; DITCH FUNDS. Subdivision 1. The county board shall provide for the payment of the costs and expenses incurred or to be incurred in any drainage system.

Subd. 2. The county auditor shall keep a separate account and fund for each drainage system, which account shall be credited with all moneys arising from the sale of bonds, preempted lands, and all moneys received in interest and upon liens and assessments and other sources on account of such drainage system, and which account shall be debited with every item of expenditure made on account of such drainage system.

Subd. 3. All costs and expenses incurred in any drainage proceeding shall be paid out of the funds of such ditch by warrants drawn thereon. If no funds are available, the ditch fund on which the warrant is drawn, the board may, by unanimous resolution, transfer funds from the general revenue fund of the county to such ditch fund. In such case the county board shall thereafter cause the general revenue fund to be reimbursed from the funds of such ditch together with interest for the time actually needed at the same rate per annum as is charged on the liens and assessments.

Subd. 4. In all cases where a warrant shall be issued by the auditor of any county under the provisions of this chapter, and there shall be no cash in the fund therein directed to pay the warrant when the same is presented, the county treasurer shall endorse the warrant "Not paid for want of funds," and date and sign the endorsement. In that event interest on the warrant shall be paid thereafter at the same rate per annum until the warrant is certified and paid by the treasurer. No interest shall be paid on any warrant after funds are available in the hands of the treasurer for the payment thereof. Such warrant shall be deemed a general obligation of the county issuing the same.

Subd. 5. The county board of any county having in any ditch fund or in the common ditch bond redemption fund a surplus over the amount required for paying the interest due and payable from the fund is authorized to invest any part of the surplus in bonds or certificates of indebtedness of the United States of America or of the state of Minnesota.

[1947 c 143 s 45; 1961 c 584 s 4]

106.461 DUTIES OF PUBLIC EXAMINER. Upon application of any county, indicated by resolution of the county board, the public examiner shall examine into the accounts and records relating to any or all drainage proceedings in the county. When so requested, the examiner shall establish a system of accounts with each drainage system in the county. If the county is in doubt of the examining accountant and his travel and hotel expenses, and such amounts shall be fixed and allowed and paid by the county board, into the state general revenue fund to be reimbursed from the funds of such ditch together with interest of such repairs made to the ditch in the county during the period and the necessity thereof, and the costs and expenses thereof, and shall pray the order of the court apportioning such costs and expenses among the counties affected. Upon the filing of the petition the court shall, by order, fix a time and place for hearing thereon and shall cause the clerk to give notice of the hearing to each county affected, by publication and by mailed notice to its auditor. At or prior to the time of hearing,
the auditor of each county affected, except petitioner, shall file with the court a statement showing all repairs made to the ditch in his county, not previously reimbursed hereunder, together with the nature thereof, the necessity thereof, and the costs and expenses thereof. At such hearing the court shall have jurisdiction of the respective counties and shall hear all interested parties. If it appears that the repairs made by either or all the counties affected were necessary, and that the same were reasonable and proper, the court shall so find and shall balance the accounts between the respective counties, charging each county with its proportionate share of the costs and expenses of all such repairs made by all the counties and crediting each county with the portion thereof to be reimbursed by any county or counties affected to any other county or counties as shall be just. A certified copy of the order shall be filed by the clerk with the auditor of each county, and the county boards shall respectively make reimbursement as therein required.

Subd. 4. Petition; proceedings. (a) Upon the filing of a petition by any party or corporation, municipal or otherwise, interested in or affected by a drainage system, whether within the limits of a drainage district or otherwise, the county board or the district court of the county, or with the clerk of the district court having jurisdiction over said ditch in the case of a drainage system affecting two or more counties, therein setting forth that the drainage system is out of repair, it shall be the duty of the auditor in the case of a drainage system lying wholly within the county to present the same to the board of county commissioners in the county of the county, and of the clerk in the county of the county or counties in which the drainage system is lying wholly within the county of the county, to present the petition to the judge of the court within ten days from the filing thereof. Thereupon, if it appears to the board or court that such ditch is out of repair, the board or court shall appoint an engineer to examine the ditch and make report of the necessary repairs, with the estimated cost thereof, and plans and specifications required to supply the necessary funds to let a contract therefor. The board or court may order a hearing on the petition before appointing the engineer on such notice as it may require, if a hearing is deemed advisable.

(b) Upon the filing of the engineer's report, notice of hearing thereon shall be given as required by section 106.301. If at this hearing it appears from the engineer's report that the repairs are necessary and for the best interests of the property owners affected, and the board or court so find, the board or court shall make findings and order accordingly. In the case of a drainage system lying wholly within the county, the order shall direct the county auditor and the chairman of the county board, and in the case of a drainage system lying wholly in two or more counties, to direct the auditor of the several counties affected to proceed and let a contract for the repair of the system as shown in the engineer's report and as determined necessary by the board or court, in the manner provided in this chapter for original ditch construction.

c. If the petition referred to in subparagraph (a) be made by the owners of not less than 26 percent of the area of the property affected by and assessed for the original construction of the ditch, and if upon the hearing required by subparagraph (b) it appears that the ditch is in need of repair so that it no longer serves its original purpose, then the board or court shall order the repairs and the letting of a contract for original ditch construction under the provisions of this chapter.

(d) In all proceedings before the court, the judge shall, by order, apportion the costs and expenses between the several counties in the same manner as required in the original construction of the ditch.

e. If it is proposed to repair a ditch by resloping of open ditches, leveling waste banks, or removing trees, or by two or all of these actions, before ordering the repair, the board or court shall find and determine whether the resloping, leveling, waste bank leveling, tree removal, or by two or all of these actions, before ordering the repair, the board or court shall find and determine whether the resloping, leveling, waste bank leveling, or tree removal will require the taking of any property not contemplated and included in the original proceeding for the establishment of the ditch, and further, whether the waste bank leveling will directly benefit land upon which bank leveling is specified. If it appears that such resloping, leveling and tree removal will require such taking, or directly benefit such land, or both, before ordering the repair, the board or court shall appoint viewers to report thereon and hear and determine such damages and benefits, as provided by Minnesota Statutes, Sections 106.171, 106.191 and 106.201. Such damages, if any, shall be paid as provided by Minnesota Statutes, Section 106.251 as a part of the cost of the repair, and such benefits, if any, shall be added to the benefits theretofore determined as the basis for the pro rata assessment for the repair of such ditch in such repair proceeding only.

If in proceedings under this chapter for the repair of a ditch the engineer determines that by reason of the inclusion of added lands in subdivision 7 or otherwise, which are not assessed as a part of the original ditch, any bridge constructed or culvert installed later as a replacement of such original bridge or culvert, or in proceedings for the improvement of such ditch, provides insufficient waterway opening for the efficient operation of said ditch to serve its original purpose, the board or court shall order reimbursement by any county or counties affected to any other county or counties as shall be just. A certified copy of the order shall be filed by the clerk with the auditor of each county, and the county boards shall respectively make reimbursement as therein required.

Upon the filing of the engineer's report of notice of hearing on such report shall be given as provided by section 106.101 and such notice may be given in conjunction with and as part of the notice required under subparagraph (b), but the notice shall specifically state that the enlargement of such waterway openings will be considered by the court or board at such hearing.

Upon hearing on the engineer's report the board or court shall hear all interested parties and if the board or court finds that existing bridges and culverts provide insufficient waterway openings for the efficient operation of the ditch as presently constructed or subsequently improved, the board or court shall order the enlargement of such waterway openings, and may order that such waterway openings be enlarged and that bridges be constructed or culverts be installed of such capacity as will provide such efficient waterway openings and shall determine the kind of and plans for such replacement bridges or culverts, which order shall direct the state and all municipalities, townships, cities, villages, towns, or other political divisions, or any bridge or culvert required by such order upon its road or right-of-way within a reasonable time named in the order, and the auditor or clerk shall notify the state, municipality, railroad company or other corporation to construct same in accordance with the order.

If the work is not done within the time limited, the county board or district court may order the same built and the cost thereof collected from it in case of an assessment for benefits.

If, however, any municipality, railroad company or other corporation, upon such hearing or upon being notified to construct any bridge or install any culvert, fails or refuses to construct the same within the time named in the order, and the auditor or clerk shall notify the state and all municipalities, townships, cities, villages, towns, or other political divisions, or any bridge or culvert required by such order upon its road or right-of-way, and if the costs of the same, assessed against the party or corporation, are not paid within a reasonable time after the date specified, such costs may be assessed against the property within the county or counties for the construction of such bridge or culvert, and collected from such municipality, railroad company or other corporation in the manner provided by subdivision 5.

Subd. 5. Assessment; bonds. (a) If there are not sufficient funds to the credit of the drainage system so to be repaired, the county board shall apportion and assess the costs of the repairs pro rata upon all lands, corporations, and municipalities which have participated in the ditch theretofore determined. Such assessments may be made payable in annual instalments to be specified in the order for assessment. If the assessments do not exceed 50 percent of the original cost of the ditch, such instalments shall not exceed ten. But if, such assessments exceed 50 percent of the original cost of the ditch, the county board may order such assessments to be paid in instalments not to exceed fifteen. If such order shall provide for payment in instalments, interest from the date of the order for assessment shall be fixed by the county board in the order, at a rate not to exceed six percent per annum, on the unpaid assessments, and shall be collected with each instalment.

(b) If the assessment be not payable in instalments, no lien need be filed, and the order of the county board, after the taking of the order to August 15 of the succeeding calendar year, shall be entered on the tax lists for the year and be due and payable with and as a part of the real estate taxes for such year. When any such assessment is levied and made payable in instalments, the county board shall file for record in the office of the register of deeds an additional tabular statement in evidence as provided in section 106.311, with the provisos of sections 106.351, 106.371, and 106.381 relating to collection and payment shall apply thereto. Upon the filing of the tabular statement, the instalment and
interest shall be due and payable and shall be entered on the tax lists and collected in the same as the original lien.

c. Whenever a contract for ditch repair has been entered into under this chapter, or such repair has been ordered to be constructed by day labor, and when the county board has ordered the assessments to be paid in installments, the board may sell such assessments as provided in this chapter.

d. In the case of the repair of a state drainage system established wherein no assessment of benefits to lands was made when such system was established, the board or court shall observe the requirements of chapter 106, and appoint viewers to determine the benefits resulting from such repair and otherwise observe all requirements of this chapter in the procedure for the collection of such assessment as theretofore shall be made.

Subd. 6. Creation of fund. For the purpose of creating a fund to the credit of any drainage system used for repairs exclusively, the county board is authorized to apportion and assess the amount of such fund against all the parcels of land, corporations and municipalities theretofore assessed for benefits in proceedings for the construction of the ditch system, including lands not originally assessed therefor but subsequently found to be benefited according to law. Such assessment shall be made pro rata according to benefits determined. The fund so created shall not exceed 20 percent of the original cost of construction of the ditch system. Whenever such fund to the credit of one ditch system shall exceed 20 percent of the total original cost of the ditch, no further assessment for the purpose of creating such fund shall be made until such fund shall have fallen below that percentage. Assessments shall be made as provided in subdivision 5.

Such assessment, if so provided in the order, may be made payable in equal annual installments. Thereupon the county auditor shall file for record in the office of the register of deeds a tabular statement as herebefore provided.

Subd. 7. Inclusion of added lands. (a) In any proceeding for the repair of any state, county, or judicial drainage system, if it shall appear that any lands or property which were not assessed for benefits arising from the installation of such drainage system, or have otherwise benefited by reason thereof, the engineer appointed under subdivision 4, clause (a) shall submit a map with his report showing all main ditches and drains, public or private, draining into such drainage system and all lands affected thereby or otherwise benefited by such drainage system, together with the names of the owners thereof so far as practicable. In such case, all shall be notified of the hearing on the engineer's report as provided by subdivision 4, clause (b).

(b) Upon the hearing on the engineer's report, if it appears that lands or properties which were not assessed for benefits resulting from the construction of the ditch system have been benefited by reason thereof, the board or court shall so find and, before ordering the letting of a contract for the making of such repairs, shall appoint viewers as provided by section 106.141. The viewers shall proceed to ascertain and determine the benefits to all lands, roads, corporations, and municipalities benefited by the original construction of such ditch system and not assessed for benefits arising from its construction and shall report the same to the board or court, as the case may be, as provided by section 106.151. Upon the filing of such report, notice of hearing thereon shall be given as required by section 106.171 and the board or court shall thereupon have jurisdiction of each tract of land and property in the viewers' report described, as set forth in section 106.181.

(c) Upon hearing upon the viewers' report, the board or court shall hear all interested parties and shall find and determine the benefits to all lands, roads, corporations and municipalities benefited by the original construction of the ditch system and not assessed for benefits therefor.

(d) Any person aggrieved by the assessment as determined by the board or court may appeal from the order determining the same as provided by section 106.631.

(e) In the repair of the drainage system then determined and in all future proceedings relating to the repair, cleaning, improvement, or alteration of such drainage system, such lands shall be considered a part of the lands benefited by the drainage system described in such order and shall be assessed in the same manner as provided by law for the assessment of the lands and properties originally assessed for and included in the drainage system.

Subd. 8. Cost of repair. All fees and costs incurred for proceedings relating to the repair of any drainage system, including inspections, engineering, viewing, publications, or any other proper proceeding shall be deemed a cost of repair and assessed against the land benefited and against corporations and municipalities as herein provided.

1947 c 113 s 47; 1949 c 498 s 7; 1958 c 392 s 1; 1955 c 620 s 1; 1955 c 809 s 2; 1957 c 229 s 13; 1957 c 894 s 1; 1959 c 629 s 1; 1961 c 535 s 5; 1963 c 193 s 1; 1966 c 921 s 1; 1967 c 257 s 1; 1967 c 185 s 2

106.48 [Repealed, 1945 c 82 s 7]

106.481 DITCH INSPECTORS. In any county where drainage systems constructed have cost in the aggregate more than $50,000, the board shall appoint a county ditch inspector of ditch inspectors. The inspector shall be an engineer or the chief ditch inspector. The inspector shall be a duly licensed highway engineer. The inspector shall examine all drainage systems within the county as the board shall designate and require. The appointment shall be for such time and for such compensation as the board may specify. The inspector shall report in writing to the county board the result of his examination of any ditch, designating the portion thereof in need of repair, together with the location and nature of the repair needed. The board shall consider such report at its next meeting and is authorized to cause all or any part of such repairs to be made as provided by section 106.471.

1947 c 143 s 8; 1955 c 809 s 3

106.485-106.488 [Repealed, 1947 c 143 s 67]

106.49 [Repealed, 1945 c 71 s 2; 1945 c 52 s 7]

106.491 OBSTRUCTION OF DITCH. If it at any time appears to the board that any ditch has been obstructed by the installation of bridges or culverts of insufficient waterway opening or otherwise, the board shall forthwith notify the person or public authority responsible for such obstruction to remove the same or to show cause before the board at a time and place fixed in the notice why such obstruction should not be removed. If such obstruction can be removed from public property, the owner thereof shall be deemed prima facie responsible thereof and shall in any event be so notified. Such notice shall be by registered mail not less than ten days before the return date thereof. At the time and place fixed in the notice, the board shall hear all interested parties and if it appears that the ditch has been obstructed by any person or public authority, shall so find and order the obstruction removed by the person or authority responsible therefor within a reasonable time fixed in the order. If the obstruction be not removed within the time fixed, the board shall cause the same to be removed and in such event the auditor shall make a statement of the cost thereof and shall file the same in the office of the register of deeds of the county as a lien against the property which the obstruction concerns or over which the proposed improvement passes or by the authority responsible therefor; and such lien shall be enforced and collected as liens made for ditch repairs as provided in this chapter; except that no lien may be filed against private property if it appears that the owner thereof is not responsible for the obstruction. In such event the cost of removal may be enforced against the responsible party by civil action.

1947 c 143 s 48

106.492 [Repealed, 1961 c 561 s 17]

106.493 [Repealed, 1961 c 561 s 17]

106.495 [Repealed, 1947 c 143 s 67]

106.496 [Repealed, 1961 c 561 s 17]

106.501 IMPROVEMENTS. Subdivision 1. Petition. Before any public drainage system theretofore established and constructed shall be improved by tiling, enlarging or extending, the following procedure shall be observed. In the case of the improvement of a ditch system lying wholly within the county, a petition signed by not less than 26 percent of the resident owners of the property affected by the proposed improvement or over which the proposed improvement passes or by the authority responsible therefor within a reasonable time fixed in the order. If the obstruction be not removed within the time fixed, the board shall cause the same to be removed and in such event the auditor shall make a statement of the cost thereof and shall file the same in the office of the register of deeds of the county as a lien against the property which the obstruction concerns or over which the proposed improvement passes or by the authority responsible therefor; and such lien shall be enforced and collected as liens made for ditch repairs as provided in this chapter; except that no lien may be filed against private property if it appears that the owner thereof is not responsible for the obstruction. In such event the cost of removal may be enforced against the responsible party by civil action.

1947 c 143 s 48

106.521 [Repealed, 1947 c 143 s 67]

106.525 [Repealed, 1947 c 143 s 67]

106.501 IMPROVEMENTS. Subdivision 1. Petition. Before any public drainage system theretofore established and constructed shall be improved by tiling, enlarging or extending, the following procedure shall be observed. In the case of the improvement of a ditch system lying wholly within the county, a petition signed by not less than 26 percent of the resident owners of the property affected by the proposed improvement or over which the proposed improvement passes or by the authority responsible therefor within a reasonable time fixed in the order. If the obstruction be not removed within the time fixed, the board shall cause the same to be removed and in such event the auditor shall make a statement of the cost thereof and shall file the same in the office of the register of deeds of the county as a lien against the property which the obstruction concerns or over which the proposed improvement passes or by the authority responsible therefor; and such lien shall be enforced and collected as liens made for ditch repairs as provided in this chapter; except that no lien may be filed against private property if it appears that the owner thereof is not responsible for the obstruction. In such event the cost of removal may be enforced against the responsible party by civil action.

1947 c 143 s 48

106.521 [Repealed, 1947 c 143 s 67]

106.525 [Repealed, 1947 c 143 s 67]

106.501 IMPROVEMENTS. Subdivision 1. Petition. Before any public drainage system theretofore established and constructed shall be improved by tiling, enlarging or extending, the following procedure shall be observed. In the case of the improvement of a ditch system lying wholly within the county, a petition signed by not less than 26 percent of the resident owners of the property affected by the proposed improvement or over which the proposed improvement passes or by the authority responsible therefor within a reasonable time fixed in the order. If the obstruction be not removed within the time fixed, the board shall cause the same to be removed and in such event the auditor shall make a statement of the cost thereof and shall file the same in the office of the register of deeds of the county as a lien against the property which the obstruction concerns or over which the proposed improvement passes or by the authority responsible therefor; and such lien shall be enforced and collected as liens made for ditch repairs as provided in this chapter; except that no lien may be filed against private property if it appears that the owner thereof is not responsible for the obstruction. In such event the cost of removal may be enforced against the responsible party by civil action.

1947 c 143 s 48

106.521 [Repealed, 1947 c 143 s 67]

106.525 [Repealed, 1947 c 143 s 67]
proposed to be improved by number or other description sufficient to identify the same and set forth that the ditch is of insufficient capacity or needs enlarging or extending so as to furnish sufficient capacity or a better outlet; with a description of the starting point, general course and terminus of any extension, and that the proposed improvement will be for public utility and promote the public health. The petition shall contain an agreement by the petitioners that they will pay all costs and expenses which may be incurred in case the proceedings are dismissed.

Subd. 2. Subsequent proceedings. Upon the filing of such petition and a bond as provided by section 106.041, it shall be the duty of the auditor, in the case of a drainage system lying wholly within the county, to present the same to the county board, and the board shall set the same for hearing and determine whether the ditch is so damaged that such portion is out of repair, the board or court shall be required to repair the portion of said ditch to be improved, and by order direct the board to improve the same as in the case of a petition for the establishment of a public drainage system as set forth in this chapter.

In his preliminary report, the engineer shall show the existing or proposed drains which cause the overflow together with the lands and properties drained or to be drained thereby and the names of the owners thereof. If, pursuant to preliminary hearings held before the auditor, a detailed survey be made by the auditor and viewers shall find and report the benefits to all lands and properties from the improvement including all lands and properties drained or to be drained by such existing or proposed drains.

106.521 LATERALS. Persons owning property in the vicinity of an existing public drainage system may petition for a lateral or a lateral system connecting such system with the drainage system of the property. The petitioners shall set forth in this chapter, section 106.051 et seq., as provided in the case of a petition for the establishment of a lateral system connecting such system with a drainage system of the property. The petitioners shall set forth in the petition an agreement by the petitioners that they will pay all costs and expenses which may be incurred in case the proceedings are dismissed or for any reason no contract for the construction thereof is let. The petitioners, except the petition be made by the county board, shall give bond as provided by section 106.041.

In the case of a lateral system or a lateral system connecting such system with the drainage system of the property, the petitioners shall state that the petitioners will pay all costs and expenses which may be incurred in case the proceedings are dismissed or for any reason no contract for the construction thereof is let.

The petition shall be filed with the auditor, except in the case of a lateral system or a lateral system connecting such system with the drainage system of the property, in the case where the lands drained by the drain or drains causing the inundation are all located in one county, the petition shall be filed with the county auditor, except in the case the petition be made by the county board.

In such case it shall be made to the court and filed with the clerk of the court. If the improvement and the portion thereof, or more counties, the petition shall be filed with the clerk of the district court of any county in which the improvement or any part thereof is located. Thereafter the county board or the district court, as the case may be, shall have jurisdiction of said petition and the improvement and the lands and properties affected, and all proceedings shall thereafter be had for the establishment and condemnation of lands benefited thereby, the same as in the case of a petition for the establishment of a public drainage system as set forth in this chapter.
any ditch or drain that outlets water into an existing county or judicial ditch re-
gardless of actual physical connection. Any person desiring to so utilize an ex-
isting ditch shall petition the board or court. Upon filing the petition, the auditor,
or clerk with the approval of the judge, shall fix a time and place for hearing
thereon and shall give notice of the hearing by mail and publication.
Such auditor or clerk shall receive for mailing such notice, a fee of $3 plus ten cents for each notice in excess of ten. Upon the hearing the board
or court shall fix the capacity of the outlet ditch and, if consent be given
for the construction of any such work including
such drainage system. The board or court in this state may enter into contracts Of
arrangements with the board or tribunal in the adjoining state or country to con-
ing, so far as it relates to lands in this state, shall be done on petition of the owners
board or court, as the case may be, may authorize and direct the proper county or
district in another state or country shall pay its proper share of the
necessary costs and expenses of the construction of any such work including
such drainage system. The board or court in relation to the joint work of drainage; provided, the adjoining
county or district in another state or country shall pay its proper share of the
necessary costs and expenses of the construction or improvement of any such
drainage system; subject to such conditions as may be deemed necessary and proper to protect the rights of the
owners of lands as provided in the laws of this state relating to county or judicial ditch
proceedings, and the provisions of these laws so far as applicable shall govern the
damages.

If the benefits to lands in the adjoining state or county are not sufficient
of sufficient benefit to the lands in this state affected by the drainage work, to war-
rant the contribution.

106.56 [Repealed, 1947 c 143 s 67]

106.561 MUNICIPAL SEWER CONNECTIONS. Subdivision 1. Petition. Any
municipality desiring to use any public drainage system as an outlet for its sewer
system or as a drain shall have the power hereby, may petition the county board where the
system desired to be used as an outlet lies wholly within county, or the court having juris-
diction thereof where the system extends into two or more counties. The
petition shall set forth the necessity for the use of the system as an outlet and that
the use of such outlet will be of public benefit and utility. The
petition shall be accompanied by a plat showing the location of the drainage system
and of the sewerage system of the municipality with plans and specifications showing
the plan of connection. The same shall have the approval of the state water
pollution control commission.

Subd. 2. Filing; notice. If proceedings for the drainage system intended to be
used as an outlet are pending, but the same is not yet established, the petition shall be filed
in the office of the auditor in all cases pending before the board, and with the clerk in
all judicial proceedings, and shall be presented to the board or court at the final
hearing called for the consideration of the engineer's and viewers' reports. Notice
of the pendency of the petition shall be included in the notice of final hearing.

If the drainage system desired to be used as an outlet has already been
established, the petition shall be filed with the auditor in all cases where the drainage
system is located entirely within one county, or with the clerk of the court where
the proceedings were instituted when the drainage system extends into two or more
counties. Upon the filing of the petition, the auditor, or the clerk with the approval
of the judge, shall, by order, fix a time and place for hearing on the petition. Notice
of the hearing shall be given by publication, and in judicial proceedings also by mail
to the auditor of each county affected.

Subd. 3. Hearing and order. Upon the hearing of the petition, the board or
court shall, after hearing all evidence of parties interested, or for against the granting of the
petition, and if at the hearing it shall appear that a necessity exists for the use of the
system as an outlet for the sewerage system or the overflow thereof, that
such use will be of public utility and promote the public health, that the proposed
connection conforms to the requirements of the state water pollution control com-
mission and provides for the construction and use of proper disposal works, the
board or court may grant the petition upon such terms as may be prescribed and
authorize the municipality to use the drainage system as an outlet, subject to such
conditions as may be deemed necessary and proper to protect the rights of the
parties and safeguard the interests of the general public. The order shall make the
municipality a party to the drainage proceedings and determine the benefits to be
decided by the board or court.

If the ditch be already established, the board or court shall further determine the
amount the municipality shall pay for the privilege of such use and the sum so
determined shall be paid to the county or counties affected and credited to the
account of the ditch system used as an outlet. The municipality shall thereby be
liable for all subsequent liens and assessments for the repair and maintenance of
such drainage system in proportion to the benefits so fixed, the same as though
originally determined in the order establishing such ditch.

106.57 [Repealed, 1947 c 143 s 67]

106.571 DEFECTIVE NOTICE; SERVICE. Subdivision 1. Defective notice. In all
cases where notice is required under this chapter, where it appears that proper
notice has been given to some parties, but is defective, or not given, as to others, the
jurisdiction shall continue as to all parties to whom proper notice has been given and
the proceedings may be continued by order of the board or
court for such time as may be
necessary to publish, post or mail a new notice. Such new notice need only
be given to those not properly served in the first instance.

Subd. 2. Personal service. In all cases where any form of service is provided
in this chapter, personal service in lieu thereof shall be sufficient, provided the same
be made not less than ten days before the date of hearing. Such notice shall be
served in the manner provided for the service of summons in a civil action in
district court.

106.58 [Repealed, 1947 c 143 s 67]

106.581 RIGHT OF ENTRY. In all proceedings instituted under the provisions
of this chapter, the engineer and his assistants and the viewers and their assistants
shall have the right to enter upon any lands for the purpose of making the survey,
locating the drain, examining the property, and estimating the benefits and
damages. [1947 c 143 s 60]

106.59 [Repealed, 1947 c 143 s 67]

106.591 RECORDS, PRIMA FACIE EVIDENCE. The record of any proceedings
conducted under the provisions of this chapter and of any order made by the
county board or the district court in such proceedings, or the certified copy thereof,
shall be prima facie evidence of the facts therein stated and of the regularity of all
proceedings prior to the making of the order. [1947 c 143 s 59]

106.60 [Repealed, 1947 c 143 s 67]

106.601 FAILURE OF BOARD OR COURT TO ATTEND HEARINGS. In all
cases where an order has been made and notice given calling a hearing in any
matters connected with a proceeding under this chapter, and the board or court for
any cause shall fail to appear at the time and place specified, the auditor or clerk
shall continue the hearing to such other date as may be deemed necessary and notify
the board or court of the continuance and the date of hearing. Such continuance
shall continue the hearing and jurisdiction to the date fixed by the auditor or clerk.
[1947 c 143 s 57]

106.61 [Repealed, 1947 c 143 s 67]

106.611 DEFECTIVE PROCEEDINGS. No party may take advantage of any
error in any drainage proceedings, nor of any informality, error, or defect appearing
in the record of the proceedings, unless the party complaining thereof is directly
affected thereby. The modification of the benefits or damages to any property, or
the enjoining of collection of any assessment, shall in no manner affect any other
property or the collection of any assessment thereon.

When any ditch has been established and a contract or contracts let without
consent and in good faith, no defect or lack of notice in
letting, making or executing the contract or contracts shall in any way affect the
enforcement of any assessment; and in such case, and if the contract or contracts be
in good faith performed, in whole or in part, no such defect shall invalidate the
contract or contracts. [1947 c 143 s 61]

106.62 [Repealed, 1947 c 143 s 67]

106.621 USE OF FORMER SURVEYS. In any proceeding for the establishment
or improvement of a drainage system where a survey has been made and for any
reason the proceeding has been abandoned, or dismissed, and thereafter proceedings
are not conducted under this chapter, and any drainage system or drain made
in the new proceedings has a part of all of the former survey, the amount saved
in the subsequent proceedings shall be paid to the proper parties. Upon petition
of the parties who paid the expense of the former survey, the board or court shall
determine the amount of benefit that was derived by the subsequent proceedings
from the former survey and shall order the amount thus saved paid to the parties
entitled thereto and charged as a part of the expenses in the subsequent proceeding.
[1947 c 143 s 62]

106.63 [Repealed, 1947 c 143 s 67]

106.631 APPEALS. Subdivision 1. Grounds for appeal. Any party aggrieved
thereby, may appeal to the district court from an order of the board or court made
in any proceeding and entered upon its record determining any of the following
matters:

(1) The amount of benefits determined;
(2) The amount of damages allowed;
(3) Relative to the allowance of fees or expenses in any proceeding.
Subd. 2. Procedure on appeal. (a) Any person appealing on the first or sec-
ond ground named, may include and have considered and determined benefits or

Subd. 3. Effect of determination. In all cases of appeal, the amount awarded
by the jury as finally determined shall stand for and in the place of the amount
from which the appeal was taken.

Subd. 4. Appeal from orders. Any party aggrieved thereby may appeal to the
district court of the county where the proceedings are pending from any order made
by the board or county in deciding the petition for any drainage system or drain
established or proposed to be established. The appellant shall serve notice of
appeal and give bond as provided in subdivision 2. Upon the appeal being per-
fected, it may be brought on for trial by either party upon ten days notice to the
other, and shall then be tried by the court without a jury. The court shall examine
the whole matter and receive evidence to determine whether the findings made by
the county board can be sustained. At such trial the findings made by the county
board shall be prima facie evidence of the matters of which the county board
shall be deemed prima facie reasonable. If the court shall find that
the order appealed from is lawful and reasonable, it shall be affirmed. If the
court finds that the order appealed from is arbitrary, unlawful, or not supported by
the evidence, it shall make such order to take the place of the order appealed from
as is justified by the record before it, and shall thereafter, upon appeal to the
original court the original order of the court shall be affirmed.

If such appeal be from an order establishing a ditch, the trial of any appeals
from benefits or damages in the ditch proceeding shall be stayed pending the
determination of such appeal; and, if the order establishing be affirmed, any such
appeals from benefits or damages shall then stand for trial as provided by this
such appeal shall be made as from such ditch system so that the drainage therefrom no longer utilizes or affects the drainage system, and further, that setting such lands out of the system and that such lands and properties are no longer benefited thereby and no public ditch, proceedings for the abandonment of the ditch may be had under the following procedure:

A petition shall be signed by not less than 51 percent of the resident owners of lands assessed for the construction of the ditch, or by the owners of not less than 51 percent of the area of such lands. For the purpose of the petition, the county board shall be deemed the resident owner of all tax forfeited lands held by the state and assessed for benefits from said ditch, and the county board shall act as the same as any resident owner. If all lands and property assessed for benefits in the ditch are located in one county, the petition shall be filed with the county auditor, except the petition be signed by the county board. In such case, the petition shall be made to the court and filed with the clerk. If such lands and property are located in two or more counties, the petition shall be filed with the clerk. The county board or the district court, as the case may be, shall have jurisdiction of the petition.

The petition shall designate the ditch proposed to be abandoned and set forth that the ditch is no longer of public benefit and utility because of the general abandonment for agricultural uses of the lands served thereby or because the ditch has ceased to function and its restoration is not practical. Upon the filing of the petition, the auditor, or the clerk with the approval of the judge, shall fix a time and place for hearing thereon. The auditor or clerk shall cause notice of the time and place of the hearing to be given to all persons interested, by publication.

At the time and place specified in the notice, or at any adjournment thereof, the board or court shall examine the petition and determine the sufficiency thereof and shall hear all interested parties. If the owner of any land or property assessed for benefits for such ditch appears and makes written objection to the abandonment thereof, the board or court shall appoint three disinterested persons as viewers to examine such land or property and report thereon to the board or court, and shall adjourn the hearing for such reasonable time as may be necessary for examination and report. Upon the filing of the petition, the auditor, or the clerk with the approval of the judge, shall fix a time and place for hearing thereon. The auditor or clerk shall cause notice of the time and place of the hearing to be given to all persons interested, by publication.

At the adjourned hearing, the board or court shall consider the viewers' report and all evidence offered, and, if it appears the ditch does not serve any public purpose to any landowner, the general public, the petition for abandonment shall be denied. If it appears that the ditch no longer serves any useful purpose to any lands or property affected and that it is no longer of public benefit and utility, the board or court shall so find and shall by order abandon the ditch.

After abandonment of any ditch, no petition shall be entertained for its repair and the responsibility of the board or court for the maintenance thereof shall cease.

106.66 ABANDONMENT. After the expiration of the period originally fixed, or subsequently extended, for the payment of assessment liens made on account of any public ditch, proceedings for the abandonment of the ditch may be had under the following procedure:

A petition shall be signed by not less than 51 percent of the resident owners of lands assessed for the construction of the ditch, or by the owners of not less than 51 percent of the area of such lands. For the purpose of the petition, the county board shall be deemed the resident owner of all tax forfeited lands held by the state and assessed for benefits from said ditch, and the county board shall act as the same as any resident owner. If all lands and property assessed for benefits in the ditch are located in one county, the petition shall be filed with the county auditor, except the petition be signed by the county board. In such case, the petition shall be made to the court and filed with the clerk. If such lands and property are located in two or more counties, the petition shall be filed with the clerk. The county board or the district court, as the case may be, shall have jurisdiction of the petition.
ceeding specified in section 106.671, all proceedings relating thereto shall be subject to the following provisions, so far as applicable.

Subd. 2. Any such area or part thereof may be taken or damaged for the purposes of any such project upon payment of just compensation therefor as provided by law and upon the following conditions:

(1) The authority having jurisdiction of the proceeding shall first find and determine that there is public necessity for such taking or damage paramount to the public interest in the purposes for which the premises are held or used by the state;

(2) In determining the compensation to be paid for such taking or damage, due consideration shall be given to the value of the premises for which the same are held or used by the state, together with other material elements of value;

(3) No public waters shall be taken, damaged, or impaired except as otherwise expressly authorized by law, and no provision of any other law for the protection or conservation of such waters shall be abridged or superseded by the provisions hereof.

Subd. 3. In determining benefits to any such land or water area in any such proceeding for the purpose of levying assessments therefor or offsetting the same against damages, due consideration shall be given to the value of the premises for which the same are held or used by the state, together with other material elements of value.

Subd. 4. Any sums paid to the state on account of taking or damaging any such land or water area in any such proceeding shall be credited to the proper funds for acquisition, development, or maintenance of such areas, and such sums are hereby appropriated to the commissioner of conservation therefor, to remain available until expended.

Subd. 5. Assessments for benefits made against any such area in any such proceeding shall be paid out of any funds appropriated and available therefor as provided by law.

[1955 c 681 s 2]

106.673 DITCHES, PLANTING WITH PERMANENT GRASS. In any proceeding for the establishment or construction of a public drainage system or ditch or for the improvement, extension, or other work affecting such system or ditch under Minnesota Statutes, Chapters 106, 111, 112, or any other law now in force or hereafter enacted, where viewers are appointed to assess benefits and damages, the authority having jurisdiction of the proceeding, shall order the spreading of spoil banks consistent with the plan and function of the ditch and may order the planting of a permanent grass, other than a noxious weed, on the banks and on a strip one rod in width or to the crown of the leveled spoil bank whichever is the greater on each side of the top edge of the channel of the ditch. The acreage which will be required is that needed for the foregoing and the authority having jurisdiction shall acquire the additional interests in land needed for this purpose. No agricultural practices, other than those required for the maintenance of a permanent growth of grass, shall be permitted on any portion of the land acquired for this purpose and it shall be the duty of the authority having jurisdiction over the repair and maintenance of the ditch system to supervise all necessary reseeding and funds may be expended for the perpetuation of the growth of grass in the same manner as for the other ditch repairs. Harvest of grass from the grass strip in any manner not harmful to the grass or ditch shall be the privilege of the fee owner or his assigns, subject to such regulations as the county ditch inspector shall establish for the harvesting of grass.

[1955 c 598 s 1]

106.68-106.79 [Repealed, 1947 c 143 s 67]

106.80 [Repealed, 1947 c 122 s 1]

106.81-106.93 [Repealed, 1947 c 143 s 67]

CHAPTER 110

DAMs: LAKE WATER LEVELS

Sec. 110.121 AUTHORITY OF COUNTY BOARD. When the whole or any part of any body of water is situated in a single county, the county board of commissioners, in order to improve navigation thereon, or to promote the public health, safety and welfare, may improve the same and maintain the improvement and operate control works; provided that no such improvement affecting public waters be made until a permit therefor is issued by the commissioner of conservation of the state of Minnesota as provided by law.

[1947 c 123 s 1]

110.122 ACQUERING PROPERTY. The county board may acquire, in the name of the county, by gift or purchase or by condemnation under Minnesota Statutes 1945, Chapter 117, any existing dam or control works that may affect the level of such waters, and all other land and property needful for the purpose of improving any body of water pursuant to section 110.121.

[1947 c 123 s 2]

110.123 ACCESS TO BODY OF WATER. No body of water shall be improved under sections 110.121 to 110.126 unless the public have access to some portion of the shore line thereof.

[1947 c 123 s 3]

110.124 APPROPRIATIONS. The county board is authorized to appropriate money from the general revenue fund of the county for the purpose of carrying out the provisions of sections 110.121 to 110.126, and may accept and receive gifts therefor.

[1947 c 123 s 4]

110.125 COOPERATIVE AGREEMENTS. The county board may make cooperative agreements with the United States or state government or any other county or city, village or borough for the purpose of effecting the provisions of sections 110.121 to 110.126.

[1947 c 123 s 5]

110.126 AUTHORITY OF MUNICIPALITIES. The governing body of any city, village or borough in the state within which the whole or any part of any body of water is situated, shall have all the powers to improve such body of water as are conferred by sections 110.121 to 110.126 on county boards.

[1947 c 123 s 6]

110.127 HENNEPIN COUNTY: IMPROVEMENT OF PUBLIC WATER. Subdivision 1. Powers of county board. In any county in this state now or hereafter having a population of 500,000 inhabitants or over, the board of county commissioners thereof, in proceedings for the improvement of any body of water pursuant to sections 110.121 to 110.126, for the purpose of improving navigation thereon and to promote the public health, safety and welfare through the improvement of marshy areas or otherwise, shall, in addition to the powers granted by said sections 110.121

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to 110.126, have the power to determine and award damages to property affected thereby and to determine and assess against property affected any special benefits resulting in any way from such improvement, in the manner herein set forth.

Subd. 3. Appraisal. When, pursuant to said sections 110.121 to 110.126 and as provided in Minnesota Statutes 1945, Sections 117.01 to 117.20, petition is made to the board of county commissioners of appraisal, the commissioner of the state department of revenue shall, at the request of the board, annex to the petition a copy of the plan of improvement prescribed by subdivision 2, and the court appointing such commissioners shall in its order of appointment provide that they shall, in addition to the determination and award of damages arising out of such improvement, assess special benefits resulting in any way therefrom to any lands affected thereby.

Subd. 4. Appraisers. The commissioners of appraisal shall, in addition to the determination and appraisal of damages sustained on account of taking under the right of eminent domain, determine and report what lands, if any, are especially benefited by such improvement wherever situate and whether contiguous or not. If the total of all the damages to any particular lands exceeds the benefits thereto, the excess shall be awarded as damages. If the benefits thereto exceed the total of all damages to any particular lands, the difference shall be assessed as benefits. The total assessment for benefits shall not be greater than the aggregate net award of damages added to the estimated costs of construction, less the amount of money appropriated by the county and received by the county in the form of gifts for the purpose of carrying out such improvement. In every case the benefits assessed shall be in proportion to the actual benefits received, and no assessment upon any particular land shall exceed the amount of actual special benefits after deducting the damages, if any. The lands as to which damages are so awarded or benefits are so assessed shall be deemed to include all the lands damaged and benefited, wherever situate and affected in any way by such improvement.

Subd. 5. Appraisers' report. The commissioners of appraisal having determined and appraised the damages and assessed the benefits, as aforesaid, shall make and file with the court a written report of their action in the premises, under their hands, including a tabular statement showing as far as practicable: (1) the names of the owners of each tract of land to be benefited or damaged, including lands of the state or any department or subdivision thereof; (2) a description of each tract to be benefited or damaged, and the total number of acres of each tract and the estimated number of acres in each tract to be benefited or damaged; (3) the amount of damage, if any, that will accrue to each said tract of land; (4) the amount of benefit, if any, that will accrue to each said tract of land; (5) the total amount of benefits, if any, that will accrue to each said tract of land; (6) the estimated number of acres in each tract that will result in special benefits; and (7) the total expenses incurred by them and the actual time each appraiser was engaged. This report shall be substituted for and shall be in lieu of the report required pursuant to Minnesota Statutes 1945, Section 117.08, in respect to damages is hereby established as the method of appeal from any assessment of benefits hereunder and judgment shall be entered upon the verdict or decision in the same manner.

Subd. 7. Determination of appeals; levy of taxes. Upon the determination of appeals of the determination of benefits as finally determined shall be paid into the county fund out of which original expenditures for such improvement were made.

Subd. 9. Modification; awards and assessments. The board of county commissioners shall have the right at any time during the pendency of any proceedings for an improvement conducted pursuant hereto, or at any time within 90 days after the final order of the court on the last of a series of covenants of payment within 90 days after the period of limitations for such appeals to set aside any or all awards or assessments and abandon all such proceedings as to any or all lands affected when it shall deem it for the best interest of the county to do so.

1949 c 328 s 1-9; 1951 c 651 s 1

110.13 CONTROL OF SHORE LINES; VIOLATION. In order to preserve shore lines, banks, bluffs, and all other natural features of an unmodified state of nature, no dam and no addition to any existing dam shall hereafter be constructed in or across any public stream or body of water within or bordering upon those
portions of the area of Cook, Lake, and St. Louis counties designated in the act of Congress of July 10, 1930 (Chapter 880), and no alteration of the natural water level or volume of flowage of any such stream or body of water shall be made and no easement for flooding or overflowing or otherwise affecting lands of the state of Minnesota thereto shall be granted, unless and until specific authority therefor shall have first been obtained by an act of the legislature. With the written approval and consent of the department of conservation, together with the signed authority of the executive council, dams for public recreational uses or dams essential for logging or for logging reservoirs that do not exceed 100 acres in extent may be constructed to maintain temporarily water levels not higher than the normal high-water marks. Every such approval shall contain the following requirement:

- that such approval be subject to conditions and limitations designed fully to protect the public interest in the intent of this section.

The provisions of this section shall not apply to that portion of any proposed development for water-power purposes now or heretofore actually occupied and maintained by any applicant for license to make such development under the federal water-power act and the development of water-power at such license was pending on or before January 1, 1928. Such occupancy is hereby legalized and confirmed, and such occupant is hereby granted the right to occupy and use for water-power purposes, and as long as required and used for such purposes, the state lands and waters now or heretofore so occupied and used up to an elevation not exceeding two feet above the lowest crest of the spillway or overflow dam of such occupant are hereby released, transferred, and relinquished to the state for any and all purposes under the laws of the United States and of the state of North Dakota shall be first obtained.

To pay the state promptly reasonable compensation for any further damage to state lands or timber heretofore or hereafter caused by such development, other than as is covered by the compensation paid for the use of the lands as hereinbefore provided.

Any person who shall wilfully or knowingly violate any of the provisions of this section or of any order made thereunder by the department of conservation shall be guilty of a gross misdemeanor.

110.14 DAMS; PURPOSES; EMINENT DOMAIN. When any person in order to desire to erect and maintain upon his own land a dam across any stream or other watercourse not navigable, or to raise or extend any such dam already erected, whereby lands owned by other persons shall be overflowed or otherwise damaged, he may acquire the right so to do by causing such damages to be ascertained and paid as prescribed in chapter 117. No such dam shall be erected, raised, or maintained to the injury of any water power previously improved.

110.15 NON-USER; FORFEITURE; EXCEPTIONS. When the right to erect, raise, or extend any such dam shall have been acquired hereunder, the improvement shall be commenced within one year, and completed and the water-power applied for in the petition within three years after acquisition; and if any such dam, or the machinery connected therewith, be destroyed, the rebuilding thereof shall be commenced and completed within the same periods after such destruction. Failure to comply with the foregoing requirements shall work a forfeiture of all rights so acquired and a like forfeiture shall result from a failure to erect the mill or machinery after the same is erected for one consecutive year; provided, that if the owner be an infant, or be otherwise legally disabled, the periods herein named shall be allowed after the disability is removed.

110.16 RIGHT TO OVERFLOW, OBFSTRACT, OR IMPAIR HIGHWAYS GRANTED BY GOVERNING BODY. When it shall be necessary in creating, improving, or operating any water power to overflow, obstruct, or impair any public street, railway, or river, there shall be made by the town board or common council, as the case may be, of the town or municipality in which the part of such highway to be affected lies. Such grant shall be made upon petition and by an order, defining all the terms and conditions thereof, passed at a meeting of the board or council called to consider the petition, of which meeting and the purpose thereof ten days notice shall have been given. Testimony may be taken, and all expenses of the meeting and examination shall be paid by the petitioner, whether his prayer be granted or refused.

110.17 REPAIRS; SERVIENT ESTATE; DAMAGES. When the right to overflow the land of another by means of a dam shall have been acquired, either by condemnation or contract, and thereafter, by reason of the breaking away of the banks on the land, the waters of the stream shall be diverted, the owner of the dam may enter upon the lands of such person and repair the said breach and serve for which such approval shall be subject to conditions and limitations designed fully to protect the public interest in the intent of this section.

The provisions of this section shall not apply to such portion of the Red River of the North that forms a part of the boundary common to the state of Minnesota and the state of North Dakota for the purpose of conserving water for municipal, commercial, and domestic use, constructing in connection therewith all appliances, fishways, raceways, sluiceways, and wasteways as may be necessary or convenient for the proper construction and utility of such dam and appurtenant works. All damages caused by such entry and repairs shall be paid by the owner of the dam.

110.18 DAMS BY MUNICIPAL CORPORATIONS ON RED RIVER OF THE NORTH. Any municipality owning or permanently controlling land upon which a proposal for the development of water-power purposes as provided by the Red River of the North Act the portion of the Red River of the North that forms a part of the boundary common to the state of Minnesota and the state of North Dakota for the purpose of conserving water for municipal, commercial, and domestic use, constructing in connection therewith all appliances, fishways, raceways, sluiceways, and wasteways as may be necessary or convenient for the proper construction and utility of such dam and appurtenant works, shall be subject to the limitations, and other conditions designed fully to protect the public interest in the intent of this section. The provisions of this section shall not apply to that portion of the Red River of the North Act the portion of the Red River of the North that forms a part of the boundary common to the state of Minnesota and the state of North Dakota for the purpose of conserving water for municipal, commercial, and domestic use, constructing in connection therewith all appliances, fishways, raceways, sluiceways, and wasteways as may be necessary or convenient for the proper construction and utility of such dam and appurtenant works.

110.19 COUNTY BOARD MAY LICENSE LOGGING DAMS. The county board may license any person applying therefor to erect and maintain a dam or dams across any stream within the county, or bordering thereon, for the purpose of sluicing and driving logs, lumber, and timber thereon, upon being satisfied of the necessity therefor at the places specified, and that the land on both sides of the stream at such points is owned or controlled by the licensee. If the stream runs between two counties, the county board first granting such license shall have exclusive jurisdiction in the premises.

110.20 NOTICE; FORM OF LICENSE; BOND. The applicant shall give 20 days' notice of the time and place of his intended application and of the site of the several dams proposed, one copy of which notice shall be posted in the office of the surveyor general, who is required by law to scale the logs and timber running over such dams. The license shall state the purpose and location of such dams, and the bonds and sealed by its seal shall not be valid until the licensee shall have given bond to the county, in the sum of at least $1,000, conditioned for the construction and maintenance of the dams with all reasonable diligence and skill for the purposes named.

110.21 TOLLS; LIEN. Upon granting such license, the county board shall fix the tolls which may be demanded by the licensee for the sluicing of logs, lumber, and timber thereon, and shall not exceed the rate of nine cents per thousand feet for each dam. Such tolls shall be due and payable as soon as the logs, lumber, or timber are sluiced. To secure the payment thereof a lien is hereby given upon such property, which the holder may enforce by seizing and selling at auction so much thereof as may be necessary to pay the same, with the cost of seizure and sale. Ten days' notice of such sale shall be given in the county where the seizure was made, and at the office of the surveyor general.

110.22 LOGGING STREAMS; BOUNDARY WATERS. The owner of lands bordering upon that part of any stream or other watercourse not navigable by steam but available for the floating of logs, lumber, or timber, may dam the same, and construct in connection with such dam all raceways and other appliances necessary for the development of water power for any lawful purpose or for the supplying of water to municipalities. If such stream or watercourse be a common boundary to both states and any other state or country, the consent, if any, required by law or treaty from owners of the opposite bank, from the states or countries bordering thereon, and from the United States, shall first be obtained.
Every dam so erected shall be provided with a sluiceway, lock, or other means for floating logs, lumber, and timber over or around the same, without unnecessary hindrance or delay, and with a fishway as required by law. All private property necessary to be taken or damaged for the purposes of such dam may be condemned under the provisions of chapter 117.

110.31 WATER LEVELS, REGULATION. The provisions of sections 110.31 to 110.39 shall apply in the case of any lake, including any connecting waters affected, being public waters of the state, where the following conditions now exist or shall hereafter exist:

(1) A dam, however constructed or maintained, shall have existed in the outlet of the lake, affecting the water level thereof, for a continuous period of at least 15 years;

(2) The lake shall have been used by the public for navigation, fishing, hunting, or other beneficial public purposes continuously throughout such period so far as permitted by natural conditions;

(3) The use of the dam for any lawful purpose other than regulating, controlling, or maintaining the water level of the lake in aid of navigation, propagation of fish or waterfowl, or other beneficial public purposes shall have been discontinued;

(4) Continuance of the regulation, control or maintenance of the water levels of the lake as affected by the dam during said period would be desirable and in furtherance of the public interests in navigation, propagation of fish or waterfowl, or other beneficial public uses of the lake, and discontinuance thereof through deterioration or removal of the dam or otherwise would be detrimental to such public uses. [1951 c 667 s 1]

110.32 DEDICATION OF PERPETUAL FLOWAGE EASEMENT. In any such case it shall be presumed that every owner of land or any interest in land bordering on the lake or on any connecting waters affected by such dam has dedicated to the state for the use and benefit of the public a perpetual flowage easement on such land for all overflow and other effects of water thereon resulting from the existence, maintenance, or operation of such dams during such period, which easement shall be of like extent and effect as if the state had thereby regulated, controlled, and maintained the water levels of the lake, and any connecting waters affected by the use of the public for the use and benefit under the conditions existing from time to time during such period and had thereby acquired such easement for such purposes by prescription. [1951 c 667 s 2]

110.33 CONVEYANCE OF EASEMENT TO COMMISSIONER OF CONSERVATION. The commissioner of conservation may accept a conveyance or lease from the owner of any such land or interest therein granting to the state a flowage easement thereon for overflow or other effects of water resulting from the existence, maintenance or operation of such dam or any reconstruction or improvement thereof or any other dam that may be established in the outlet of such lake to regulate, control, or maintain the water level thereof in aid of navigation, propagation of fish or waterfowl, or any other beneficial public purpose. [1951 c 667 s 3]

110.34 DETERMINATION OF EASEMENT RIGHTS. Subdivision 1. The extent and effect of any easement obtained by the state as herein provided and the title and rights of the state therein shall be presumed to be that which would have been acquired if the owner, prior to the date of the dedication, had conveyed to the state all interests and all rights in and to the land necessary for the purposes specified in section 110.31 and not owned or controlled by the state or any other public agency. Such determination shall be presumed to have been made in accordance with the powers vested in the commissioner of conservation or any other authorized agency of the state or combination thereof thereto authorized by law, and such easement shall have like effect for all purposes, or if acquired or taken over and maintained or controlled for such purposes by any county or counties or any other political subdivision of the state or combination thereof thereto authorized by law, and such easement shall have like effect for all purposes, or if acquired or taken over and maintained or controlled for such purposes by any county or counties or any other political subdivision of the state or combination thereof thereto authorized by law, and such easement shall have like effect for all purposes. Every owner of land so affected by the ordinary high water level so established shall be presumed to have consented thereto and to have dedicated such land to the state for the use and benefit of the public for all purposes affect thereby. The commissioner of conservation may determine the ordinary high water level so established in like manner as provided by law for the determination of the ordinary high water level. Such determination shall be proved by evidence of the level involved for all purposes, and otherwise shall have like effect as a determination of natural ordinary high water level by the commissioner. [1951 c 667 s 4]

110.35 EASEMENTS, APPURTENANT TO DAM. Every easement obtained by the state on account of any dam as hereinbefore provided shall attach and be appurtenant to such dam if acquired or taken over and maintained or controlled by the state or any other public agency thereto authorized by law, or by any other public agency hereinbefore specified for such purposes. [1951 c 667 s 5]

110.36 HIGH WATER LEVELS. In any case where the water levels shall have existed and the conditions specified in section 110.31 shall have established an ordinary high water level above the natural ordinary high water level of the waters affected, the ordinary high water level so established shall be deemed to have superseded the natural ordinary high water level of such waters, and shall have like effect for all purposes. Every owner of land affected by the ordinary high water level so established or of any interest in such land shall be presumed to have consented thereto and to have dedicated such land to the state for the use and benefit of the public for all purposes affected thereby. The commissioner of conservation may determine the ordinary high water level so established in like manner as provided by law for the determination of the ordinary high water level. Such determination shall be proved by evidence of the level involved for all purposes, and otherwise shall have like effect as a determination of natural ordinary high water level by the commissioner. [1951 c 667 s 6]

110.37 ABANDONMENT OF DAMS. In case any dam affected by the conditions specified in section 110.31 and not owned or controlled by the state or any other public agency shall not have been used or maintained by the state or any other public agency for a continuous period of at least 15 years, it shall be presumed that the owner has abandoned the dam and the site thereof, and has dedicated the same, together with any flowage easements appurtenant thereto, to the state for the use and benefit of the public. Thereupon the commissioner of conservation shall take possession of such dam and easements and such easements in behalf of the state, and shall use, maintain, operate, and control the same for public purposes, or may dispose of the same for such purposes, subject to the provisions hereof or as otherwise authorized by law, unless the commissioner of conservation, after a hearing upon 30 days notice published in a legal newspaper in the county in which the dam is situated, shall determine that it is not in the public interest for the state to use, maintain, operate, and control the dam. If the commissioner of conservation shall determine under authority of other provisions of law to construct other or additional control works to supplement or supplant such dam, he shall have authority so to do.

The title of the state to any such dam, site, or easements may be established and the determination of title to real estate. The taking of possession of any such dam, site, or easements by the commissioner of conservation shall be manifested by written certificate thereof executed by him and recorded in the office of the register of deeds of the county in which the dam is situated. No responsibility for any such dam shall devolve upon the state or the commissioner or any other agency of the
state until such certificate shall have been recorded or a judgment entered in an appropriate action establishing the state's title thereto. In case any county or counties or other political subdivision of the state or combination thereof shall undertake to take over such dam and easements and maintain, operate, control, or dispose of the same for public purposes as authorized by law, the commissioner of conservation, in his discretion, may convey the same in the name of the state to such county or counties or other political subdivision or combination thereof for such purposes. [1951 c 667 s 7; 1953 c 420 s 2]

110.38 LIMITATIONS. No action or proceeding against the state or the commission of conservation or any other officer or agent of the state or against any other public agency specified in section 110.35 or any officer or agent of such agency in respect of the taking over, constructing, operating, repairing, maintaining, maintaining, operation, or control of any dam specified in sections 110.31 to 110.39 or on account of the effects of any water levels regulated, controlled or maintained by any such dam shall be maintained unless commenced within one year after such taking over or after the completion of such construction, reconstruction, or improvement, as the case may be. [1951 c 667 s 8]

110.39 APPLICATION, SUPPLEMENTAL. Subdivision 1. The provisions of sections 110.31 to 110.39 shall not apply so as to impair, prejudice, or abrogate any right or interest involved in any action pending on April 21, 1951.

Subd. 2. The provisions of sections 110.31 to 110.40 shall be supplementary to and not inconsistent with other provisions of law relating to the same subject matter and no such other provision shall be superseded by these sections, except so far as may be necessary to give effect to the provisions thereof. [1951 c 667 s 9, 10]

110.40 MAINTENANCE OF ACTION. No action or proceeding which affects or seeks to affect adversely a perpetual flowage easement dedicated to the state for the purpose of providing adequate and dependable storage capacity as determined by the corps of army engineers. [1951 c 667 s 11; 1953 c 420 s 3]

110.41 [Expiring]

110.46 BIG STONE LAKE, WATER CONTROL WORKS. Subdivision 1. Plan for completion of works. The legislature hereby finds and determines as follows:

Big Stone Lake, a public, navigable body of water on the boundary between the state of Minnesota and South Dakota, provides excellent water for fishing, hunting, boating, bathing, and other beneficial public purposes. The existing dam and appurtenant water control works at the outlet of said lake were constructed during the period of economic depression and drouth prior to World War II by and under the authority of the State of Minnesota, the State of South Dakota, and the United States through their respective agencies in collaboration as a work project for employment of and relief for poor, needy, and destitute persons. Said works have ever since been and are now under the control of this state, in charge of the commissioner of conservation, for the purpose of maintaining and regulating the water levels in Big Stone Lake, for the purpose of providing adequate and dependable storage capacity as determined by the corps of army engineers. [1951 c 667 s 12; 1953 c 420 s 3]

110.47 HEADWATER LAKES OF MISSISSIPPI, REASON FOR CONTROL. It is the considered judgment of the legislature of the state of Minnesota that the regulation of the control and utilization of waters in the headwater lakes in the Mississippi river, including Leech lake, Winnabigoshish, Pokegama lake, Pine river, Sandy lake, and Gull lake, and to abrogate any existing law not inconsistent herewith, but shall be supplemental thereto. [1951 c 667 s 13]

110.48 JOINT FEDERAL-STATE CONTROL. The commissioner of conservation is authorized and directed to enter into cooperative agreements with the United States of America acting through the department of the army, for joint or separate control and regulation of these reservoirs within the principles hereinafter prescribed so as to effectuate control of the water elevations and the water discharges from these lakes in the interests of the state of Minnesota, subject only to any paramount need of the United States for purposes of navigation, public power generation, and other purposes in the Mississippi river headwaters and downstream.

110.49 PLAN FOR DAM OPERATION. The commissioner of conservation is hereby authorized and directed to formulate a plan for the operation of the dam at each of the reservoirs hereinafter named which will:

(a) Seek to establish the water elevation on each of the lakes at the most desirable height, and to stabilize the stages at that point, insofar as practicable, during the recreational season in Minnesota;

(b) Give due consideration to providing for any reasonable fluctuations when desirable for the production of wild rice in the wild rice producing areas of these lakes;

(c) Take into account the elevations most desirable for the production and maintenance of wild rice resources;

(d) Give due consideration to needs of water for recreation, agriculture, forestry, game and fish, industry, municipal water supply and sewage disposal, power generation, and other purposes in the Mississippi river headwaters and downstream;

(e) Establish stages at which the water shall be maintained so far as practicable, but basically recognizing the following minimum stages in reference to present zeros on the respective government gauges:

<table>
<thead>
<tr>
<th>Lake</th>
<th>Stage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leech Lake</td>
<td>10.0</td>
</tr>
<tr>
<td>Winnabigoshish Lake</td>
<td>6.0</td>
</tr>
<tr>
<td>Pokegama Lake</td>
<td>6.0</td>
</tr>
<tr>
<td>Sandy Lake</td>
<td>6.0</td>
</tr>
<tr>
<td>Pine River</td>
<td>9.0</td>
</tr>
<tr>
<td>Gull Lake</td>
<td>9.0</td>
</tr>
</tbody>
</table>

NOTE: See section 114.12.
established subsequent to the hearings herein provided which departs by more than one foot in elevation shall be placed into effect only upon further hearing pro.

110.50 POTENTIALS COMPREHENDED BY PLAN. The plan devised by the commissioner shall comprehended the following potentials:

(a) The necessity for changing discharges to meet any emergencies resulting from unexpected or abnormal inflows;

(b) The possibility of overriding requirements of the federal government for substantial discharges to meet reasonable and substantial navigation requirements;

(c) The overriding authority and means as prescribed by the army engineers in discharging their functions of requiring additional storage capacity for flood control purposes.

110.51 NOTICE OF PLAN; HEARING. Before the plan of operation for any headwater lake is put into effect, the commissioner shall publish a notice of hearing upon said plan for two weeks in a newspaper in each county in which the water area is to be affected. The hearing shall be conduced by the commissioner or his duly appointed referee. All interested parties shall have an opportunity to be heard, shall testify under oath, and shall be subject to cross examination by any adverse parties, and by the attorney general, or his representative, who shall represent the commissioner as said hearing. The hearing will not be governed by legal rules of evidence, but the findings of fact and orders, to be made and formulated by the commissioner, shall be predicated only upon relevant, material, and competent evidence. The findings of fact and orders incorporating the plan determined upon by the commissioner shall be published for two weeks in the same manner as the notice of hearing was published.

110.52 APPEAL. Any riparian land owner or water user aggrieved by such findings shall have the right to appeal within 30 days of the completion of publication to the district court of any county in which the regulated water lies, which appeal shall be determined by the court on the record made before the commissioner of conservation. Issues on any such appeal shall be the legal rights of the parties and the further question as to whether the findings of the commissioner are reasonably supported by the evidence adduced at the hearing.

110.53 MODIFICATIONS. It is recognized that experience may require changes in the elevations sought to be maintained on each of the headwater lakes. Consequently, once a plan has been put into effect, the commissioner is authorized to modify the stages sought to be maintained by modifying his plan with respect to any of the lakes involved to the extent of one foot in elevation according to the zero of the present government gauges without the necessity of further or additional hearings; provided that in no event shall any departure from the elevation target be made so as to reduce any proposed stages below the minimums prescribed by section 110.49(d) during the recreational season. Any modification of the plan established subsequent to the hearings herein provided which departs by more than one foot in elevation without the necessity of further or additional hearings proceeding upon the same formalities as the hearing hereinabove provided.

111.01 DEFINITIONS. Subdivision 1. Words, terms, and phrases. Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases defined in subdivisions 2 to 8, for the purposes of sections 111.02 to 111.42, shall be given the meanings subjoined to them; the words, terms, and phrases defined in subdivisions 9 to 13, for the purposes of sections 111.65 to 111.80, shall be given the meanings subjoined to them.

Subd. 2. Publication. "Publication" means publication once a week for three consecutive weeks in one legal newspaper published and of general circulation in each county affected.

Subd. 3. Public health. "Public health" includes any act or thing tending to improve the general sanitary condition of the community whether by way of drainage, relieving low or wet land of stagnant and unhealthy conditions, or by preventing the flooding of any lands thereby producing or tending to produce unhealthy conditions.

Subd. 4. Public welfare, general welfare, or public benefit. The term "public welfare," "general welfare," or "public benefit" extends to and includes any act or thing tending to improve or benefit or contribute to the safety of the general public benefit the inhabitants of the district and shall be construed to include any improvement contemplated by sections 111.02 to 111.42 which shall prevent fire in important structures, insurance in the construction by fire.

Subd. 5. Person. "Person" means and includes person, firm, copartnership, association, or corporation, other than public or political subdivision.

Subd. 6. Corporation. "Corporation" includes both "municipal corporation" and "private corporation" unless otherwise specifically designated.

Subd. 7. Public corporation or municipal corporation. "Public corporation" or "municipal corporation" means cities, villages, counties, towns, or other political subdivisions, or careful commission of the state.

Subd. 8. Court. "Court" means the district court or the judge thereof and applies to the district court wherein the petition for the organization of the district was filed and granted, unless otherwise specified.

Subd. 9. Court. "Court" means the district court of the district wherein the proceedings are pending.
Subd. 10. Judge. "Judge" means the judge of the district court wherein the proceedings are pending.

Subd. 11. Clerk. "Clerk" means the clerk of the district court of the county in which the proceedings are pending.

Subd. 12. Engineer. "Engineer" means the engineer designated by the commissioner of conservation to act as engineer in the proceedings.

Subd. 13. Appraisers. "Appraisers" means the persons appointed by the judge of the district court and the commissioner of conservation to ascertain and report the benefits and damages arising from the proposed work.

[Ex. 1919 c. 15 s. 1; 1921 c. 325 s. 1; 1923 c. 308 s. 1; 1945 c. 81 s. 1] (6602-11, 6798)

111.02 DECLARATION; CITATION. Drainage, flood control, and the control of the use of drainage systems in the interests of sanitation and public health are clearly within the functions of governmental action and the exercise of the right or authority to authorize or direct drainage carries with it the right to care for and control the water therein, and turn it into natural or artificial channels.

Sections 111.02 to 111.42 may be known and cited as the "Drainage and Conservancy Act of Minnesota" and any districts organized thereunder shall be known as drainage and conservancy districts and such additional name as the order of the court may designate.

Nothing contained in sections 111.02 to 111.42 shall be construed to abrogate the title of the state in the public waters, but the use and control of certain waters within the limitations and for the purpose therein specified may be granted to the district.

[Ex. 1919 c. 15 s. 1; 1921 c. 325 s. 1; 1923 c. 308 s. 1; 1945 c. 81 s. 1] (6798)

111.03 POWERS GRANTED TO COUNCILS. The district court of any county in this state or any judge thereof in vacation is hereby vested with jurisdiction, power, and authority, upon the filing of a petition as specified in section 111.04, and the county board of that county in which the territory is situated, to organize a drainage and conservancy district and define and fix boundaries thereof, which may be entirely within or partly within and partly without any county and include the whole or any part of one or more counties, including the county in which the petition is filed, for all or any of the following purposes:

1. For regulating streams, channels or watercourses, and the flow of water therein, by deepening, widening, straightening the same or otherwise improving the use and capacity thereof;

2. For reclaiming by drainage, or filling, or diking or otherwise protecting lands subject to overflow;

3. For providing for irrigation where it may be needed;

4. For the prevention of fires in areas of agricultural lands or in peat areas subject to fire and for the irrigation of agricultural lands needing the same by regulating, controlling, conserving, and applying the waters in any ditch or drain which has heretofore been or shall hereafter be established and constructed under any law of this state and in streams or watercourses connecting therewith;

5. For regulation and control of flood waters and the prevention of floods, by deepening, widening, straightening, or diking the channels of any stream or watercourse, and by the construction of reservoirs or other means to hold and control such waters;

6. For diverting, in whole or in part, streams or watercourses and regulating the use thereof; streams so diverted shall follow the natural course of drainage and terminate in the natural outlet;

7. For providing for sanitation and public health and regulating the use of streams, ditches or watercourses for purposes of disposing of waste materials; and

8. As incident to and for the purpose of accomplishing and effectuating all the purposes of sections 111.02 to 111.42 may, under the conditions specified herein, change the course or direction of any natural or artificial watercourse and build, construct, and maintain all necessary dikes, ditches, canals, levees, wall embankments, bridges, dams, sluiceways, locks, and other structures that may be found necessary and advisable to create, establish, and maintain the necessary reservoirs or other structures, to hold, control, and regulate any and all waters within the district, and to acquire title in the name of the district to all necessary lands and other property, to construct and maintain reservoirs, dikes, or other structures, including dams for power purposes, and conserve and utilize such waters for any purpose consistent with the purposes of sections 111.02 to 111.42.

The provisions of sections 111.02 to 111.42 shall not be construed to authorize the diverting of the waters of one general watershed to another general watershed and no river or any tributary of any river or stream in this state shall be diverted from its natural outlet by any diversion channel or flood control work, or by any other work authorized by or mentioned in sections 111.02 to 111.42 at any point in its course distant more than two miles from such natural outlet.

[Ex. 1919 c. 15 s. 2; 1921 c. 325 s. 2; 1923 c. 308 s. 2; 1945 c. 81 s. 2] (6799)

111.04 PETITION FOR ORGANIZATION OF DISTRICTS. Before any district court shall organize any district, as outlined in section 111.03, a petition shall be filed in the office of the clerk of any county containing territory included in the petition, signed by not less than 25 percent of the resident freeholders of the district, as outlined in section 111.03, and such petition shall state that the territory is in such condition that authorized improvement of the nature of drainage and conservancy districts and such additional name as the order of the court may designate.

Nothing contained in sections 111.02 to 111.42 shall be construed to abrogate the title of the state in the public waters, but the use and control of certain waters within the limitations and for the purpose therein specified may be granted to the district.

[Ex. 1919 c. 15 s. 1; 1921 c. 325 s. 1; 1923 c. 308 s. 1; 1945 c. 81 s. 1] (6798)

111.05 COUNCIL. Council shall be composed of the proper officials of any county, city, or village authorized by resolution duly passed by the governing board of the county, city, or village. The petition may be signed by one or more such counties, cities, or villages and, if signed by two or more counties or by five or more cities or villages, the same need not be signed by any of the freeholders of the proposed district.

The petition shall set forth:

1. The proposed name of the district;

2. The necessity for the proposed work, in respect to one or more of the objects or purposes mentioned in section 111.03, and that it will be conducive to the public health, safety and convenience and promote the welfare of the inhabitants of the district, and be of public benefit;

3. A description of the nature, purpose, and plan of the contemplated improvement and shall include in general terms a description of the territory proposed to be included in the district, which need not be given by metes and bounds or by legal subdivision, but shall be a definite and accurate description of the territory to be included and in the petition therefor, unless good reason be shown to the contrary, the same shall include all territory within a given watershed or drainage basin or all territory from which the water from natural or artificial channels find their course through one general stream or channel, provided, that in all cases where any river basin or watershed in this state contains more than 10,000 square miles of territory, no district shall be organized under sections 111.02 to 111.42 which shall include in one district the main stream of such basin or watershed, and any of its tributaries, but the valley of the main stream, and the valley of each of such tributaries thereto, may be organized separately; and in organizing the main stream of any such river basin or watershed into such separate district, there may be included therein the lands along the main stream that are likely to be affected, benefited, or damaged by any proposed improvement in the valley of such main stream, together with such territory immediately adjoining thereto as will permit the boundary of the district to be given by the lines of government survey, but no part of any tributary of such main stream or river shall be included in the district except so much thereof as lies in the main channel of such part thereof as is likely to be affected by or form a part of any improvement constructed in or connected with the main stream of such basin for the proposed control of the flood waters of the main stream;

4. The organization of the district, the appointment of a governing board thereof, and the boundaries thereof to be specifically fixed and defined by order of the court.

No petition containing the requisite number of signatures or petitioners or signed by the requisite number of counties, villages, or cities shall be void or dismissed on account of any defects therein, but the court shall at any time permit the petition to be amended in form and substance to conform to the facts by correcting any errors in the description of the territory or by supplying any of the defects therein. Several similar petitions, or duplicate copies of the same petition, for the organization of the same district may be filed and all together be regarded as one petition and any withdrawal of any signatures or petitioners from such petition...
after the same has been filed shall in no manner affect the jurisdiction of the court, and all petitions filed prior to the hearing hereinafter provided shall be considered by the court as a part of the original petition.

If upon the hearing the court finds that any portion of the territory named in the petition should not be included in the district, the same shall be excluded from the district, but any territory benefited by the proposed improvement not included in the petition may, at the hearing, or at any subsequent hearing ordered by the court, upon petition from resident freeholders of the territory or from the board, upon due notice, be added to the district and the boundaries thereof fixed accordingly.

111.05 Surety Bond for Expenses. At the time of filing the petition provided for in section 111.04, or before the notice of hearing thereon is given, a bond shall be filed by the petitioners with the clerk, to be approved by the court, in such sum as the court shall designate, sufficient to pay all expenses connected with the proceeding, in case the court refuses to organize the district. If, at any time during the proceeding, the court shall determine that a surety bond is needed, it may so order; provided, if the bond be signed by the proper officials of one or more counties, accompanied by a copy of a resolution passed by the board of county commissioners thereof that the county or counties will be responsible for the costs, then and in that event no bond shall be necessary.

111.06 Notices and Hearing by Court. Upon the filing of the petition with the clerk of the district court, as provided in section 111.04, he shall immediately notify the judge of the court of the filing thereof, who shall, within ten days thereafter, by order fix a time and place for hearing on the petition at some point within the limits of the territory herein described and where the court hearing shall be given by publication, the last of which publication shall be at least four days prior to the date set for hearing. If the territory described in the petition be situated in more than one county comprising two or more judicial districts, the judge of the court where the petition is filed shall arrange with the judges of the other districts for a joint hearing upon the petition, which hearing may be at such time and place within the territory described in the petition as the judges shall jointly specify. At this hearing each judicial district shall be represented by one judge only, but the district court in which the petition was originally filed shall, for all other purposes, except for the purpose of the joint hearing, and except as hereinafter otherwise provided, have original jurisdiction.

111.07 Findings of Court Filed; District Boundaries Named; Office of District Located. At the time and place set for hearing on the petition all parties interested may appear and be heard for or against the granting of the petition, but continuance of the hearing shall be granted by the court when necessary therefor. This plan shall be filed with the clerk of the court, and unless required by sections 111.02 to 111.42 to be set forth in the petition are proven by competent evidence and found by the court to exist and if the purposes of sections 111.02 to 111.42 would be subserved by the creation of a drainage and conservancy district comprising the whole or certain portions of the territory outlined in the petition, the court shall make and file its findings of all matters involved in the petition, and by order designate the boundaries of the district and prescribe the case of the stream of a river basin containing more than 10,000 square miles is organized into a drainage and conservancy district, such boundaries shall conform, as nearly as practicable, using government lines, to the property and corporations affected or benefited and direct surveys for the benefit of the district.

Subd. 4. Use of former survey. If the board of directors finds that a former survey is required or beneficial, it may use such data secured by such survey, and may cooperate with the State of Minnesota, or any authorized agency thereof, or with the United States or any authorized agency thereof. If the board shall so order; provided, that if the petition be signed by the proper officials, and file with the clerk a surety bond in the sum of $1,000, the cost to be paid by the district, conditioned for the faithful performance of his duties, and thereafter organize by electing one of their numbers as president and one of their number, or a third party, as secretary or clerk of the board, and provide the necessary officers and records.

111.08 Board. Subdivision 1. Organization. Within ten days after the filing of the order organizing the district in the office of the secretary of state, the parties named therein as the first board of directors shall meet at the office of the clerk or any member of the board. The compensation of the members of the board shall not exceed $10 per day and expenses.

Subd. 2. Meetings. The board shall meet at least semiannually and at such other times as it designates or as occasion requires. A legal meeting of the board may at any time be called upon eight days notice by mail given by the clerk or any member of the board. The compensation of the members of the board shall not exceed $10 per day and expenses.

Subd. 3. Improvement plans. The board shall prepare a plan for the improvements for which the district was created, or after preliminary consideration may approve for further study, and may divide the district into subdivisions, each subdivision comprising the lands of a particular watershed suitably drained by said plan. The plan shall be in the hands of the board, and the board may make and file a copy of any such plan with the commissioner of conservation who shall examine and approve or reject any provisions thereof. If the commissioner of conservation rejects such provision or refers it back for amendment, the board shall prepare other provisions. Upon the completion of any such plan and the approval thereof the board shall cause notice of the completion of such plan to be given by three successive publications, in their respective counties, within the limits of the lands proposed to be affected are situated. This notice shall fix the time and place for a hearing, not less than 30 days nor more than 30 days after the last publication. All objections to the plan shall be in writing and filed with the secretary of the board at his office within 30 days after the publication of the notice. After the expiration of such time the board shall adopt the plan in such form as the board may determine, for the making of improvements of said district or subdivided thereof.

Subd. 6. Objections to plan. Any person, public corporation, or agency of the state or any person who objects to the plan so adopted, may, within ten days after such adoption, file written objections, specifying the features of the plan to which they object, in the office of the clerk of court of the county in which the district has
its principal office. The clerk shall fix a date for a hearing thereof before the court, not less than 20 days nor more than 30 days after the time fixed for filing objections. At this time the court shall hear such objections and shall approve, reject, or refer the plan back to the board of directors. If the court rejects the plan, the board may abandon the proposed improvement or may proceed to prepare another plan. If the court refers the plan back to the board for redrafting, the hearing shall be continued to a day certain upon such notice as the court directs. If the court approves the plan, then a certified copy of the order of the court shall be filed with the secretary of the board of directors and incorporated into the records of the district. The board of directors may alter the plan at any time but, subject to the approval of the court. Thereafter all improvements within the area for which a plan is established shall be in accordance with the plan as modified.

Susb. 7. Costs, payment. The costs incurred for any such survey shall be paid out of the preliminary expense fund established for the district and shall be assessed upon the owners of the particular improvement made within the district or subdistrict, as the case may be.

Susb. 8. Petition. No construction, repair, or improvement shall be made under or by virtue of the establishment of a plan, except upon petition.

111.09 ASSISTANTS, EMPLOYEES, OFFICERS. Subdiv. 1. Treasurer. The board of directors may elect or appoint a treasurer who shall be a resident of the district and may be one of its members. Before entering upon his duties he shall subscribe to the oath required by statute in the case of public officials and give a surety bond in such sum as the board directs, which shall not be less than the total sum that shall not more be likely to be in his hands or under his control belonging to the district. The duties of the treasurer shall be such as the board designates. He shall receive all moneys belonging to the district and deposit the same in such banks as the board designates; and he shall require such banks to give a proper bond for the accounting for such moneys. He shall pay out this money only upon written orders signed by the president of the board and the clerk of the board.

Susb. 2. Chief engineer, attorney. The board may employ a chief engineer and an attorney, and such other engineers and attorneys or agents or assistants as are needful and necessary and shall provide for their compensation. All such expenses shall be, as far as practicable, as a part of the costs of each improvement upon which the engineer and attorney perform services, and as far as applicable shall be governed by section 106.66.

Susb. 3. Chief engineer as superintendent. The chief engineer shall be superintendent of all the works and improvements and have general charge of all work pertaining to drainage and flood control done under proceedings had under sections 111.02 to 111.42 within the limits of the district and before any court or county board shall order or authorize the construction of any drainage ditch within the district notice shall be given the engineer and he given an opportunity to be heard with reference to any objections thereto.

Susb. 4. Ditch inspector, powers. The board of directors may employ a ditch inspector, who may be the chief engineer, and provide for his compensation. The ditch inspector shall inspect all the works of the district as directed by the board of directors, and at such other times as directed by the board of directors, and any other county or judicial ditches within the district when requested so to do by the court or by the county board of the county wherein such ditch or any part thereof is situated. He shall file a written report of such inspection, together with his recommendations to the district board as to the most practicable, conform to the requirements of General Statutes 1923, Section 6678, and the board shall have authority to correct, change, or modify the proposed improvements, as outlined in the petition, and if the report of the engineer is favorable to the construction of the improvements, and is approved by the board of directors, the board shall, with the least possible delay, appoint three persons as ditch inspectors, and the ditch inspectors shall, after subscribing an oath to faithfully and impartially perform their duties, proceed to personally inspect and examine all lands, highways, and other property likely to be affected by the improvements, or that may be used or taken for the construction or maintenance thereof and shall, in the performance of their duties so far as practicable, as a part of the costs of each improvement, upon which the engineer and attorney perform services, as far as applicable shall be governed by section 106.66.

111.10 TERMS OF OFFICE OF DIRECTORS. The members of the board of directors shall hold their office, where their number does not exceed three, for a period of two years; for two years; and where their number shall consist of five members, two of the board shall hold their office for a period of two years, three for a period of four years, and thereafter shall hold their office for four years. The district court of the county wherein the general office is located shall have authority to fill all vacancies that occur in the board from any cause and each member of the board shall hold his office until his successor is elected and qualified. The board when organized shall, for all purposes of sections 111.02 to 111.42, be and continue a commission for the purpose of carrying into effect any and all orders, judgments, decrees, or directions made by the district court relative to any improvement authorized by sections 111.02 to 111.42 within the limits of the district.

[En. 1919 c. 13 s. 9] (6806)

111.11 ESTABLISHMENT OF DISTRICT; CLASSES. After the organization of the board of directors of any drainage and conservancy district organized under the provisions of sections 111.02 to 111.42 and upon filing with the clerk of the board of directors a petition signed by not less than 20 landholders and a statement, in no event shall more than one-third of the owners of the property affected be required, or by the board of county commissioners of any county, or the council of any city or village likely to be affected by the proposed improvement therein, asking for the construction within the limits of the conservancy district of any of the improvements authorized by the provisions of sections 111.02 to 111.42, regulating or conserving the waters of any lake, pond, marsh, or body of water, river, stream, watercourse, ditch, or drain within the district which may cover the whole or any part of the improvement contemplated when the district was organized, therein describing the need of the proposed improvement, the extent thereof, and describing in general the work to be done or the improvement to be included in the district, or that the proposed improvements contemplated, a description of the starting point, the general course and termination thereof shall be given therein, or if the contemplated improvements require that any ditch or drain established and constructed under any law of this state, or any portion thereof, be utilized for the protection of fires in areas subject to destruction or damage by fire or for irrigation, all as specified, a description of such ditch and drain, or the portions thereof so required, and a general description of such areas, protection whereof by fire from it is sought, or irrigation is sought, setting forth the reasons and necessity for such improvements and that such area is necessary and general welfare of the inhabitants in that vicinity, and the petition is to be accompanied by a bond signed by the petitioners, or any number of them, or other parties in their behalf, in such sum as the board of directors of such district may specify and such as it shall approve, conditioned for payment of all costs or expenses in connection with such improvement, if subsequently made, is not granted; it shall be the duty of the board of directors of the district to cause to be made, at the earliest possible date, by its engineer, all necessary surveys, maps, plats, profiles, and plans covering the proposed improvements so as to fully inform the board as to the merits and practicability of proposed improvements, and, in making the surveys, plats, profiles, and reports the engineer shall, as far as practicable, conform to the requirements of General Statutes 1923, Section 6678, and the board shall have authority to correct, change, or modify the proposed improvements, as outlined in the petition, and if the report of the engineer is favorable to the construction of the improvements, and is approved by the board of directors, the board shall, with the least possible delay, appoint three persons as ditch inspectors, and the ditch inspectors shall, after subscribing an oath to faithfully and impartially perform their duties, proceed to personally inspect and examine all lands, highways, and other property likely to be affected by the improvements, or that may be used or taken for the construction or maintenance thereof and shall, in the performance of their duties so far as practicable, as a part of the costs of each improvement, upon which the engineer and attorney perform services, as far as applicable shall be governed by section 106.66.
all such property and corporations shall be assessable for the cost of the proposed improvement in proportion to the actual benefits to be derived, as finally determined by the court; provided, the board of directors of the district may elect to levy no assessment under this section upon water users, but collect for such improvement as otherwise provided in sections 111.02 to 111.42. General Statutes 1923, Sections 668 to 680, shall apply to the proposed improvement and shall be read and signed by the clerk under Sections 111.02 to 111.42. In any case where the facts are found in the petition or the utilization of any ditch or drain, or any portion thereof, is alleged to be necessary thereto, the petition for such improvements, before being presented to the board of directors, shall be signed by not less than 50 percent of the resident freeholders (but in no event shall more than 25 signers be required) whose lands are affected by the ditch or drain, or portion thereof, to be utilized, and approved by resolution of the board of county commissioners of each county wherein the same is located.

111.12 REPORT OF BOARD AND ACTION BY COURTS. Before proceeding with the construction of any improvement, the board of directors shall file in the office of the clerk the original petition filed with them, together with the report of the engineer and all plats connected therewith and the report of the viewers on the benefits and damages and a list of lands assessable, with a petition or report on behalf of the board or the viewers with reference to benefits and damages, in general terms, the necessity therefor, an estimate of the costs thereof, and that the same will be of public utility and will result in the improvement of the public health and general welfare (reference may be made to the reports of the engineer and the viewers for greater particularity), and asking that a time and place be fixed for hearing upon the petition and the reports, and that at the hearing an order be made establishing the drain or improvement and authorizing the construction thereof, and confirming the reports of the engineer and the viewers and fixing the rights of the parties. Upon the filing of the petition and these reports, the clerk shall immediately notify the judge thereof, who shall, within ten days thereafter, by order of the district, fix a time and place for a hearing thereon, and shall give written notice of said hearing to the parties in interest, either by hand or by publication, in general terms, the necessity thereof, the time and place for hearing, and the nature of the proceedings thereat. If any ditch or drain established and constructed under any law of this state, or any portion thereof, is alleged to be necessary thereto, the petition for such ditch, drain, or portion thereof, to be utilized, and charge with all the duties of any such public corporation or administrative authority, may use men and equipment under supervision of the chief engineer or other agents for the construction, repair, or improvement of any portion of the work not let by contract.

111.14 AWARDS OF CONTRACTS. The board of directors or any drainage and conservancy district organized under the provisions of sections 111.02 to 111.42 shall have full authority to let contracts for the construction of, and to cause to be constructed, any and all works of improvement in accordance with the order of the court; provided, the board of directors of the district may elect to levy no assessment under sections 111.02 to 111.42, the court shall include in its findings all matters in respect thereto and in and by the order fix and limit the use and application of any ditch, drain, or portion thereof, so used for the purposes for which it was established. Upon the entry of the order, the board of directors of the district shall have and exercise all the authority thereunderfore vested in any public corporation or administrative body such as ditch or drain, and portion thereof, and be charged with all the duties of any such public corporation or administrative authority, within the limits of any drainage and conservancy district organized under the provisions of sections 111.02 to 111.42. The board of directors of any district organized under sections 111.02 to 111.42 and the agents and employees, including contractors, may enter upon lands within or without the district in order to make surveys and examinations to accomplish all necessary preliminary purposes, the district being liable only for actual damage done; and any person or corporation preventing such entrance shall be guilty of a misdemeanor.

111.15 RIGHTS OF PROPERTY. The board of directors of any district organized under sections 111.02 to 111.42 and the agents and employees, including contractors, may enter upon lands within or without the district in order to make surveys and examinations to accomplish all necessary preliminary purposes, the district being liable only for actual damage done; and any person or corporation preventing such entrance shall be guilty of a misdemeanor.

111.16 ORDERS AND DECREES FOR VARIOUS IMPROVEMENTS. In order to effect the drainage reclamation, irrigation, or protection of land or other property within the limits of any drainage and conservancy district, and to effectuate all the purposes of sections 111.02 to 111.42, the district court of the several districts in this state and the judges thereof in vacation, where any portion of such judicial district extends, within the limits of any drainage and conservancy district organized under the provisions of sections 111.02 to 111.42, are hereby fully empowered to make all necessary orders and decrees and direct the entry of all necessary judgments upon the filing of a petition, as provided in section 111.12, by the board of directors of any such district, and finding that grounds exist for the granting of such petition to construct any and all works of improvement in accordance with the order of the court; provided, the board of directors of any such district, in order to construct any such improvement and to clean out, straighten, widen, alter, or deepen, or change the course or terminus of any drain, ditch, river, creek, or natural stream and to fix the height of water in any lake, pond, or reservoir and cause the same to be raised or lowered and fill up or abandon or alter the same, or to divide or regulate the flow of water in or out of any such lake, pond, reservoir, or watercourse and to cause to be constructed and to maintain any lateral ditches, sewers, canals, dikes, sloughs, swivels, reservoirs, or flood basins and construct and maintain pumping stations and other similar works and any works of improvement that may be
deemed necessary for the prevention of fires in areas subject to damage or destruction thereby, or to secure the drainage of lands within the limits of the district, and the control of waters therein, either in the channels of any stream or waterway, or ditch, or drain, or in any lake, pond, reservoir, or other structure for holding and controlling water, including the power to exercise the right of eminent domain for the purchase of any such land, pond, reservoir, or other body of water for reservoir purposes, or the flooding of land for the creation and establishment of reservoirs, and the board of directors of any district organized under sections 111.02 to 111.42, upon being authorized by order or decree of the district court, shall have full and complete power and authority to effectuate the purposes of sections 111.02 to 111.42 and cause to be constructed and maintain any and all canals, levees, dikes, dams, or sluiceways, including reservoirs, holding basins, floodways, and pumping stations and any other work of improvement that may be deemed necessary and proper to be constructed for the purpose of securing drainage of land, and or to preserve, maintain, and protect the flow of any stream or waterway within the limits of the district from flood and inundation, and to construct and maintain any and all works of improvement under the provisions of sections 111.02 to 111.42 may exercise the right of eminent domain in behalf of such district in acquiring the necessary land for the creation of reservoirs or other improvements along or in the vicinity of the channels or waterways within the limits of the district, which authority may be exercised under the provisions of such sections 111.02 to 111.42 and the board shall have full control thereof and full authority to hold, operate, lease, or control any water power created by any improvement authorized by sections 111.02 to 111.42 and to enter into all contracts for the furnishing of water for irrigation, or for any other purposes, or for the leasing or furnishing of power when authorized by order of the court and all sums realized from any such purpose shall be paid into the treasury of the district and be and become the property of the district and may be used by the board to defray its general expenses and for the upkeep of any improvement made within the district and the improvement of the channel of any stream or waterway therein.

111.17 BIDS AUTHORIZED. After the order has been made by the district court directing the establishment of each improvement, as provided in section 111.13, it shall be the duty of the board of the district to call for bids for the construction of the work and give notice thereof, specifying to whom and where bids will be opened for the letting of a contract for the construction of the work; and the contract may be let in sections or as a whole as the board may direct, notice of which shall be published also in at least one of the newspapers in the state where notices of such contracts are usually published. At the time and place specified in the notice to the bidders, the board shall give a bond, with ample security, conditioned for the carrying out of the contract. The contract shall be in writing and refer to the plans and specifications, as approved by the court and prepared by the engineer, and be in such form as the attorney for the board shall direct and such as shall be approved by the engineer and the board, and if such a contract be deemed necessary in order to protect the interests of the district, work may be done under the direction of the board and engineer without contract to the extent that may be necessary to protect the interest of the district.

111.18 CREATION OF RESERVOIRS. In all cases where a reservoir is created, either in a natural basin or otherwise, and the board shall conclude that the operation of the reservoir will create a water power or establish conditions whereby water power profitably may be constructed in connection with the reservoir, the board may petition the court for a hearing on the petition, notice of which hearing shall be given by publication. If upon the hearing the court shall find that it is practical to utilize the waters of the reservoir for water-power purposes and that the same will be of benefit to the public and to the district, the court shall have authority to issue the bonds to the board of the district in such sum as such improvement may require, not to exceed 90 percent of the reasonable value of the proposed water power. Upon the making of the order, the board of directors is hereby authorized to issue bonds of the district, not to exceed such sum as specified in the order of the court, in such denominations and in such form as the board may determine, payable in not less than 10, or not more than 20, years from date, with interest not to exceed six percent per annum, payable annually, which bonds shall be the property of the board and the president of the board and registered in the same manner as county bonds under the laws of this state, and the same shall be constitutive a first lien upon the water power and all appurtenant rights, interest, and improvements thereon, and, upon the issuance of the bonds, it shall be the duty of the board to create an interest fund and provide for the accumulation of the necessary sum to pay the interest on the bonds promptly when due.

111.19 REMOVAL OF BRIDGES. In case it is necessary to pass any dredge boat, or to drive a bridge or grade of any railroad company or other corporation, county, town, or municipality, the board of directors shall give 20 days' notice to the owner of the bridge or grade that the same shall be removed temporarily to allow the passage of such equipment or that an agreement be immediately entered into in regard thereto. The owner of the bridge or grade shall keep an itemized account of the cost of the removal and, if necessary, of the replacing of the bridge or grade, and the actual cost shall be paid by the district. In case the owner of the bridge or grade shall refuse to provide for the passage of the equipment, the board of directors may remove such bridge or grade at its own expense, interrupting traffic in the least degree consistent with good work and without delay or unnecessary damage. In case the board shall be prevented from doing so, the owner of the bridge or grade shall be liable for damage for the resulting delay.

111.20 GAGES. The board of directors shall have the right to establish and maintain stream gages, rain gages, a flood-warning service with telephone or telegraph lines or telephone or telegraph service, and may make such surveys and examinations of rainfall and flood conditions, stream flow, and other scientific and engineering data as are necessary and proper for the purpose of the district and issue reports of its findings.

111.21 CONTRACTS. Subdivision 1. With United States, individuals. The board of directors may enter into contracts or other arrangements with the United States government, or any department thereof, with persons, railroads, or other corporations, with public corporations and the state government of this state or any department thereof, with any drainage district, or any boundary drainage district, or any boundary drainage districts, in this state or other states, for cooperation or assistance in constructing, maintaining, and operating the works of the district, or for the control of the waters thereof, or for making surveys and investigations or reports thereon; and may purchase, lease, or acquire land or other property in adjoining states in order to secure outlets to construct and maintain dikes or dams, or for other purposes of sections 111.02 to 111.42, and may let contracts or spend money for securing such outlets or other works in adjoining states. The board may exercise all the authorities granted the board of drainage and flood control districts by sections 112.29 to 112.31, so far as relate to cooperation with adjoining states, or drainage authorities thereof, and in the event that for any reason it may be found advisable to include in any drainage or conservancy district organized under the provisions of sections 111.02 to 111.42 a drainage and flood control district organized under chapter 112, the district board organized under the provisions of sections 111.02 to 111.42 is hereby authorized to enter into any contract or arrangement necessary to take over and control and maintain any works or improvements constructed, and make any necessary expenditures in connection with the works or improvements, under chapter 112, and adopt or assume and carry out or modify any plans or works completed or partially completed by such board and make the same a part of the system to be developed under the provisions of sections 111.02 to 111.42.

Subd. 2. Costs, apportionment. Where an improvement is constructed within the district by the State of Minnesota, or any department thereof, or by the United States government, or any department thereof, the costs thereof shall be paid by the board of directors of said district and a governmental agency, the court directing the establishment of each improvement, as provided in section 111.13, or the district shall purchase, lease, or acquire land or other property in adjoining states in order to secure outlets to construct and maintain dikes or dams, or for other purposes of sections 111.02 to 111.42, and may let contracts or spend money for securing such outlets or other works in adjoining states. The board may exercise all the authorities granted the board of drainage and flood control districts by sections 112.29 to 112.31, so far as relate to cooperation with adjoining states, or drainage authorities thereof, and in the event that for any reason it may be found advisable to include in any drainage or conservancy district organized under the provisions of sections 111.02 to 111.42 a drainage and flood control district organized under chapter 112, the district board organized under the provisions of sections 111.02 to 111.42 is hereby authorized to enter into any contract or arrangement necessary to take over and control and maintain any works or improvements constructed, and make any necessary expenditures in connection with the works or improvements, under chapter 112, and adopt or assume and carry out or modify any plans or works completed or partially completed by such board and make the same a part of the system to be developed under the provisions of sections 111.02 to 111.42.
district, the board shall upon the completion of said project appoint three dis-
interested citizens of the state to act as viewers and the viewers so selected shall,
after subscribing an oath to faithfully and impartially perform their duties, proceed
to personally inspect all lands, highways and other property affected by the im-
provement as certified by the chief engineer of the district and file their report
thereof with the board a detailed statement showing the actual

damages that have or will result to individuals, property or corporations from the
construction of the improvement, and to make and file with the secretary of the
board a detailed statement and a list of lands and other property, including
highways and corporations, receiving actual benefits by way of drainage or control
of flood waters, shall not be deemed an application.

Subd. 3. Statement of costs. Upon the filing of the viewers' report and the
chief engineer's report the board shall prepare a detailed statement of all costs
and damages incurred in the construction of the improvement and shall file the
same, together with the engineer's report and the viewers' report, and a petition
for hearing upon these reports, with the clerk of district court. Upon the filing
of the petition and reports, the board shall give notice, by such publication as is
determined by the court. Thereafter all proceedings shall be had as upon the hearing of the viewers' report instituted by
petition.

Subd. 4. Damages, notice, action. Every person who claims damages from
the district for or on account of any loss or injury sustained by reason of any
indefect in the construction or the operation of any improvement constructed by
a governmental agency under contract with the board, as herein provided, or by
reason of the negligence of its officers, agents, servants, or employees, shall cause
notice to be given to the board of its existence, within ten days thereafter, by
order fix a time and place within the district for a hearing upon the petition and reports, of which notice shall
be given by the clerk, by such publication as is determined by the court. Sooner
within one year after the occurrence of the loss or injury.

Ex 1919 c 15 s 99; 1921 c 552 s 7; 1951 c 956 s 3 (6178)

111.22 RIGHTS OF LANDOWNERS TO USE OF WATER. The rights enjoyed
by or corporate, to the use of the waters of the district for any purpose shall remain as they existed at the time of the
organization of the district and all such rights then existing shall be recognized and
observed by the managing authorities of such district, and when the boundary line
of any property abutting upon any stream or body of water is changed in conse-
quince of any improvement constructed by the district, either raising or lowering
the stage of water in such stream or body of water, the rights of such abutting
property owner of access to and use of such waters shall remain as they existed
at and prior to the time of the construction of the improvement, but when improve-
ments made by the district make possible a greater, better, or more convenient
use or of place, time, or manner of use, except in so far as is specifically stated in
the lease or other agreement. In case of failure of any user to pay for the use in the manner specified by order of the
board, the court may require bond to be given to secure the payment for such use. Upon the deter-
mation of any rate, the board shall make a report of its determination to the
court, which report shall contain a notice of the time, place and circumstances
thereof, and the amount of damages claimed or other relief demanded. No action
shall be maintained unless such notice has been given and is commenced
within one year after the occurrence of the loss or injury.

Ex 1919 c 15 s 21; 1921 c 552 s 8 (6185)

111.23 APPLICATIONS FOR USE OF WATER. Persons, corporations, munici-
PALITIES, or other parties desiring to secure such use of the waters or watercourses,
or the district rights therein, may make application to the board of directors for
leasing or leasing for such uses. The application shall set forth the kind and nat-
er of such use, the period and degree of continuity, and the amount of water
desired. In case any party makes greater, better, or more convenient use of the
waters of the district without formal application, the fact of such use shall serve
all purposes of an application, and the board may proceed to determine a reasonable
rate or rates, though the same as determined by the board shall be reasonable and
may be based upon either a unit price per cubic foot used or unit price for theoretical horse-power developed or other practical method, and
may require bond to be given to secure the payment for such use. Upon the deter-
mation of any rate, the board shall make a report of its determination to the
court, which report shall contain a notice of the time, place and circumstances
thereof, and the amount of damages claimed or other relief demanded. No action
shall be maintained unless such notice has been given and is commenced
within one year after the occurrence of the loss or injury.

Ex 1919 c 15 s 21; 1921 c 552 s 8 (6185)

111.24 WHEN CONTRACTS MAY BE MADE. The board of directors shall not
sell, lease, assign, or grant any permit or other form of contract with permanent control
of the district for the use of the waters thereof, and all leases, assignments, or
permits of any kind or other contracts for the use of water shall be entered into
only after a resolution of the board has been made by the board of such district to the
court setting forth the terms and conditions of the lease, permit, or other contract relative
to use of any property of the district, whereupon the clerk of the court shall
be given due notice to all parties interested, by mail, and shall be published
notices of the application, stating therein the purpose of the application and the
time and place of hearing thereof, at which time the court may hear all showing
made for and against such proposed contract and make its determinations on
subject to revision and control by the state law and such conditions and restrictions
as may be necessary at all times to protect the interests of the district and of the
public. Leases or permits may be made for periods not to exceed ten years, but
subject to the condition and subject to the rights of renewal for further reasonable
period, not to exceed ten years, on condition that a new determination may be
made as to the reasonable charge therefor.

Ex 1919 c 15 s 21 (6182)

111.25 REGULATIONS, RATES. The board of directors may make regulations
for the determination and measurement of the increased, or better, or more con-
venient use of, or benefit from, the water supply of the district, for the purpose of
determining rates of compensation and for the purpose of securing to all parties
interested, either within or without the district, including water power company,
the greatest and best use of the water thereof. The board have power to
determine the rates of compensation for such greater, better, or more convenient
use of, or benefit from, the water supply of the district. The method of compensation
shall be reasonable and may be based upon either a unit price per cubic foot used
or unit price for theoretical horse-power developed or other practical method, and
may require bond to be given to secure the payment for such use. Upon the deter-
mation of any rate, the board shall make a report of its determination to the
court, which report shall contain a notice of the time, place and circumstances
thereof, and the amount of damages claimed or other relief demanded. No action
shall be maintained unless such notice has been given and is commenced
within one year after the occurrence of the loss or injury.

Ex 1919 c 15 s 21; 1921 c 552 s 8 (6185)

111.26 ASSESSMENTS FOR BENEFITS. When the board of directors of any
conservancy district, upon the request of a holder of a lease, permit, or other
contract for the use of water, shall make an assessment for the benefit of the lessee,
preference shall be given to the greatest need and to the most reasonable use, as
may be determined by the board of directors, subject to the approval of the court.
Preference shall be given, first, to domestic and municipal water supply, and no
charge shall be made for the use of water taken by private persons for home and
farm use, or for watering stock.

Ex 1919 c 15 s 85; 1921 c 555 s 9 (6182)
111.27 VARIOUS FUNDS. The moneys of any drainage and conservancy district organized under the provisions of sections 111.02 to 111.42 shall consist of three separate funds:

1. A preliminary fund, which shall consist of funds to be provided as hereinafter prescribed for preliminary work and general expenses;

2. A bond fund, which is the proceeds of bonds issued by such district, as herein provided, secured upon property of the district which is producing or is likely to produce a regular income and to be used for the purchase of the property or for the value thereof, fixed by the court in proceedings, as herein provided, and not before such property shall be taxed in the manner provided in sections 106.341 to 106.361 and other taxes; and it shall be the duty of the county treasurer to collect and receive such assessment and credit the same to the district and deduct from such assessment any amount paid by the property subject to such assessment and other property taxes.

3. A construction and maintenance fund, which shall be supplied by sale of county bonds and by special assessments to be levied as herein provided to supply funds for the construction and upkeep of the improvements of the district, including the reservoirs, ditches, dikes, canals, and other works, together with the expenses included in the order of the board to the auditor therefor.

111.28 PAYMENT OF EXPENSES. After the filing of a petition under sections 111.02 to 111.42 for the formation of a district, and the furnishing and filing of the bond, as provided in sections 111.04 and 111.05, the costs of publication and other official costs of such proceedings shall be paid out of the general funds of the county in which the petition is pending, or warrant of the county auditor issued upon the district shall be repaid to the county, out of the first funds received, by the district, through the levy of taxes or assessments or selling of bonds, or the borrowing of money. If the district is not organized, the costs shall be collected from the petitioners or their bondsmen; upon the organization of the district the court may, upon ten days' notice to the county auditors of the counties affected, make an order dividing the preliminary expenses assigned to that county by the board of directors of such district shall cause to be levied upon such benefited lands and municipalities such assessments as the court shall authorize and shall file with the auditor of each county a list of lands within the county affected by the assessment and, upon the filing thereof, or as soon thereafter as may be necessary, it shall be the duty of the district to levy such assessment and to spread the same upon the assessment roll for the case of other taxes; and it shall be the duty of the county treasurer to collect and receive such assessment and credit the same to the district and deduct from such assessment any sum, if there is due, to the county and to the audit for the district for all sums remaining. All municipal corporations, however organized, are authorized to appropriate to such purposes such portion of the taxes and assessments as may be necessary to pay the proportion of the preliminary expenses, as shall be determined by the board of directors according to the probable benefits that will derive to the corporation from contemplated improvements.

111.29 PRELIMINARY EXPENSE FUND ESTABLISHED. As soon as the district shall have been organized under the provisions of sections 111.02 to 111.42, and a board of directors shall have been appointed and has qualified and a petition and bond have been filed with the clerk of the district, as provided in sections 111.11, the board may file a petition with the district court in the county where the original petition was filed, asking that an order be made creating a preliminary fund for the district, in the sum of which shall be the amount of the preliminary expenses assigned to that county by the order of the board of directors of such district organized under the provisions of sections 111.02 to 111.42 shall consist of three separate funds:

1. (a) A preliminary fund, which shall consist of funds to be provided as hereinafter prescribed for preliminary work and general expenses;

2. (b) A bond fund, which is the proceeds of bonds issued by such district, as herein provided, secured upon property of the district which is producing or is likely to produce a regular income and to be used for the purchase of the property or for the value thereof, fixed by the court in proceedings, as herein provided, and not before such property shall be taxed in the manner provided in sections 106.341 to 106.361 and other taxes; and it shall be the duty of the county treasurer to collect and receive such assessment and credit the same to the district and deduct from such assessment any amount paid by the property subject to such assessment and other property taxes.

3. (c) A construction and maintenance fund, which shall be supplied by sale of county bonds and by special assessments to be levied as herein provided to supply funds for the construction and upkeep of the improvements of the district, including the reservoirs, ditches, dikes, canals, and other works, together with the expenses included in the order of the board to the auditor therefor.
111.31 ASSESSMENTS. Upon the filing by the board of directors of a drainage and conservancy district with the auditor of any county of a statement as provided in section 111.30, giving a list of the property and corporations benefited or damaged or otherwise affected by any proposed improvement, it shall be the duty of the auditor to assess the amount specified in such list against the lands and municipalities, unless specified in accordance with the provisions of section 106.19, he shall proceed to levy and collect the sums specified in the lists against the property and corporations in accordance with the provisions thereof and, in the event the sum so reported shall become a direct charge against the county, it may be paid by such county out of its road and bridge fund, or otherwise, as the circumstances may require and may be paid by any other county which may authorize and direct the same, and may be specified by the board of county commissioners of the county. No assessment shall be levied against any property or corporation benefited under the provisions of sections 111.02 to 111.42 in excess of the amounts of benefits received as fixed by the order of the court directing the construction of the improvement or subsequently determined by appeal.

111.32 ISSUANCE OF ORDERS. The board of directors of any drainage and conservancy district is hereby authorized to issue the orders of the district in payment for any contracts for the construction of any improvement and also for all ordinary general expenses and all expenses incurred by contract or otherwise in making repairs, and when sufficient funds are not available to pay the same, the order shall, after presentation to the treasurer of the district, draw interest at the rate of six percent per annum until paid or until such time as sufficient funds are available; provided, the board of directors shall have, at any time, issue, or have outstanding, orders of the district exceeding the sum of $5,000, except orders issued in payment of construction on any improvement the funds for which have been provided or arranged for.

111.33 UPKEEP AND REPAIR OF DISTRICT. The board of directors of any drainage and conservancy district organized under sections 111.02 to 111.42 is authorized, after the construction of any improvement, to levy, from time to time, for the purpose of providing funds for the upkeep and repair of such improvement, such sum as the court may order or direct upon application by the board for the purpose of providing funds for the upkeep and repair of such improvement, which application shall be heard upon such notice as the court shall direct, and upon filing a copy of the order and levy with the auditor of county affected by such improvement, accompanied by a list of the property and corporations benefited by such improvement, it shall be the duty of the auditor to extend the levy against the property within the limits of the county, as provided in other cases for the levy, assessment, and collection of taxes ordered, levied, and collected by the county providing the funds, it shall be the duty of the board to extend the same or proceed to have the contract otherwise completed at the expense of the contractor and his bondsmen, and take any other action in reference thereto that occasion may require in the interest of the district, and the provisions of General Statutes 1923, Section 6094, shall apply to and govern the relations between the contractor and the board of directors of such drainage and conservancy district, that certain ditches, channels, or watercourses within the county and district are in need of repair or improvement, to immediately, or at the earliest possible time, make repairs, and when sufficient funds are not available to pay the same, the order or refuse the extension and cancel the contract, and re-advertise and relet the contract.

111.34 WHEN REPAIRS ARE TO BE MADE. It shall be the duty of the board of directors of any drainage and conservancy district, upon being notified by the county board of any county, portions of which shall be within the limits of the district, that certain ditches, channels, or watercourses within the county and district are in need of repair or improvement, to immediately, or at the earliest possible date, investigate and report to the court the county commissioners or the conservancy district, that certain ditches, channels, or watercourses, or other improvement needing repair, the amount and nature of the repairs required and the probable cost thereof and, upon the county providing the funds, it shall be the duty of the board to take charge of all matters pertaining to the making of the repairs, and let contracts therefor, or proceed to employ assistants and have the repairs made under the direction of the court, and the expense thereof and all other expenses incurred in the event the sum so reported shall become a direct charge against the county, it may be paid by such county out of its road and bridge fund, or otherwise, as the circumstances may require and may be paid by any other county which may authorize and direct the same, and may be specified by the board of county commissioners of the county. No assessment shall be levied against any property or corporation benefited under the provisions of sections 111.02 to 111.42 in excess of the amounts of benefits received as fixed by the order of the court directing the construction of the improvement or subsequently determined by appeal.

111.35 BOARD TO HAVE CONTROL OF ALL CONTRACTS. In all cases where contracts are let by the board of directors of any drainage and conservancy district, it shall have full control of all matters pertaining thereto and, in the event of a contractor failing to complete the improvement within the time or in the manner specified in his contract, it shall have full authority to extend the time of and change the contract, and when such contract is cancelled, or when the contractor refuses to complete it, to transfer the same to the public use, and to order and direct the same to be performed by the board of directors or any other competent person, and to fix the compensation of the members of the board of directors of any district for such services shall not exceed the sum of $5 per day and their necessary expenses for the time actually employed in performing such duties, of which accurate account shall be kept by the secretary.

111.36 NEGLECT OF AFFAIRS. The provisions of section 106.92 relating to the obstruction or injury of work or neglect of duties by employees or officers shall apply to and all improvements made or authorized under the provisions of sections 111.02 to 111.42, and any other provision contained in the laws of this state relating to judicial or county ditches providing for punishment for damages committed to or interfering with such work shall apply to all improvements made under the provisions of sections 111.02 to 111.42.

111.37 DIRECTORS' REPORT; PUBLIC EXAMINER'S DUTIES. At least once a year, or oftener, if the county shall so order, the board of directors shall make a report to the county of its proceedings and an accounting of its receipts and disbursements to that date, which shall be filed with the clerk of the court, and it shall be accounted for to the treasurer of the drainage and conservancy district and the same shall be placed in the fund, as provided in sections 111.02 to 111.42, and for the purposes for which the assessment was made.

111.38 WRIT OF ASSUMPTION TO BE ISSUED. It shall be the duty of the board of directors of any drainage and conservancy district, upon being notified of the number of the county board of any county, portions of which shall be within the limits of the district, that certain ditches, channels, or watercourses within the county and district are in need of repair or improvement, to immediately, or at the earliest possible date, investigate and report to the court the county commissioners or the conservancy district, that certain ditches, channels, or watercourses, or other improvement needing repair, the amount and nature of the repairs required and the probable cost thereof and, upon the county providing the funds, it shall be the duty of the board to take charge of all matters pertaining to the making of the repairs, and let contracts therefor, or proceed to employ assistants and have the repairs made under the direction of the court, and the expense thereof and all other expenses incurred in the event the sum so reported shall become a direct charge against the county, it may be paid by such county out of its road and bridge fund, or otherwise, as the circumstances may require and may be paid by any other county which may authorize and direct the same, and may be specified by the board of county commissioners of the county. No assessment shall be levied against any property or corporation benefited under the provisions of sections 111.02 to 111.42 in excess of the amounts of benefits received as fixed by the order of the court directing the construction of the improvement or subsequently determined by appeal.

111.39 ISSUANCE OF ORDERS. The board of directors of any drainage and conservancy district is hereby authorized to issue the orders of the district in payment for any contracts for the construction of any improvement and also for all ordinary general expenses and all expenses incurred by contract or otherwise in making repairs, and when sufficient funds are not available to pay the same, the order shall, after presentation to the treasurer of the district, draw interest at the rate of six percent per annum until paid or until such time as sufficient funds are available; provided, the board of directors shall have, at any time, issue, or have outstanding, orders of the district exceeding the sum of $5,000, except orders issued in payment of construction on any improvement the funds for which have been provided or arranged for.
shall be the duty of the board from time to time to make such report as may be demanded by the public examiner, and it shall be the duty of the public examiner to check up, if funds and personnel permit, and report to the court, not less than once a year and at such other time as the court may direct, the financial condition of the district. The district receiving such examination shall pay to the state the total cost and expenses of such examination, including the salaries paid to the examiners while actually engaged in making such examination. The revolving fund of the public examiner shall be credited with all collections made for any such examinations.

[Ex1919 c 13 s 36; 1927 c 96 s 1] (6833)

111.38 IMPROPER NOTICES. In any case where a notice is provided for in sections 111.02 to 111.42, if the court finds for any reason that due notice was not given, the court shall not thereby lose jurisdiction and the proceeding in question shall not be void; but the court shall, in that case, order due notice to be given, and shall continue the hearing until such notice shall be properly given, and thereupon shall proceed as though notice had been properly given in the first instance. In case any individual appraisal, assessment, or levy shall be held void for want of legal notice, or in case the board may determine that any notice, with reference to any land, may be faulty, then the board may file a motion in the office of the clerk a petition to the court asking that the district be granted such authority, whereupon the clerk, with the consent of the judge, shall fix a time and place of hearing upon the petition, notice of which shall be given by publication for thirty days in a newspaper published in the county where the petition was filed, which newspaper shall be published under the direction of the board of the district. If at the hearing the court shall find that it is for the best interests of the district to be granted such authority, the court may by order grant such petition and thereupon and thereafter the district may exercise the authorities provided for in sections 111.02 to 111.42, as though incorporated thereunder.

[Ex1919 c 13 s 36; 1927 c 96 s 1] (6833)

111.39 REFERENCE TO OTHER CHAPTERS. In all cases where reference is made to chapters of General Statutes 1913, or to other drainage laws of this state, and sections thereof are referred to, the sections and provisions shall, so far as applicable, be treated and construed as having the same force and effect, so far as the provisions of sections 111.02 to 111.42 are concerned, as though therein set forth.

[Ex. 1919 c 13 s 57] (6834)

111.40 CONTINUATION. Nothing contained in sections 111.02 to 111.42 shall be construed to interfere with the application and use of any other drainage law of this state and all proceedings now pending may be conducted under such drainage law, and any proceedings hereafter instituted under such law may be conducted thereunder, except where such proceedings are instituted within, or affect property within, any district organized under the provisions of sections 111.02 to 111.42, notice of the institution of such proceedings shall be given to the board of the district and the board or its engineer given an opportunity to be heard with reference to such proceedings affecting, interfering with, or injuring the plans and work of such district. All rights and privileges that may be acquired by any drainage district organized under the provisions of chapters 111.02 to 111.42 shall, at all times, be subject to regulation and control by act of the legislature and all such rights and interests that may be acquired by any district hereunder shall be subject to the right of the state to take over and acquire title thereto upon such conditions and compensation as the legislature may specify.

[Ex. 1919 c 13 s 41] (6838)

111.41 DISTRICTS ALREADY ESTABLISHED. Any drainage or flood control district organized under chapter 112 may acquire the right to operate under and exercise all the rights and authorities of sections 111.02 to 111.42, instead of chapter 112, as though organized thereunder by the governing board of the district, filing in the office of the clerk a petition to the court asking that the district be granted such authority, whereupon the clerk, with the consent of the judge, shall fix a time and place of hearing upon the petition, notice of which shall be given by publication for thirty days in a newspaper published in the county where the petition was filed, which newspaper shall be published under the direction of the board of the district. If at the hearing the court shall find that it is for the best interests of the district to be granted such authority, the court may by order grant such petition and thereupon and thereafter the district may exercise the authorities provided for in sections 111.02 to 111.42, as though incorporated thereunder.

[Ex. 1919 c 13 s 41] (6839)

111.42 MAY APPEAL TO SUPREME COURT. All persons or public corporations affected by any order of the district court, establishing or refusing to establish a drainage and conservancy district, or affected by any order approving or refusing to approve the plans and directing the construction of the improvement, or affected by the determination of any district court of any assessment of benefits or damages including a board and the petitioners, may appeal to the supreme court on any question involved in such determination, in civil actions. The notice of appeal shall be served on the clerk and need not be served on any other person or corporation.

[Ex. 1919 c 15 s 54; 1921 c 325 s 13] (6840)

111.65 OWNERS MAY INITIATE PROCEEDINGS. A majority of the owners of property abutting upon any lake or other body of water or the proper officials of any city or village, shall, upon being authorized by resolution of the council thereof liable to be affected thereby or assessed for the cost of the proposed improvement may initiate a proceeding for the establishing of a uniform water level in any lake or other body of water by filing with the commissioner a petition signed by a majority of such owners of property, asking him to take steps for the establishment of such water level. The petition shall set forth the desired levels and, where the costs of the improvement are to be paid for by the state, the name of the municipality by which the group of owners, the petition shall so state, and shall further set out the names of the owners and the description of the lands owned by each of the parties, including the state of Minnesota. Before the commissioner shall accept for filing any such petition he shall require the petitioners to file with him a surety bond conditioned for the payment, in case the court shall deny such petition, of all the costs of the necessary surveys and of the court proceedings. Upon receipt of the petition the commissioner shall file with the clerk of the district court the county containing such lake or other body of water or portion of any such lake or other body of water likely to be affected, in whole or in part, by such improvement, a petition addressed to the parties in interest for the following information:

(1) The legal description of each tract of land bordering on such lake or other body of water;

(2) The name of the owner of each such tract of land as shown by the records in the office of the register of deeds, and the names of any persons in possession thereof;

(3) A declaration that the number of signers appearing on the petition constitutes a majority of the owners of property abutting on the lake or other bodies of waters to be improved;

(4) A map showing the lake or other body of water affected and the tracts of land bordering on such lake or other body of water and the area of each tract;

(5) An engineer's report fixing the high-water level of the lake and recommending a permanent uniform level and also the elevation of the original natural outlet to be maintained by suitable dams or other structures;

(6) The various reasons why the project is believed to be of public advantage; and

(7) Which of the following parties, in the opinion of the commissioner, should share the expense of the project: riparian owners, the state, the county or counties, or other interested municipalities.

When structures are to be built affecting waters located in more than one county, the commissioner may file a petition with the clerk of the district court in any one of the counties affected and thereafter that court shall have jurisdiction of all proceedings necessary for the making of the proposed improvements under the statutes providing for such proceedings affected by such improvements.

When proposed improvements under sections 111.65 to 111.80 do not contemplate the raising of the elevations of the lake above ordinary high water or where no part of the lake is affected, the raising of which elevations of the lake are to be assessed against property surrounding the lake, the petition of the court authorized by this section may be presented by the commissioner of conservation on his own initiative, without bond.

[1955 c. 569 s 7] (6859-18)

111.66 APPOINTMENT OF APPRAISERS. Within ten days after the filing of such petition with the clerk, as specified in section 111.65, the judge shall make an order appointing three resident freeholders of the county or counties in which the construction is proposed, not interested in the proposed works and not related by blood or marriage within the fourth degree, according to the rules of the common
law, to any party known to be interested therein, to act as appraisers to ascertain
and report to the court the amount of benefits and damages that will result to any
lands or other property affected or to be affected by reason of the proposed works.
Such appraisers shall meet at a time and place to be specified by the court, prepara-
tory to commencing their duties.

111.67 DUTIES OF APPRAISERS. The appraisers shall qualify by subscribing
to the oath provided by section 358.06. The duties of the appraisers shall be:
(1) To assemble in the vicinity of the lake, lakes, or bodies of water in question
within 15 days after their appointment;
(2) Upon being furnished a copy of the petition, engineer's report, maps, and
plans, to examine all property around the lake, lakes, or bodies of water and all
lands included and described in the engineer's report;
(3) To ascertain and determine the amount of benefits and damages, respec-
tively, that will result to each parcel of property included within the area described
by the engineer and shown on the map;
(4) To ascertain and determine the value of each parcel of the lands or other
property to be acquired for the construction of dams, sluiceways, and other neces-
sary structures and devices and the amount of injury to all property to be damaged
by the construction of the improvements petitioned for by the commissioner;
(5) To ascertain and determine the amount of benefits or damages to munici-
palities and corporations because of an increased or more dependable water supply,
or both; and
(6) To ascertain and determine whether the proposed improvements of such
lake, lakes, or bodies of water will be of advantage for the preservation, propaga-
tion, and protection of fish and other forms of wild life.

111.68 TABULAR STATEMENTS. The appraisers shall prepare a tabular
statement showing, as far as practicable:
(1) The names of the owners of each tract of land to be benefited or damaged,
including lands owned by the state of Minnesota or any department thereof, a
description of each tract to be benefited or damaged, and the total number of acres
of each tract and the estimated number of acres in each tract to be benefited or
damaged;
(2) The names of municipalities and corporations and the amount that each
will be benefited or damaged;
(3) The amount of benefit, if any, that will accrue to the state by reason of the
improvement of the lake, lakes, or bodies of water as a place for the propagation,
protection, and preservation of fish and other forms of wild life assessable against
the state of Minnesota;
(4) The total estimated benefits and damages of every kind and nature ascer-
tained and determined by them; and
(5) The total expenses incurred by them and the actual time each appraiser
was engaged.

111.69 FILING OF REPORT: COMPENSATION. The appraisers shall file their
completed report with the clerk within 30 days after their appointment. As soon
as this report shall have been filed the court may issue its order directing the
payment of compensation at the rate of $5 per day for each appraiser, and their
expenses, which sums may be taxed as costs by the clerk.

111.70 HEARINGS. Upon the filing of the engineer's and the appraisers' reports
with the clerk shall be the duty of the judge to fix a time and place for hearing
the petition and the engineer's and the appraisers' reports, and such evidence as
interested parties may present, which hearing shall be set for a date not less than
30, nor more than 60, days from the date of the notice thereof and shall be held in
the county where the proceedings are pending. The notice shall recite the filing
of the petition, the appointment of the appraisers and the filing of their reports;
give a description of all lands and properties affected and the amount of
benefits and damages assessed against each parcel described in the appraisers'
report. The notice shall be published for three successive weeks in a legal newspa-
paper in each county containing property affected by such proceedings and described
in the appraisers' report, but it shall be necessary to publish in each county only
the description of lands or property affected within such county. A copy of
the notice shall be mailed by the clerk of court to all parties who are named in the
proceedings and a certificate of such mailing filed by him in his office.

111.71 CONFIRMATION OF ASSESSMENTS. Subdivision 1. Hearing, find-
ings, order. The time fixed in the notice the judge shall receive and consider all
evidence for and against the granting of the petition and may revise, correct, amend,
or confirm such assessments in whole or in part or may order a new assessment in
whole or in part. If after a hearing such court shall find that the fixing and main-
tenance of the lake, lakes, or bodies of water in question or the control works
connecting the same, as prayed for or as recommended by the engineer, will
promote the public health and general welfare and secure better public use of such lake,
lakes, or bodies of water, improve the use of such bodies of water for navigation,
or for the propagation, preservation, and protection of fish and other forms of wild
life to the public, and will result in a considerable and permanent increase of the
improvement prayed for, and damage, the court may so find and by order:
(1) Set the normal high-water level and fix the elevation of the original natural
outlet, which elevation shall be the minimum elevation below which the level may
be lowered by operation of artificially constructed control works with reference
to proper marks;
(2) Confirm the reports of the engineer and the appraisers as originally filed
or as subsequently amended;
(3) Direct the construction of the improvements prayed for or as much thereof
as shall be found to be necessary;
(4) Direct that all property described in the appraisers' report, as finally con-
formed, that is benefited by such proceedings, shall be assessed for its proportionate
share of the cost of construction of such improvement in proportion to the benefits
received; and
(5) Make an equitable allotment of the costs incurred in proportion to the
benefits in the separate counties, persons, corporations, and municipalities
and as to improved facilities for the propagation, preservation, and protection of
fish and other forms of wild life, to the state of Minnesota and determine the amount
thereof and fix the manner and times of payment.

Subd. 2. Affirmance of appraisers' report. When the appraisers shall have
determined the amount of the benefits to the lake, lakes, or bodies of water from
the improvements the improvements and have reported the same and the autho-
rities as shall be found to be necessary;

(iii) the amount of the benefits accruing to the state of Minnesota through increased or improved facilities for the
propagation, preservation, and protection of fish and other forms of wild life, as
provided in section 111.67, clause (6), and section 111.68, the judge, in his order
confirming the appraisers' report, shall direct the commissioner to pay the state's
pro rata portion of the costs of the improvement represented by such benefits, and
the commissioner shall have authority to pay such portion of the costs out of state
funds which are available therefor.

Upon the filing of the order by the court with the clerk, it shall be his duty to
furnish to the auditor of each county affected a complete certified list giving the
description of the property affected in the county, the amount of the benefits or
damages to which the property is entitled, and the amount of the benefits or
damages to which the property is entitled, and the amount of the benefits or
damages to which the property is entitled. The auditor shall proceed to assess
the property and upon his return from the assessment, the court shall hold a
hearing on the report of the auditor and the appraisers and enter an order
confirming the assessment or such portion thereof as may be appropriate.

111.72 JUDGE MAY MAKE ORDERS. The judge before whom any petition
may be filed, under the provisions of sections 111.65 to 111.80, shall have power to
make such orders as shall be necessary or proper in the proceeding, under and to modify the same as justice may require at any time during the pend-
ency thereof. He shall not lose jurisdiction of the proceedings by reason of failure

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to give proper notice or failure to hold any hearing noticed or ordered to be held for the consideration of any matter connected with the proceedings or committed to them, and may make such new and additional orders in the premises as justice may require, to bring the parties interested before him and to promote the final completion of the works petitioned for under the provisions of sections 111.65 to 111.90.

111.73 MAY DEMAND JURY TRIALS. Any party interested in any proceedings brought under the provisions of sections 111.65 to 111.90, whether a petitioner, an owner of land affected, an interested municipality, or the state, may, at any time prior to the commencement of the hearing, demand a jury trial with respect to the following questions:

1. The amount of assessed benefits to any tract of land owned by him;
2. The amount of damages allowed to any tract of land owned by him.

111.74 CONSTRUCTION; CONTRACTS. Subdivision 1. Bids, advertising. At the time of the filing of the order and findings by the court, the clerk shall publish a certified copy thereof to the commissioner. Within 30 days of the receipt thereof the commissioner shall proceed to advertise for bids for the construction of the works ordered by such judge, as provided in section 111.71, by giving notice by publication for three successive weeks in the official newspaper of the county in which the proceedings are pending, of the letting of a contract for such works.

Subd. 2. Contracts awarded. At the time and place fixed in the notice the commissioner shall proceed to award the contract to the lowest responsible bidder. Such bidder shall furnish good and sufficient bond, to be approved by the court, in an amount not less than 75 percent of the total amount of the contract, guaranteeing the faithful performance of the contract and payment of all labor, material, and supplies furnished in the performance of the contract; provided, that wherever a dam or other improvement authorized under sections 111.65 to 111.80 is to be included within a state or federal public emergency relief project and where the costs of such improvements are to be provided from state or federal emergency relief funds, the provisions of this section with reference to the award of contract shall not apply.

Subd. 3. Approval of contracts. The contract and bond for the construction of any works in sections 111.65 to 111.90 shall be approved by the attorney general.

Subd. 4. Payments under contracts. Payment shall be made to the contractors as the work progresses, not exceeding 90 percent thereof, by the county board upon certificates showing the progress of such work to be furnished to the county board by the commissioner.

Subd. 5. Filing of copy of contract. A copy of all contracts awarded by the commissioner shall be filed with the county auditor in each county affected.

111.75 WORK TO BE SUPERVISED BY ENGINEER. Any and all work provided for in sections 111.65 to 111.90 shall be done under the constant supervision and inspection of the engineer designated by the commissioner.

In all proceedings instituted under the provisions of sections 111.65 to 111.90, the engineer and the appraisers and their assistants, shall have the right to enter upon any lands for the purpose of making the survey, examining the property and estimating the benefits and damages, but in so doing they shall commit no unnecessary damages.

111.76 AUDITORS TO PREPARE TABULAR STATEMENTS. As soon as practicable after publication of the certified copy of the order and findings with the auditor or auditors, as the case may be, and as in section 111.71, the auditor or auditors shall prepare a tabular statement showing:

1. The names of the owners of all lands and the names of public or private corporations and municipalities, except the state of Minnesota, benefited by the construction of the works as appears from the court's order on file in the proceedings;
2. The description of the lands as the same appears in the order;
3. The estimated number of acres benefited in each tract;
4. The estimated amount of benefits and damages to each tract of land; the estimated amount of benefits to each public or private corporation and municipality, as the same appears in the court's order; and

(5) The amount that each tract of land and each public and private corporation and municipality so benefited must pay into the treasury of each county for the establishment and construction of the structures as shown by the order of the court on file in the proceedings.

Such statement, signed by the auditor, in the presence of two attesting witnesses and the petitioner shall then be duly filed with and recorded by the register of deeds of each county and of each county containing municipalities affected and of each county in which is located any land described in the statement.

111.77 BENEFITS TO BE PARAMOUNT LIEN. The amount of benefits assessed against each tract of land and the interest thereon as hereinafter provided shall be and remain a first and paramount lien on such land until fully paid and take precedence over all mortgages, charges, encumbrances, or other liens, except real estate taxes, and shall be on a parity with real estate taxes.

Payments may be made as hereinafter provided in accordance with the order of the court as provided for in section 111.71, subdivision 1, clause (4).

Such filing shall be deemed notice to all parties of the existence of such lien.

The fees of the register of deeds for such recording shall be paid by the county auditor and shall be included in such statement as a part of the costs of the improvement.

The recorded statement shall be returned to the auditor and preserved by him.

111.78 LIENS TO BE BOUNDARY. The amount that each tract of land, public or private, shall be liable for on account of the construction of works authorized in sections 111.65 to 111.90 shall bear interest from the date of the filing of the auditor's statement in the office of the register of deeds at the legal rate until paid.

Such liens may be paid to the county treasurer at any time after the recording of the auditor's statement in the office of the register of deeds.

When payment of the full amount of the liens with interest shall at any time be made the county auditor, upon presentation of a receipt from the county treasurer to that effect, shall issue under his hand a certificate of such payment and the same when recorded in the office of the register of deeds shall be and remain a first and paramount lien on such land until fully paid and discharge the lien of record.

On or before November fifteenth next following the filing by the auditor of such statement, he shall enter on the tax lists of the county the amount of the lien against each tract of land, all of which shall be payable as directed by the court on such tracts of land, and also be subject to and be collected with all other taxes as all other taxes.

The auditor of the county wherein the proceedings are held is hereby authorized, upon order of the court, to issue warrants of the county to pay the official costs of such proceedings and when the costs are assessed against the lands in more than one county such costs are to be determined and apportioned between the counties according as the benefits assessed against the lands and property in such county. The issued warrants are to draw interest at the legal rate, subject to their payment as provided under section 106.88.

111.79 STATE NOT LIABLE; COUNTY BOARDS MAY APPROPRIATE. No proceedings shall be instituted under the provisions of sections 111.65 to 111.90 wherein the state of Minnesota shall be purposefully charged, for a person or the whole of the cost of such improvement unless, at the time of the institution of such proceedings, funds are available for the payment of the same. The boards of county commissioners may appropriate money to purchase such materials and supplies and to rent such equipment as may be necessary for the construction of dams, dikes, and levees under provisions of sections 111.65 to 111.80 and also on projects sponsored by the department of conservation be constructed by the several state and federal relief agencies.

111.80 APPLICATION. Nothing in sections 111.65 to 111.79 shall amend, alter, supersede, or otherwise change the provisions set forth in sections 110.01 to 110.10, and as applied in place of sections 111.65 to 111.90, to include within counties now or hereafter having a population of more than 450,000, and an assessed valuation of more than $500,000,000, including money and credits, and in which is situated a city of the first class within a distance of 20 miles from the body
of public water; and, as to such public waters, nothing contained in sections 111.65 to 111.79 shall be construed to authorize the diversion of any water from any stream, river, or lake located in any county adjoining or abutting in part upon the county wherein a major portion of such public waters is located.

[1935 c. 369 s. 19] (607B-29)

111.81 HARMFUL OR UNDESIRABLE VEGETATION OR ORGANISMS, MUNICIPAL CONTROL. Subdivision 1. The governing body of any city, village, borough, or town may expend funds for the control or destruction of harmful or undesirable aquatic vegetation or organisms in public waters and may cooperate with other such governing bodies and any landowners in such control or destruction. No such control or destruction shall be started unless a permit therefor has been issued by the commissioner of conservation pursuant to Minnesota Statutes, Section 98.48, Subdivision 9, and all work shall be done in accordance with the terms and conditions of such permit.

Subd. 2. The governing body of any city, village, borough, or town may use any available funds and may levy a special tax of not to exceed two mills, nor 50 cents per capita, in any year in addition to all other taxes authorized by law, to carry out the provisions of subdivisions 1 to 4.

Subd. 3. To provide funds for such activities in advance of collection of the tax levies under subdivision 2, the governing body may, at any time after the tax has been levied and certified to the county auditor for collection, issue certificates of indebtedness in anticipation of the collection and payment of such tax. The total amount of such certificates, including principal and interest, shall not exceed 90 percent of the amount of such levy and shall be payable from the proceeds of such levy and not later than two years from the date of issuance. They shall be issued on such terms and conditions as the governing body may determine and shall be sold as provided in Minnesota Statutes, Section 475.60. If the governing body determines that an emergency exists, it may make appropriations from the proceeds of such certificates for authorized purposes without complying with statutory or charter provisions requiring that expenditures be based on a prior budget authorization or other budgeting requirement.

Subd. 4. The proceeds of any tax levied under subdivision 2 or of any issue of certificates of indebtedness under subdivision 3 shall be deposited in a separate fund and expended only for purposes authorized by subdivisions 1 to 4. If no disbursement is made from the fund for a period of five years, any moneys remaining therein may be transferred to the general fund.

[1959 c. 472 s. 1]

111.82 PRECIPITATED WATER, STATEMENT OF POLICY. It is the policy of the state to promote the retention and conservation of all water precipitated from the atmosphere in the areas where it falls, as far as practicable. Except as otherwise expressly provided, all officers, departments, and other agencies of the state or any of its governmental subdivisions having any authority or means for constructing, maintaining, or operating dams or other works or engaging in other projects or operations affecting such water shall use the same, as far as practicable, so as to effectuate the foregoing policy.

[1961 c. 754 s. 1]

CHAPTER 112
WATERSHEDS

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112.01-112.35 [Repealed, 1955 c. 799 s. 521]

112.51 WATERSHED ACT; DECLARATION OF POLICY, CITATION. subdivision 1. In order to carry out conservation of the natural resources of the state through land utilization, flood control and other needs upon sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources, the establishment of a public corporation, as an agency of the state for the aforesaid purposes, is provided in this chapter of Minnesota Statutes. This chapter shall be construed and administered so as to make effective these purposes.

Subd. 2. This chapter shall be known and may be cited as "Minnesota Watershed Act."

[1955 c. 799 s. 1; 1967 c. 634 s. 1]

112.52 DEFINITIONS. Subdivision 1. For the purposes of this chapter the terms defined in this section have the meanings ascribed to them.

Subd. 2. "Person" includes firm, copartnership, association, or corporation but does not include public or political subdivision.

Subd. 3. "Public corporation" means a county, town, school district, or a political division or subdivision of the state. Public corporation, except where the context clearly indicates otherwise, does not mean a watershed district.

Subd. 4. "Board" means the Minnesota water resources board established by Minnesota Statutes, Section 105.71.

Subd. 5. "Managers" means the board of managers of a watershed district.

Subd. 6. "Publication" means publication once a week for two successive weeks in accordance with Minnesota Statutes, Section 645.11.

Subd. 7. "Public health" includes any act or thing tending to improve the general sanitary conditions of the district.

Subd. 8. "Public welfare," "general welfare," and "public benefit" include any act or thing tending to improve or benefit or contribute to the safety or well-being of the general public or benefit the inhabitants of the district.

Subd. 9. "County auditor" means the county auditor of any county affected by a watershed district.

Subd. 10. "Clerk" means the clerk of the district court of the county in which any judicial proceeding concerning a district is pending.

Subd. 11. "Engineer" means the engineer designated by the managers to act as engineer.
Subd. 12. "Appraisers" mean the persons appointed by the managers of the district to ascertain and report benefits and damages arising from proposed work.

Subd. 13. "Director" means the director of the division of waters, soils and minerals.


Subd. 15. "Petition" means an initiating petition for "work," and may consist of one or more petitions therefor.

Subd. 16. "Nominating petition" means an initiating petition for the creation of a watershed district, and may consist of one or more petitions therefor.

Subd. 17. "Hearing" means a hearing conducted by either the managers or the board, or a board pursuant to rules promulgated by it, may be held, conducted, or can be heard by the board or any agency of government.

Subd. 18. "Interested party" means any public corporation or any person having an interest in the subject matter pending or involved, and shall include the director or any agency of government.

Subd. 19. "Work" or "works" means any construction, maintenance, repairs or improvements of a watershed district.

Subd. 20. "Notice by mail" or "mailed notice" means a notice mailed and addressed to each person entitled to receive notice if the address be known to him or can be ascertained by inquiry at the office of the county treasurer of the county wherein the affected land or property is located.

Subd. 21. "Resident owner" or "resident freeholder" means the owner of land or the contract purchaser, and who resides in the state.

112.35 ESTABLISHMENT OF DISTRICTS. The board is hereby vested with jurisdiction, power, and authority, upon filing of a nominating petition, to establish a watershed district and define and fix the boundaries thereof, all of which shall be contiguous and which may be entirely within or partly within or partly within without any county, and may include the whole or any part of any watershed or watersheds within the discretion of the board and may include the whole or any part of any county, and to appoint the first board of managers thereof, as herein provided.

A watershed district may be established for any or all of the following conservation purposes:
1. Control or alleviation of damage by flood waters;
2. Improvement of stream channels for drainage, navigation, and any other public purpose;
3. Reclaiming or filling wet and overflooded lands;
4. Providing water supply for irrigation;
5. Regulating the flow of streams and conserving the waters thereof;
6. Diverting or changing watercourses in whole or in part;
7. Providing and conserving water supply for domestic, industrial, recreational, or other public use;
8. Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the purpose of disposing of waste;
9. Repair, improve, relocate, modify, consolidate, and abandon, in whole or in part, drainage systems within a watershed district;
10. Imposition of preventive or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby;

(11) Regulating improvements by riparian landowners of the beds, banks, and shores of lakes, streams, and marshes by permit or otherwise in order to preserve the same for beneficial use.

112.37 PROCEDURE FOR ESTABLISHMENT. Subdivision 1. Proceedings for the establishment of a watershed district shall be initiated only by the filing of a nominating petition with the secretary of the board, which nominating petition shall be by a majority of any one of the following groups: either by
1. At least one-half of the counties within the proposed district;
2. By a county or counties having at least 50 percent of the area within the proposed district;
3. By a majority of the cities, villages or boroughs within the proposed district;
4. By a nominating petition also may be filed if signed by at least 50 resident freeholders of the proposed district, exclusive of the resident freeholders within the corporate limits of any city, village or borough on whose behalf the authorized official has signed the petition.

Said nominating petition shall set forth the following:
1. The name of the proposed district;
2. The necessity for the district, and why it would be conducive to public health and public welfare, or accomplish any of the purposes of a watershed district;
3. A statement in general terms setting forth the purpose of the contemplated improvements, the territory to be included in the district, and all proposed subdivisions thereof, if any, of the district;
4. The number of managers proposed for the district. The managers shall be nominated by a majority of five and be selected from a list of at least ten nominees. They shall be selected as representative of the local units of government affected and none shall be a public officer of the county, state, or federal government;
5. A map of the proposed district;
6. A request for the establishment of the district as proposed.

The petitioners shall cause to be served upon the county auditor or auditors of the counties affected by the proposed district, the commissioner, and the director, a copy of said nominating petition, and proof of service thereof shall be attached to the original petition, to be filed with the secretary of the board.

Subd. 2. Upon receipt of a copy of such nominating petition by the county auditor or auditors, as the case may be, shall determine whether or not the petitioners are freeholders, which determination shall be made upon the tax records, which shall be prima facie evidence of ownership, and from which the auditor shall certify his determination to the board.

Subd. 3. Upon receipt of a copy of the nominating petition by the director he shall:
1. Acknowledge receipt thereof to the board;
2. Prepare a preliminary watershed map of the proposed district showing the natural boundaries and subdivisions thereof;
3. Prepare a preliminary report based upon the nominating petition and other available data, stating his opinion as to the desirability of organizing the district, and submit his report to the board on the experience as he may deem proper, which report shall be submitted to the board within 30 days from the date of the service of the petition upon the director, unless such time is extended by the board.

Subd. 4. [Repealed, 1967 c 634 s 17]

Subd. 5. A petition containing the requisite number of signatures or petitioners or signed by the requisite number of counties, cities, villages or boroughs shall be void or dismissed on account of any defects therein, but the board shall, at any time prior to the close of hearing, permit the petition to be amended in form and substance to conform to the facts by correcting any errors in the description of the territory or by supplying any other defects therein. Several similar petitions or duplicate copies of the same petition for the establishment of the same district may be filed and altogether be regarded as one petition. All petitions filed prior to the hearing hereinafter provided shall be considered by the board as part of the original petition.

After a petition has been filed, no petitioner may withdraw therefrom except with the written consent of all other petitioners filed with the water resources board.

112.38 HEARING. Notice. When it has been made to appear to the board that a sufficient nominating petition has been filed, the board shall, within 35 days thereafter, file a notice thereof within the limits of the proposed district, for a hearing thereon. Notice of such hearing shall be given by the board by publication published once each week for two successive weeks prior to the date of hearing in a legal newspaper, published in the county or counties in which a part or all of the affected waters and lands are located, the last publication shall
occur at least ten days before the hearing. Notice shall also be mailed by the board to the county auditor and to the chief executive official of any municipality affected, which notice shall contain the following:

1. That a nominating petition has been filed with the board, and a copy thereof with the county auditor of the county or counties affected;

2. A general description of the purpose of the contemplated improvement, and the territory to be included in the proposed district;

3. The date, time, and place of hearing, and

4. That all persons affected thereby or interested therein may appear and be heard.

Subd. 2. For the purpose of carrying out the provisions of this chapter and to hold hearings, the chairmen of the board, or any member thereof, shall have the power to subpoena witnesses, to administer oaths, and to compel the production of books, records, and other evidence. Witnesses shall receive the same fees and mileage as in civil actions. All persons shall be sworn before testifying, and the right to examine and cross-examine witnesses shall be the same as in civil actions.

The board shall cause a record of all proceedings before it to be made and filed with the secretary of the board. Copies thereof may be obtained upon such terms and conditions as the board shall prescribe.

Subd. 3. Upon the hearing if it appears to the board that the establishment of a district as prayed for in the nominating petition would be for the public welfare and necessity, and that such purpose of this chapter would be subserved by the establishment of a watershed district, the board shall, by its findings and order, establish a watershed district and give it a corporate name by which, in all proceedings, it shall thereafter be known, and upon filing a certified copy of said findings and order with the secretary of state, such watershed division of the state and a public corporation, with the authority, power, and duties as prescribed in this chapter.

Subd. 4. The findings and order of the board shall name the first board of managers of the district whose term of office shall be for one year, and until their successors are appointed and qualified, and shall provide that such board shall select a place within the district where the principal place of business of the district shall be located, and define the boundaries of the district, which may be changed upon a petition therefor, signed and provided in section 112.37, subdivision 1 or signed by the board of managers of a watershed district upon resolution duly passed authorizing the same, and a notice and hearing thereon, in the same manner in the original proceedings.

The principal place of business may be changed within the district by the board, if in the judgment of the board it becomes necessary. The managers upon resolution duly passed authorizing the same, with a notice and a hearing to be conducted by the managers. Notice of such hearing shall be given by the managers of publication published once each week for two successive weeks prior to the date of such hearing, in legal newspaper, published in the county or counties in which a part or all of the affected waters and lands are located, the last publication shall occur at least ten days before the hearing. Notice of hearing shall be mailed to the county auditor of each county affected ten days before the hearing. After the hearing the managers may order the change in place of business which shall be effective upon the filing of a certified copy thereof with the secretary of state and the secretary of the board.

Subd. 5. A copy of the findings and order shall, at the time of filing a certified copy thereof with the secretary of state, be mailed to the county auditor of each county affected, the commissioner, and director.

Subd. 6. If the board should determine that the establishment of a district as prayed for in the nominating petition would not be for the public welfare and public interest, and would not serve the purpose of this chapter, the board shall, by its decision, dismiss the proceedings. A copy of such order shall be forthwith mailed to the county auditor of each county affected, and to the commissioner, and director.

Subd. 7. [Repealed, 1959 c 270 s 2]

[1955 c 799 s 5; 1956 c 270 s 1; 1965 c 651 s 1; 1967 c 631 s 5, 6]

112.39 ACTION OF BOARD UPON PETITION. Subdivision 1. At the time and place fixed for the hearing on the nominating petition, all persons interested in or affected by the contemplated improvement shall be given an opportunity to be heard. The board may continue the hearing from time to time as it may deem necessary.

Subd. 2. For the purpose of carrying out the provisions of this chapter and to hold hearings, the chairmen of the board, or any member thereof, shall have the power to subpoena witnesses, to administer oaths, and to compel the production of books, records, and other evidence. Witnesses shall receive the same fees and mileage as in civil actions. All persons shall be sworn before testifying, and the right to examine and cross-examine witnesses shall be the same as in civil actions.

The board shall cause a record of all proceedings before it to be made and filed with the secretary of the board. Copies thereof may be obtained upon such terms and conditions as the board shall prescribe.

Subd. 3. Upon the hearing if it appears to the board that the establishment of a district as prayed for in the nominating petition would be for the public welfare and necessity, and that such purpose of this chapter would be subserved by the establishment of a watershed district, the board shall, by its findings and order, establish a watershed district and give it a corporate name by which, in all proceedings, it shall thereafter be known, and upon filing a certified copy of said findings and order with the secretary of state, such watershed division of the state and a public corporation, with the authority, power, and duties as prescribed in this chapter.

Subd. 4. The findings and order of the board shall name the first board of managers of the district whose term of office shall be for one year, and until their successors are appointed and qualified, and shall provide that such board shall select a place within the district where the principal place of business of the district shall be located, and define the boundaries of the district, which may be changed upon a petition therefor, signed and provided in section 112.37, subdivision 1 or signed by the board of managers of a watershed district upon resolution duly passed authorizing the same, and a notice and hearing thereon, in the same manner in the original proceedings.

The principal place of business may be changed within the district by the board if in the judgment of the board it becomes necessary. The managers upon resolution duly passed authorizing the same, with a notice and a hearing to be conducted by the managers. Notice of such hearing shall be given by the managers of publication published once each week for two successive weeks prior to the date of such hearing, in legal newspaper, published in the county or counties in which a part or all of the affected waters and lands are located, the last publication shall occur at least ten days before the hearing. Notice of hearing shall be mailed to the county auditor of each county affected ten days before the hearing. After the hearing the managers may order the change in place of business which shall be effective upon the filing of a certified copy thereof with the secretary of state and the secretary of the board.

Subd. 5. A copy of the findings and order shall, at the time of filing a certified copy thereof with the secretary of state, be mailed to the county auditor of each county affected, the commissioner, and director.

Subd. 6. If the board should determine that the establishment of a district as prayed for in the nominating petition would not be for the public welfare and public interest, and would not serve the purpose of this chapter, the board shall, by its decision, dismiss the proceedings. A copy of such order shall be forthwith mailed to the county auditor of each county affected, and to the commissioner, and director.

Subd. 7. [Repealed, 1959 c 270 s 2]

[1955 c 799 s 5; 1956 c 270 s 1; 1965 c 651 s 1; 1967 c 631 s 5, 6]

112.40 RULES OF PRACTICE. The board shall adopt rules of practice for its proceedings and hearings, not inconsistent with the provisions of this chapter and other provisions of law, as it deems necessary and expedient.

112.41 HEARINGS; REFERENCE. In any proceeding under Minnesota Statutes, Chapter 112, where a public hearing is required, the board may refer any question of fact to a member of the board or referee either to hear evidence and report it to the board or to hear evidence and make findings of fact and report them to the board.

[1955 c 601 s 241]

112.41 PERPETUAL EXISTENCE. A district created under the provisions of this chapter shall have perpetual existence with power, but only to the extent necessary for lawful conservation purposes, to sue and be sued, to incur debts, liabilities and obligations, to exercise the power of eminent domain, to provide for assessments, certificating, warrants, bonds, and to do all acts necessary and proper for carrying out and exercising the powers expressly vested in it.

[1955 c 799 s 8]

112.411 PROCEDURE FOR TERMINATION. Subdivision 1. Proceedings for the termination of a watershed district shall be initiated only by the filing of a petition with the secretary of the board, which petition shall be signed by not less than 25 percent of the resident freeholders of the district. Such petition shall state that the existence of the district is no longer in the public welfare and public interest and that it is not needed to accomplish the purposes of the Minnesota watershed act.

The petitioners shall cause to be served upon the county auditor or auditors of the counties affected a copy of said petition and proof of service thereof, to be filed with the secretary of the board.

Subd. 2. Upon receipt of a copy of such petition the county auditor or auditors shall set the time and place for the hearing. If the petitioners are not the petitioners as provided in section 112.37, subdivision 1, the petition shall be signed by the petitioners with the affirmative vote of the board. If the public interest and would not serve the purpose of this chapter, the board shall, by

112.412 MANAGERS; ORGANIZATION, APPOINTMENT OF SUCCESSORS. Subdivision 1. At the time of filing a certified copy of said findings and order with the secretary of state, the board shall cause personal service of a copy thereof to be made upon the managers named therein. Within 10 days after such personal service has been made the managers shall meet at the designated principal place of business of the district and shall take and subscribe the oath defined in Minnesota Constitution, Article V, Section 8, which oath as subscribed shall be forthwith filed with the secretary of the board. Each manager shall thereupon file with the board a bond in the amount of $1,000, the premium for which shall be payable for faithful performance of his duties. The amount of such bond may be increased by the board if in the judgment of the board it becomes necessary. The managers shall thereupon organize by electing one of their number as president, another as
secretary, and another as treasurer, and provide the necessary books, records, furniture, and equipment for the conduct and the transaction of their official duties.

Subd. 2. The board of managers shall adopt a seal and shall efficiently keep a record of all proceedings, minutes, certificates, contracts, bonds of its employees, accounts rendered, or action taken in the transaction of the business. A copy of such record shall be, at all reasonable times, open to inspection by the property owners within the district, and all other interested parties.

Subd. 3. At least 30 days prior to the expiration of the term of office of the incumbent by the board, the county commissioners of the county affected shall meet and proceed to appoint successors to the first managers. Provided, however, if the nominating petition that initiated the district shall be originated from a majority of the cities, villages, or boroughs within the district the county commissioners shall appoint the managers from a list of nominees submitted by the said municipalities within the district. Said list shall contain at least three nominees for each position to be filled. It shall be submitted to the affected county board at least 60 days prior to the expiration of the term of office. If such list is not submitted within 60 days prior to the expiration of the term of office the county commissioners shall select the managers from eligible individuals within the district. Said county commissioners shall at least 30 days before the expiration of the term of office meet and appoint the successors. If the district affects more than one county, distribution of the managers among the counties affected shall be as directed by the board. The term of office of each manager, if the number does not exceed three, shall be for one term of one year, one for a term of two years, and one for a term of three years. If the managers consist of five members, one shall be for a term of one year, two for a term of two years, and two for a term of three years. If the district affects more than one county, the board shall direct the distribution of the one, two and three year terms among the affected counties. Thereafter, the term of office for each manager shall be for a term of three years, and until his successor is appointed and qualified. Any vacancy occurring in an office shall be filled by the county commissioners representing the county in which the vacating manager did reside. A record of all appointments made under this subdivision shall be filed with the county auditor of each county affected, with the secretary of the board of managers, and with the secretary of the water resources board. No person shall be appointed as a manager who is not a resident of the district; one shall be a member of a county board; one shall be a member of a sportsmen's organization, and one shall be a member of a farm organization and others to be selected in such manner as shall be determined by the board.

Subd. 4. The provisions of Minnesota Statutes, Section 351.02, shall apply to members of the board of managers.

Subd. 5. The compensation of the members of the board of managers shall not exceed $20 per day, and each member shall be entitled to reimbursement for all traveling and other expenses necessarily incurred in the performance of his official duties.

Subd. 6. The managers shall adopt by-laws, rules, and regulations not inconsistent with this chapter for the administration of the business and affairs of the district.

Subd. 7. The managers shall meet annually and at such other times as may be necessary for the transaction of the business of the district. If public facilities are not available for a district's principal place of business within the district, the board shall determine and designate the nearest suitable public facility as the district's principal place of business. A meeting may be called at any time upon the request of any manager, and when so requested the secretary of the district shall mail a notice of such meeting to each member at least eight days prior thereto.

112.43 MANAGERS; POWERS, DUTIES. Subdivision 1. The managers, in order to give effect to the purposes of this chapter, may:

1. Make necessary surveys or utilize other reliable surveys and data and develop projects to accomplish the purposes for which the district is organized and may initiate, undertake, and construct projects not required to be instituted by a petition under section 112.47.

2. Cooperate or contract with any state or subdivision thereof or federal agency for the purpose of public cooperation.

3. Construct, clean, repair, alter, abandon, consolidate, reclaim or change the course or terminate any public ditch, drain, sewer, river, watercourse, natural or artificial, within the district.

4. Acquire, operate, construct, and maintain dams, dikes, reservoirs, and appurtenant works.

5. Regulate, conserve, and control the use of water within the district.

6. Acquire by gift, purchase, or the right of eminent domain necessary real and personal property.

7. Contract for or purchase such insurance as the managers deem necessary for the protection of the district.

8. Establish and maintain devices for acquiring and recording hydrological data.

9. Enter into all contracts of construction authorized by this chapter.

10. Enter upon lands within or without the district to make surveys and investigations to accomplish the purposes of the district. The district shall be liable for actual damages resulting therefrom.

11. To take over when directed by the district court or county board all judicial drainage systems within the district, together with the right to repair, maintain, and improve the same. Whenever such judicial or county drainage system is taken over in whole or in part, the same, to the extent so taken over, shall become a part of the works of the district.

12. Provide for sanitation and public health and regulate the use of streams, ditches, drainages, and other watercourses for the purpose of disposing of waste and preventing pollution.

13. Borrow funds from any agency of the federal government.

14. Adopt rules and regulations to effectuate the purposes of the act and the authority of the managers.

15. The district court may enforce by injunction or other appropriate order the provisions of sections 112.37 to 112.50 and any rule or regulation adopted or order issued by the managers thereunder.

Subd. 3. The managers shall annually make and file a report of the financial conditions of the district, the status of all projects and work therein, the business transactions of the district, and other matters affecting the interests of the district. Copies of said report shall be transmitted to the secretary of state water resources board, the commissioner, and the director.

Subd. 4. The exercise of said powers by the managers shall at all times be subject to review by the board as herein provided.

112.44 ADVISORY COMMITTEE. The managers, upon qualifying, shall appoint an advisory committee consisting of at least five members, who shall be selected if practicable as follows: one shall be a supervisor of a soil conservation district; one shall be a member of a county board; one shall be a member of a sportsmen's organization, and one shall be a member of a farm organization and others may be appointed at the discretion of the managers, which appointees shall be residents of the district, and shall serve during the pleasure of the managers. The committee shall advise and assist the managers upon all matters affecting the interests of the district, and shall make recommendations to the managers upon all contemplated projects and works of improvement within the district.

112.45 EMPLOYEES, DUTIES. The managers may employ a chief engineer, payroll agents, and such other employees as may be necessary, and provide for their qualifications, duties and compensation. The chief engineer shall be superintendent of all the works and improvements; he shall make a full report to the managers each year, or more often if necessary. A copy of such report and all recommendations by the chief engineer shall be transmitted to the managers and the director. The managers may require any officer or employee of the district to give a bond for the faithful performance of his duties, in an amount prescribed by law, and any person so bonded shall be indemnified by the district from all loss or damage sustained by reason of his official actions.

112.46 OVERALL PLAN. The managers shall, within a reasonable time after qualifying, adopt an overall plan for any or all of the purposes for which a district may be established as found in section 112.36. A copy of such plan shall forthwith be furnished to the county auditor or any town or city auditor, the county auditor of the county in which the board, the commissioner, the director, the governing bodies of all municipalities and any soil conservation district having territory within the district. Upon receipt of such copy the commissioner and the director shall examine the same and within
30 days thereafter, unless such time is extended by the board, the director shall transmit to the board recommendations in connection therewith, a copy of which shall be transmitted to the managers, the county auditor of each county affected, the governing bodies of all municipalities and any affected soil conservation district. From receipt of director's recommendations the board shall have a hearing on the proposed overall plan, the provisions of this chapter relating to notice, time, and place of hearing upon a nominating petition governing. After such public hearing the board shall, by its order, prescribe an overall plan for the district. A copy thereof shall be transmitted to the managers, the county board of each county affected, the commission, the director, the governing bodies of all municipalities affected, any affected soil conservation districts whereupon said plan shall become the overall plan for the district. Said plan may be amended upon a petition submitted by the managers therefor, and the board shall have a hearing on the proposed improvements in the same manner as in the original overall plan proceeding. The managers and the board shall review the overall plan for the district at least once every two years after the bond originally prescribes the overall plan.

112.47 WORKS INSTITUTED ONLY UPON PETITION. All works of the district which are to be paid for by assessment upon the benefited properties, shall be instituted only upon a petition with the managers of the district, as prescribed by this chapter.

112.48 APPROVAL OF OVERALL PLAN; FILING OF PETITION; CONTENTS; BONDS. Subdivision 1. After the overall plan of the district has been prescribed, as provided for in section 112.46, a petition may be filed with the managers for any project or improvement within the district conforming in general with said plan. The petition therefor must be signed by not less than 25 percent of the owners of land located within the limits of the area proposed to be improved, provided however if the project or improvement petition consists of a drainage proceeding as defined in Minnesota Statutes, Chapter 106, such petition shall be signed by not less than 25 percent of the owners of the of the area of such land located within the limits of the area proposed to be improved, or of the owners of at least 50 percent of the area of such land. The petition therefor shall be served in the manner prescribed by section 106.051, insofar as applicable. Provided that if the petition is signed by the proper officials of a county, city, village, or borough no bond shall be required.

112.49 SURVEYS, PLANS. Subdivision 1. If it appears to the managers that the proposed project is impracticable for public interest and welfare, and is practicable and in conformity with the overall plan for projects and improvements of the district, they shall cause to be made, at the earliest time possible, all necessary surveys and plans for the construction of the proposed improvement. The engineer designated by the board shall make a report relative to the proposed improvement. If he finds the improvement feasible he shall include in his report a plan of the proposed project including:

(1) A map of the area to be improved, drawn to scale, showing thereon: the proposed project; the location and adequacy of the outlet; the watershed of the proposed project; the location of existing highways, bridges and culverts; all lands, highways and utilities affected, together with the names of the owners thereof, so far as known; the outlines of any public lands and public bodies of water affected; such other physical characteristics of the watershed and district which are necessary for the understanding thereof;

(2) The estimated total cost of the construction of such project including costs of construction and all supervision and administrative costs of the project;

(3) The acreage which will be required and taken as right of way listed by each lot and 40 acre tract, or fraction thereof, under separate ownership;

(4) The names of the owners of any lands thereon which will be acquired by the managers for the purpose of making the proposed project provided such lands shall be acquired only for public interest and welfare, and is practicable and in conformity with the overall plan for projects and improvements of the district. Such lands purchased by the managers shall be and remain the property of the owners of such land until acquired by the managers for the purposes of such project, in which case said land shall be assessed and sold as provided in section 81.06.

112.50 APPRAISERS, DUTIES. Subdivision 1. Upon the filing of the engineer's report the managers shall, with the least possible delay, appoint three disinterested resident freeholders of the state to act as appraisers. These appraisers shall subscribe an oath to faithfully and impartially perform their duties, and with or without the engineer, shall determine the benefits or damages to
all lands and properties affected by the proposed project or improvement, including lands owned by the state of Minnesota or any department thereof, highways, and other property likely to be affected by the proposed improvement or that may be used or taken for the construction or maintenance thereof. Benefits and damages to lands owned by the state of Minnesota or any department thereof and held for the purposes described in section 106.672 shall be determined subject to the provisions thereof, so far as applicable. The appraisers shall receive not to exceed $35 per day and necessary expenses while engaged in the performance of their official duties, to be paid by the district and included in the cost of improvement.

Subd. 2. [Repealed, 1959 c 313 s 2]

SUbd. 3. [Repealed, 1959 c 313 s 21]

112.55 APRAISERS’ REPORT, EXAMINATION. Upon filing of the appraisers’ report the managers shall examine it to determine if it was made in conformity with this chapter, and whether the amount of benefits or damage is greater than the total estimated costs and damages. If the appraisers’ report is lacking in any particulars the managers may recommit it to the appraisers for further study and report.

112.56 HEARING UPON PETITION AND REPORTS. Upon the filing of the report of the engineer and the appraisers appointed herein by the managers, they shall, within 35 days thereafter, by order, fix a time and place within the district for a hearing upon the petition and reports. Notice thereof shall be given by the managers as herein provided.

112.53 NOTICE OF HEARING, CONTENTS. Subdivision 1. The managers shall by publication give notice of the pendency of the petition; the time and place for hearing thereon; that the engineer's and appraisers' reports, including the plans, have been filed with the managers and are subject to inspection. The notice shall contain a brief description of the proposed improvement together with a description of the properties benefited or damaged, and the names of the owners thereof, the public and other corporations affected thereby as shown by the engineer’s and appraisers’ reports; and require all parties interested in the proposed improvement to appear before the managers at the time and place designated in the notice and there present their objections, if any they have, and show cause why an order should not be made by the managers granting the petition and confirming the reports of the engineer and the appraisers and ordering the establishment and construction of the improvement.

Subd. 2. The managers shall give notice by mail, within one week after the beginning of publication, to the director and to each person, corporation, and public body affected by the proposed improvement as shown by the engineer’s and appraisers’ reports the manager shall contain a brief description of the proposed improvement and state: that the engineer’s and appraisers’ report are on file with the managers and available for public inspection; the time and place of hearing; and that the addressee’s name appears as an affected party.

Subd. 3. When it is required that the managers acquire land in fee simple estate, they shall, prior to the filing of the appraiser’s report, record in the office of the register of deeds of the county in which the lands are situated a description of the pendency of a proceeding initiated by the managers to acquire the lands, which notice shall state the purpose for which the lands are to be taken. At least 20 days before the hearing, notice of the hearing in addition to that required in subdivisions 1 and 2 hereof shall be served upon owners of the property, in the same manner as the summons in a civil action, which notice shall describe the land, state by whom and for what purpose it is to be taken and give the names of any persons appearing of record or known to the managers to be the owners. The notice shall also state that benefits and damages have been determined, and that a hearing will be held by the managers at the time and place specified in the notice.

Subd. 4. Where the improvement affects the lands and properties in more than one county, separate notices shall be prepared and published in each county affected showing only the general description of the proposed improvement and the names and descriptions of the properties affected in the county. Notice by mail as provided in subdivision 2 shall be given.

[1959 c 799 s 20; 1961 c 601 s 13, 14; 1963 c 834 s 18-19]

112.54 HEARING BEFORE MANAGERS. At the time and place specified in the notice, the managers shall hear all parties interested for and against the general proposition of the proposed improvement including the petitions relative to the proposed improvement including jurisdiction, sufficiency of the petition, practicability and necessity shall be determined upon evidence presented at the hearing. Any findings made by the managers prior to the hearing shall not be conclusive but shall be subject to further investigation, consideration, and determination at the hearing. They may order and direct the modification of the engineer’s report with respect to the proposed project or improvement of the overall improvement as a whole or for different parts thereof separately. The managers shall order the engineer to proceed with making the necessary surveys and preparing such plans and specifications as are needed to construct the proposed improvements and report the same to the managers with reasonable dispatch. The hearing then shall be recessed to await the engineer’s report and the managers and appraisers may by this order authorize the construction of the proposed improvement as a whole or for different parts thereof separately. The managers shall order the engineer to proceed with making the necessary surveys and preparing such plans and specifications as are needed to construct the proposed improvements and report the same to the managers with reasonable dispatch. The hearing then shall be recessed to await the engineer’s report and the managers and appraisers may by this order authorize the construction of the proposed improvement as a whole or for different parts thereof separately.
in excess of the benefits, less damages and other costs, the managers shall follow the procedure described in Minnesota Statutes, Section 106.241.

112.55 ORDER OF MANAGERS ESTABLISHING THE IMPROVEMENT, FINDING THE CONTRACTORS. The order of the managers establishing the improvement and authorizing the construction thereof shall forthwith be filed with the secretary of the district, and a certified copy thereof shall be filed with the auditor of each county affected, the board, the commissioner, the director and the state department of health.

112.56 [Repealed, 1963 c 834 s 26] 112.57 BIDS. After an order has been made by the managers directing the establishment of each improvement, the managers shall call for bids for the construction of the work and give notice thereof by publication specifying therein the time and place when the bids will be opened for the letting of a contract to be let in sections or as a whole, as the managers may direct. Notice thereof shall be published in at least one of the newspapers in the state where such notices are usually published. At a time and place specified in the notice, the managers may accept or reject any or all bids and may let the contract to the lowest responsible bidder, who shall furnish a bond, with ample security, conditions for the carrying out of the contract.

Bids shall not be entertained which in the aggregate exceed by more than 30 percent the total estimated cost of construction. Such contract shall be in writing and shall be accompanied by or shall refer to the plans and specifications for the work to be done, and prepared by the engineer for the district. The plans and specifications shall become a part of the contract. The contract shall be approved by the managers, signed by the president and secretary thereof, and by the contractor.

112.58 WORK MAY BE DONE WITHOUT A CONTRACT. In case of emergency, and in order to protect the interests of the district, work may be done under the direction of the managers and the engineer, without a contract, to the extent necessary to protect the interests of the district.

112.59 CONTROL OF CONTRACTS. In all cases where contracts are let, the managers, they shall have full control of all matters pertaining thereto. If a contractor fails to complete the improvement within the time or in the manner specified, the managers may extend the time for completion or may refuse an extension of time or may cancel the contract and readvertise and relet the contract. They may require the surety for the contractor to complete the improvement or proceed to have the contract otherwise completed at the expense of the contractor and his surety. They may take such other action with reference to the contract as they may deem necessary to protect the interests of the district. 

The provisions of Minnesota Statutes, Chapter 106, so far as pertinent, to and govern the relations between the contractor, including the examination and report of the engineer and the amount and time of payment. The managers shall receive all expenses incurred in the construction work, which shall consist of compensation of the engineer his assistants, the compensation and expenses of the appraisers as provided in section 112.50, the compensation of petitioners' attorney, the cost of petitioners' bond, the fees of all county officials necessitated by the improvement which shall be in addition to all fees otherwise allowed by law, and the time and expenses of all employees of the district, including the expenses of the managers while engaged in any improvement. The fees and expenses provided for herein shall be audited, allowed and paid upon the order of the managers and shall be charged to and be treated as a part of the cost of the improvement.

112.60 ASSESSMENT, LEVIES. Subdivision 1. Upon the filing of the statement as provided in subdivision 1 the county board of each county affected shall provide funds to meet its proportionate share of the total cost of the improvements, as shown by the report and order of the managers of the district, and for such purposes is authorized to issue bonds of the county in such amount as may be necessary in the manner provided by Minnesota Statutes, Section 106.411, Chapter 106. In the event a district is constructed under the provisions of section 112.69, the provisions of Minnesota Statutes, Section 106.411 requiring the county board to let a contract for construction before issuing bonds shall not be applicable to bonds issued to provide the funds required to be furnished by the section.

Subd. 2. The auditors and county treasurers shall levy and collect the amount shown in the tabular statement and lien as provided in Minnesota Statutes, Sections 106.331 to 106.401. All moneys received by the treasurer of any county from the sale of bonds, assessments, or otherwise, for the benefit of the district shall be by him accounted for and paid over to the treasurer of the district.

112.61 FUNDS OF DISTRICT. Subdivision 1. The moneys of any district organized or created under the provisions of this chapter consist of:

Subd. 2. An organizational expense fund, which consists of an ad valorem tax levy, not to exceed two mills on each dollar of assessed valuation of all taxable property within the district or $50,000, whichever is the lesser. Such funds shall be used for organizational expenses and preparation of an over-all plan for projects and improvements.

Subd. 3. An administrative fund, which consists of an ad valorem tax levy not to exceed two mills on each dollar of assessed valuation of all taxable property within the district or $50,000, whichever is the lesser. Such funds shall be used for general administrative expenses and for the construction and maintenance of projects of common benefit to the district. The managers may make an annual levy for this fund as provided in section 112.611.

Subd. 4. A bond fund, which consists of the proceeds of bonds issued by such district, as herein provided, secured upon the property of the district which is producing or is likely to produce a regular income and is to be used for the payment of the purchase price of the property and the value thereof as fixed by the court in proper proceedings, and for the improvement and development of such property.

Subd. 5. A construction fund, which is to be supplied by: the sale of county bonds; construction loans from any agency of the federal government; and by special assessments to be levied as herein provided to supply funds for the construction of the improvements of the district, inclusive of a general improvement to 1.1, canals, channels, and other works, together with the expenses incident thereto and connected therewith. Construction loans from any agency of the federal government may be repaid from monies collected by special assessments upon properties benefited by the improvement as herein provided;

Subd. 6. A preliminary fund, which consists of funds provided as herein specified, and is to be used for preliminary work on proposed works of the district.

Subd. 7. Repair and maintenance funds to be established pursuant to the provisions of section 112.64 as amended or hereafter amended.
of managers shall be responsible for maintaining the works of the district in such manner as are necessary to preserve the public safety, health or convenience, and to accomplish the purposes of this chapter, and the cost of removing obstructions and accumulations of foreign substances from a drainage system, will be paid from the maintenance fund upon the order of the board of managers.

Subd. 2. For the purpose of creating, to the credit of a work of improvement of the district, a maintenance fund to be used for normal and routine maintenance of that work of improvement, the board of managers may appropriate such fund against all the parcels of land and municipal corporations therefor assessed for benefits in proceedings for the construction of the work of improvement. Such assessment shall be made pro rata according to benefits determined. No assessment for the benefit of the maintenance fund shall be made unless the board finds that the fund exceeds 20 percent of the original cost of construction of the work of improvement. Upon receiving the assessment order from the board of managers, the auditors of the counties affected thereof shall file for record in the office of the register of deeds for the county a tabular lien statement of the order in the same manner as provided in Minnesota Statutes, Section 106.471. Before ordering the levy of an assessment for the benefit of the maintenance fund in any political subdivision to which the board of managers, in its discretion, may give such notice of hearing thereon as it may deem advisable.

Subd. 3. If the engineer certifies to the board of managers, in his annual report, that a work of improvement is in such a state of disrepair that it cannot be restored by normal and routine maintenance to the same condition as when originally constructed or subsequently improved, or that a ditch or channel must be widened or deepened, or that any work of improvement of the district must be altered or improved, in order to attain the level of operating efficiency contemplated at the time of the original construction, the board of managers, before ordering any repairs other than normal and routine maintenance, shall order the engineer to prepare and submit to the board of managers technical and cost specifications on the work necessary to restore, or improve, the work of improvement of the district, and shall be charged to the district, and shall be repaid with interest as soon as the district has funds for that purpose. The funds so provided shall be used by the managers for preliminary work on any proposed improvement. When the construction of the improvement is authorized by the managers, the work shall be included in the cost of construction of the proposed improvement.

When the construction of the improvement is authorized by the board of managers, the funds advanced from the preliminary fund shall be repaid out of receipts from assessments.

Subd. 3. [Repealed, 1963 c 834 s 26]

Subd. 4. If the managers find that the estimated cost of such repair, including all fees and costs incurred for proceedings relating thereto, is less than $5,000, it may have such work done by day labor without advertising for bids or entering into a contract therefor.

112.65 DRAINAGE SYSTEMS WITHIN DISTRICT. Subdivision 1. The managers of a drainage district shall take over when directed by the county court or county board by resolution the county drainage system within the district, together with the right to repair and maintain the same. Such transfer may be initiated by the district court or county board, or such transfer may be initiated by a petition from any person having an interest in the drainage system or by the managers. No such transfer shall be made until the district court or county board has held a hearing thereon. Notice of the proposed transfer together with the time and place of hearing shall be given by two weeks published notice in a legal newspaper of the area involved. All interested persons may appear and be heard. When the transfer is directed all proceedings for repair and maintenance shall be had as provided in the provisions of Minnesota Statutes, Section 106.471.

Subd. 2. Construction of all new drainage systems or improvements of existing drainage systems within the district shall be initiated by filing a petition with...
the managers of the district. In all proceedings for the improvement of existing drainage systems within the district, the managers shall conform to the provisions of Minnesota Statutes, Section 106.551.

112.66 DAMAGE TO HIGHWAY OR BRIDGE BY PASSAGE OF EQUIPMENT. In case it is necessary to pass any dredge or other equipment through a bridge or grade of any highway or railroad owned by any corporation, county, town, or municipality, the managers shall give 20 days notice to the owner of the bridge or grade so that the same may be removed temporarily to allow the passage of such equipment, or an agreement may be immediately entered into for such purposes. The owner of the bridge or grade shall keep an itemized account of the cost of the replacement of the bridge or grade and the actual cost shall be paid by the district. In case the owner of the bridge or grade refuses to provide for the passage of the equipment, the managers may remove such bridge or grade at the expense of the district, interrupting traffic in the least degree consistent with good work and without delay or unnecessary damage. In case property is prevented from doing business, or in any other manner, the owner of the bridge or grade shall be liable for the damages resulting from the delay.

112.67 CONTRACTS OF COOPERATION AND ASSISTANCE. The managers may enter into contracts or other arrangements with the United States government, or any department thereof, with persons, railroads, or other corporations, with public corporations, and the State government of this State or other states, or any department thereof, with drainage, flood control, soil conservation, or other improvement districts, in this state or other states, for cooperation or assistance in constructing, maintaining, and operating the works of the district, or for the control of the waters thereof, or for making surveys and investigations or reports thereon; and may purchase, lease, or acquire land or other property in adjoining states in order to secure outlets; to construct and maintain dikes or dams or other structures for the accomplishment of the purposes of this chapter.

112.68 OTHER STATUTES APPLICABLE. The provisions of Minnesota Statutes, Sections 471.59 and 471.64, are hereby made applicable to districts organized under this chapter.

112.69 CONSTRUCTION BY FEDERAL AGENCIES: PROCEDURE. Subdivision 1. Where an improvement is to be constructed within the district under a contract between the managers of said district and the State of Minnesota, or any department thereof, or by the United States of America, or any department thereof, with drainage, flood control, soil conservation, or other improvement districts, in this state or other states, for cooperation or assistance in constructing, maintaining, and operating the works of the district, or for the control of the waters thereof, or for making surveys and investigations or reports thereon; and may purchase, lease, or acquire land or other property in adjoining states in order to secure outlets; to construct and maintain dikes or dams or other structures for the accomplishment of the purposes of this chapter.

112.70 CONTRACTS OF COOPERATION AND ASSISTANCE. The managers shall have all rights of possession and entry conferred in other cases of condemnation by Minnesota Statutes 1961, Section 117.20, Subdivision 7. Thereafter the attorney for the managers shall make a certificate describing the land taken, the purpose for which taken, together with the assessment of all damages, and the uses to which the lands are put, and the date upon which the improvements are done for the benefit of the owners. The certificate shall be signed and sworn to by two disinterested freeholders of the state to act as appraisers. After the appraisers so selected subscribe to an oath faithfully and impartially perform their duties, they shall, with or without the engineer, determine the benefits or damages to all lands and properties affected by the proposed improvement. They shall then hold a hearing with the managers a detailed statement showing the actual damages that have resulted or will result to individuals, property, or corporations from the construction of the improvement and make and file with the managers a detailed statement and list of lands and properties benefited or damaged by way of drainage, by control of overflow for waters, or by other means herein authorized.

Subd. 2. Upon the filing of the appraisers' report and the plan engineering data prepared by the governmental agency the managers shall prepare a detailed statement of all costs and damages to be determined in the improvement. The hearing shall be held within 30 days thereafter and cause to be published and mailed as above provided for a hearing on a petition. At the time and place specified in the notice, the managers shall hear all parties interested for and against the confirmation of the report; and may order and direct the publication of the assessments and damages, and amend or change the list of properties reported as benefited or damaged. If the amended reports include property not included in the original report the managers shall adjourn and cause to be published and mailed as in the original notice the proper notice with reference to all lands and properties not included in the previous notice. If upon hearing the managers find that the benefits resulting from the construction will be greater than the assessments and damages they shall confirm the report. All persons or public corporations affected by the order may appeal therefrom as herein provided.

Upon the filing by the managers with the auditor of any county of a statement listing the property and corporations benefited or damaged or otherwise affected by any improvement as found by the appraisers and approved by the managers, the proceedings shall be had as provided in section 112.60.

Section 112.47 is not applicable to works of the district constructed under contract as provided in this section.

Subd. 3. When it is required that the board of managers convey to the United States Government the fee simple estate or a lessor interest in real property, the managers shall, prior to the filing of the appraisers' report, record in the office of the register of deeds of the county in which the lands are situated, a notice of the pendency of a proceeding initiated by the managers to acquire the lands to be conveyed to the United States Government, which notice shall state the purpose for which the lands are to be used and for what purpose it is to be conveyed. The notice shall also state that appraisers have been appointed in the manner provided by subdivision 2 hereof to be served upon the owners of the property to be conveyed to the federal government, in the same manner as the summons in a civil action, which notice shall describe the lands by metes and bounds and for what purpose it is to be conveyed. Thereafter all persons appearing of record or known to the managers to be the owners. The notice shall state that appraisers have been appointed in the manner provided by subdivision 1 hereof, to determine the benefits and damages, and that a hearing will be held by the managers upon the appraisers' report at the time and place specified in the notice. When the managers have confirmed the appraisers' report listing the property benefited or damaged as provided in subdivision 2, the managers shall have all rights of possession and entry conferred in other cases of condemnation by Minnesota Statutes 1961, Section 117.20, Subdivision 7. Thereafter, the attorney for the managers shall make a certificate describing the land taken, the purpose for which taken, together with the assessment of all damages, and the uses to which the lands are put, and the date upon which the improvements are done for the benefit of the owners. The certificate shall be signed and sworn to by two disinterested freeholders of the state to act as appraisers. After the appraisers so selected subscribe to an oath faithfully and impartially perform their duties, they shall, with or without the engineer, determine the benefits or damages to all lands and properties affected by the proposed improvement. They shall then hold a hearing with the managers a detailed statement showing the actual damages that have resulted or will result to individuals, property, or corporations from the construction of the improvement and make and file with the managers a detailed statement and list of lands and properties benefited or damaged by way of drainage, by control of overflow for waters, or by other means herein authorized.

Subd. 4. The owners of property benefited or damaged as provided in subdivision 2 the managers shall have all rights of possession and entry conferred in other cases of condemnation by Minnesota Statutes 1961, Section 117.20, Subdivision 7. Thereafter, the attorney for the managers shall make a certificate describing the land taken, the purpose for which taken, together with the assessment of all damages, and the uses to which the lands are put, and the date upon which the improvements are done for the benefit of the owners. The certificate shall be signed and sworn to by two disinterested freeholders of the state to act as appraisers. After the appraisers so selected subscribe to an oath faithfully and impartially perform their duties, they shall, with or without the engineer, determine the benefits or damages to all lands and properties affected by the proposed improvement. They shall then hold a hearing with the managers a detailed statement showing the actual damages that have resulted or will result to individuals, property, or corporations from the construction of the improvement and make and file with the managers a detailed statement and list of lands and properties benefited or damaged by way of drainage, by control of overflow for waters, or by other means herein authorized.
112.70 [Repealed, 1963 c 788 s 16 subd 2]

112.71 USE OF WATER, CONTRACTS; NOTICE, HEARING. The rights enjoyed by landowners, whether private or corporate, to the use of the waters of the district for any purpose shall continue as they existed at the time of the organization of the district and all such rights then existing shall be recognized and observed to the greatest extent compatible with public interest, but such improvements made by the district shall make possible a greater, better or more convenient use or benefit from the waters of the district for any purpose, the right to such greater, better or more convenient use or benefit from such waters shall be the property of the district, and such rights may be leased or assigned by the district in return for reasonable compensation, as provided.

All leases, assignments, permits or contracts for the use of water shall be entered into only after a report has been made by the managers of such district to the board setting forth the terms and conditions of the lease, permit, or contract relative to the use of any property of the district. The board shall give notice thereof to all parties interested, by mail, and shall cause to be published notice of the application, stating therein the purpose of the application and the time and place of hearing thereon. At the time of hearing the board shall hear all interested persons for or against such proposed contract and make its order accordingly on such contract and restrictions as may be necessary to protect the interest of the district and the public.

[1955 c 799 s 38; 1961 c 601 s 19]

112.72 OTHER DRAINAGE LAWS, EFFECT OF REFERENCE. Whenever reference is made herein to any drainage laws of this state and sections thereof are referred to, the sections and provisions shall if construed and construed as having the same force and effect, so far as the provisions of this chapter are concerned, as though herein set forth. Any amendments of such act or acts passed after the effective date of this chapter shall become applicable to this chapter.

[1955 c 799 s 39; 1965 c 834 s 23]

112.73 ANNUAL AUDIT. The managers shall make such reports as are demanded by the public examiner. The managers shall cause to be made an annual audit of the books and accounts of the district. Such audit may be made by either a public accountant or by the public examiner. If the audit is to be made by the public examiner it shall be initiated by a petition of the resident freeholders of the water service of the district, requesting such audit pursuant to the authority granted municipalities under the provisions of Minnesota Statutes, Sections 215.19 and 215.20. If the audit is made by the public examiner the district receiving such examination shall pay to the board all the costs and expenses of such examination, including the salaries paid to the auditors in making such examination. The prevailing fund of the public examiner shall be credited with all collections made for any such examinations.

[1965 c 799 s 40; 1957 c 98 s 1; 1965 c 513 s 1]

112.74 EXISTING DISTRICTS MAY COME UNDER CHAPTER. Any district hereafter created under the provisions of Minnesota Statutes 1953, Sections 111.01 to 111.42, or Sections 112.01 to 112.33, may acquire the right to operate under and exercise all the rights and authority of this chapter, instead of the act under which it was organized, upon the filing by the governing board of such district, in the office of the clerk of district court of the county in which its principal place of business is situate, a petition to the court asking that the district be granted such authority. The clerk of district court, as directed by the judge, shall thereupon fix a time and place for hearing upon the petition. Notice of the hearing shall be given by publication for two successive weeks in a newspaper published in each county having territory within such district. The clerk of district court shall give notice of the hearing to the residents residing in such county. If at the hearing the court finds that it is for the best interest of the district to be granted such authority, it may by order grant such petition. Thereafter, upon petition by the managers, the number and distribution of the members of the board of managers, and the number of regular meetings of the board shall prescribe after notice and hearing. The board shall take effect upon the expiration of term of office of the director of the conservancy district as the term of office of each director expires. The appointments shall be made by the county commissioners as provided in Minnesota Statutes 1961, Section 112.42, Subdivision 3.

[1955 c 799 s 44; 1965 c 650 s 1]

112.75 PENDING PROCEEDINGS FOR ESTABLISHMENT OF DISTRICT. In any proceeding for the establishment of a district under Minnesota Statutes 1953, Chapters 111 or 112, pending April 23, 1955, any person affected thereby or interested therein may petition the district court of the judicial district wherein the lands affected are sought for an order transferring such proceedings to the state water resources board, and the court shall thereupon make an order transferring such pending proceedings to said board, whereupon the board shall be vested with jurisdiction and all further proceedings shall be subject to the provisions of this chapter. Such transfer shall not be construed as depriving the court of any jurisdictional question which at the time of the petition is pending therein and is under consideration. The board shall have all records pertaining to said proceedings delivered to the state water resources board.

[1955 c 799 s 46; 1963 c 803 s 1]

112.76 CORPORATE EXISTENCE OF CERTAIN DISTRICTS, TERMINATION. The corporate existence of any district organized under the provisions of Minnesota Statutes 1953, Sections 112.01 to 112.33, wherein no work has been performed during the five-year period immediately prior to April 23, 1955, shall be terminated unless within one year thereafter such district makes application for and as a condition of its corporate existence under the provisions of this chapter. The procedure to provide a record of the termination of the corporate existence of any district shall be initiated by a petition from the Minnesota Water Resources Board to the district court of the county in which its principal place of business is situated. Said petition shall contain a statement to the effect that no work was performed during the five-year period immediately prior to April 23, 1955 and that no application was made to continue the districts’ operation under Minnesota Statutes, Chapter 112. The clerk of the district court, as directed by the judge, shall fix a time and place for hearing upon the petition. Notice of the hearing shall be given by publication for two successive weeks in a newspaper published in each county having territory within the district. If the court finds that the facts in the petition exist it shall issue an order finding the fact of the termination of the district. A copy of such order shall be filed in the office of the secretary of state. After April 23, 1955, no new district shall be organized under the provisions of Minnesota Statutes 1953, Chapter 112.

112.761 PROCEEDINGS FOR ENLARGEMENT OF DISTRICT. Subdivision 1. Proceedings for the enlargement of an existing district shall be initiated by a petition of the managers of the board. The required signatures of the petition to enlarge shall be the same as prescribed for a nominating petition, provided, however, the percentages shall be calculated only with reference to the territory which is proposed to be added to the district. Such petition shall state:

(1) That the area to be added is contiguous to the existing district;
(2) That it can be feasibly administered by the managers of the existing district;
(3) The reasons why it would be conducive to the public health and welfare to add the area to the existing district;
(4) A map of the affected area;
(5) The name of the enlarged district, if other than that of the existing district; and
(6) A request for the addition of the proposed territory.

The petition shall be served and the board shall proceed in a manner as prescribed for a nominating petition. The requirement of notice, and public hearings shall be as provided for in the nominating petition.

Subd. 2. Upon the hearing, if it appears to the board that the enlargement of the district as prayed for in the petition would be for the public welfare and pub-
llie interest and the purpose of Minnesota Statutes, Chapter 112, would be served. It shall, by its findings and order, enlarge the district and file a certified copy of said findings and order with the secretary of state. The name of the district may be changed by order of the board if requested in the petition to enlarge the district.

Subd. 3. If the district, as enlarged, affects more than one county, distribution of the managers among the counties affected shall be as directed by the board in the order enlarging the district.

An appeal to the board as finally determined shall stand for and in the place of amount from which such order was made, or in such other counties in which the appeal shall be heard, beginning after the filing of the appeal; and shall take precedence over all other court matters of a civil nature. If there is more than one appeal to the board from the court or of the board involving the same project for improvement, or

if it refers to the proposed improvement by general

NOTE: Laws 1965, 2, reads: "Section 2. No appeal 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."

The amount of damages allowed;

The amount of benefits determined;

Which affects a substantial right, or

Relative to the allowance of fees or expenses in any proceedings,

Subd. 4. Any person or public corporation appealing on the first or second grounds named in subdivision 1, may include and have considered benefits or damages affecting property other than his own. Notice of such appeal shall be served upon the owner or occupant of such other property or upon the attorney who represented such owner in the proceedings. Such notice of appeal shall be served upon the auditor of the county wherein the property is situated, and upon the clerk of the district court of the county wherein the principal place of business of the district is located, or upon the secretary of the board.

Subd. 5. To render the appeal effective, the appellant shall file with such clerk of the district court or the secretary of the board within 30 days of the date of such final order a notice of appeal which shall state the grounds upon which the appeal is taken. The notice of appeal shall be accompanied by an appeal bond to the district where the property is situate of $250 is paid approved by the clerk of the district court or the secretary of the board, as the case may be, conditioned that the appellant will duly prosecute the appeal and pay all costs and disbursements which may be adjudged against him and abide the order of the court or of the board, as the case may be.

Subd. 6. The issues raised by the appeal shall stand for trial by the board at a time before the board, and if by a jury, shall be tried and determined at the next term of the district court held within the county in which the notice of appeal was filed, or in such other counties in which the appeal shall be heard, beginning after the filing of the appeal; and shall take precedence over all other court matters of a civil nature. If there is more than one appeal to the board from the court or of the board involving the same project for improvement, or

if it refers to the proposed improvement by general

An appeal may be had to the district court or to the Minnesota water resources board by any party, or jointly by more than one, by an order of the managers made in any proceeding and entered upon record determining any of the following matters:

(1) The amount of benefits determined;

(2) The amount of damages allowed;

(3) Relative to the allowance of fees or expenses in any proceedings,

(4) Which affects a substantial right, or

(5) An order of the board of managers authorizing or refusing to establish a project and improvement in whole or in part.

Subd. 2. In all cases of appeal, the amount awarded by the jury or the board as finally determined shall stand for and in the place of amount from which such order was made.

Subd. 3. If an appeal is taken from an order authorizing an improvement, the trial of any appeals from benefits or damages in such proceedings shall be stayed pending the determination of such appeal. If the order authorizing be affirmed, any such appeal from benefits or damages shall then stand for trial as provided by this section. If such appeal be from an order refusing to authorize an improvement, and if the court or the board therefor determines the improvement the secretary of the district shall give notice by publication of the filing of the order. Such notice shall be sufficient if it refers to the proposed improvement by general description and recites the substance of the order and the date of filing in the court.

Subd. 4. Any person or public corporation appealing on the first or second grounds named in subdivision 1, may include and have considered benefits or damages affecting property other than his own. Notice of such appeal shall be served upon the owner or occupant of such other property or upon the attorney who represented such owner in the proceedings. Such notice of appeal shall be served upon the auditor of the county wherein the property is situated, and upon the clerk of the district court of the county wherein the principal place of business of the district is located, or upon the secretary of the board.
maintenance, consolidation, or abandonment of any of the works of the district the same right of appeal to the district or supreme court shall be had as from a similar order made in a proceeding to establish the improvement as herein provided and upon like grounds and with similar procedure.

[1955 c 759 s 49]

112.83 [Repealed, 1959 c 405 s 2]

112.84 DUE PROCESS OF LAW. No person shall, under this chapter, be deprived or divested of any previously established beneficial uses or rights without due process of law.

[1955 c 758 s 51]

112.85 WITHDRAWAL OF TERRITORY. Subdivision 1. Proceedings to withdraw any territory from an existing district shall be initiated by a petition filed with the secretary of the board. The required signatures on a petition for withdrawal shall be the same as prescribed for a nominating petition, provided, however, the percentages shall be calculated only with reference to the territory which is proposed to be withdrawn from the district. Such petition shall state that the territory so described has not received or will not receive any benefits from the operations of the district, that the district can perform the functions for which it was established without the inclusion of said territory and that said territory is not, in fact, a part of the watershed. The petition shall request the release of the described territory from the district.

The petition shall be served and the board shall proceed in a manner as prescribed for a nominating petition. The requirements for notices and public hearings shall be as prescribed for the nominating petition.

Subd. 2. Upon the hearing if it appears to the board that the territory as described in the petition has not and will not receive any benefit from the operations of the district and that the district can perform the functions for which it was established without the inclusion of said territory, and that said territory is not, in fact, a part of the watershed, the board may issue an order releasing the territory, or any part of said territory, as described in the petition. No lands shall be released which have been determined subject to any benefits or damages for any improvement previously constructed. The territory so released shall remain liable for its proportionate share of any indebtedness existing at the time of the order. Levees on the lands shall continue in force until fully paid. If the board shall determine that the order prescribing the distribution of managers should be amended following the withdrawal of any territory it may so direct in the order authorizing the withdrawal.

[1963 c 834 s 25]

CHAPTER 113

IRRIGATION

113.01 DAMS AND DIKES AUTHORIZED FOR IRRIGATION PURPOSES. The owner of any land in this state which is suitable for the culture of wire grass, cranberries, rice, or other crops requiring irrigation, may, upon being licensed, as hereinafter provided, construct upon the lands so owned and across or upon that portion of any public ditch, drain, or watercourse situated within the boundaries of the land, such dams, dikes, or other regulating or controlling works, as may be necessary to secure the use of the water for irrigation. Any dam so constructed shall contain properly constructed gates of sufficient size to carry off the flood water above high-water mark within 24 hours.

[1915 c. 189 s. 1] (6977)

113.02 LICENSE TO BE SECURED FROM STATE DRAINAGE ENGINEER. Any owner desiring to avail himself of the provisions of sections 113.01 to 113.06 shall apply for license so to do to the state drainage engineer, who shall issue a license to the applicant for the same, under such rules and regulations and guarantees as he may require.

[1915 c. 189 s. 2] (6978)

113.03 BOND. Before any license is granted the licensee shall execute a bond to the State of Minnesota for the use of all persons who may be injured by the construction, conditioned for the payment of all damages to persons or property by reason of the construction of the dams, dikes, or the use of the water.

[1915 c. 189 s. 3] (6979)

113.04 UNDER SUPERVISION OF ENGINEER. All dams, dikes, or other works or structures constructed or erected under the provisions of sections 113.01 to 113.06 shall be under the supervision and direction of the state drainage engineer.

[1915 c. 189 s. 4] (6980)

113.05 NOT TO INTERFERE WITH PUBLIC DITCHES. Nothing in sections 113.01 to 113.06 shall be construed as authorizing any act interfering with the benefit and utility of any public ditch, drain, or watercourse, nor to in any manner authorize the use of the water in the damage or injury of the land of any other person; and, if at any time it appears that the structures herein authorized cannot be maintained without impairing the utility of a public drain or watercourse, nor without depriving other land owners of the benefit thereof, then and in that case, such license shall, upon demand of the owner or owners of such other land, be immediately revoked.

[1915 c. 189 s. 5] (6981)

113.06 VIOLATION A MISDEMEANOR. Any person violating any provision of sections 113.01 to 113.05 shall be guilty of a misdemeanor.

[1915 c. 189 s. 6] (6982)

113.07 to 113.22 [Repealed, 1947 c 143 s 67]

113.23 [Repeumbered 160.201]
CHAPTER 114

DAKOTA-MINNESOTA BOUNDARY WATERS

Sec. 114.01 Commission created. There is hereby created an interstate commission to be known as the South Dakota-Minnesota Boundary Waters Commission, which shall consist of the director of the game and fish commission of South Dakota and the commissioner of conservation of Minnesota, or their legal successors, and an engineer appointed by the mutual consent of the governors of South Dakota and Minnesota for a period of four years.

[1939 c. 60 s. 1] (55-81)

114.02 POWERS AND DUTIES. The South Dakota-Minnesota Boundary Waters Commission shall have power and authority:

(1) To investigate and determine the most desirable and beneficial levels of boundary waters artificially controlled and to prescribe a plan for controlling and regulating said levels;

(2) To prescribe and promulgate rules and procedure for the conduct of its investigations, surveys, and hearings;

(3) To make such orders as may be necessary to further the purposes of this chapter; and

(4) To hold hearings and take such evidence as may be presented, either after complaint or upon its own initiative, as to the desirability of any water level and plan of regulation, and to make such orders concerning the same as in its opinion are for the best interests of the public.

[1939 c. 60 s. 2] (55-88)

114.03 HEARINGS; PUBLICATIONS. Hearings shall be held at such time and place as may be designated by the commission, in either state, in any county affected by the subject matter. At least two weeks' published notice of the hearings shall be given by publication of the notice in a legal newspaper in each county on the boundary waters which may be affected thereby. The printer's affidavit of publication of all notices and orders shall be filed with the commission.

[1939 c. 60 s. 5; 1959 c. 661 s 1] (55-88)

114.04 ORGANIZATION. The South Dakota-Minnesota Boundary Waters Commission shall meet and organize within 30 days after the effective date of the compact.

[1939 c. 60 s. 4] (55-84)

114.05 NOT TO INCUR OBLIGATIONS. The South Dakota-Minnesota Boundary Waters Commission shall not incur any obligation for expenses except after an adequate legislative appropriation.

[1939 c. 60 s. 5] (55-85)

114.06 INJUNCTIONS. The South Dakota-Minnesota Boundary Waters Commission may upon verified petition apply to the district court or the circuit court in either state, as the case may be, in any county affected by the subject matter, for an injunction restraining the violation of any order, notice, rule or regulation made by it pursuant to the provisions of this chapter. The attorneys general of both states shall act as legal advisors to the commission.

[1939 c. 60 s. 6] (55-86)

114.07 WHEN EFFECTIVE. Sections 114.01 to 114.08 shall become effective immediately after the passage of an act in substantial conformance herewith by the legislature of South Dakota.

[1939 c. 60 s. 7] (55-87)

114.08 APPEALS. Any party aggrieved by any order or any determination of the South Dakota-Minnesota Boundary Waters Commission establishing or regulating water levels, as provided for in sections 114.01 to 114.07, may appeal therefrom to the district court or to the circuit court, as the case may be, of any county in either state in which the subject matter of the order or the determination is wholly or partially located, or to the district court of the county in either state where the capital thereof is located: Notice of appeal must be served upon the commission or any member thereof within 30 days from the last date of publication of the order appealed from. Appeals may likewise be taken from the judgments of the district court to the supreme court of its respective states.

[1939 c. 60 s. 8] (55-88)

114.09 TRI-STATE AREA. Subdivision 1. Agreement. The State of Minnesota does hereby enter into a compact with the states of North Dakota and South Dakota whereby it agrees to cooperate with those states in carrying out the following terms and conditions.

Subd. 2. Cooperation. Each of the states of North Dakota, South Dakota, and Minnesota undertakes to cooperate with the other two states for the most advantageous utilization of the waters of the Red River of the North, for the control of the flood waters of this river, and for the prevention of the pollution of such waters.

Subd. 3. District created. To that end these three states do hereby create a district to be known as the Tri-State Waters Area, which shall comprise that portion of the drainage basin of the Red River of the North lying within the boundaries of the states of North Dakota, South Dakota, and Minnesota.

Subd. 4. Commission created. The said three states do hereby create the Tri-State Waters Commission, which shall be a body corporate and shall have the powers, duties, and jurisdiction herein set forth and such other powers, duties, and jurisdiction as shall hereafter be conferred upon it by acts of the legislatures of each of said three states, concurred in, when of a character to require such concurrence, by act of Congress.

Subd. 5. Membership. The Tri-State Waters Commission, hereafter in this compact called the commission, shall consist of nine commissioners, three from each state, appointed by each state in such manner and for such length of term as may be determined by the legislature thereof. Each commissioner shall be a citizen of the state from which he is appointed, and at least one commissioner from each state shall be a resident of the drainage area of the Red River of the North. Each commissioner may be removed or suspended from office in such manner as shall be provided by the law of the state from which he shall be appointed. Each commissioner shall receive such compensation as may be provided by the legislature of the state he represents, which compensation shall be paid by such state. Each commissioner shall be paid actual expenses necessarily incurred in the performance of his duties as such commissioner.

Subd. 6. Officers; powers; duties. The commission shall elect from its number a chairman and a vice-chairman and shall appoint, and at its pleasure remove, an executive secretary and such other officers and assistants as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications, and compensation. It shall adopt a seal and suitable bylaws and promulgate rules and regulations for its management and control.

A majority of the members from each state shall constitute a quorum for the transaction of business, the exercise of any powers, or the performance of any duties, but no action of the commission shall be binding unless at least two of the members from each state shall vote in favor thereof.

The commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report to the governor of each state setting forth in
Subd. 7. Study of water problems. It shall be the duty of the commission to study the various water problems relating to water supply within the Tri-State Waters Area.

Subd. 8. Plans, approval; water levels control. Plans for works on boundary waters in these drainage areas prepared by the state, municipal or industrial agencies, shall receive the approval of the commission before construction is begun.

It shall be the duty of the commission to maintain and control lake levels and stream flow on boundary waters within the area, but such action shall be taken only with the approval of the authorized county or state agencies, in which such lake or stream is located, but the commission shall have no power or jurisdiction over water levels or stream flow in the Otter Tail river which is known as that portion of the Red river originating in Becker and Otter Tail counties extending and flowing in a southerly and southwesterly direction through the counties of Becker, Otter Tail, and Wilkin, and emptying into the Red River of the North at the junction of the Bois de Sioux at Breckenridge, Minnesota, and its chain of lakes and its tributaries.

The commission shall have power to cooperate with any duly authorized federal, state, or municipal agency in studies and surveys, construction, maintenance, and operation of water projects within the scope of its jurisdiction.

The commission shall be authorized to exercise the power of eminent domain, to acquire such real and personal property as may be reasonably necessary to effectuate the purposes of this compact, and to exercise all other powers not inconsistent with the provisions of the states of North Dakota, South Dakota, and Minnesota, or with the constitution of the United States, which may be reasonably necessary or appropriate for or incidental to the effectuation of its authorized purposes, and generally to exercise in connection with its property and affairs and in connection with property within its control any and all powers which may be exercised by a private corporation in connection with similar property and affairs.

Subd. 9. Financial studies. The commission shall study the methods of financing the construction, control, maintenance, and operation of projects and shall recommend for enactment to the legislatures, of the states concerned such legislation as will effectuate the purposes and ends of the commission.

Subd. 10. States to share expense. Each state shall bear its proportionate share of the expense of the commission based on the pro rata value to such state of the activities of the commission, which expense shall be provided for by appropriation by the legislature.

Subd. 11. Construction. Should any part of this compact be held to be contrary to the constitution of any of the states or of the United States, such part of the compact shall become inoperative as to each state, but all other severable provisions of this compact shall continue in full force and effect.

Subd. 12. When effective. This compact shall become operative immediately after the passage of an act substantially conforming to the compact provisions of sections 114.09 to 114.11 by the legislature of each of the three states which are parties hereto, or, as to such state, in the event that either or both of the other two states parties hereto shall provide for the consummation of this compact by action of the governor, upon the entering into a compact signed by the governor of such state or states and the governor of this state substantially embodying the provisions of this compact. The governor of this state is hereby authorized to enter into such a compact.
WATER POLLUTION CONTROL ACT

115.01 DEFINITIONS. Subdivision 1. The following words and phrases when used in sections 115.01 to 115.09, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section.

Subd. 2. "Sewage" means the water-carried waste products from residences, public buildings, institutions or other buildings, including the excrementitious or other discharge from the bodies of human beings or animals, together with such garbage, industrial waste and surface water as may be present.

Subd. 3. "Industrial waste" means any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from the development of any natural resource.

Subd. 4. "Other wastes" mean garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, and all other substances not sewage or industrial waste which may pollute or tend to pollute the waters of the state.

Subd. 5. "Pollution" means the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental to public health, safety or welfare, to domestic, commercial, industrial or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life.

Subd. 6. "Sewer system" means pipe lines or conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appertaining thereto, used for conducting sewage or industrial waste other than sewage or industrial waste, to a point of ultimate disposal.

Subd. 7. "Treatment works" means any plant, disposal field, lagoon, dam, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary land fills, or other works not specifically mentioned herein, installed for the purpose of treating, stabilizing or disposing of sewage, industrial waste, or other wastes.

115.03 POWERS AND DUTIES. Subdivision 1. The commission is hereby given and charged with the following powers and duties:

To administer and enforce all laws relating to the pollution of any of the waters of the state;

To investigate the extent, character and effect of the pollution of the waters of the state and to gather data and information necessary or desirable in the enforcement of pollution laws, and to make such classification of the waters of the state as it may deem advisable;

To establish and alter reasonable pollution standards for any waters of the state in relation to the public use to which they are or may be put as it shall deem necessary for the prevention or abatement of pollution of any waters of the state;

To make and alter reasonable orders requiring the discontinuance of the discharge of sewage, industrial waste or other wastes into any waters of the state resulting in pollution in excess of the applicable pollution standard established under this subdivision;

To require to be submitted and to approve plans for disposal systems or any part thereof and to inspect the construction thereof for compliance with the approved plans thereof;

To issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the discharge of sewage, industrial waste or other wastes, or for the installation or operation of disposal systems or parts thereof;

To revoke or modify any permit issued under sections 115.01 to 115.09 whenever it is necessary, in the opinion of the commission, to prevent or abate pollution of any waters of the state;

To prescribe and alter rules and regulations, not inconsistent with law, for the conduct of the commission and other matters within the scope of the powers granted to and imposed upon it by sections 115.01 to 115.09, provided that every rule or regulation affecting any other department or agency of the state or any person other than a member of the commission shall be filed with the secretary of state; and

To conduct such investigations and hold such hearings as it may deem advisable and necessary for the discharge of its duties under sections 115.01 to 115.09, and to authorize any member, employee, or agent appointed by it to conduct such investigations or hold such hearings.

Subd. 2. In any such hearing or investigation, any member of the commission, or any employee or agent thereto authorized by the commission, may administer oaths, examine witnesses and issue, in the name of the commission, subpoenas returnable to the commission.

Subd. 3. In case of contumacy or refusal to obey a subpoena issued under this section, the district court of the county where the proceeding is pending or in which the person guilty of such contumacy or refusal to obey is found or resides, shall have jurisdiction upon application of the commission or its authorized member, employee or agent to issue to such person an order requiring him to appear and testify or produce evidence, as the case may require, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

115.06 LOCAL GOVERNMENT. Subdivision 1. Municipal water pollution control districts may be established under sections 115.01 to 115.09, and the governing bodies of such districts may establish sewer systems and treatment works within such districts.
115.04 DISPOSAL SYSTEMS. Subdivision 1. Information. Any person operating a disposal system, when requested by the commission, shall furnish to it any information which he may have which is relevant to the subject of sections 115.01 to 115.09.

Subd. 2. Examination of records. The commission or any employee or agent thereof, when authorized by it, may examine any books, papers, records or memoranda pertaining to the operation of a disposal system.

Subd. 3. Access to premises. Whenever it shall be necessary for the purposes of sections 115.01 to 115.09, the commission or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations.

[1945 c 395 s §]

115.05 FINAL ORDER. Subdivision 1. Notice; hearing. No final order of the commission shall be effective as to the vested rights of any person adversely affected thereby nor as to any disposal system operated by any person unless the commission has first had a hearing upon the matter therein involved at which evidence may be taken, of which hearing such person shall have had notice as hereinafter provided. Any person who will be directly affected by the final order therein shall have the right to be heard at the hearing and to submit evidence therefor. Written notice specifying the time and place at which such hearing shall be held upon all persons known by the commission to be directly affected by the final order, personally or by registered mail not less than ten days before the date of the hearing. A copy of the final order shall be served in the same manner upon all persons who entered an appearance at the hearing.

Subd. 2. Emergency order. Notwithstanding the provisions of subdivision 1, the commission, when it shall have determined that an emergency exists respecting any matter affecting the public health, may make a final order without notice and without a hearing. A copy of such final order shall be served as provided in subdivision 1.

Subd. 3. Appeal. An appeal may be taken from any final order, rule, regulation or other final decision of the commission by any person who is or may be adversely affected thereby, or by the attorney general in behalf of the state, to the district court of the county in which the premises affected by such final order, rule, regulation, or other final decision are situated in the manner herein provided. Within 30 days after receipt of a copy of the order, rule, regulation, or decision appealed from but not more than six months after the making and filing of the order, rule, regulation or decision, the appellant or his attorney shall serve a notice of appeal on the commission, through its secretary; provided, that during such 30 day period the court may, for good cause shown, extend such time for not exceeding an additional 60 days, but not beyond the expiration of such six months' period. The notice of appeal shall refer to the action of the commission appealed from, shall specify the grounds of the appeal, including points of both law and fact which are asserted or questioned by the appellant, and may contain any other allegations or denials of fact pertinent to the appeal. The notice shall state an address within the state at which the papers and other matter may be noticed by the commission or the appellant or his attorney. The original notice of appeal, with proof of service, shall be filed by the appellant or his attorney with the clerk of the court within ten days after service of the notice, and thereupon the court shall have jurisdiction of the appeal.

Subd. 4. Intervention by state. The appellant and the commission shall in all cases be deemed the original parties to an appeal. The state, through the attorney general, or any other person affected may become a party to an appeal in the manner herein provided for not beyond the expiration of such six months' period. The notice of appeal shall refer to the action of the commission appealed from, shall specify the grounds of the appeal, including points of both law and fact which are asserted or questioned by the appellant, and may contain any other allegations or denials of fact pertinent to the appeal. The notice shall state an address within the state at which the papers and other matter may be noticed by the commission or the appellant or his attorney. The original notice of appeal, with proof of service, shall be filed by the appellant or his attorney with the clerk of the court within ten days after service of the notice, and thereupon the court shall have jurisdiction of the appeal.

Subd. 5. Venue of appeal. The venue of an appeal may be changed by order of the court upon written consent of the parties or for cause shown, after hearing upon notice to all parties, as in a civil action, to the district court of any county in which the order, rule, regulation, or decision appealed from would take effect.

Subd. 6. Record on appeal. Within 30 days after service and filing of the notice of appeal, the matter shall receive the same formality, correspondence, pleading, certificate, and file with the clerk of the court having jurisdiction of the appeal a return comprising a copy of any application, petition, or other material paper wherein the action of the commission appealed from was based, a copy of the order, rule, regulation, or decision appealed from, a statement of any findings of fact or rulings or conclusions of law made by the commission, and such other statement, answer, or denial as may be required upon questions of law or fact raised by the appeal as the commission may deem pertinent. Such 30 day period may be extended by the court for cause shown for not exceeding an additional 60 days. Within the time allowed for making and filing the return, copy thereof shall be served upon or served on the appellant or his attorney. The allegations of new matter in the return be denied by the appellant unless expressly admitted, and no further pleadings shall be interposed. Otherwise the allegations of the notice of appeal and return shall have like effect as the pleadings in a civil action and shall be subject to like procedure.

Subd. 7. Appeals as in civil actions. The appeal shall be heard and determined by the court upon the issues raised by the notice of appeal and return according to the rules relating to the trial of civil actions, so far as applicable. The court of its own motion or on application of any party may, in its discretion, take additional evidence. The court shall, upon the hearing, make a final decision in the controversy. If the action of the commission appealed from is lawful and reasonable, and is warranted by the evidence in case an issue of fact is involved, the action shall be confirmed. Otherwise the court may vacate or suspend the action appealed from in whole or in part, as the case may require, and order the matter remanded to the commission for further action in conformity with the decision of the court.

Subd. 8. Stay. The taking of any action of the commission shall not be stayed by an appeal except by order of the court for cause shown by the appellant. The granting of a stay may be conditioned upon the furnishing by the appellant of costs to the court as in any other action, which may be vacated upon application of the commission or any other party after hearing upon notice to the appellant and to such other parties as the court may direct.

Subd. 9. Order prima facie reasonable and valid. In any appeal or other proceeding involving any order, rule, regulation, or other decision of the commission, the action of the commission shall be prima facie reasonable and valid, and it shall be presumed that all requirements of the law pertaining to the taking thereof have been complied with. All findings of fact made by the commission shall be prima facie evidence of the matters therein stated. The burden of proving the contrary of any provision of this subdivision shall rest upon the appellant or other party questioning the action of the commission.

Subd. 10. Collateral attack. If no appeal be taken from an order, rule, regulation, or other decision of the commission as herein provided, or if the action of the commission be affirmed on appeal the action of the commission in the matter shall be deemed conclusive, and the validity and reasonableness thereof shall not be questioned in any other action or proceeding, but this shall not preclude the authority of the commission to modify or rescind its actions.

[1945 c 395 s 5; 1959 c 461 s 11]

115.06 COOPERATION. Subdivision 1. With other sovereign states. The commission, so far as it is not inconsistent with its duties under the laws of this state, may assist and cooperate with any agency of another state, of the United States of America or of the Dominion of Canada or any province thereof in any matter relating to water pollution control.

Subd. 2. Funds received from persons or agencies. The commission may receive and accept money, services or from any person or from any agency described in subdivision 1 or from any other source for any water pollution control purpose within the scope of its functions, under sections 115.01 to 115.09, and may make and enter into agreements with any person or agency or any part thereof, and subject to like provisions of law as the corresponding appropriations of state funds.

[1915 c 395 s 6]

115.07 VIOLATIONS AND PROHIBITIONS. Subdivision 1. Obtain permit. It shall be unlawful for any person to construct, install or operate a disposal system, or any part thereof, until plans thereof shall have been submitted to the com-
mission unless the commission shall have waived the submission thereof to it and a written permit therefor shall have been granted by the commission.

Subd. 2. Systems now operating. The commission, upon application of the appropriate person, shall issue a permit for the continuance of every disposal system now operating pursuant to proper legal authority subject, however, to the right of the commission to modify or revoke such permit in the same manner as other permits.

Subd. 3. Permission for extension. It shall be unlawful for any person to make any change in, addition to, or extension of any existing disposal system, or part thereof that would materially alter the method of treating or disposing of the sewage, industrial waste or other wastes, or to operate such system, or part thereof, added to, or extended in any place, unless the commission shall have waived the submission thereof to it and a written permit therefor shall have been granted by the commission.

Subd. 4. Injunction. The violation of any provisions of sections 115.01 to 115.09 of any order or regulation adopted by the commission hereunder shall constitute a public nuisance, and may be enjoined and abated as such by provided law.

Subd. 5. (Repealed, 1963 c 708 s 16)

Subd. 6. Penalty. Violation of any provision of sections 115.01 to 115.09 of any regulation adopted by the commission hereunder shall be a misdemeanor.

115.08 INTERPRETATION. Sections 115.01 to 115.09 shall not be construed as repealing any of the provisions of law relating to the pollution of any waters of the state, but shall be held and construed as supplementing the same and in addition to the laws now in force, except as the same may be in direct conflict herewith.

115.09 CITATION, WATER POLLUTION CONTROL ACT. Sections 115.01 to 115.09 may be cited as the state water pollution control act.

115.15 REGIONAL WATER POLLUTION CONTROL; DEFINITIONS. Subdivision 1. As used in sections 115.16 and 115.17 the terms defined in this section shall have the meanings given them except as otherwise provided or indicated by the context.

Subd. 2. “Committee” means the state water pollution control commission.

Subd. 3. “Region” means a sanitary region created as provided by section 115.16.

Subd. 4. “Committee” means the advisory committee created as provided by section 115.17.

115.16 CONGRESSIONAL DISTRICT A SANITARY REGION. Each congressional district of the state as now or hereafter established shall constitute a sanitary region for the purposes of sections 115.15 to 115.17.

115.17 WATER POLLUTION CONTROL ADVISORY COMMITTEE. Subdivision 1. Membership. There is hereby created a water pollution control advisory committee, consisting of two members for each region, who shall be citizens residing in their respective regions. The members of the committee shall be appointed by the governor, with the advice and consent of the senate. Of the members first appointed to the committee, one from each district shall expire March 1 of the second calendar year after his appointment and the term of the other shall expire March 1 of the third calendar year after his appointment, as designated by the governor. The succeeding regular terms of members, shall be three years, beginning on such expiration dates, respectively. Each member shall serve until his successor shall have qualified. Any vacancy in any office may be filled by the committee for the unexpired term at any regular meeting or at any special meeting called for that purpose.

Subd. 2. Committee's meetings. The committee may make special meetings anywhere within the state at the call of its chairperson or upon the request of five members of the committee. A majority of the members of the committee shall constitute a quorum. The vote of a majority of all the members of the committee shall be required for the adoption of any resolution, recommendation, or report.

Subd. 4. Officers of committee. The committee at its first meeting and at each regular annual meeting thereafter shall elect a chairman, a vice-chairman, and a secretary, who shall perform the usual duties incident to the office. The chairman shall appoint from the members of the committee four subcommittees, each consisting of three or more members, as follows:

(1) On municipal sewage, public health, safety, and welfare;
(2) On conservation of water, wild life, and related problems;
(3) On soil conservation and agricultural problems;
(4) On industrial waste problems.

The committee may create such other subcommittees as it deems advisable. Each subcommittee shall give special consideration and study to the subject matter indicated by its title.

Subd. 6. Duties of committee. The duties of the committee are:

(1) To assist in the performance of its statutory powers and duties and in formulating a general statewide comprehensive policy for the conservation, utilization, and development of the water resources and other interrelated natural resources of the state for their most beneficial uses and the prevention, control, and abatement of pollution and the establishment of reasonable pollution standards for the waters of the state;
(2) To maintain liaison between the commission and the communities, industries, and persons concerned with the conservation, utilization, and development of the water resources within the respective regions of the committee members, and to stimulate action by those responsible for dealing with such problems;
(3) To assist in programs designed to inform the public regarding the importance of the conservation, utilization, and development of the water resources of such regions, and the prevention, control, and abatement of water pollution, and of methods of accomplishing such purposes;
(4) To meet with the commission four times each year and at such other times as the commission may request.

Subd. 7. Investigations; annual report; recommendations. In furtherance of its purposes the committee and its subcommittees may jointly or severally investigate and study problems relating to its duties. The committee shall make and file with the secretary of the commission at least once each year and such annual report of its findings and recommendations, but shall not as a body make specific recommendations on any proposal for action by the commission. The recommendations of the commission shall be advisory only, and the recommendation of the commission shall constitute a quorum. The vote of a majority of all the members of the committee shall be required for the adoption of any resolution, recommendation, or report.
Subd. 8. Recommendations for appointment of commission members. In case a member at large of the commission is to be appointed by the governor on expiration of a regular term or on the occurrence of a vacancy, the committee may recommend the name of two qualified persons from their own number or others for the position. The governor shall receive and consider such recommendations but shall not be limited thereto in making the appointment.

Subd. 11.18 SANITARY DISTRICTS; DEFINITIONS. Subdivision 1. As used in sections 115.18 to 115.37, the terms defined in this section have the meanings given them except as otherwise provided or indicated by the context.

Subd. 2. “Commission” means the state water pollution control commission.

Subd. 3. “District” means a sanitary district created under the provisions of sections 115.18 to 115.37.

Subd. 4. “District board” means the board of managers of a sanitary district.

Subd. 5. “Territorial unit” means all that part of the territory of a district situated within a single municipality, a single organized town outside of any municipality, or in the case of an unorganized area, within a single county.

Subd. 6. “Related governmental subdivision” means a municipality or organized town, in the case of a territorial unit, or a related governmental subdivision, in the case of an unorganized area, the county. “Related governing body” means the governing body of a related governmental subdivision, and, in the case of an organized town, means the town board.

Subd. 7. “Village” means a village organized as provided by Minnesota Statutes, 1933, other than the plan other than optional.

Subd. 8. “Municipality” means a city, village, or borough, however organized.

Subd. 9. The terms defined in Minnesota Statutes, Section 115.01, as now in force or hereafter amended, have the meanings given therein.

Subd. 10. PROCEEDING; PURPOSE; EXCEPTIONS. A sanitary district may be created under the provisions of sections 115.18 to 115.37 for any territory embracing an area or a group of two or more adjacent areas, whether contiguous or separate, but not situated entirely within the limits of a single municipality, for the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage and garbage and industrial wastes within the district, in any case where the commission finds that there is need throughout such territory for the accomplishment of such purposes, that such purposes cannot be effectively accomplished throughout such territory by any existing public agency or agencies, or that such purposes can be effectively accomplished throughout such territory on an equitable basis by a district if created, and that the creation and maintenance of such a district will be administratively feasible and in furtherance of the public health, safety, and welfare; but subject to the following exceptions:

No such district shall be created within 25 miles of the boundary of any city of the first class or second class, or of the county, unless the county governing body adopting the resolution creating the district finds that the creation of a district embracing part of such territory with or without the county, or, in the case of an unorganized area, within a single county.

Subd. 11. PROCEEDING TO CREATE DISTRICT. Subdivision 1. A proceeding for the creation of a district may be initiated by a petition to the commission, filed with its secretary, containing the following:

(1) A request for creation of the proposed district;
(2) The name proposed for the district, to include the words “sanitary district”;
(3) A description of the territory of the proposed district;
(4) A statement showing the existence in such territory of the conditions requisite for creation of a district as prescribed in section 115.19;
(5) A statement of the territorial units represented by and the qualifications of the respective signers.

(6) The post office address of each signer, given under his signature. A petition may consist of separate writings of like effect, each signed by one or more qualified persons, and all such writings, when filed, shall be considered together as a single petition.

Subd. 2. Every such petition shall be signed as follows:

(1) For each municipality wherein there is a territorial unit of the proposed district, by an authorized officer or officers pursuant to a resolution of the municipal governing body adopting the resolution;
(2) For each organized town wherein there is a territorial unit of the proposed district, by an authorized officer or officers pursuant to a resolution of the town board;
(3) For each county wherein there is a territorial unit of the proposed district consisting of an unorganized area, by an authorized officer or officers pursuant to a resolution of the county board, or by at least 20 percent of the voters residing and owning land within such unit.

Each such resolution shall be published in the official newspaper of the governing body and shall become effective 40 days after such publication, unless within said period there shall be filed with the governing body a petition signed by qualified electors of a territorial unit of the proposed district, equal in number to five percent of the number of such electors voting at the last preceding election of such governing body, requesting a referendum on the question whether such petition shall become effective until approved by a majority of such qualified electors voting thereon at a regular election or special election which the governing body may call for such purpose. The notice of any such election and the ballot to be used thereon shall contain the text of the resolution followed by the question: "Shall the creation of the district be approved?"

If it is alleged to be a landowner in a territorial unit, a statement as to his status as such as shown by the county auditor's tax assessment records, certified by the auditor, shall be attached to or endorsed upon the petition.

Subd. 3. The commission or its agent holding the hearing on a petition may, at any time before the exception of evidence begins, permit the addition of signatures to the petition or may permit amendment of the petition to correct or remedy any error or defect in signature or otherwise except a material error or defect in the description of the territory of the proposed district. No proceeding shall be invalidated on account of any error or defect in the petition unless questioned by an interested party before the completion of evidence taken except a material error or defect in the description of the territory of the proposed district. If the qualifications of any signer of a petition are challenged at the hearing thereof, the commission or its agent holding the hearing shall determine the challenge forthwith on the allegations of the petition, the county auditor's certificate of landownership, and such other evidence as may be presented, and the secretary shall make findings of fact and conclusions determining whether or not the requirements of a petition the commission shall cause a hearing to be held thereon, subject to the provisions of Minnesota Statutes, Sections 15.0411 to 15.0422 and other laws not inconsistent therewith now or hereafter in force relating to hearings held under authority of the commission, as far as applicable, except as otherwise provided. Notice of the hearing, stating that a resolution in the form of a petition has been filed and specifying the territory thereof, shall be given by the secretary of the commission by publication for two successive weeks in a qualified newspaper published within such territory, or, if there is no such newspaper, by publication in a qualified newspaper of general circulation in such territory, also by posting for two weeks in some prominent public place, and by mailing a copy of the notice to each signer of the petition at his address as given therein. Registration of mailed copies of the notice shall not be required. Proof of the giving of the notice shall be filed in the office of the secretary.

Subd. 4. After the hearing and upon the evidence received thereon the commission shall make findings of fact and conclusions determining whether or not the conditions requisite for the creation of a district exist in the territory described in the petition. If the commission finds that such conditions exist it may make an order creating a district for the territory described in the petition under the name proposed in the petition or such other name, including the words "sanitary district" desirous as appropriate.

Subd. 5. If the commission after a hearing determines that the creation of a district in the territory described in the petition is not warranted, it shall make an order denying the petition. The secretary of the commission shall give notice of such denial by mail to each signer of the petition. No petition for the creation of a district consisting of the same territory shall be entertained within a year after the date of such an order, but this shall not preclude action on a petition for the creation of a district embracing part of such territory with or without
Subd. 7. Notice of the making of every order of the commission creating a sanitary district, referring to the date of the order and describing the territory of the district, shall be given by the secretary in like manner as for notice of the hearing on the petition for creation of the district.

Subd. 8. An appeal may be taken from an order of the commission creating or dissolving a district, affecting territory within or adjacent to the district, if the order is specified and for any such action, as now or hereafter provided for appeals from other orders of the commission except that the giving of notice of the order as provided in Subdivision 7 shall be deemed notice thereof to all interested parties, and the time for appeal for any party shall be limited to 30 days after the mailing of copies of the order or the mailing of notice thereof to the party or parties specified in the order, whichever is latest. The validity of the creation of a district shall not be otherwise questioned.

Subd. 9. Upon expiration of the time for appeal from an order of the commission creating a district, or, in case of an appeal, upon the taking effect of a final judgment of a court of competent jurisdiction sustaining the order, the secretary of the commission shall deliver a certified copy of the order to the secretary of state. The secretary of the commission shall also transmit a certified copy of the order for filing to the county auditor of each county and the clerk or recorder of each municipality and organized town wherein any part of the territory of the district is situated and to the secretary of the district board when elected.

[El 20 s 6]

115.21 ANNEXATION, DETACHMENT, AND DISSOLUTION. Subdivision 1. An area adjacent to an existing district may be annexed thereto upon a petition to the commission stating the grounds therefor as hereinafter provided, signed by an authorized officer or officers of the district pursuant to a resolution of the board, also signed with respect to the area proposed for annexation in like manner as provided for a petition for creation of a district. Except as otherwise provided, a petition to annex a territory shall be governed by the provisions now or hereafter in force relating to proceedings for the creation of districts, so far as applicable. The secretary of the commission shall also transmit a certified copy of the order for filing to the county auditor of each county and the clerk or recorder of each municipality and organized town wherein any part of the territory of the district is situated and to the secretary of the district board when elected.

Subd. 2. An area within a district may be detached therefrom upon a petition to the commission stating the grounds therefor as hereinafter provided, signed by an authorized officer or officers of the district pursuant to a resolution of the board, also signed with respect to the area proposed for annexation in like manner as provided for a petition for creation of a district. Except as otherwise provided, a proceeding for detachment shall be governed by the provisions now or hereafter in force relating to proceedings for the creation of districts, so far as applicable. The secretary of the commission shall also transmit a certified copy of the order for filing to the county auditor of each county and the clerk or recorder of each municipality and organized town wherein any part of the territory of the district is situated and to the secretary of the district board when elected.

Subd. 3. Different areas may be annexed to and detached from a district in a single proceeding upon a joint petition therefor and upon compliance with the provisions of Subdivisions 1 and 2 with respect to the area affected so far as applicable.

Subd. 4. A district may be dissolved upon a petition to the commission stating the grounds for dissolution hereinafter provided, signed by an authorized officer or officers of the district pursuant to a resolution of the board, and containing a proposal for distribution of the remaining funds of the district. If any, among the related governmental subdivisions, Except as otherwise provided, a proceeding for dissolution shall be governed by the provisions now or hereafter in force relating to proceedings for the creation of districts, so far as applicable. If the commission determines that the requisites conditions exist in the district, it may make an order dissolving the district and directing the distribution of its remaining funds, if any, among the related governmental subdivisions on such basis as the commission determines to be just and equitable, to be specified in the order. The order dissolving the district and directing the distribution of its remaining funds, if any, among the related governmental subdivisions shall be transmitted and filed as provided for an order creating a district. The secretary of the commission shall also transmit a certified copy of the order to the treasurer of the district, who shall thereupon distribute the remaining funds of the district as directed by the order, and shall be responsible for such funds until so distributed.

[El 20 s 7]

115.22 PETITIONERS TO PAY EXPENSES. Expenses of the preparation and submission of petitions in proceedings under sections 115.19 to 115.21 shall be paid by the petitioners. Expenses of hearings therein shall be paid out of any available funds appropriated for the commission.

[El 20 s 8]

115.23 BOARD OF MANAGERS OF DISTRICT. Subdivision 1. The governing body of each district shall be a board of managers of five members, who shall be voters residing in the district, and who may but need not be officers, members of governing bodies in the related governmental subdivisions, except that where there are more than five territorial units in a district there shall be one board member for each unit.

Subd. 2. The terms of the first board members elected after creation of a district shall be so arranged and determined by the electing body as to expire on the first business day in January of the third calendar year in which they were elected.

Subd. 3. The term of the remaining member in the fourth calendar year after the year in which he was elected. In case a board has more than five members the additional members shall be assigned to the groups hereinbefore provided for so as to equalize such groups as far as practicable. Thereafter board members shall be elected successively for regular terms beginning on expiration of the preceding terms and expiring on the first business day in January of the third calendar year thereafter. Each board member shall serve until his successor is elected and has qualified.

Subd. 4. In a district having only one territorial unit all the members of the board shall be elected by the related governing body. In a district having more than one territorial unit the members of the board shall be elected by the members of the board of the related governing bodies in joint session except as otherwise provided. The electing bodies concerned shall meet and elect the first board members of a new district as soon as practicable after creation of the district, and shall meet and elect board members for succeeding regular terms as soon as practicable after November 1 next preceding the beginning of the terms to be filled, respectively.

Upon the creation of a district having more than one territorial unit the commission shall convene to elect five members to be the first board members of a new district. These members must be elected by the central related governing body and shall be assigned to the groups hereinbefore provided for so as to equalize such groups as far as practicable.
ing bodies. Upon receipt of such notification, the clerk or recorder of the central related governing body shall immediately transmit the same to the presiding officer of such body. Such officer shall thereupon call a joint meeting of the members of all the related governing bodies to elect board members, to be held at such time and at such place as he shall determine. At least ten days notice of the meeting shall be given by mail to the clerk or recorder of such body to the clerks or recorders of all the other related governing bodies, who shall immediately transmit such notice to all the members of such bodies, respectively. Subsequent joint meetings or regular meetings of the central governing body shall be held in like manner. The presiding officer and the clerk or recorder of the central related governing body shall act respectively as chairman and secretary of the joint electing body at any meeting thereof, and in case of the absence or disability of either of them such body may elect a temporary substitute. A majority of the members of each related governing body shall require for a quorum at any meeting of the joint electing body.

Subd. 5. Nominations for board members may be made by petitions, each signed by ten or more voters residing and owning land in the district, filed with the clerk, recorder, or secretary of the electing body before the election meeting. No person shall sign more than one petition. The electing body shall give due consideration to such petitions but shall not be limited thereby.

Subd. 6. In the case of an electing body consisting of a single related governing body, a majority vote of all the members shall be required for an election. In the case of a joint electing body, a majority vote of the members present shall be required for an election. In case of lack of a quorum or failure to elect, a meeting of an electing body may be adjourned to a stated time and place without further notice.

Subd. 7. In any district having more than one territorial unit the related governing bodies, instead of meeting in joint session, may elect a board member by resolutions adopted by all of them separately, concurrently in the election of the same person. A majority vote of all the members of each related governing body shall be required for all of them to adopt any resolution. The resolution of the other related governing bodies shall transmit certified copies of such resolutions to the clerk or recorder of the central related governing body. Upon receipt of concurrent resolutions from all the related governing bodies, the presiding officer and clerk or recorder of the central related governing body shall certify the receipts of said resolutions and transmit a copy thereof to each electing body as provided for in said resolutions.

Subd. 8. Any vacancy in the membership of a board shall be filled for the unexpired term in like manner as provided for the regular election of board members.

Subd. 9. The presiding and recording officers of the electing body shall certify the results of each election to the secretary of the commission, to the county auditor of each county wherein any part of the district is situated, and to the clerk of recorder of each related governing body. The adoption of any resolution or the other related governing bodies shall transmit certified copies of such resolutions to the clerk or recorder of the central related governing body. Upon receipt of certified resolutions from all the related governing bodies, the presiding officer and clerk or recorder of the central related governing body shall certify the results of said resolutions and transmit a copy thereof to each electing body as provided for in said resolutions.

Subd. 10. The board at its initial or any other annual meeting or as soon thereafter as practicable shall elect the officers of the central related governing body for terms expiring on the first business day in January next following. Each officer shall serve until his successor is elected and has qualified.

Subd. 11. The board at its initial meeting or as soon thereafter as practicable shall provide for suitable places for board meetings and for offices of the district officers, and may change the same thereafter as it deems advisable. Such meeting place and offices may be the same as those of any related governing body or for the purpose of all such bodies. The secretary of the board shall notify the secretary of the commission, the county auditor of each county wherein any part of the district is situated, and the clerk or recorder of each related governing body of the locations and post office addresses of such meeting place and offices and any changes therein.

Subd. 12. At any time before the proceeds of the first tax levy in a district become available the district board may prepare a budget comprising an estimate of the expenses of organizing and administering the district until such proceeds are available, with a proposal for apportionment of the estimated amount among the related governmental subdivisions, and may request the governing bodies thereof to advance funds in accordance with the proposal. Such governing bodies may authorize advancement of the requested amounts, or such part thereof as they respectively deem proper, from any funds available in their respective treasuries. The board shall include in its first tax levy after receipt of any such advancements a sufficient sum to cover the same and shall cause the same to be repaid, without interest, from the proceeds of taxes as soon as received.
115.27 DISTRICT PROJECTS AND FACILITIES. Subdivision 1. For the purpose of constructing, improving, maintaining, or operating any system, works, or facilities, the board of managers of a district, its officers, agents, employees, and contractors may enter, occupy, excavate, and otherwise operate it, upon, under, through, or along any public highway, including a state trunk highway, or any street, park, or other public grounds so far as necessary for such work, with the approval of the governing body or other authority in charge thereof. Such powers and authority may be exercised so far as applicable with such governing body or authority respecting interference with public use, restoration of previous conditions, compensation for damages, and other pertinent matters. If such an agreement cannot be reached after reasonable opportunity therefor, the district may acquire the necessary rights, easements, or other interests in such public property by condemnation, subject to all applicable provisions of law relating to the exercise of similar powers by municipalities and other public agencies.

Subd. 2. A district may, upon such terms as may be agreed upon with the respective governing bodies or authorities concerned, provide for connecting with or using or may lease or acquire and take over any system, works, or facilities for any purpose under section 115.26 belonging to any other governmental subdivision or other public agency.

Subd. 3. A district may, upon such terms as may be agreed upon with the respective governing bodies or authorities concerned, authorize the use by any other governmental subdivision or other public agency of any system, works, or facilities so far as necessary or proper for the effectuation of said powers and the accomplishment of its purposes. These powers shall be governed by the provisions of law relating to similar matters in a municipality, with like force and effect, except as otherwise provided.

115.32 POWERS OF BOARD. Subdivision 1. The board of managers of every district shall have charge and control of all the funds, property, and affairs of the district. With respect thereto, the board shall have like powers and duties as are provided by law for a village council with respect to similar village matters, except as otherwise provided. Except as otherwise provided, the chairman, vice chairman, and treasurer of the district shall have like powers and duties, respectively, as the mayor, acting mayor, clerk, and treasurer of a village. Except as otherwise provided the exercise of the powers and the performance of the duties of the board and officers of the district and all other activities, transactions, and procedures of the district or any of its officers, agents, or employees, respectively, shall be governed by the provisions of law relating to similar matters in a village, so far as applicable, with like force and effect.

Subd. 2. The board may enact ordinances, prescribe regulations, adopt resolutions, and take other appropriate action relating to any matter within the powers and purposes of the district, and may do and perform all other acts and things necessary or proper for the effectuation of said powers and the accomplishment of said purposes. The board may provide that violation of any ordinance shall be a penal offense and may prescribe penalties therefor, not exceeding those prescribed by law for violation of village ordinances.

Subd. 3. Violations of district ordinances may be prosecuted before any court or magistrate of any related governmental subdivision having jurisdiction of misdemeanors or of such court or magistrate of any related governmental subdivision having jurisdiction of such violations. Any constable or other peace officer of any such governmental subdivision may make arrests for such violations committed anywhere within the district in like manner and with like effect as for violations of village ordinances or for statutory misdemeanors.

All fines collected in such cases shall be deposited in the treasury of the district.

115.33 TAX LEVIES, ASSESSMENTS, AND SERVICE CHARGES. Subdivision 1. The board may levy taxes for any district purpose on all property taxable within the district, subject only to the limitation that the tax levy for any year for all purposes other than the payment of bonds and interest thereon and expenses incident thereto shall exceed ten mills on the dollar of the assessed value of all property taxable within the district, whichever is greater, that no taxes levied under this subdivision in any year shall exceed in amount $1.50 per capita of the population of the district according to the last state or federal census, if the amount proposed to be levied in excess of such amount, when added to the levies authorized before this section, exceed the amount authorized by Section 275.10 or Section 275.11, of any of the municipalities within the district, would cause such municipal levy to exceed the limitations of such applicable section.
Subd. 2. In the case where a particular area within the district, but not the entire district, is benefited by a system, works, or facilities of the district, the board, after holding a public hearing as provided by law for levying assessments on benefitted property, shall ordain establish such area as a taxing district, to be designated by name, and shall levy special taxes on all the taxable property therein, to be accounted for separately and used only for the purpose of paying the cost of construction, improvement, acquisition, maintenance, or operation of such system, works, or facilities, or paying the principal and interest on bonds issued to provide funds for such purposes. Such taxing district shall have no power or authority to abate or control pollution which is permitted by and in accord with any classification of waters, standards of water quality, or permit established, fixed, or issued by the commission.

Subd. 3. The board shall levy assessments on benefitted property to provide funds for payment of the cost of construction, improvement, or acquisition of any system, works, or facilities designed or used for any district purpose, or for payment of the principal of and interest on any bonds issued incident thereto.

Subd. 4. The board shall prescribe service, use, or rental charges for persons or premises connecting with or making use of any system, works, or facilities of the district, prescribe the method of payment and collection of such charges, and provide for all other matters necessary to the district for any related governmental subdivision or other public agency on such terms as may be agreed upon with the governing body or other authority thereof.

Subd. 5. The definitions given in Minnesota Statutes 1961, Sec. 115.01, as now in force or hereafter amended, shall govern for the purposes of Laws 1963, Chapter 874, except as otherwise expressly provided or indicated by the context.

Subd. 6. “Commissioner” means the commissioner of administration.

Subd. 7. “Commission” means the water pollution control commission.

Subd. 8. “Municipality” means a city, village, borough, sanitary district, or other governmental subdivision or public corporation.

Subd. 9. The definitions given in Minnesota Statutes 1961, Section 115.01, as now in force or hereafter amended, shall govern for the purposes of Laws 1963, Chapter 874, except as otherwise expressly provided or indicated by the context.

115.21 BORROWING POWERS; BONDS. Subdivision 1. The board may authorize the borrowing of money for any district purpose and provide for the repayment thereof, subject to Minnesota Statutes, Chapter 475. The taxes initially levied by any district in accordance with Minnesota Statutes, Section 475.01 for the payment of its bonds, upon property within each municipality included in the district, shall be included in computing the limitations upon the levy of such municipality under Minnesota Statutes, Section 273.10 or Section 273.11. The board may levy for any year of the term of a bond issue upon property within any municipality included in the district, which when added to the taxes levied by such municipality for all purposes in the year preceding such issue, exceed the limitations prescribed in section 273.10 or section 273.11, the bonds shall not be issued without the consent by resolution of the governing body of such municipality.

Subd. 2. The board may authorize the issuance of bonds or obligations of the district to provide funds for the construction, improvement, or acquisition of any system, works, or facilities for any district purpose, or for refunding any prior bonds or obligations issued for any such purpose, and may pledge the full faith and credit of the district or the proceeds of tax levies or assessments or service, use, or rental charges, or any combination thereof, to the payment of such bonds or obligations and interest thereon or expenses incident thereto. An election or vote of the people of the district shall be required to authorize the issuance of any such bonds or obligations. Except as otherwise provided in sections 115.18 to 115.32, 1965 and Sections 475.01 to 475.11, as provisions for payment thereof shall comply with the provisions of Minnesota Statutes, Chapter 475, as now in force or hereafter amended.

Subd. 3. FUNDs; DISTRICT TREASURY. The proceeds of all tax levies, assessments, service, use, or rental charges, and other income of the district shall be deposited in the district treasury and shall be held and disposed of as the board directs for district purposes, subject to any pledges or dedications made by the board for the use of particular funds for the payment of bonds or interest thereon or expenses incident thereto or for other specific purposes.

115.35 EFFECT OF DISTRICT ORDINANCES AND FACILITIES. In any case where an ordinance is enacted or a regulation adopted by a district board relating to the same subject matter and applicable in the same area as an existing ordinance or regulation of a related governmental subdivision for the district, the district ordinance or regulation, to the extent of its application, shall supersede the ordinance or regulation of the related governmental subdivision. In any case where an area within a district is served for any district purpose by a system, works, or facilities of the district, no system, works, or facilities shall be constructed, maintained, or operated for the same purpose in the same area by any related governmental subdivision or other public agency except as approved by the district board.

115.37 APPLICATION. The provisions of sections 115.15 to 115.37 shall not abridge or supersede any provision of Minnesota Statutes, Sections 115.01 to 115.09, or any authority of the state water pollution control commission or the state board of health, but shall be subject and supplementary thereto. Districts and members thereof shall have no power or authority to abate or control pollution which is permitted by and in accord with any classification of waters, standards of water quality, or permit established, fixed, or issued by the commission.

115.40 MUNICIPAL WATER POLLUTION CONTROL.

115.41 DEFINITIONS. Subdivision 1. The definitions given in this section shall obtain for the purposes of Laws 1963, Chapter 874, except as otherwise expressly provided or indicated by the context.

Subd. 2. “Commissioner” means the commissioner of administration.

Subd. 3. “Commission” means the water pollution control commission.

Subd. 4. “Municipality” means a city, village, borough, sanitary district, or other governmental subdivision or public corporation.

Subd. 5. The definitions given in Minnesota Statutes 1961, Section 115.01, as now in force or hereafter amended, shall govern for the purposes of Laws 1963, Chapter 874, except as otherwise expressly provided or indicated by the context.

115.52 POLICY; LONG-RANGE PLAN; PURPOSE. It is the policy of the state to provide for the prevention, control, and abatement of pollution of all waters of the state, so far as feasible and practical, in furtherance of conservation of the state's water resources, the establishment, maintenance, operation and expansion of business, commerce, trade, industry, traffic and other economic factors and other material matters affecting the feasibility and practicability of any proposed action, including, but not limited to, the burden on a municipality of any tax which may result therefrom and shall take or provide for such action as may be reasonable, feasible and practical under the circumstances.

Subd. 6. In addition to the other powers proscribed by law, the commission shall have the powers and duties prescribed in this section. In exercising all such powers the commission shall give due consideration to the establishment, maintenance, operation and expansion of business, commerce, trade, industry, traffic and other economic factors and other material matters affecting the feasibility and practicability of any proposed action, including, but not limited to, the burden on a municipality of any tax which may result therefrom and shall take or provide for such action as may be reasonable, feasible and practical under the circumstances.

Subd. 7. Acting within the scope of the policy and purposes of Laws 1963, Chapter 874, the commission may adopt, promulgate, amend, or rescind regulations in the manner provided by law, as may be necessary or proper to carry into effect the provisions of Laws 1963, Chapter 874.

Subd. 8. The commission may issue, modify, or revoke orders after due notice and hearing for the following purposes when deemed necessary to prevent, control, or abate pollution:

(1) Prohibiting or directing the abatement of any discharge of sewage, industrial, trade, or sanitary wastes, into any waters of the state or the deposit thereof where the same is likely to get into any waters of the state in accordance with the provisions of Laws 1963, Chapter 874 and specifying the conditions and time within which such prohibition or abatement must be accomplished;
115.43 CLASSIFICATION OF WATERS; STANDARDS OF QUALITY AND PURITY. Subdivision 1. It is recognized that, due to variable factors, no single standard of quality and purity of the waters is applicable to all waters of the state or to different segments of the same waters.

Subd. 2. In order to attain the objectives of Laws 1963, Chapter 874, the commission, after proper study, and after conducting public hearing upon due notice, shall, as soon as practicable, group the designated waters of the state into classes, and adopt classifications and standards of purity and quality therefor. Such classification shall be made in accordance with considerations of best usage in the interest of the public and with regard to the considerations mentioned in subdivision 3 hereof.

Subd. 3. In adopting the classification of waters and the standards of purity and quality above mentioned, the commission shall give consideration to:

(a) The quality of the water as indicated by such factors as the depth, surface area covered, volume, direction and rate of flow, stream gradient and temperature of the water;
(b) The character of the district bordering said waters and its peculiar suitability for the particular uses, and with a view to conserving the value of the same and encouraging the most appropriate use of lands bordering said waters, for residential, agricultural, industrial, or recreational purposes;
(c) The uses which have been made, are being made, or may be made of said waters for transportation, domestic and industrial consumption, bathing, fishing and fish culture, fire prevention, the disposal of sewage, industrial wastes and other wastes or other uses within this state, and, at the discretion of the commission, any such use in another state on interstate waters flowing through or originating in this state;
(d) The extent of present defilement or fouling of said waters which has already occurred or resulted from past discharges therein;
(e) The need for standards for effluent from disposal systems entering waters of the state;
(f) Such other considerations as the commission deems proper.

Subd. 4. The commission, after proper study, and after conducting public hearings upon due notice, shall adopt and design standards of quality and purity for each such classification necessary for the public use or benefit contemplated by subdivision 3 hereof. Such standards shall prescribe what qualities and properties of water shall indicate a polluted condition of the waters of the state which is actually or potentially deleterious, harmful, detrimental or injurious to the public health, safety or welfare, to terrestrial or aquatic life or to the growth and propagation thereof, or to the use of such waters for domestic, commercial and other reasonable purposes, with respect to the various classes established pursuant to subdivision 2 hereof, and may contain such other provisions as the commission deems proper. Wherever practicable and advisable the commission shall establish standards for effluent of disposal systems entering classified waters.

Subd. 5. In establishing such standards, consideration should be given to the following factors:

(a) The extent, if any, to which floating solids may be permitted in the water;
(b) The extent to which suspended solids, colloids or a combination of solids with other substances suspended in water, may be permitted;
(c) The extent to which organisms of the coliform group (intestinal bacilli) or any other bacteriological organisms may be permitted in the water;
(d) The extent of the oxygen demand which may be permitted in the receiving waters;
(e) Such other chemical or biological properties necessary for the attainment of the objectives of Laws 1963, Chapter 874.

Subd. 6. The adoption, alteration or modification of the standards of quality and purity, above prescribed, shall be made by the commission only after public hearing on due notice.

Subd. 7. Notices of public hearing for the consideration, adoption, modification or repeal of such a classification and standards of quality and purity thereof shall specify the time, date and place of hearing, and the waters concerning which classification is sought to be made or for which standards are sought to be adopted or modified. Copies of said notice shall:

(a) Be published at least twice in a newspaper regularly published or circulated in the county or counties bordering or through which the waters sought to be classified, or for which standards are sought to be adopted, flow, the first date of publication of which shall not be more than 30 days nor less than 20 days before such hearing;
(b) Be mailed at least 20 days before such hearing to the chief executive of each municipality bordering or through which said waters, for which standards are sought to be adopted, flow, and to such other persons as the commission has reason to believe may be affected by the proposed standards.

115.45 VIOLATIONS. Subdivision 1. It is the duty of every person affected to comply with the provisions of Laws 1963, Chapter 874, and of Minnesota Statutes, Sections 115.01 to 115.09, comprising the state water pollution control act, as now in force or hereafter amended, and all regulations, orders, and permits adopted or issued by the commission thereunder, and to discontinue and perform all acts and things within his or its power required to effectuate, carry out, and accomplish the purposes of such provisions, regulations, orders, and permits.

Subd. 2. It is unlawful for any person to cause pollution of any waters of the state in excess of or contrary to any applicable standard of water quality established, regulations adopted, or order issued by the commission, or to discharge any sewage, industrial wastes, or other wastes into any waters of the state or to deposit any thereof where the same is likely to get into any waters of the state in excess of or contrary to any such standard, regulation, or order. Any such pollution, discharge, or deposit is a public nuisance and may be enjoined and abated as such as provided by law.

115.46 TAXATION BY MUNICIPALITY. Subdivision 1. Any taxes, special assessments, levied or to be levied, and any bonds or other evidences of indebtedness issued or to be issued for the construction, installation, maintenance, or operation by a municipality of any disposal system or part thereof, shall not be levied or issued in anticipation of need and shall be excluded from or exempt from any applicable standard of quality and purity applicable to such system or system component. It is the duty of every person affected to comply with the provisions of such assessment or bond, and the proceeds of such assessment or bond, are subject to any limitation on tax levies, special assessments, bonded indebtedness or other indebtedness and the governing or managing body and the proper officers of the municipality concerned shall have the power and, to comply with any order of the commission, it shall be their duty to levy such taxes and special assessments and issue such bonds or other evidences of indebtedness as may be necessary to provide funds to meet the cost of such construction or work, notwithstanding any such limit and without any election or referendum therefor. A recital in any bond, tax levy, or assessment that the same is issued or made for the purposes of a disposal system or any part thereof ordered by the commission and is not subject to any provisions of law prescribing limits or requiring an election or referendum therefor shall be prima facie evidence thereof and that all requirements of law relating thereto have been complied with. In any suit, action, or proceedings involving the validity or enforceability of any bonds of a municipality or the security therefor, any such bond reciting in substance that it has been levied in anticipation of need to aid in financing the construction or operation of a disposal system or part thereof, shall be conclusively deemed to have been issued for such purpose, and in compliance with all requirements of the law relating thereto.

Subd. 2. For the same purposes as the purposes for which a tax may be levied under subdivision 1 of this section, a municipality may levy taxes in anticipation of need and the proceeds thereof shall be applicable so far as appropriate to any such anticipatory levy. If such a tax is levied in anticipation of need, the purpose must be specified in the resolution of the governing body directing the levy, and the proceeds of the tax must be used only for that purpose, and until used the proceeds shall be retained in a separate fund or invested as surplus in a sinking fund, and may be invested under Minnesota Statutes, Section 475.66.

115.47 ENFORCEMENT. Subdivision 1. The provisions of Laws 1963, Chapter 874, and of Minnesota Statutes, Sections 115.01 to 115.09, and of any regulation adopted or order issued by the commission thereunder or any law now in force or hereafter enacted for the prevention, control, or abatement of pollution may be enforced by injunction, action to compel perform-
nance, or other appropriate action. The attorney general shall bring any action re-
quired therefor in the name of the state at the request of the commission.

Subd. 2. In any action to compel performance of an order of the commission
for any purpose relating to the prevention, control, or abatement of pollution
the court may require any defendant to make deposit in court, to do and perform any
and all acts and things within his or its power which are reasonably necessary to
the order. In case a municipality or its governing or
managing body or any of its officers is a responsible defendant, the court may
require for his power or otherwise provide for the doing of work or the con-
struction, installation, maintenance, or operation of facilities, and do any other acts
and things reasonably necessary to

[1963 c 874 s 9]

115.48 ASSUMPTION OF POWER BY COMMISSION. Subdivision 1. In lieu
of enforcement action as provided by section 115.47, the commission, in case of
failure by any municipality or its governing or managing body or officers to com-
ply with any order of the commission for which enforcement of the order for
maintenance, or operation of a disposal system or part thereof, may by resolution
assume the powers of the legislative authority of the municipality and confer on
the commission the powers of the administrative officers of the municipality rel-
ating to the construction, installation, maintenance, or operation of a disposal
system, or part thereof, or issuing bonds and levying taxes therefor, after hold-

[1963 c 874 s 8]

115.49 COOPERATION BETWEEN MUNICIPALITIES; CONTRACTS. Subdi-
vision 1. If the commission determines after a hearing on the subject matter
that cooperation between two or more municipalities is necessary to prevent, con-
trol, or abate pollution, it may adopt a resolution so declaring and determining
whether it will be feasible to secure such cooperation by contract between
the municipalities concerned.

Subd. 2. If the commission determines that procedure by contract will be
feasible, it may issue an order so declaring, setting forth the general purposes and

terms of a proposed contract under any applicable law, determining, among other things, which of the municipalities concerned shall have charge of any facilities constructed, and directing the municipalities concerned to formulate and execute such contract within such time as the commission may specify in the order, but not less than 90 days from the date of mailing copies of the order to the clerks or other recording officers of such municipalities or service thereof upon them. If a contract approved by the commission as sufficient for the purposes set forth in the order is not made within the time the order may provide, the commission may cause the terms of the order to be carried into effect as provided in section 15.045.

Thereupon and thereafter all the appropriate contractual powers of each municipality concerned and its governing or managing body and officers shall be transferred to and vested in the commissioner. The commissioner may then formulate a contract in accordance with the commission's order, with any provision by agreement of the parties to the contract, any provision of law, charter, or the contract to the contrary notwithstanding.

Subd. 4. Any municipality which is a party to a contract for any of the purposes specified in subdivision 3 and which operates a plant for the disposal of sewage, industrial wastes, or other wastes, or which is a city of the first class comprising a part of a sanitary district under Minnesota Statutes, Chapter 145, upon written notice to the other party or parties, fix new rates and charges for the service performed under the contract, notwithstanding any provision of law, charter, or the contract to the contrary. Any other party or parties to such a contract with a municipality which operates such a plant, or with a city of the first class comprising a part of a sanitary district under Minnesota Statutes, Chapter 145, upon written notice to such municipality, demand that new rates and charges be fixed for service performed under the contract, notwithstanding any provision of law, charter, or the contract to the contrary. Whenever notice is given as provided herein, it shall be the duty of the municipality operating the plant to file a petition to the commissioner of public facilities, for the disposal of industrial wastes, for the construction, maintenance, or operation of any facilities therefor heretofore or hereafter executed between two or more municipalities may be renegotiated, reviewed, and revised or modified with respect to rates or charges or any other provision by agreement of the parties to the contract, any provision of law, charter, or the contract to the contrary notwithstanding.

Subd. 5. Any party to the contract aggrieved by a decision or order shall be entitled to judicial review thereof by serving a petition therefor upon the municipality concerned, and filing it in the office of the clerk of such court, all within 30 days after the decision or order has been made and the parties notified thereof. The petition shall state the nature of the petitioner's interest, and the ground or grounds upon which the petitioner contends the decision or order should be reversed or modified. The petition may be amended by leave of court, though the time for serving the same has expired.

Within 20 days after service of such petition for review, the municipality shall serve upon the petitioner an answer stating its position with reference to the reversal or modification of the order or decision under review. Such answer with proof of service thereof shall be filed with the clerk of the district court within ten days of such service. No further pleadings shall be allowed. The review shall be noticed for trial as in the case of a civil action and shall take precedence over other civil cases for trial.

The institution of the proceeding for review shall not stay enforcement of the order or decision, but the court may order a stay upon such terms as it deems proper.

Within 30 days after service of the petition for review upon the municipality, or within such further time as the court may allow, the municipality shall transmit to the court the original or a certified copy of the entire record of the proceedings in which such order or decision under review was made, but by stipulation of the parties to the review proceeding, the record may be shortened by eliminating any portion thereof. The record may be typewritten or printed and mimeographed, but not handwritten, and may include the pleadings, exhibits, and all written, oral, and demonstrative evidence upon which the motion of any party, or by order of the court, the original exhibits shall accompany the record. The court may require or permit substantial corrections or additions to the record when deemed desirable.

Before the date set for trial an application is made to the court for leave to present additional evidence upon the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material, the court may order that such additional evidence be taken upon such terms as the court deems proper.

The review shall be conducted by the court without a jury and the court may affirm, reverse or modify the order or decision if the substantial rights of the petitioner have been prejudiced as a result of such order or decision being,

(a) Contrary to constitutional rights or privileges; or
(b) An abuse of discretion; or
(c) Made or promulgated upon unlawful procedure; or
(d) Unsupported by substantial evidence in view of the entire record as submitted; or
(e) Arbitrary or capricious.
Any party may appeal from the final judgment of the district court to the supreme court in the manner provided by law for other appeals in civil actions.

No party to the review in any court is entitled to recover therein costs or attorney's fees or witness fees or any other disbursement.

Subd. 6. All rates and charges shall be reasonable and shall be sufficient to compensate for all costs of devoting the sewage disposal plant, equipment, its operation, and personnel to the purpose of the service to be rendered but shall not include profit. When the sewer system of any municipality or any part thereof is devoted to the use of another municipality, all charges for such use shall be reasonable and shall be sufficient to compensate for all costs of such use, but shall not include profit.

Subd. 7. Nothing in subdivision 4 shall preclude the fixing of rates and charges by agreement of the parties under subdivision 3.

Subd. 8. Any case referred to the commissioner under this section may be remanded to the commission as provided in section 115.48, subdivision 5.

115.50 TOWNS, POWERS TO ACT. For the purposes of carrying out the policy and purposes of Laws 1963, Chapter 874, and of Minnesota Statutes, Sections 115.51 to 115.57, any town or the county in which the town is situated may exercise the power herein granted.

115.51 ENFORCEMENT OF CONTRACTS BETWEEN MUNICIPALITIES. The provisions of any contract between two or more municipalities for any purpose relating to the prevention, control, or abatement of pollution, whether now in force or hereafter consummated as provided in section 115.49 or otherwise, which are or may be included therein. The term of each member shall extend to January 1 in the year following his appointment, or until his resignation or death, whichever first occurs.

115.52 SEVERABILITY. The provisions of Laws 1963, Chapter 874 shall be severable and the invalidity of any section or subdivision or part thereof shall not make void any other section or subdivision or part thereof.

115.53 MODIFICATION OF CLASSIFICATION OR STANDARDS. In any case where the commission has heretofore adopted and established a classification or standard or is hereby conferred upon all laws by the commission at any hearing held pursuant to the provisions of this section for the purpose of modification, alteration, or amendment of such classification or standards and the adoption and establishment of any classification or standards for the same waters or any part thereof as required by Laws 1963, Chapter 874, may receive and consider any testimony received at such previous hearing as reported in the stenographic transcript thereof, and any exhibits received at such previous hearing, which are relevant, with like force and effect and subject to like objections, if any, as if such testimony or exhibits had been produced at the hearing hereunder, together with any further testimony or exhibits which may be transmitted and received at the hearing hereunder.

115.61 AUTHORITY OF DISTRICT. A sanitary sewer district, when created as contemplated by sections 115.61 to 115.67, shall be a municipal corporation and governmental subdivision of the state, responsible for acquiring, constructing, improving, extending, operating, and maintaining facilities for the collection, treatment, and disposal of sewage and industrial and other wastes received from the private residences and all municipalities within its corporate limits, for the purpose of preventing pollution of public waters in excess of such reasonable stand-
bers of the board of directors of the district with the approval of the Water Pollution Control Commission, or by order of the Water Pollution Control Commission made under authority of Laws 1963, Chapter 874. Nothing in sections 115.61 to 115.67 shall be construed as abrogating any statutory authority or responsibility of the Water Pollution Control Commission. All territory annexed shall be subject to taxation by the district like other property within its boundaries for the support of its facilities and for the payment of principal and interest thereafter becoming due on its indebtedness, whether authorized or incurred before or after the annexation.

115.66 SEVERABILITY. If any provision of sections 115.61 to 115.67 or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of sections 115.61 to 115.67 which can be given effect without the invalid provision or application, and to this end the provisions of sections 115.61 to 115.67 and the various applications thereof are declared to be severable.

115.67 CITATION. Sections 115.61 to 115.67 may be cited as the "Regional Sanitary Sewer District Law".

116.01 POLICY. To meet the variety and complexity of problems relating to water and air pollution in the areas of the state affected thereby and to achieve a reasonable degree of purity of water and air resources of the state, together with the maximum enjoyment and use thereof in maintenance of the welfare of the people of the state, it is in the public interest that there be established a pollution control agency.

116.02 POLLUTION CONTROL AGENCY, CREATION. Subdivision 1. A pollution control agency, designated as the Minnesota pollution control agency, is hereby created. The agency shall consist of seven members appointed by the governor, by and with the advice and consent of the senate, each for a four-year term beginning on February 15, and until his successor is duly appointed and qualifies. A vacancy in the office of a member of the agency shall be filled by the governor by and with the advice and consent of the senate, for an unexpired term.

Subd. 2. The first pollution control agency shall consist of two members whose terms shall expire on February 15, 1963, two members whose terms shall expire on February 15, 1965, and two members whose terms shall expire on February 15, 1967. Thereafter each member shall be appointed for a four-year term as provided in subdivision 1.

Subd. 3. The members of the pollution control agency shall be broadly representative of the skills and experience necessary to effectuate the policy of sections 116.01 to 116.09, except that no member appointed shall be an officer or employee of the state or federal government, but two members of this kind, officials or employees of a municipality or any governmental subdivision, or neither may be a member ex officio or otherwise on the governing board of a municipal sanitary sewage disposal system.

Subd. 4. The agency shall elect a chairman and such other officers as it deems necessary. Each member shall receive as compensation for his services the sum of $35 per day for each day or fraction thereof spent in attending meetings of the agency or in performing other duties required by law, and each member of the agency shall be reimbursed for actual and necessary expenses incurred in the performance of his duties in the same manner and in the same amounts as other members are reimbursed therefor.

Subd. 5. The pollution control agency is hereby authorized to enter into, perform, control commission, and all powers and duties now vested in, or imposed upon, the commission by chapter 115, or any act supplementary thereto, and all powers, duties and authorities theretofore transferred to, imposed upon, and vested in the Minnesota pollution control commission, except as to those matters pending before the commission at which hearings have been held and evidence has been adduced. The water pollution control commission shall complete its action in such pending matters not later than one year from May 26, 1967. The water pollution control commission, as hereinconstituted, is hereby abolished. (a) Effective upon completion of its action in pending cases, as hereinbefore provided for; or (b) six months from May 26, 1967, whichever is the earlier.
time at his pleasure. A vacancy in the office of director shall be filled by the governor and by with the consent of the senate, for the unexpired portion of the term.

(b) In order to expedite the establishing and functioning of the pollution control agency, the governor shall forthwith appoint an acting director, who shall have all the powers and duties of the director as provided in sections 116.01 to 116.09. The acting director may be a person in the service of the state at the time of his appointment, and who while serving as acting director is on leave of absence from his regular office or position in the state service. The acting director shall serve as such until the director is appointed and qualifies as such director. Pending the appointment of the director, under such conditions as the governor may specify, and the director shall have the powers and duties hereinafter specified, as the governor may specify, and none of the provisions of chapter 116, subdivision 5, the director or acting director, as the case may be, shall be the secretary of such commission in lieu of the secretary and executive officer of the state board of health.

Subd. 2. The director shall organize the agency and employ such assistants and other officers, employees, and agents as he deems necessary to discharge the functions of his office, define the duties of such officers, employees, and agents, and delegate to them any of his powers, duties, and responsibilities, subject to his control and under such conditions as he may prescribe. The director may also contract with persons, firms, corporations, the federal government and any agency or instrumentality thereof, the water research center of the university of Minnesota or any other instrumentality thereof, for doing any of the work of his office, and none of the provisions of chapter 16, relating to bids, shall apply to such contracts. All personnel employed and all contracts entered into pursuant to this subdivision shall be subject to the approval of the pollution control agency. Agreements to exercise delegated powers shall be by written order filed with the secretary of state. An employee of the state board of health engaged in environmental sanitation work may transfer to the pollution control agency with the approval of the director. Under such a transfer he shall be assigned to a position of similar responsibility and pay without loss of seniority, vacation, sick leave, or other benefits under the state civil service act.

Subd. 3. The director of the pollution control agency is the state agent to apply for, receive, and disburse federal funds made available to the state by federal law or rules and regulations promulgated thereunder for any purpose related to the powers and duties of the pollution control agency or the director. He shall comply with all requirements of such federal law or such rules and regulations promulgated thereunder to enable him to apply for, receive, and disburse such funds. All personnel employed by the director shall be deposited in the state treasurer and are hereby annually appropriated to him for the purposes for which they are received. None of such monies in the state treasurer shall cancel and they shall be available for expenditure in accordance with the requirements of federal law.

Subd. 4. Before entering upon the duties of his office the director of the pollution control agency shall subscribe an oath and give bond to the state of Minnesota, to be approved by the governor and filed with the secretary of state, in the sum of $25,000, conditioned for the faithful performance of his duties.

Subd. 5. The salary of the director of the pollution control agency shall be prescribed by the governor, unless otherwise fixed by law.

Subd. 6. The first director of the pollution control agency shall have his term of office determined by the enactment of this act, and shall be elected to fill any unexpired term of the governor, or his successor, by the president of the senate or the speaker of the house of representatives, who shall certify to the state board of elections, and the president of the senate or the speaker of the house of representatives, who shall certify to the state board of elections, that the appointment has been made in accordance with the provisions of this section.

116.04 EXECUTIVE SECRETARY. The director of the pollution control agency is the executive secretary and chief executive officer of the Minnesota pollution control agency and is responsible for performing the executive duties of such agency prescribed by law.

116.05 COOPERATION. Subdivision 1. All state departments and agencies are hereby directed to cooperate with the pollution control agency and its director and assist them in the performance of their duties, and the pollution control agency is authorized to cooperate with other departments and agencies of the state, with municipalities, with other states, with the federal government and its agencies and instrumentalities, in the public interest and in order to control pollution.

Subd. 2. Upon the request of the pollution control agency the governor may, by order, require any department or agency of the state to furnish such assistance to the agency or its director in the performance of its duties or in the exercise of its powers as is necessary, and upon the request of the department or agency concerned, the governor may exempt all or part of the cost or expense for the amount of such assistance to be paid from the pollution control agency fund or appropriation in such amount as he may deem just and proper.

116.06 DEFINITIONS. Subdivision 1. The definitions given in this section shall obtain for the purposes of sections 116.01 to 116.09 except as otherwise expressly provided or indicated by the context.

Subd. 2. "Air contaminant" or "air contamination" means the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas, or other gaseous, fluid, or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.

Subd. 3. "Air pollution" means the presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

Subd. 4. "Emission" means a release or discharge into the outdoor atmosphere of any air contaminant or combination thereof.

Subd. 5. "Emission facility" means any structure, work, equipment, machinery, device, apparatus, or other means wherein an emission is caused to occur.

Subd. 6. "Air contaminant treatment facility" or "treatment facility" means any structure, work, equipment, machinery, device, apparatus, or other means for the storage or confinement, either stationary or in transit, of any substance which, if released or discharged into the outdoor atmosphere, might cause air pollution.

Subd. 7. "Person" means any human being, any municipality or other government or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, but does not include the pollution control agency.

Subd. 8. "State" means any state, territory, or other jurisdiction of the United States, any political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, but does not include the pollution control agency.

116.07 POWERS AND DUTIES. Subdivision 1. Generally, in addition to any powers or duties otherwise prescribed by law and without limiting the scope of the powers and duties hereinafter specified, the pollution control agency shall have the powers and duties hereinafter specified.

Subd. 2. Adoption of standards. The pollution control agency shall adopt standards of air quality, including maximum allowable standards of emission of air pollutants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards, the pollution control agency shall give due consideration to the quantity or characteristics of air pollutants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which may be specified by the existing physical and topographical conditions, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as
well as effects based on technically substantiated criteria and commonly accepted practices.

Subd. 3. **Administrative rules.** Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and repeal rules governing its own administration and procedure and its staff and employees.

Subd. 1. **Regulations and standards.** Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and repeal regulations and standards having the force of law relating to any purpose within the provisions of this act for the prevention, abatement, or control of air pollution. Any such regulation or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make the allowance for variations therein. Without limitation, regulations or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Subd. 5. **Variances.** The pollution control agency may grant variances from the requirements of regulations or standards upon such procedure and conditions as it may by regulation prescribe in order to avoid undue hardship and promote the effective and reasonable application and enforcement of the laws, regulations, and standards for prevention, abatement, and control of air pollution.

Subd. 6. **Pollution control agency; exercise of powers.** In exercising all its powers the pollution control agency shall give due consideration to the establishment, maintenance, operation and expansion of business, commerce, trade, industry, traffic, and other economic factors and other material matters affecting the feasibility and practicability of any proposed action, including, but not limited to, the burden on a municipality of any tax which may result therefrom, and shall take or provide for such action as may be reasonable, feasible, and practical under the circumstances.

116.08 ENFORCEMENT. Subdivision 1. Violations; penalties. It shall be the duty of every person affected to comply with the provisions of sections 116.01 to 116.09 as now in force or hereafter amended, relating to sources of air contamination or air pollution, emissions, emission facilities, treatment facilities, storage facilities, and other means, operations, acts or emissions causing air contamination or air pollution, or any thereof, and with the provisions of every regulation or standard of the pollution control agency relating thereto. Violation of any such provision shall be a misdemeanor, punishable by a fine of not exceeding $100 or imprisonment for not exceeding 90 days. Each day of any such violation shall constitute a separate offense. It shall be the duty of all county attorneys, sheriffs and other peace officers, and other officers having authority in the enforcement of the general criminal laws to take all action to the extent of their authority, respectively, that may be necessary or proper for the enforcement of said provisions.

Subd. 2. **Civil actions.** The provisions of law, regulations, or standards specified in subdivision 1 or any thereof may be enforced by injunction, action to compel performance, or other appropriate action in the district court of any county wherein the applicable provision takes effect. Without limitation, the maintenance, operation, or allowance or any emission, emission facility, treatment facility, or storage facility contrary to any provision of sections 116.01 to 116.09 or any regulation or standard thereunder or the maintenance, operation, or allowance of any other source or means causing air contamination or air pollution in violation of any such provision shall be a public nuisance, and may be enjoined and abated as such by appropriate action in the district court of the county in which the subject matter or any part thereof is situated. The attorney general or the county attorney of the county of original venue as hereinbefore provided shall bring and maintain any action specified in this subdivision on request of the pollution control agency.

116.09 STUDY AND REPORT. Subdivision 1. The pollution control agency shall investigate and study problems relating to air pollution in the areas of the state affected thereby and report to the governor and the legislature on or before February 15, 1969, in regard thereto. Such report shall contain an analysis of the problem as it exists and recommendations for the solution thereof, including standards to minimize air pollution promulgated hereunder.

Subd. 2. The pollution control agency shall study and investigate problems of solid waste control and problems concerning the uses of land in areas of the state which are affected by the pollution of air and water, and report to the governor and the legislature in regard thereto not later than February 15, 1969. Such report shall contain an analysis of these problems as they may exist, recommendations for the solution thereof, including proposed standards.

Subd. 3. The recommendations of the pollution control agency may include a comprehensive plan covering standards of land use in places where such land use increases the problem of pollution.
CHAPTER 117

EMINENT DOMAIN

117.01 Right of eminent domain. When the taking of private property for any public use shall be authorized by law, it may be acquired under the right of eminent domain in the manner prescribed by this chapter; but nothing herein shall apply to the taking of property under laws relating to roads and drainage, when such laws themselves expressly provide for such taking and specifically prescribe the procedure connected therewith.

The provisions of this chapter shall be considered supplementary to those provided by any municipality operating under a home rule charter and shall be available to all such municipalities even though a different procedure may be provided by local charter.

117.38 ACQUISITION OF LAND FOR CERTAIN PURPOSES. When the United States, the State of Minnesota, or other governmental authority having jurisdiction so to do, authorizes change of harbor lines or diversion of channel, or other change in any river, stream, or watercourse in the State of Minnesota, any railway company, terminal company, or depot company incorporated or licensed to engage in the business of transportation of freight or passengers in this state interested in such change by reason of the improvement and enlargement of its property, or otherwise, may acquire the lands and premises needed therefor. Such company may in its own name, either by purchase or by condemnation, obtain the title to such lands and premises or any interest therein, including the lands or any interest therein belonging to any municipal corporation in this state.

117.39 PROCEEDINGS UNDER RIGHT OF EMINENT DOMAIN. Proceedings to condemn lands needed for such change may be commenced and prosecuted by such corporation to final judgment under the statutes of this state in respect to the taking of property by right of eminent domain; and all of the general laws of this state in respect of condemnation of property shall apply thereto and govern and control such proceedings.

117.40 MUNICIPALITY MAY CONTEST. Any municipality interested in the land proposed to be taken in such proceedings may, if its interest seems to so require, contest the necessity for the condemnation of its interest in the premises proposed to be taken.

117.41 CONVEYANCE, TO WHOM MADE. Upon acquiring title to these lands and premises, whether by purchase or condemnation, such corporation shall make due conveyance thereof to the United States, the State of Minnesota, or other governmental authority mentioned in section 117.38. Likewise, any municipal corporation having any interest in the lands or premises may, upon such terms, as to that municipality, its interests may seem to require, make due conveyance thereof either to the company or to the governmental authority.

117.42 Award in condemnation proceedings in cities of first class. Funds from which award payable.
authority of commissioner of conservation. Authority is likewise given to the commissioner of conservation to acquire and to use the procedure set forth in Laws 1935, Chapter 52, so far as applicable in acquiring any land necessary for other projects of a similar character in which the United States shall provide the funds for necessary improvements.

117.46 TACONITE MINING COMPANY GRANTED POWER OF EMINENT DOMAIN. The business of mining and beneficiating taconite, as defined in Minnesota Statutes 1941, Section 298.23, is declared to be in the public interest and necessary to the public welfare, and the taking of private property therefor is declared to be for a public use and purpose. Any corporation or association engaged in or preparing to engage in the business of mining and beneficiating taconite is authorized to acquire, for the purposes of such business, easements, rights of way, and surface rights over, through, or across any lands, not owned by the state or devoted to a public purpose, for the erection and maintenance of pipe lines, pole lines, conduits, sluiceways, roads, railroads, or tramways. It may also acquire, for the purposes of such business, flowage rights, rights to transport crude ore, concentrates therefrom, or waste materials, and lands upon which to deposit tailings, stripping, and other waste products of such business. It may also acquire necessary sites of grounds for plants and other buildings requisite to the proper carrying on of such business, and lands, easements or private water rights requisite to the construction of wharves, piers, breakwaters, or similar facilities requisite to the carrying on of such business or the shipment of the products thereof. To such end it shall have and enjoy the right of eminent domain to be exercised in accordance with Minnesota Statutes 1941, Chapter 117, and acts amendatory thereof, all of which provisions shall govern insofar as they may be applicable hereto. Nothing herein shall be construed as authorizing the taking of any property owned by the state, or any municipal subdivision thereof, or the acquisition of any rights in public waters except after permit, lease, license, or authorization issued pursuant to law.

117.46I SEMI-TACONITE MINING, EMINENT DOMAIN, Subdivision 1. The business of mining and beneficiating semi-taconite, as defined in Minnesota Statutes, Section 298.34, is declared to be in the public interest and necessary to the public welfare, and the taking of private property therefor is declared to be for a public use and purpose. Any corporation or association engaged in the business of mining iron ore in Minnesota or engaged in the business of or preparing to engage in the business of mining or beneficiating semi-taconite is authorized to acquire, for the purposes of such semi-taconite business, easements, rights of way, and surface rights over, through, or across any lands, not owned by the state or devoted to a public purpose or situated within the corporate limits of any city of the first, second, third, or fourth class, for pipe lines, pole lines, conduits, sluiceways, roads, railroads, or tramways. It may also acquire, for the purposes of such semi-taconite business, flowage rights, rights to transport crude ore, concentrates therefrom, or waste materials, and lands upon which to deposit tailings, stripping, and other waste products of such business. It may also acquire necessary sites of grounds for plants and other buildings requisite to the proper carrying on of such semi-taconite business. To such end it shall have and enjoy the right of eminent domain to be exercised in accordance with Minnesota Statutes, Chapter 117, and acts amendatory thereof, all of which provisions shall govern insofar as they may be applicable hereto. Nothing herein shall be construed as authorizing the taking of any property owned by the state, or any municipal subdivision thereof, or the acquisition of any rights in public waters except after permit, lease, license, or authorization issued pursuant to law.

117.47 PERMITS; LICENSES. The commissioner of conservation is authorized to grant permits and licenses or leases on and across lands owned by the state for any of the purposes set forth in section 117.46, and to lease state owned lands for the depositing of stripping, lean ore, tailings, or waste products of such business. He is also authorized to license the flooding of state lands in connection with any permit or authorization for the use of public waters issued by the legislature or issued by the commissioner pursuant to law. Such permits, licenses, and leases shall be upon such conditions and for such consideration and for such period of time as the commissioner may determine. The county auditor, with the approval of the county board, is authorized to grant permits, licenses, and leases for all such purposes across tax forfeited lands not held by the state free from any trust in favor of any and all taxing districts, upon such conditions and for such period of time as the county board may determine. Any proceeds from the granting of such permits, licenses, or leases shall be apportioned and distributed as other proceeds from the sale or rental of tax forfeited lands.

117.51 AUTHORITY OF COMMISSIONER OF CONSERVATION. Authority is likewise given to the commissioner of conservation to acquire and to use the procedure set forth in Laws 1935, Chapter 52, so far as applicable in acquiring any land necessary for other projects of a similar character in which the United States shall provide the funds for necessary improvements.

117.54 AUTHORITY OF COMMISSIONER OF CONSERVATION. Authority is likewise given to the commissioner of conservation to acquire and to use the procedure set forth in Laws 1935, Chapter 52, so far as applicable in acquiring any land necessary for other projects of a similar character in which the United States shall provide the funds for necessary improvements.
CHAPTER 137
UNIVERSITY OF MINNESOTA
Sec.
137.11 Minnesota institute of research

137.11 MINNESOTA INSTITUTE OF RESEARCH. Subdivision 1. Creation. There is hereby created a research institute to be known as the "Minnesota Institute of Research," hereinafter referred to as the "Institute."

Subd. 2. Purposes. The purpose of the institute is to assist in general research and in the discovery, development, promotion, and coordination of methods for the utilization and development of the products and natural resources of the state through scientific research, and to aid further studies for the purpose of developing the industries and resources of the state.

Subd. 3. Organization. The institute shall be organized and operated under the control and supervision of the board of regents of the University of Minnesota and the Minnesota Institute of Research fund shall be under its control and supervision.

Subd. 4. Powers of Board of Regents. The board of regents may protect formulae, methods, products, processes, or devices which may be invented or discovered and reward inventors and discoverers to such extent as it deems proper. Any royalties or income arising from such protection shall be credited to the Minnesota Institute of Research fund.

Subd. 5. Research fund. There is hereby created a fund to be known as the Minnesota Institute of Research fund. The board of regents may receive and credit to such fund appropriations, gifts, donations, devices, and bequests for the purpose of carrying out the provisions of this section, but it shall not divert any of the same from the specific purposes designated by the donor without the donor's consent.

[1943 c. 503]

CHAPTER 144
DEPARTMENT OF HEALTH

STATE BOARD OF HEALTH

144.01 MEMBERSHIP. The department of health as created and constituted under Laws of Minnesota 1925, Chapter 426, is hereby continued under the supervision and control of the state board of health. The state board of health shall consist of nine members, learned in sanitary science, who shall be appointed by the governor for such periods that the terms of three members will end on the first Monday of January in each year. Vacancies therein shall be filled by like appointment for the unexpired term. Each member shall serve until his successor qualifies.

[RL. S. 2127; 1925 c. 426 art 9 s 1; 1963 c. 385 s 1] (5333, 5335)

144.02 MEETINGS; OFFICERS; QUORUM. The state board of health shall hold an annual meeting at the capitol on the second Tuesday in January at which time it shall elect from its members a president. Regular meetings shall be held at the same place on the second Tuesdays in April, July, and October of each year. Special meetings may be held at such times and places as the secretary or any two members of the board shall appoint upon three days' notice to the members by mail. The board shall elect a secretary to serve during its pleasure, who may or may not be one of its members. A majority shall be a quorum and any meeting may be adjourned from time to time.

[RL. S. 2128] (5337)

144.03 GENERAL DUTIES OF OFFICERS. The president shall preside at the meetings when present and in the absence or disability of the secretary shall perform all the duties imposed upon the latter by law and be paid therefor, but he may appoint a secretary pro tem to keep the minutes of the meeting. The secretary shall be the executive officer of the state board of health and in addition to keeping a record of its proceedings shall see that all lawful rules and orders of the board and all duties imposed upon it by law are enforced and performed, and that every law enacted in the interests of human health is obeyed. The president shall be the custodian of the official records and documents of the board.

[RL. S. 2129] (5338)

144.05 GENERAL DUTIES OF BOARD; REPORTS. The state board of health shall exercise general supervision over all health officers and boards, take cognizance of the interests of health and life among the people, investigate sanitary conditions, learn the cause and source of diseases and epidemics, observe the effect upon human health of localities and employments, and gather and diffuse proper information upon all subjects to which its duties relate. It shall gather, collate, and publish medical and vital statistics of general value and advise all state officials and boards in hygienic and medical matters, especially those involved in the proper location, construction, sewerage, and administration of prisons, hospitals, asylums, and other public institutions. It shall report its doings and discoveries to the legislature at each regular session thereof, with such information and recommendations as it shall deem useful.
144.11 RULES AND REGULATIONS. The board may make such reasonable rules and regulations as may be necessary to carry into effect the provisions of section 144.10 and alter, amend, suspend, or repeal any of such rules and regulations. 

[Ex. 1936 c. 70 s. 8] (5391-2)

144.12 REGULATIONS, ENFORCEMENT. The board may adopt, alter, and enforce reasonable regulations of permanent application throughout the whole or any portion of the state, or for specified periods in parts thereof, for the preservation of the public health. Upon the approval of the attorney general and the due publication thereof, such regulations shall have the force of law, except insofar as they may conflict with a statute or with the charter or ordinance of a city of the first class upon the same subject. In and by the same the board may control, by requiring the taking out of licenses or permits, or by other appropriate means, any of the following matters:

(2) The business of scavenging and the disposal of sewage;
(5) The pollution of streams and other waters and the distribution of water by private persons for drinking or domestic use;
(13) The general sanitation of tourist camps, summer hotels, and resorts in respect to water supplies, disposal of sewage, garbage, and other wastes and the prevention and control of communicable diseases; and, to that end, may prescribe the respective duties of county and local health officers; and all county and local boards of health shall make such investigations and reports and obey such directions as the board may require or give and, under the supervision of the board, enforce such regulations;

144.145 FLUORIDATION OF MUNICIPAL WATER SUPPLIES. For the purpose of promoting public health through prevention of tooth decay, the person, firm, corporation, or municipality having jurisdiction over a municipal water supply, whether publicly or privately owned or operated, shall control the quantities of fluoride in the water so as to maintain a fluoride content prescribed by the state board of health. In the manner provided by law, the state board of health shall promulgate rules and regulations relating to the fluoridation of public water supplies which shall include, but not be limited to the following: (1) The means by which fluoride is controlled; (2) the methods of testing the fluoride content; and (3) the records to be kept relating to fluoridation. The state board of health shall enforce the provisions of this section. In so doing it shall require the fluoridation of water in all municipal water supplies on or before January 1, 1970. The state board of health shall not require the fluoridation of water in any municipal water supply where such water supply in the state of nature contains sufficient fluoride to conform with the rules and regulations of such board.

144.35 POLLUTION OF WATER. No sewage or other matter that will impair the healthfulness of water shall be deposited where it will fall or drain into any pond or stream used as a source of water supply for domestic use. The board shall have general charge of all springs, wells, ponds, and streams so used and take all necessary and proper steps to preserve the same from such pollution as may endanger the public health. In case of violation of any of the provisions of this section, the board may, with or without a hearing, order any person to desist from causing such pollution and to comply with such direction of the board as it may deem proper and expedient in the premises. Such order shall be served forthwith upon the person found to have violated such provisions.

[R. L. s. 2147] (5375)

144.36 APPEAL TO DISTRICT COURT. Within five days after service of the order, any person aggrieved thereby may appeal to the district court of the county in which such polluted source of water supply is situated; and such appeal shall be taken, prosecuted, and determined in the same manner as provided in section 145.19. During the pendency of the appeal the pollution against which the order has been issued shall not be continued and, upon violation of such order, the appeal shall forthwith be dismissed.

[R. L. s. 2148] (5376)

144.37 OTHER REMEDIES PRESERVED. Nothing in sections 144.36 and 145.17 shall curtail the power of the courts to administer the usual legal and equitable remedies in cases of nuisances or of improper interference with private rights.

[R. L. s. 2149] (5377)

WATER POLLUTION

144.33 POLLUTION OF WATER. No sewage or other matter that will impair the healthfulness of water shall be deposited where it will fall or drain into any pond or stream used as a source of water supply for domestic use. The board shall have general charge of all springs, wells, ponds, and streams so used and take all necessary and proper steps to preserve the same from such pollution as may endanger the public health. In case of violation of any of the provisions of this section, the board may, with or without a hearing, order any person to desist from causing such pollution and to comply with such direction of the board as it may deem proper and expedient in the premises. Such order shall be served forthwith upon the person found to have violated such provisions.

[R. L. s. 2147] (5375)
CHAPTER 145

PROVISIONS RELATING TO PUBLIC HEALTH

HEALTH BOARDS AND OFFICERS

145.01 LOCAL HEALTH BOARDS; HEALTH OFFICERS. Every town board shall be a board of health within and for the town and have jurisdiction over every village within its boundaries wherein no organized board of health exists. Every village may, and every city shall, provide by ordinance for the establishment of a board of health therefor. In the absence of such provision in any city, the state board of health, hereinafter called the state board, may appoint three or more persons to act as such until a local board is established and organized and may fix their compensation, which the city shall pay. Two members of each county board, chosen by the county board at its annual meeting, and one resident physician elected at the same time, shall constitute the county board of health, with jurisdiction over all unorganized towns therein, and with such other powers and duties in reference to the public health as the state board shall, by its published regulations, prescribe. All local health boards of each county shall cooperate so far as practicable and the state board by written order may require any two or more local boards to act together in the regulation or suppression of epidemic diseases. At least one member of every local board shall be a physician, who shall be the local health officer and executive of the board. If no member of a town board is a physician, it shall appoint a health officer for the town. The compensation of all local health officers shall be prescribed by the body appointing him or to which he belongs and the same, together with his necessary expenses, shall be paid by the county or municipality in which he serves.

[ R. L. s. 2135 (535)]

145.02 DEPUTY HEALTH OFFICER IN CITIES OF THE THIRD CLASS. The governing body of any city of the third class in this state shall have authority to appoint a deputy local health officer with power to exercise, under the supervision of the local health officer, all of the powers and duties of such officer and to be paid such compensation as the governing body of the city shall determine. The total compensation for the local health officer and the deputy local health officer shall not exceed that now or hereafter authorized to be paid to the local health officer.

[1925 c. 215] (5345-1)

145.03 DUTIES OF LOCAL BOARDS OF HEALTH; PENALTIES. All local boards of health and health officers shall make such investigations and reports and obey all communications from the state board which may require or give; and, under the general supervision of the state board, they shall cause all laws and regulations relating to the public health to be obeyed and enforced. When the state board shall have reason or cause to believe, from its records or any other information in its possession, that the provisions of this section are being or have been violated, the state board shall advise the attorney general thereof, giving the information in support of such belief, and the attorney general or, under his direction, the county attorney of any county in which the violation occurs, shall forthwith institute proceedings for the enforcement of the provisions of this section and for the punishment of the violation thereof.

[ R. L. s. 2135; 1925 c. 92 s. 1] (5349)

145.04 ENTRY FOR INSPECTION. For the purposes of performing their official duties, all members, officers, and employees of the state and local boards of health and all health officers shall have the right to enter any building, conveyance, or place where contagion, infection, filth, or other source or cause of preventable disease exists or is reasonably suspected.

[ R. L. s. 2136] (5350)

145.05 POWERS OF HEALTH OFFICER IN ASSUMING JURISDICTION OVER COMMUNICABLE DISEASES. The health officer in a municipality or the chairman of the board of supervisors in a town shall employ, at the cost of the health district over which his local board of health has jurisdiction and in which the person afflicted with a communicable disease is located, all medical and other help necessary in the control of such communicable disease, or, for carrying out, within such jurisdiction, the lawful regulations and directions of the state board, its officers or employees, and, upon his failure so to do, the state board may employ such assistance at the expense of the district involved. Any person whose duty it is to care for himself or another afflicted with a communicable disease shall be liable for the reasonable cost thereof to the municipality or town paying such cost, excepting that the municipality or town constituting such district shall be liable for all expense incurred in establishing, enforcing, and releasing quarantine, half of which may be recovered from the county, as provided for under sections 145.06 and 145.07.

145.06 ALLOWANCE AND PAYMENT OF EXPENSES. All claims arising under section 145.05 against any town, village, or city, if not paid by persons liable therefor, shall be presented to the town board or council for audit and allowance as in the case of other claims. If any such claim be deemed excessive, or the whole or any part of the services or expenses charged for unnecessary, the items or parts objected to shall not be allowed without the approval of two disinterested physicians, given in the presence of the board or council. Upon the allowance of any such claim, the amount thereof shall be paid, and a certified statement shall be transmitted to the county auditor, embracing a copy of the claim as allowed, the date of such allowance, and showing for what purpose and to whom the allowance was made. The auditor shall lay such statement before the county board at its meeting next following the receipt thereof. One-half the amount so allowed and paid shall be a claim against the county, and, if deemed just and reasonable by the board, the same shall be allowed and paid.

[ R. L. s. 2138] (5352)

OTHER PROVISIONS

145.17 OFFENSIVE TRADES. No person, without the written permission of the board of health of the town, village, or city, shall engage therein in any trade or employment which is hurtful to the inhabitants, or dangerous to the public health, or an exercise of the neighboring property, or from which noisome odors arise. Any person so doing shall forfeit $50 for each day of which such trade or employment is exercised, to be recovered by the local board of health by suit in its name and for its benefit.

[ R. L. s. 2135; 1907 c. 327 s. 1; 1917 c. 427 s. 1] (5351)

145.18 ASSIGNMENT OF PLACES. Each local board, from time to time, may designate places within their respective jurisdictions wherein such trades or employment may be carried on, by orders filed with the town, village, or city clerk, and may revoke the same by like orders, within 24 hours after written notice of any such revocation, every person exercising such trade or employment in the locality to which it relates shall cease to do so or forfeit $100 for each day thereafter on which the same is continued, to be recovered as provided in section 145.17.

[ R. L. s. 2141] (5372)

145.19 APPEAL TO DISTRICT COURT. Within five days after service of such notice, any party aggrieved by an order made under sections 145.17 and 145.18 may appeal therefrom to the district court of the county by giving notice of appeal as in
other cases, together with a bond of not less than $500, to be approved by the judge of the court, conditioned for the prosecution of the appeal to judgment and for payment of all costs and expenses that may be awarded against the appellant. If the appeal be taken within 20 days before the time for holding any general term of the court within the county, it shall be heard at such time and, at either party’s request, may be tried by a jury; if taken more than 20 days before such term, the judge shall appoint a time and place for hearing the same and, if demanded, direct the sheriff of the county to summon a jury of 12 persons to serve in the cause, any of whom may be challenged as in civil cases, and talismen may be called and the appeal tried as in other civil cases. During the pendency of the appeal such trade or employment shall not be exercised contrary to the order of the board; and, upon violation of any such order, the appeal shall forthwith be dismissed. Upon the return of the verdict the court may either alter or amend the order of the board or confirm it in full, to conform to such verdict. If the matter be tried by the court, it shall have and exercise the same power.

145.20 STATE BOARD; POWERS; APPEAL. Upon written complaint made to the state board that any person is occupying or using any building or premises within any town, village, or city for the exercise of any such trade or employment, it shall appoint a time and place for hearing and give notice, of not less than ten days, to the complainant and the person complained of, and after such hearing, if, in its opinion, such trade or employment is not conducive to public health, comfort and convenience, it may order such person to cease from further carrying on such trade or employment in such building or premises; and, after written notice of such order, any person thereafter exercising such trade or employment in this building or premises shall forfeit $100 for each day after the first, to be recovered as provided in sections 145.17 to 145.19. Any person aggrieved by such order may appeal, and the appeal shall be taken and determined, in the same manner as prescribed in section 145.19. During its pendency such trade or employment shall not be exercised contrary to the orders of the state board; and, upon the violation of any such order, the appeal shall forthwith be dismissed.

145.21 OTHER REMEDIES PRESERVED. Nothing in section 145.17 shall curtail or affect any power of the courts to administer the usual legal and equitable remedies in cases of nuisances or of improper interference with private rights.

145.22 HEALTH OFFICER; DUTIES RELATIVE TO FILTH AND CAUSES OF SICKNESS. Nuisance, source of filth, or cause of sickness; duty of health officer; notice; privy vaults. When any nuisance, source of filth, or cause of sickness is found in any property, the health officer of the city, village, or town shall order the owner or occupant thereof to remove the same, at his expense, within a time not to exceed ten days, the exact time to be specified in the notice. This notice shall be served by the sheriff, marshal, or other peace officer by delivering a copy thereof to the owner, occupant, or agent of the property. If the owner of the property is unknown or absent, with no known representative or agent upon whom notice can be served, then the sheriff, marshal, or other peace officer shall post a written or printed notice upon the property or premises, setting forth that unless the nuisance, source of filth, or cause of sickness is abated or removed within ten days, the sheriff, marshal, or other peace officer will abate or remove, or cause to be abated or removed, at the expense of the owner, the nuisance, source of filth, or cause of sickness complained of and found to exist. In carrying out the provisions of sections 145.22 and 145.23, no debt or charge against any individual owner, or any one piece of real property, shall exceed the sum of $100. In all cities of the first class in this state, the collection and disposal of night soil from privy vaults and cesspools shall be under the charge and supervision of, and shall be done by, the department of health of such cities.

145.23 ABATEMENT; COSTS ASSESSED ON PROPERTY. If the owner, occupant, or agent fail or neglect to comply with the requirement of the notice, then the health officer shall proceed to have the nuisance, source of filth, or cause of sickness described in the notice removed or abated from the lot or parcel of ground and report the cost thereof to the city clerk, or other like officer, and the cost of such removal or abatement shall be assessed and charged against the lot or parcel of ground on which the nuisance, source of filth, or cause of sickness was located, and the city clerk, or other like officer, shall, at the time of certifying their taxes to the county auditor, certify these costs and the county auditor shall extend the same on the tax roll of the county against the lot or parcel of ground, and it shall be credited to the county treasurer and paid to the city, village, or town as other taxes are collected and paid.

145.24 VIOLATIONS; PENALTIES. Subdivision 1. Every member of any local board of health or any health officer refusing or neglecting to perform any duty imposed upon him by any statute, ordinance, or by-law relating to the public health shall be guilty of a misdemeanor.

Subd. 2. Every person who willfully prevents or hinders any member, officer, or employee of the state board or any member, officer, or employee of any local board of health, or any health officer from entering any building, conveyance, or place where contagion, infection, filth, or other source or cause of preventable disease exists, is reasonably subject to, or otherwise interferes with the performance of their duties, shall be guilty of a misdemeanor.

Subd. 3. Every person who shall fail to comply with the provisions of sections 145.15 and 145.16 shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of $25. Every person who shall use any body mentioned in sections 145.15 and 145.16 for a purpose other than that contemplated therein, or who shall remove it from the state, or in any manner traffic therein, or refuse to deliver the same upon proper demand, shall be guilty of a gross misdemeanor.

Subd. 4. Any person, firm, or corporation violating any of the provisions of sections 145.15 and 145.16, shall be guilty of a misdemeanor.

145.34 IMPURE WATER. Every owner, agent, manager, operator, or any one having charge of any water-works, furnishing water for public or private use, who knowingly permits the appliances of the same to become in a filthy condition, or who willfully causes or allows any impure or other water supplied by reason thereof becomes impaired shall be guilty of a felony and punished by imprisonment in the state prison for not more than ten years.

145.35 COMMON DRINKING CUP IN PUBLIC PLACES. Subdivision 1. Prohibited. In order to prevent the spread of communicable diseases, the use of common drinking cups in public places, public conveyances and public buildings, is hereby prohibited.

Subd. 2. Penalty. Whoever violates the provisions of this section shall be guilty of a misdemeanor and be liable to a fine of not exceeding $25 for each offense.

COUNTY HEALTH DEPARTMENTS

145.47 HEALTH DEPARTMENT DEFINED. The term health department, as used in sections 145.47 to 145.54, is defined as a health department organized and supported by one or more counties.

145.48 ESTABLISHMENT OF COUNTY HEALTH DEPARTMENTS. Subdivision 1. Any county or two or more adjacent counties are hereby authorized and empowered, by resolution adopted by a majority of the members of the county board or county boards of the respective counties, to establish and maintain a health department. Such county or counties may also be authorized and empowered to establish and maintain a health department, for the purpose of providing for the health of the people therein described, and no two or more adjacent counties may submit, and on petition of qualified electors equal to 10 percent of the total vote at the last general election, shall submit such action to a vote of the people. If the majority of the voters voting thereon favor the action, it shall go into effect on the date specified.
Subd. 2. A city of the first, second, or third class located within a county in which a health department is established under sections 145.47 to 145.54, shall not come within the jurisdiction of the board of health of such health department until such city, by ordinance of its governing body, shall take action to be included within the jurisdiction of such health department subject to the referendum provisions of subdivision 4. Such city, if not in the first class and wherein the majority of the county commissioner districts lie within the city of the first class, it shall require the unanimous vote of the city board to establish a county health department as provided for in sections 145.47 to 145.54.

Subd. 3. The governing body of a city of the first, second, or third class may submit a petition for the formation of a health department, signed by elected city, county, or school district voters equal to 10 percent of the total vote at the last regular municipal election, shall submit such action to a vote of the people. If the majority of the voters voting thereon favor the action, it shall go into effect on the date specified.

1949 c 645 s 2; 1959 c 645 s 1, 2

145.49 POWERS TRANSFERRED. All powers and duties now or hereafter vested in or imposed upon the local health boards defined in Minnesota Statutes 1943, section 145.01, shall, in all areas included in the jurisdiction of any health department established under sections 145.47 to 145.54, be transferred to, vested in and imposed upon such health department from the date when the health officer of such health department assumes the responsibilities of his appointment or such later date as may be determined by such health department; provided, however, that nothing shall affect the registration of vital statistics, except that if within the city or city comes within the jurisdiction of any health department established under sections 145.47 to 145.54 and is without a city health officer, the state registrar of vital statistics shall appoint a local registrar therein.

1949 c 650 s 2

145.50 RESPONSIBLE TO LOCAL BOARD OF HEALTH. Subdivision 1. Every health department shall be responsible to a local board of health as herein-after provided for the purpose of transferring its property.

Subd. 2. The board of health of a health department embracing one county shall consist of five members appointed by the board of county commissioners. Where two or more counties combine to form a health department, each such county shall, by the same method, appoint two members to the board of health, except that the county having the largest population shall appoint three such members. In each such board of health, one member from each county shall be selected from the largest participating municipality located within such county. In each such board of health, one of the members so appointed shall be a doctor of medicine and one shall be a doctor of dental surgery, each licensed to practice in Minnesota. The remaining members of the board shall be laymen, representative of the people served by the health department.

Subd. 3. At the first meeting of any board of health appointed under this section, the members thereof shall determine by lot the respective original terms to be served by each member, whether one, two, or three years. The same number of such members shall be chosen for each such length of term as nearly as may be. All subsequent appointments, except to fill vacancies in unexpired terms, shall be for three year terms.

Subd. 4. Of the members the chairperson of the board shall be a chairman and vice chairman, to be elected annually by the members thereof for a term of one year.

1949 c 650 s 3

145.51 FUNDS APPROPRIATED AND FEES COLLECTED. Subdivision 1. Every health department established under sections 145.47 to 145.54 shall be operated and maintained from funds appropriated and fees collected within the counties included in the area covered by such health department, together with such state, county, or city funds which may be appropriated to or granted to or to any of its participating county or other political subdivisions. The cost of maintenance of every such health department shall be borne by the several participating counties on the basis of the ratio of the population of each such county to the total population served by the said health department, and the amount thus received from such participating counties for such health department purposes shall be spread as a separate tax levy against all of the taxable property of each of such counties, and, where a city of the first or second class does not come within the jurisdiction of such health department its population shall not be considered in such computation, and the health department tax levy of such county shall not apply to the property within such city.

Subd. 2. The health officer and board of health of every health department created under sections 145.47 to 145.54 shall annually prepare a budget of its proposed expenditures for the ensuing fiscal year and determine the proportionate cost to each participating county. A certified copy of such budget, which shall include a statement of the amount required from each participating county, shall be delivered by such county to the county commissioners of each participating county. The county commissioners of all participating counties in each such health department shall meet in joint session, prior to the regular annual July meetings of such boards, for due hearing and agreement shall be effective when approved by a majority of the members of each such county board in attendance at such joint meeting. A majority of the members present shall constitute a quorum for a joint meeting. At its regular meeting in July, each such county board shall include in its annual levy of county taxes, such amount as may be necessary, to not exceed the tax limitations imposed by sections 145.47 to 145.54, for the health department purposes provided for in sections 145.47 to 145.54, as a separate levy over and above the limits now imposed for the general fund of the county. Such amount, when collected, shall be credited to the “health department fund” of the county.

Subd. 3. In the accounts and treasury of the county wherein is located the principal office of each multicounty health department there shall be created a “joint health department fund.” The treasurer of each county participating in such health department shall pay or cause to be paid into this joint fund from the county “health department fund” all tax monies, fees, grants-in-aid, gifts, or bequests designated for public health department purposes by drawing a warrant in favor of the “joint health department fund” payable to the treasurer of the county selected as the place of deposit of such fund. The said fund shall be used only for the purposes of said health department in accordance with the said fund and shall be controllable by the health officer as hereinafter prescribed by such board of health pursuant to properly authenticated vouchers of such health department signed by its health officer.

1949 c 650 s 5; 1957 c 170 s 1

145.52 BOARDS; ORGANIZATION, DUTIES. Subdivision 1. The board of health of every health department organized under sections 145.47 to 145.54 shall hold regular meetings at least quarterly at such time and place as may be provided by law or by special meetings as may be called by its chairman or a majority of its members. Members shall serve without compensation, but shall be entitled to statute travel and other necessary expenses while engaged in their official duties.

Subd. 2. The board of health shall employ a health officer who shall be a doctor of medicine duly licensed and registered in the state of Minnesota who shall have the approval of the state board of health. He shall be appointed for a term of five years subject to removal for cause after a hearing before the board of health. He shall be the executive officer of the board of health, shall select subordinate personnel subject to the approval of the board and shall have general supervision of all work conducted by such health department.

Subd. 3. In all counties containing a city of the first class the county health nurse in each of said counties shall be under the supervision and jurisdiction of said county or multicounty health department.

Subd. 4. Every such board of health shall enter into a joint agreement with the boards of county commissioners of the counties and the governing bodies of participating cities of the first, second, and third classes within its jurisdictional area to regulate such matters as salary scales, merit systems, the acquisition of property and personnel of previously existing health departments, the distribution of assets upon withdrawal of any county or city and other matters wherein practices may vary in different participating counties and cities.

Subd. 5. Every health officer and board of health shall annually prepare a budget of the proposed expenditures of such health department for the ensuing year and the proportionate cost thereunder to each participating county; provided, however, that for the first year of operation of any such health department this function may be performed by the said board alone.
Subd. 6. Each such board of health shall prepare and cause to be published for free public distribution an annual report of the work of its health department.

Subd. 7. Each such board of health may make recommendations to the boards of county commissioners for local legislation pertaining to the public health and generally applicable throughout their counties. It may also recommend to any municipality within its jurisdiction local legislation having specific application to health problems peculiar to such municipality.

145.53 RULES AND REGULATIONS. Subdivision 1. The board of county commissioners of any county within the jurisdiction of any health department created under sections 145.47 to 145.54 shall have the power to adopt and to alter by resolution, and to enforce reasonable regulations for the preservation of the public health, applicable throughout the whole or any portion of the county. Proposed regulations shall be published at least once in a newspaper of general circulation throughout the county or counties served by the health department before adoption. In counties containing a city of the first class and wherein a majority of the county commissioner districts lie within a city of the first class, it shall require the unanimous vote of the county board to adopt such rules and regulations, and no county regulation shall supersede or conflict with higher standards established by statute, the regulations of the state board of health, or the provisions of the charter of county commissioners of any county within the jurisdiction of the board of county commissioners for local legislation pertaining to the public health and the health department tax levy of the county.

Subd. 2. Nothing in sections 145.47 to 145.54 shall prohibit any municipality from adopting ordinances or resolutions for the regulation of the public health setting higher standards than those of the state board of health, the board of county commissioners, or the statutes.

145.54 ENFORCEMENT; WITHDRAWAL. Subdivision 1. Every health department created under sections 145.47 to 145.54, subject to the general supervision of the state board of health, shall cause all laws and regulations relating to public health to be obeyed and enforced within its jurisdictional area.

Subd. 2. After any two or more counties shall have taken action to establish a joint health department under sections 145.47 to 145.54, any participating county may withdraw therefrom not earlier than one year from the beginning of the next fiscal year following written notice to its board of health and the boards of county commissioners of all other participating counties of its intention so to do.

Subd. 3. Any city of the first, second, or third class participating in a health department established under sections 145.47 to 145.54 may withdraw therefrom in the manner provided for the withdrawing of a participating county. Thereafter its population shall not be considered in the computation of apportionment of taxes for health department purposes and the health department tax levy of the county thereof shall not include the taxable property within such city.

Subd. 4. Whenever any county or city of the first, second, or third class shall withdraw from any health department established under sections 145.47 to 145.54, all provisions of law relating to local health boards and officers as defined in Minnesota Statutes 1945, Section 145.01, shall immediately become applicable within such county or city.

160.06 TRAIL OR PORTAGE DEDICATION. Any trail or portage between public or navigable bodies of water or from public or navigable water to a public highway in this state which has been in continued and uninterrupted use by the general public for 15 years or more as a trail or portage for the purposes of travel, shall be deemed to have been dedicated to the public as a trail or portage. This section shall apply only to forest trails on established canoe routes and the public shall have the right to use the same for the purposes of travel to the same extent as public highways. The width of all trails and portages dedicated by user shall be eight feet on each side of the center line of the trail or portage.

160.19 DRAINAGE DITCH CROSSING RAILROAD RIGHT OF WAY. When a road authority constructs a drainage ditch to drain a highway over lands acquired for that purpose and the ditch crosses the right of way of any railroad, it shall be the duty of the railroad company upon demand of the road authority to forthwith carry the ditch under and across its right of way. The cost of carrying the ditch under or across the railroad shall be divided proportionately between the road authority and the railroad company on the basis of benefits accruing to each. Nothing in this section shall apply to or affect a county ditch, judicial ditch, or public drainage system.

160.20 DRAINAGE. Subdivision 1. Connecting drains to highway drains. When the course of natural drainage of any land runs to a highway, the owner of the land shall have the right to enter upon the highway for the purpose of connecting his drain or ditch with the highway drain. The drain or ditch shall be carried under or across the highway, but before making the connection he shall first obtain a written permit for the connections from the road authority having jurisdiction. The connection shall be made in accordance with specifications set forth in the permits. The road authority shall have power to prescribe and enforce reasonable rules and regulations with reference to the connection. The highway shall be left in as good condition in every way as it was before the connection was made.

Subd. 2. Constructing tile drain across highway. If any person desires during construction or reconstruction of a highway to install a tile drain for agricultural benefits in a natural drainage line in lands adjacent to any highway, and if a satisfactory outlet cannot be secured on the upper side of the right of way and the tile line must be projected across the right of way to a suitable outlet, the expense of both material and labor used in installing the tile drain across the roadbed shall be paid from funds available for the roads affected provided the road authority is notified of the necessity of the tile drain in advance of the construction of the roadbed so that the drain may be placed and the roadbed constructed in the same operation.

160.201 PUBLIC ROAD DITCHES. Subdivision 1. Improving and draining. For the purpose of draining public roads and preventing accumulations of water in road ditches, the overflow of which may damage adjacent lands, the various authorities having supervision over public roads, in addition to all other powers granted to said authorities, are authorized and empowered to expend moneys from funds available therefor in repairing, cleaning out, deepening, widening and improving public road ditches, within the jurisdiction and supervision of such authorities. The necessity for such work shall be determined by the authorities which now have the supervision of said public roads; provided, that before said work may be done said road supervising authority shall determine that said road ditch as so improved will be provided with an adequate outlet.
CHAPTER 161

DEPARTMENT OF HIGHWAYS AND TRUNK HIGHWAY SYSTEM

Subd. 1. Mississippi river parkway commission
Subd. 2. Youth highways across bodies of water
Subd. 3. Alteration of public drainage ditch affecting trunk highway
Subd. 4. Toll bridge may be part of trunk highway system

161.119 MISSISSIPPI RIVER PARKWAY COMMISSION. Subdivision 1. It is declared to be the policy of the state and to be in the best public interest for the promotion of public safety, recreation, travel, trade, and the general welfare of the people to cooperate with the federal government and with the interstate Mississippi river parkway planning commission. To carry out such policy and to aid in the promotion and encouragement of a scenic parkway and highway for the state of Minnesota and to aid in securing the location of federal parks within Minnesota a Mississippi River parkway commission is created. Such commission shall also work toward the planning, construction, maintenance, and improvement of the Great River Road or Mississippi River Parkway which is to follow generally the course of the Mississippi River and extend from Canada to the Gulf of Mexico.

Subd. 2. The commission shall be composed of nine members of which three shall be appointed by the governor, three shall be members of the senate to be appointed by the committee on committees, and three shall be members of the house of representatives to be appointed by the speaker. The members of the commission shall be selected immediately after final enactment of this act and shall serve for a term of one year at the close of the next regular session of the legislature and until their successors are appointed. Successor members shall be appointed at the close of each regular session of the legislature by the same appointing authorities. Members may be reappointed. Any member may resign by filing the resignation with the secretary of state or his or her designee.

Subd. 3. The commissioner of highways shall select a chairman, and such other officers from its membership as it deems necessary.

Subd. 4. Members of the commission shall serve without compensation but shall be allowed and paid their actual traveling and other expenses necessarily incurred in the performance of their duties. The commission may purchase supplies and do all things reasonably necessary and convenient in carrying out the purposes of this section. The commission shall use the available facilities and personnel of the legislative research committee. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.

Subd. 5. The commissioner of highways shall designate one employee of the department of highways who is an engineer or who has engineering experience and the commissioner of conservation shall appoint one member of his staff who shall advise with and assist the commission in carrying out its functions and duties.

Subd. 6. The commission shall be an affiliate of the national commission and as a member of the national commission may pay an annual fee of not to exceed $1,000 for its equal share of the planning program of the national commission.

161.142 GREAT RIVER ROAD. Subdivision 1. [Repealed, 1963 c 875 s 3]

Subd. 2. Location; construction; improvement; maintenance; acquisition of land.

The commissioner of highways shall establish and locate the route or routes of the Great River Road and shall thereafter construct, reconstruct, improve and maintain the same. He may acquire by purchase, gift or eminent domain proceedings, in fee or such lesser estate as he may determine, all lands and properties needed in laying out, establishing, constructing, reconstructing, improving and maintaining the Great River Road in Minnesota.

Subd. 3. Control. The portion of the Great River Road in Minnesota shall be part of the state trunk highway system and shall be a controlled access highway.

Subd. 4. Acceptance of federal funds; cooperation with federal agencies.

The commissioner of highways may accept any federal funds made available to the state for expenditure on the Great River Road. He may cooperate with the federal government or any federal agency in the establishment, construction, reconstruction, and improvement of the Great River Road to the end that the state will obtain all federal funds available for expenditure on the Great River Road in Minnesota. He may act as agent for any other political subdivision of the state in accepting federal aid in their behalf for the purposes expressed in subdivisions 1 to 7.

Subd. 5. Cooperation with other governmental units.

The commissioner of highways shall cooperate with other state departments, public corporations and political subdivisions in laying out, constructing, reconstructing and improving the Great River Road.

Subd. 6. Expenditures; limitation, appropriation.

None of the provisions of subdivisions 1 to 7 shall be construed as authorizing the commissioner of highways to expend trunk highway funds for non-trunk highway purposes. There is appropriated to the trunk highway fund a sum of money sufficient to carry out provisions of subdivisions 1 to 7.

Subd. 7. Preservation of adjacent areas.

Any political subdivision or public corporation adjacent to the Great River Road or through which the Great River Road passes may acquire by purchase, gift or eminent domain proceedings as provided in this section any necessary public or private property, or interest in property, along the Great River Road as they deem necessary for the purpose of preserving areas of natural scenic beauty, views of lakes or river areas, historic sites, and such lands as they deem necessary for the purpose of providing recreational and rest areas and facilities in connection therewith including camping and overnight facilities. They may enter into agreements with property owners along the Great River Road for laying out roads and providing for compensation therefor. Such agreements may provide that the lands or properties may continue to be used for agricultural, horticultural, forest, grazing, residential, or other purposes not inconsistent with highway principles and standards approved by the federal government and the Mississippi River Parkway Commission.

161.143 GREAT RIVER ROAD, LOCATION OF ROUTE. Subdivision 1. As a part of the Great River Road described in section 161.142, the commissioner of highways shall establish and locate as one of the routes thereof, the following:

Commencing at trunk highway No. 92 at the entrance to Itasca State Park; thence southwardly along the state park coming out of the state park at the south entrance and again joining with trunk highway No. 92; thence northerly a distance of three miles; thence northerly on said highway No. 92 to and thru Bagley; thence northerly on highway No. 92 to Clearbrook; thence northerly on county state-aid highway No. 5 to the Clearwater crossing, and thence northerly on the Red Lake Indian Reservation road known as the Gooseberry road near the Sandy river; thence northerly on the Sandy river road where it connects with trunk highways No. 1 and No. 85 and what is now known as the west arm of the Great River Road.

Subd. 2. In establishing and locating the route of the Great River Road as provided in subdivision 1, the commissioner may designate and mark as part of the route only the trunk highways described but also the other roads and highways included therein, notwithstanding any provision to the contrary in section 161.142.
missioner of highways shall designate, establish, and locate as a part of the great river road authorized by Minnesota Statutes, Section 161.142, the following described route:

Beginning at Trunk Highway No. 26 on the boundary line between the states of Minnesota and Iowa; thence northerly on Trunk Highway No. 26 to a point at the south corporate limits of La Crescent; thence northwesterly and northerly on Trunk Highway No. 26 to a point on Trunk Highway No. 15 in St. Paul; thence westerly through St. Paul and Minneapolis to Junction 152 and 169 in Minneapolis; thence northerly and northwesterly on Trunk Highway No. 101 to junction with Hennepin County State Aid Highway No. 61; thence northwesterly and northerly on Trunk Highway No. 101 to Junction 152; thence southwesterly on Trunk Highway No. 152 to the westerly junction with Trunk Highway No. 23 at St. Cloud; thence easterly on Trunk Highway No. 23 to the easterly junction with Trunk Highway No. 152; thence northerly, easterly, and northerly on Trunk Highway No. 152 to junction with Stearns County State Aid Highway No. 1; thence northwesterly on State Aid No. 1 to the north Stearns County line; thence generally following along the westerly and northerly line of the Mississippi River, or adjacent thereto, through Morrison, Cass, and Crow Wing counties; thence easterly and northerly along the Mississippi River to Trunk Highway No. 222 at Pullman; thence easterly on Trunk Highway No. 222 to junction with Trunk Highway No. 65; thence northerly on Trunk Highway No. 65 to junction with Trunk Highway No. 34 at Jacobson; thence westerly across the Mississippi River on Trunk Highway No. 34 to junction with Aitkin County State Aid Highway No. 10; thence northwesterly on State Aid No. 10 to the Itasca County line and Itasca County State Aid Highway No. 3; thence northwesterly on Itasca County State Aid Highway No. 3 to junction with Trunk Highway No. 169 in Park Rapids; thence northerly on Trunk Highway No. 169 to junction with Trunk Highway No. 2; thence northerly on Trunk Highway No. 2 to junction with Trunk Highway No. 46 in Deer River; thence northwesterly on Trunk Highway No. 46 to a point opposite the northeast corner of Cullfoot Sioux Lake; thence westerly along the north shore of Cullfoot Sioux Lake and Lake Winnebago; thence southwesterly to the north shore of Cass Lake; thence southerly to the south shore of Lake Andrusia; thence westerly to the south junction of Trunk Highway Nos. 2 and 71 in Bemidji and there terminating. This is also the point of beginning of the westerly and easterly legs of the Great River Road described as part of such route not only the trunk highways described, but also the other highways, streets, or roads included therein. 

161.144 GREAT RIVER ROAD: DESIGNATION. Subdivision 1. The commissioner of highways shall designate, establish, and locate as a part of the great river road described and located by the commissioner the route of the great river road described as follows:

Beginning at the junction of Trunk Highway Nos. 71 and 72; thence northerly on Trunk Highway No. 72 to junction with Trunk Highway No. 11 near Baudette; thence westerly on Trunk Highway No. 11 to junction with Trunk Highway No. 313 in Warroad and there terminating.

161.146 GREAT RIVER ROAD, ALTERNATE ROUTE. The commissioner of highways shall designate, establish, and locate as an alternate route of the great river road, the trunk highways now existing along the following described route:

Beginning at Trunk Highway No. 10 at Little Falls; thence northwesterly on Trunk Highway No. 10 to junction with State Aid Highway No. 132; thence northerly on State Aid Highway No. 132 to the junction with Trunk Highway No. 169 in Park Rapids; thence northerly on Trunk Highway No. 169 to junction with Trunk Highway No. 71 in Wadena; thence northerly on Trunk Highway No. 71 through Park Rapids to junction with Trunk Highway No. 311.

161.147 GREAT RIVER ROAD, ALTERNATE ROUTE. The trunk highways now existing along the following described route shall be designated, established, and located by the commissioner of highways as an alternate route of the great river road:

Beginning on Trunk Highway No. 64 at or near Motley; thence northerly on Trunk Highway No. 64 to junction with Trunk Highway No. 169 in Park Rapids; thence northerly on Trunk Highway No. 169 to junction with Trunk Highway No. 311 to junction with Trunk Highway No. 71; thence northerly on Trunk Highway No. 71 to its junction with Trunk Highway No. 2 in Bemidji and there terminating.

161.27 TRUNK HIGHWAYS ACROSS BODIES OF WATER. Subdivision 1. Permit. The commissioner may establish, construct, and maintain trunk highways across any lake, river, or stream when necessary or expedient in the construction or maintenance of any trunk highway; provided that no such trunk highway improvement affecting public waters shall be made until a permit therefor is issued by the commissioner of conservation as provided by law.

Subdivision of lands. For the purposes set forth in subdivision 1 the commissioner may acquire lands and properties or any interest therein by purchase, gift, or condemnation.

161.28 ALTERNATION OF PUBLIC DRAINAGE DITCH AFFECTING TRUNK HIGHWAY. Subdivision 1. Petition. Upon the filing of a petition by the commissioner with the county auditor in the case of a drainage system lying wholly within a county, or with the clerk of the district court having jurisdiction over the ditch in the case of a drainage system affecting two or more counties, therein setting forth that it would be advantageous or desirable in the construction or maintenance of a trunk highway to make a minor alteration or change in a public drainage system affecting a trunk highway and that the alteration or change will not affect the functioning or efficiency of the public drainage system, it shall be the duty of the auditor or the clerk with the approval of the judge, to fix a time and place for hearing thereon and to give notice of the hearing by publication, as defined in section 106A.071. Upon the filing of the petition the commissioner shall also file a plan showing in detail the alteration or change petitioned for. If upon the hearing it appears to the county board or district court that the alteration or change in the public drainage system will not affect or impair the efficiency of the drainage system, the board or court shall determine the alteration or change petitioned for. Upon the making of the order the county board or the court may, in its discretion, either order the alteration or change as petitioned for or upon the making of the order the county board or the court may, in its discretion, either order the alteration or change as petitioned for or any additional lands necessary for the construction or maintenance of the ditch showing graphically the elevation of the ground and gradient, whether open or tiled, the size of tile, and the bottom width and side...
slope of open ditch sections, and such other information as may appear necessary
for the understanding thereof. If the map and profile be filed with the clerk, dupli-
cates thereof shall also be filed with the auditor of each county affected. Upon the
completion of the alteration or change herein provided for, the ditch shall there-
after include such alteration or change as a part thereof with the same force and
effect as though it had been originally so constructed and established.
Subd. 2. Recovery of damages. Within six years after completion of any
alteration or change as provided in this section, any owner or owners of lands in the
drainage system claiming damages by reason of the alteration or change may
bring an action in the district court of the county in which the lands are located
to compel the commissioner to pay damages, if any, caused by the alteration or
change.
[1959 c 500 art 2 s 28]
163.29 TOLL BRIDGE MAY BE PART OF TRUNK HIGHWAY SYSTEM.
When the commissioner determines that it is in the best interests of the public and
necessary in the location, construction, improvement, or maintenance of any
toll highway, he may designate by order as a part of the trunk highway system
any toll bridge situated wholly within the state, and he may acquire by purchase,
rent, or any other means, as provided by law, the necessary rights or easement
in, to, or over any such toll bridge as will enable the public to use the bridge for
highway traffic free of toll.
[1959 c 500 art 2 s 29]
CHAPTER 163
COUNTY HIGHWAYS

Sec. 163.11 Establishment, alteration, vacation, revoca-
Sec. 163.13 Petition for highways or portages

163.11 DRAINAGE FACILITIES, VACATION. On consideration of a peti-
tion for vacation of a county highway, the county board shall determine whether
the lateral ditches of said highway are essential for surface drainage of adjacent
lands, or for drainage of public highways, in the area. If the board finds that pres-
ervation of such drainage facilities is for the general health and welfare of the
public, then the board may cause the highway to be vacated with a provision that
the county shall retain the right of access for the purpose of maintaining such
drainage facilities. An owner of land adjacent to the vacated portion of the high-
way shall not interfere with the functioning of such drainage facilities.
[1967 c 723 s 2]

163.13 PETITION FOR HIGHWAYS OR PORTAGES. Subdivision 1. Conten-
tions of petition. Any person who owns real estate in a county may petition the
county board to establish, alter, or vacate a county highway or portage. The peti-
tion shall set forth the beginning, course, and termination of the highway or
portage with reasonable definiteness. It shall be filed with the county auditor and
shall be considered at the next regular county board meeting. The board shall
hear all interested persons at that meeting or at such continued meetings as the
board deems necessary.
Subd. 2. Resolution of county board, procedure. After investigating the mat-
ters contained in the petition, and after hearing all interested persons, the board,
by resolution, shall make its determination. If it determines to grant the petition
it shall proceed as provided in section 163.11 or as provided in section 163.12.
Subd. 3. Appeal. If the board denies the petition, any person aggrieved there-
by, within 30 days after the denial, may appeal to the district court of the county
by filing a notice of appeal with the clerk of the district court, together with a
bond of not less than $250, with sufficient surety approved by the judge or by
the county auditor, conditioned to pay all costs arising from the appeal. In case
the determination of the board is sustained. A copy of the notice of appeal shall
be served on the county auditor.
Subd. 4. Trial. The appeal shall be entered upon the calendar for trial at the
next general term of the court occurring more than 20 days after the appeal is
perfected. The determination of the board shall not be reversed except upon a
showing of arbitrary, capricious or fraudulent action. The prevailing party shall
be entitled to costs and disbursements to be fixed and allowed as in other civil cases.
Subd. 5. Board procedure on reversal. If the determination of the board is
reversed, it shall proceed in accordance with the decision of the court.
[1959 c 500 art 4 s 13]

163.15 BRIDGES ACROSS DIVERSION CHANNELS. Whenever any county
has been authorized by the commissioner of conservation to divert the channel of
a navigable stream for the purpose of improving a county road and the board of
commissioners of such county has by resolution ordered diversion of the navigable
stream across private property so that the stream and the channel thereof when
so diverted deprives the owner of the private property of access to the county
road, the owner of the private property may grant to the county a perpetual eas-
ement for road purposes across his private property commencing at a point 50 feet
distant from the relocated or diversion channel, thence crossing the relocated or
diversion channel and intersecting the county road so to be improved; and the
road easement shall extend for a distance of two rods on each side of the center
line thereof and be and remain a public road. The county shall forthwith establish
and construct a highway upon the strip of land pursuant to law, build a suitable
bridge, including approaches thereto, across the channel, and at public expense
thereforth maintain the road and bridge so established in a safe condition so as
to afford the owner of the private property access to the improved county road.
163.17 DRAINAGE SYSTEMS AFFECTING HIGHWAYS; ALTERATIONS.
Upon the filing of a resolution by the county board of any county with the county auditor, in the case of a public ditch system lying wholly within a county, or with the clerk of the district court having jurisdiction over said ditch in the case of a ditch system affecting two or more counties, wherein setting forth that it would be advantageous or desirable in the construction or maintenance of a highway under the jurisdiction of the county to make a minor alteration or change in a public ditch system directly affecting the highway, and that the alteration or change will not affect the function or efficiency of the ditch system, it shall be the duty of the auditor, or the clerk with the approval of the judge, to fix a time and place for hearing thereon and to give notice of hearing by publication as defined by Minnesota Statutes, Section 106.011, Subdivision 2. Upon the filing of the resolution, the board shall also cause to be filed a plan showing in detail the alteration or change therein described. If upon the hearing it shall appear to the county board or district court that the alteration or change in the public ditch system will not affect or impair the efficiency of the ditch system, the board or court shall make its order authorizing the county to cause the alteration or change to be made. Upon the making of the order by the county board or the court, the county board may proceed at the sole cost and expense of the county to make the alterations or changes as may be in the order allowed; damages, if any, occasioned thereby being first duly paid or secured by the county. Upon completion of the alteration or change, the county board shall cause to be filed with the auditor or clerk, a map and profile drawn to scale showing thereon the change or alteration made. If the map and profile be filed with the clerk, duplicates thereof shall also be filed with the auditor of each county affected. Upon the completion of the alteration or change herein provided for, the ditch shall thereafter include the alteration or change as part thereof with the same force and effect as though it had been originally so constructed and established. [1959 c 500 art § s 17]
highway including city, village, or borough streets, shall be constructed so
as to leave a clear opening for the highway at least four feet wider than the
suffaced portion of the highway, but in no event less than 28 feet wide; provided
that the requirement that the clear opening for the highway be at least four feet
wider than the suffaced portion of the highway may be modified by the commis·
sioner in accordance with plans approved by him.

Subd. 2. Clear space between highway and bottom of bridge. Such bridge
shall provide at least 16 feet clear space from the surface of the highway
to the bottom of the bridge, except that such clear space under any bridge
over any navigable waters of this state shall be determined by the road
commissioner in cooperation with the authorized authorities of the adjoining
state. In no event less than 14 feet, unless a lesser clear space
is approved by the commissioner.

165.07 INTERSTATE BRIDGES. Subdivision 1. Purpose. The purpose of
this section is to connect the highway system of this state with the highway
system of adjoining states by means of interstate bridges.

Subd. 2. Interstate bridges as part of highway system. When any trunk high-
way, state aid highway, or municipal street runs into or through any city, village,
or borough, owning or operating a bridge over boundary waters between this
state and an adjoining state, the commissioner may require that there be
constructed, maintained, improved, and reconstructed a bridge, or bridges
connecting with an interstate bridge, other than an interstate bridge owned privately or
operated as a toll bridge, the bridge or so much thereof as lies within the
boundaries of such state shall be part of the highway or street leading to it.

Subd. 3. Acquisition of bridges owned by villages or cities in adjoining state.
Any road authority, including the road authority of any city, village, or borough,
having jurisdiction over a highway or street connecting a state or political subdivision
owned by an adjoining state or political subdivision thereof, may acquire the bridge
or any portion thereof from the adjoining state or political subdivision thereof upon
such terms and conditions as the road authority deems just and equitable.

ACQUISITIONS OF PUBLICLY OWNED BRIDGES. Any road authority,
including the road authority of any city, village, or borough, having jurisdiction
over any highway or street connecting with an interstate bridge that is owned
privately or operated as a toll bridge, may acquire the bridge in cooperation with the
authorized authorities of the adjoining state connected by the bridge, when the
road authority determines that the acquisition is required in the interests of public
travel. The bridge may be acquired by purchase, gift, or eminent domain proceedings
as provided by law.

Subd. 5. Cooperation with authorized authorities of adjoining state. Road au-
orities, including road authorities of cities, villages, and boroughs, having juris·
diction over any highway or street connecting with an interstate bridge shall,
operate with the authorized authorities of the adjoining state connected by the
bridge in the maintenance, improvement, or reconstruction of the bridge. If any
highway or street runs to boundary waters of this state and an adjoining state
where no interstate bridge exists, the road authorities, in cooperation with the
authorized authorities of the adjoining state, may construct and thereafter main-
tain an interstate bridge connecting the highway or street with the highway
system of the adjoining state when the road authority determines that the
bridge is necessary in the interests of public travel. The location of the bridge
shall be determined by the road authority in cooperation with the authorities of
the adjoining state.

Subd. 6. Joint acquisition. Counties, towns, cities, villages, and boroughs
bordering on boundary waters of this state may jointly acquire, construct, re-
construct, and maintain an interstate bridge in cooperation with the au-
thorized authorities of the adjoining state; provided that county state-aid high-
way funds or municipal state-aid street funds shall not be expended on interstate
bridges other than those connecting with a county state-aid highway or municipal
state-aid street.

7. Agreements with authorities of adjoining states. The road authorities,
including the road authorities of cities, villages, and boroughs, may enter into
equitable agreements with the authorized authorities of adjoining states in all
matters pertaining to interstate bridges.

Subd. 8. Trunk highways to be located over bridges. When any route of the
trunk highway system runs into or through any city, village, or borough, owning
an interstate bridge connecting such city, village, or borough with the highway
system of an adjoining state, the commissioner shall specifically locate the route
so that it shall run to the state boundary over the bridge.

165.08 BRIDGES OVER WATERS BETWEEN THIS STATE AND AD·
JOINING NATION OR PROVINCE. Subdivision 1. When a trunk highway
leads to waters forming the boundary between this state and an adjoining
nation or province thereof, and the Congress of the United States has authorized
the construction of a bridge or bridges over the waters, the commissioner may
enter into equitable agreements with the authorized authorities of the nation
or province providing for the purchase, construction, reconstruction, main-
tenance, repair, and operation of the bridge or bridges, and for the division of
costs and responsibilities to be borne by each therefor. The bridge or bridges
shall thereafter be constructed, reconstructed, maintained, improved, and oper-
ated in accordance with the agreements.

Subd. 2. The agreement may provide that such bridges may be operated as
free bridges or as toll bridges, and if the latter, tolls may be collected for the
use thereof at rates sufficient to liquidate the capital costs in a reasonable period of
time.

Subd. 3. When any trunk highway leads to a toll bridge over boundary
waters between this state and an adjoining nation or province, and such bridge
is owned by a municipality of this state, the commissioner may purchase
such bridge and assume the obligations of any bonds issued for the construction
of such bridge and still outstanding at the time of purchase. Such bridge may be
purchased and the agreement with the authorized authorities of the nation
or province may require that the purchase price be paid into the trunk highway
funds. Upon such purchase, the bridge may be operated as a toll bridge or as a free bridge.
If such bridge is operated as a toll bridge, the commissioner may collect tolls for the use
of the bridge in such amounts as to, as nearly as practicable, enable the outstanding bonds
to be retired at maturity from the income from such toll charges.

Subd. 4. All costs to be borne by this state of purchasing, constructing, re-
constructing, maintaining, improving and operating such bridges, including
interest and principle payments of any bond obligations assumed by the com-
missoner out of the trunk highway fund. Minnesota's share of all
tolls collected under agreement with an adjoining nation or province, and all
tolls collected for any toll bridge purchased entirely by this state shall be paid
into the trunk highway fund.
approaches may include the improvement of main highways for a distance not exceeding ten miles from the bridge.

Subd. 2. What constitutes interest in bridges. A county, town, city, village, or borough shall be deemed interested in bridges located outside of and within three miles of its corporate boundaries as well as those within or along its boundaries.

Subd. 3. Bridges over Minnesota or Mississippi Rivers. Before any bridge is erected over the Minnesota or Mississippi Rivers, the location and plan thereof shall be approved by the commissioner. Bridges over the Minnesota River below the city of Chaska shall be built with a suitable draw of not less than 80 feet opening, or, in lieu of such opening, built at such clear height above the ordinary high-water stage as will be sufficient to accommodate the ordinary navigation of the river.

Subd. 4. Draws to be opened on reasonable signal. All draws shall be opened on reasonable signal or notice to allow the passage of vessels.

Subd. 5. Approval of the Secretary of Army. All bridges over navigable waters of the United States shall receive the approval of the Secretary of Army before construction.

Subd. 6. Securing free public use of toll bridges. Counties, towns, cities, villages, and boroughs interested may secure the free public use of any toll bridge built across any stream in this state. They may secure the free public use of any bridge by purchase, gift, or eminent domain proceedings as provided by law.

165.10 M.S. 1957 [Renumbered 166.10] BONDS. Subdivision 1. Certain counties may issue and sell. The county board of any county having no outstanding road and bridge bonds may issue and sell county road bonds in an amount not exceeding one-half of one percent of the assessed valuation of the taxable property within the county exclusive of money and credits, for the purpose of constructing, reconstructing, improving, or maintaining any bridge or bridges on any highway under its jurisdiction, without submitting the matter to a vote of the electors of the county.

Subd. 2. Bonds to be issued and sold as provided in chapter 475. Such bonds shall be issued, sold and retired in the manner provided in chapter 475.

165.11 M.S. 1957 [Renumbered 166.11] TOWN BRIDGES DESTROYED BY UNUSUAL FLOOD OR CALAMITY; AGREEMENTS FOR RECONSTRUCTION. When a bridge on a town road over a natural water course has been destroyed by unusual flood or calamity and the county in which such bridge is situated contributed to the original cost of construction thereof, and the town resolves to reconstruct the bridge, the county board and the town board by agreement shall determine the costs and responsibilities to be borne by each in the reconstruction of the bridge. The costs agreed upon to be paid by the town and the county shall be paid out of their respective road and bridge funds.

165.12 M.S. 1957 [Renumbered 166.12] MAINTENANCE OF BRIDGES ON TOWN ROADS. Subdivision 1. Duty of county when town fails. When it becomes necessary to reconstruct or repair a bridge on any town road in any town or upon any town line in this state, and the bridge is unsafe for travel or has been condemned by the proper authorities, and the town or towns charged with the duty of maintaining the bridge fail, neglect, or omit to construct, reconstruct, or repair the same or provide for the expense or cost of so constructing, reconstructing or repairing the same, the county board of the county in which the town or towns are located shall have the power and authority to reconstruct and repair the bridge upon giving notice to the town board of the town or towns of its intention to do so and fixing a time and place for a hearing as to the necessity and advisability of the reconstruction or repair.

Subd. 2. Itemized statement. When any county shall have reconstructed or repaired any such bridge, the county board shall prepare an itemized statement of the cost thereof. The original shall be filed with the county auditor, Certified copies shall be filed with the clerk of the town or towns charged with the responsibility of maintaining the bridge. If two or more towns were responsible for the bridge the statement shall also show the portion of the cost apportioned to each town. The proportion of the cost to be apportioned to each town shall be determined at the hearing provided in subdivision 1.

Subd. 3. Special tax. The town clerk, upon receipt of the statement, shall forthwith notify the several members of the town board that a statement has been filed, and that a meeting of the town board to act thereon will be held at a time and place specified in the notice. The meeting shall be held not later than the time and place specified in the notice. The town board shall meet at the time and place specified in the notice so given by the clerk, and shall levy a special tax upon all the taxable property of the town in an amount sufficient to pay one-half of the amount expended by the county. If two or more towns were responsible for the bridge, each town shall levy a tax in an amount sufficient to pay one-half of the cost apportioned to it.

Subd. 4. County auditor may levy if town board fails to levy. The tax so levied shall be certified to the county auditor on or before October 15 next succeeding, and the county auditor shall extend the same with other town taxes upon the tax list of the town. The town board, for any reason, fails to act as herein provided, the county auditor shall levy the tax provided herein and shall extend, provided, the county auditor shall levy the tax provided herein and shall extend, provided, the county auditor shall levy the tax provided herein and shall extend, the same with other town taxes upon the tax list of the town.

Subd. 5. Collection and payment. The tax shall be collected and the payment thereof made to the county treasurer of the county in which the bridge is located.

[1959 c 500 art 6 s 13]
CHAPTER 166

FERRIES

166.01 M.S. 1957 (Repealed, 1959 c 500 art 6 s 13)

166.01 FERRIES; LICENSE. No person shall establish, operate, or maintain upon any water in this state any ferry upon which to carry or transport persons or property for hire without first obtaining a license therefor from the county board. [R L s 1251] (2668)

166.02 M.S. 1957 (Repealed, 1959 c 500 art 6 s 13)

166.02 NOTICE OF APPLICATION. Any person intending to apply for a ferry license shall give two weeks' posted notice of such intention, stating therein as nearly as possible the points between which he proposes to operate such ferry, and file such notice, with proof of posting, with the auditor of the county in which the ferry is situated at least ten days prior to the presentation of his application; but no notice of an application for a renewal of a license shall be required. [R L s 1251] (2668)

166.03 M.S. 1957 (Repealed, 1959 c 500 art 6 s 13)

166.03 LICENSE; REQUISITES. On proof of the posting and filing of such notice, and on being satisfied that the applicant is a suitable person, that a ferry is necessary at the point specified, and that such point is not within half a mile of any other established ferry, the county board may grant the license applied for for a period specified therein, not exceeding ten years. All licenses so granted shall be sealed with the seal of the county board, signed by its chairman, and attested by the auditor. [R L s 1251] (2668)

166.04 M.S. 1957 (Repealed, 1959 c 500 art 6 s 13)

166.04 LICENSEE TO GIVE BOND. Before receiving such license, the applicant shall give bond to the county, to be approved by the county board, in a penal sum of not less than $500, conditioned that he will keep the ferry in proper condition for use and attend the same at all times fixed by law for operating it; that he will neither demand nor take illegal tolls; and that he will faithfully perform all other duties enjoined upon him by law. Such bond shall be filed with the county auditor. [R L s 1251] (2668)

166.05 M.S. 1957 (Repealed, 1959 c 500 art 6 s 13)

166.05 LICENSE FEE. The county board shall fix the fee for a ferry license at such sum as it may deem reasonable, but not less than $5 nor more than $200 per annum. The licensee shall pay the license fee yearly in advance to the county treasurer, taking duplicate receipts therefor, one of which he shall file with the county auditor within ten days from its date. All ferries shall be deemed situated in the county where the ferry house is situated, and the license fee shall be required only in such county. [R L s 1251] (2667)

166.06 M.S. 1957 (Repealed, 1959 c 500 art 6 s 13)

166.06 FERRIES ON STREAMS BETWEEN COUNTIES. Where a license has been applied for to operate a ferry over a stream which forms all or a part of the boundary between two counties, the county board of each county shall have full jurisdiction in the premises; and when either board has exercised such jurisdiction and established a ferry no other board shall exercise any jurisdiction over the same. When the stream forms a part of the boundary line of the state, the county board of the county in this state bordering on such stream may grant a license and exercise all the powers herein conferred so far as the same do not conflict with the rights of other states. When application shall be made in each of two counties, separated by a stream, for a ferry license over such stream at the same point, the board of the county in which notice of application was first filed with the county auditor shall have sole jurisdiction in the matter. [R L s 1251] (2668)

166.07 M.S. 1957 (Repealed, 1959 c 500 art 6 s 13)

166.07 EQUIPMENT AND ATTENDANCE. Every licensed ferryman shall provide and keep sufficient and safe boats and in good repair for the conveyance of persons and property, and a sufficient number of hands to manage them and give proper and careful attendance, as provided for in this chapter, or demands or receives more than the amount designated by the county board, shall forfeit $20 and be liable for all damages caused thereby, either or both of which may be recovered by an action on his bond. [R L s 1251] (2668)

166.08 M.S. 1957 (Repealed, 1959 c 500 art 6 s 13)

166.08 TOLLS; PENALTIES FOR OVERCHARGE. The county board shall establish at each ferry the tolls for passengers, horses, carriages, and other things transported. Every ferryman who neglects to keep such boats and give such careless attendance, as provided for in this chapter, or demands or receives more than the amount designated by the county board, shall forfeit $20 and be liable for all damages caused thereby, either or both of which may be recovered by an action on his bond. [R L s 1251] (2668)

166.09 M.S. 1957 (Repealed, 1959 c 500 art 6 s 13)

166.09 NOT APPLICABLE TO FERRIES IN VILLAGES AND CITIES. The provisions of this chapter relating to ferries shall not apply to any stream so far as the same is bordered by any city or village. The council of such city or village shall have the sole right to grant ferry licenses across such stream as far as the same borders thereon, and to make and enforce such regulations for such ferries, same borders thereon, and to make and enforce such regulations for such ferries, and fees as it may deem proper, except that such licenses shall not be granted for a longer term than ten years. This section shall not be so construed as to abridge the rights of the county board in any county other than the one in which such city or village is situated. Every ferryman licensed by a council hereunder shall have the same rights and be subject to the same liabilities as those licensed by county boards. [R L s 1251] (2671)

166.10 M.S. 1957 (Repealed, 1959 c 500 art 6 s 13)

166.10 FERRIES IN VILLAGES. Any village in this state situate upon any river which is the boundary line between the state of Minnesota and any other state is hereby authorized, in addition to all other authority possessed by such village, to own, maintain, and operate a ferry-boat across such river, and the village council or other governing body is authorized to provide rules and regulations. [1919 c 28 s 1] (2671-1)

166.11 to 166.15 M.S. 1957 (Repealed, 1959 c 500 art 6 s 13)
222.04 SELECTION OF SWAMP LANDS. Any railroad company to whom swamp lands have been granted by the state, which, by the terms of the grant, is required to make selection and receive patents therefor, shall make selections and file lists with the state auditor within one year from the date when the right to select shall accrue, but not thereafter. Upon the approval of these lists by the state auditor, the governor shall immediately issue deeds for the same; but if there be no swamp lands certified or patented from which such selection can be made, then such company shall have one year from and after the date of the certifying of such lands within which to make its selection. If such railway company shall neglect or refuse to make selection within the time hereinbefore specified, the right to select shall terminate, and the state auditor shall forthwith select and set apart from the swamp lands of the state lying nearest such company's railway an amount of land sufficient to complete the grant, and no other or different lands than such as have been selected by the company within the time specified or set apart by the state auditor shall be certified or conveyed to such company.

[R. L. s. 2893] (7504)

272.02 EXEMPT PROPERTY. All property described in this section to the extent herein limited shall be exempt from taxation:

(15) Real and personal property used solely and exclusively for the abatement and control of air or water pollution.

Any taxpayer requesting exemption on a facility, or part of a facility, operated exclusively for the control or abatement of air or water pollution shall file an application with the commissioner of taxation. The commissioner of taxation may request the advice of any commission or agency having knowledge of pollution control, or authority to implement pollution control programs. Any such state agencies shall upon request of the commissioner furnish information or advice to the commissioner. If the commissioner determines that property qualifies for exemption, he shall issue his order exempting such property from taxation. Any assessor shall exempt such property from taxation as long as it is used solely for abatement of air or water pollution.

[R. L. s 795; 1911 c 242 s 1; 1913 c 259 s 1; 1925 c 385 s 1; 1925 c 385 s 1; 1925 c 385 s 1; 1925 c 385 s 1; 1925 c 385 s 1; 1925 c 385 s 1; 1925 c 385 s 1; 1925 c 385 s 1; 1960 c 514 s 1; 1967 c 32 art 4 s 2; art 10 s 1; 1975 s 1; 1976 s 1]

NOTE: The amendment of section 272.02 by Extra Session Laws 1967, Chapter 32, Article 1, Section 2 (clauses (13) to (14)) is effective for the 1967 assessment of taxes payable in 1968 and subsequent years.

The amendment of section 272.02 by Extra Session Laws 1967, Chapter 32, Article 1, Section 1 (clause 15) applies to the 1968 assessment and subsequent assessments, but only with respect to property constructed or installed by taxpayers after the date of enactment of said article 10.

272.03 DEFINITIONS. Subdivision 1. Real property. For the purposes of taxation, “real property” includes the land itself and all buildings, structures, and improvements or other fixtures on it, and all rights and privileges belonging or appertaining to it, and all mines, minerals, quarries, fossils, and trees on or under it.

Subd. 2. Personal property. For the purposes of taxation, “personal property” includes:

(1) All goods, chattels, money and effects;

(2) All ships, boats, and vessels belonging to inhabitants of this state and all capital invested therein;

(3) All improvements upon land the title to which is vested in any corporation whose property is not subject to the same mode and rule of taxation as other property;

(4) All stock of nurserymen, growing or otherwise;

(5) All gas, electric, and water mains, pipes, conduits, subways, poles, and wires of gas, electric light, water, heat, or power companies, and all tracks, roads, bridges, conduits, poles, and wires of street railway, plank road, gravel road, turnpike, and bridge companies;

(6) All credits over and above debts owed by the creditor;

(7) The income of every annuity, unless the capital of the annuity is taxed within this state;

(8) All public stocks and securities;

(9) All personal estate of moneyed corporations, whether the owners reside within or without the state;

(10) All shares in foreign corporations owned by residents of this state; and

(11) All shares in banks organized under the laws of the United States or of this state.
TAXES; LISTING, ASSESSMENT

273.11 VALUATION OF PROPERTY. All property shall be valued at its market value. In determining such value, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor in any manner reduce the market value of any property for the purpose of making it fair, voluntary sale. To determine the value of a tract or lot of real property, the value of the land, exclusive of structures and improvements, shall be determined, and also the value of all structures and improvements thereon, and the aggregate value of the property, including all structures and improvements thereon, and all crops growing upon cultivated land. In valuing real property upon which there is a mine or quarry, it shall be valued at such price as such property, including the mine or quarry, would sell or rent for at a fair, voluntary sale, for cash. Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale, for cash. Money, whether in possession or on deposit, shall be entered in the statement at the full amount thereof. Every credit for a sum certain, payable either in money, property of any kind, or for labor or services, shall be valued at the full price thereof so payable; if for a specific article, or for a specified number or quantity of any article of property, or for a certain amount of labor, or for services of any kind, it shall be valued at the current price of such property, or for such labor or services, at the place where payable. Each assessor shall annually file with the county auditor the ratio which he has used of adjusted market value to market value of all the taxable property within the taxing district, except property which by law, custom, or practice is valued by the commissioner of taxation.

273.35 GAS AND WATER COMPANIES. The personal property of gas and water companies shall be listed and assessed in the town or district where located, without regard to where the principal or other place of business of the company may be located.

272.59 TAX REDUCTION, SWAMP OR MARSH LANDS RESERVED AS WILD LIFE PRESERVES. Subdivision 1. Easements conveyed. Upon application, approved by the county board and the commissioner of conservation, any owner may be accorded a tax reduction upon such of his lands as are comprised mainly of swamp or marsh for a period of not less than 15 years, if he agrees by written agreement to be filed with the county board to reserve such lands to the state for the purpose of development as wild life habitat and for public hunting for the full period designated for such tax reduction. The reduction in taxes shall be commensurate with the reduced value of the lands by virtue of the easements so conveyed.

Subd. 2. Swamp or marsh lands defined. For the purposes of this section “swamp” or “marsh” lands shall mean only such lands as are not capable of producing merchantable timber or other marketable forest products.
282.01 TAX FORFEITED LANDS Subdivision 1. Classification; use; exchange. Except as ownership of particular tracts of land should be held by the state or its subdivisions for a recognized public purpose and public access, it is the general policy of this state to encourage return of tax-forfeited lands to private ownership and the tax rolls through sale, and classification of lands according to this chapter is not in contravention of this general policy. All parcels of land becom­ ing the property of the state in trust under the provisions of any law now existing or hereafter enacted declaring the forfeiture of lands to the state for taxes, shall be classified by the county board of the county wherein such parcels lie as conservation or noncon­servation. Such classification shall be made with consideration, among other things, to the present use of adjacent lands, the productivity of the soil, the character of the property, the public need, the character of the subdivisions of the soil and other public services, and their peculiar suitability or desirability for particular uses. Such classification, furthermore, shall aid: to encourage and foster a mode of land utilization that will facilitate the economical and adequate provision of transportation, roads, water supply, drainage, sanitation, education, and recreation; to facilitate reduction of governmental expenditures; to conserve and develop the natural resources; and to foster and develop agriculture and other industries in the districts and places best suited thereto. In making such classification the county board may make use of such data and information as may be available by any office or department of the federal, state, or local govern­ ments, or by any other person or agency possessing information pertinent thereto at the time such classification is made. Such lands may be reclassified from time to time as the county board may deem necessary or desirable, except as to conservation lands held by the state free from any trust in favor of any taxing district.

Subdivision 2. Conservation lands under supervision of county board. Lands classified as conservation lands, unless reclassified as non-conservation lands, sold to a governmental subdivision of the state, designated as lands primarily suitable for forest production and sold as hereinafter provided, or released from the trust in favor of the taxing districts, as herein provided, will be held under the supervision of the county board of the county within which such parcels lie.

The county board may, by resolution duly adopted, declare lands classified as conservation lands as primarily suitable for timber production and as lands which should be placed in private ownership for such purposes. If such action be approved by the commissioner of conservation, the lands so designated, or any part thereof, may be sold by the county board in the same manner as provided for the sale of lands classified as non-conservation lands. Such county action and the approval of the commissioner shall be limited to lands lying within areas zoned for restricted uses under the provisions of Laws 1939, Chapter 340, or any amendments thereof.

The county board may, by resolution duly adopted, resolve that certain lands classified as conservation lands shall be devoted to conservation uses and may submit such resolution to the commissioner of conservation. If, upon investigation, the commissioner of conservation determines that the lands covered by such resolution, or any part thereof, can be managed and developed for conservation purposes, he shall make a certificate describing the lands and reciting the acceptance thereof on behalf of the state for such purposes. The commissioner shall transmit the certificate to the county auditor, who shall note the same upon his records and record the same with the register of deeds. The title to all lands so accepted shall be held by the state free from any trust in favor of any and all taxing districts and such lands shall be devoted thereafter to the purposes of forestry, water conservation, flood control, parks, game refuges, controlled game management areas, public shooting grounds, or other public recreational or con­ servation uses, and managed, controlled, and regulated for such purposes under the jurisdiction of the commissioner of conservation and the divisions of his department. In case the commissioner of conservation shall determine that any tract of land so held by the state and situated within or adjacent to the boundaries of any governmental subdivision of the state is suitable for use by such subdivision for any authorized public purpose, he may convey such tract by deed in the name of any authorized public purpose, he may convey such tract by deed in the name of any authorized public purpose.
CHAPTER 289
REGISTERED TONNAGE,
VESSELS NAVIGATING INTERNATIONAL WATERS

289.01 REPORT; TAX; DISTRIBUTION. The owner of any steam vessel, barge, boat or other water craft owned within, or hailing from, any port of this state and employed in the navigation of international waters, annually, on or before July 1, may file with the commissioner of taxation a verified statement containing the name, name of owner, port of hail, and registered tonnage of such craft, and thereupon may pay into the state treasury the minimum sum of $50 for each such craft, plus a sum equal to five cents per net ton of such registered tonnage in excess of 1,000 tons of such registered tonnage and the treasurer shall issue his receipt therefor. Such payment shall be received in lieu of other taxes on such craft, state or municipal, for the year in which such payment is made.

On or before December 1, following, such treasurer shall pay 80 percent of such sum to the treasurer of the county wherein the port of hail of such craft is located.

There is hereby appropriated to such counties entitled to payment hereunder, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the payment specified herein.

[RL s 1038; 1919 c 505 s 1; 1953 c 485 s 1; 1959 c 158 s 201] (2291)

CHAPTER 326
EMPLOYMENTS LICENSED BY STATE

326.01 DEFINITIONS. Subdivision 1. Words, terms and phrases. For the purpose of this chapter, the terms defined in this section have the meanings ascribed to them.

Subd. 7. Journeyman plumber. A “journeyman plumber” is any person, other than a master plumber, who, as his principal occupation, is engaged as an employee of, or otherwise working under the direction of, a master plumber in the practical installation of plumbing.

Subd. 8. Master plumber. A “master plumber” is any person skilled in the planning, superintending, and the practical installation of plumbing and otherwise lawfully qualified to contract for plumbing and installations and to conduct the business of plumbing and who is familiar with the laws, rules, and regulations governing the same.

Subd. 9. Plumber’s apprentice. A “plumber’s apprentice” is any person, other than a journeyman or master plumber, who, as his principal occupation, is engaged in working as an employee of a master plumber under the immediate and personal supervision of either a master or journeyman plumber in learning and assisting in the installation of plumbing.

PLUMBERS

326.37 PLUMBERS; SUPERVISION BY STATE BOARD OF HEALTH. The state board of health may, by regulation, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new plumbing installations, including additions, extensions, alterations, and replacements connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building, or any other place of business regardless of location or the population of the city, village, or town in which located. Such regulations, upon approval of the attorney general and their legal publication, shall have the force of law, and the violation of any part thereof shall constitute a misdemeanor.

The board shall administer the provisions of sections 326.37 to 326.45 and for such purposes may employ plumbing inspectors and other assistants.

[1933 c. 349 s. 1; 1937 c. 370 a. 1] (5887-19)

326.38 LOCAL REGULATIONS. Any city or village having a system of water-works or sewerage, or any town in which reside over 5,000 people exclusive of any villages located therein, may, by ordinance, adopt local regulations providing for plumbing permits, bonds, approval of plans, and inspections of plumbing, which regulations are not in conflict with the plumbing standards on the same subject prescribed by the state board of health. No city or village or such town shall prohibit plumbers licensed by the state board of health from engaging in or working at the business, except cities and villages which, prior to April 21, 1933, by ordinance required the licensing of plumbers. Any city or village by ordinance may prescribe regulations, reasonable standards, and inspections and grant permits to any person, firm, or corporation engaged in the business of installing water softeners, who is not licensed as a master plumber or journeyman plumber by the state board of health, to connect water softening and water filtering equipment to private resi-
plumbing connected with the water system except to connect the water softener, and provided the connections so made comply with minimum standards prescribed by the state board of health.

(1933 c 349 s 2; 1937 c 370 s 2; 1941 c 367 s 1; 1953 c 166 s 1; 1957 c 921 s 1) (5887-20)

326.39 Violations to be reported to state board of health. Such local authority as may be designated by any such ordinance for the issuance of such plumbing permits and approval of such plans shall report to the state board of health persistent or wilful violation of the same and any incompetence of a licensed plumber observed by the local authority.

(1933 c 349 s 3) (5887-21)

326.40 Plumbers must be licensed in certain cities or villages; master and journeyman plumbers; plumbing on one's own premises; rules for examination. In any city or village now or hereafter having 5,000 or more population, according to the last federal or state census, and having a system of water-works or sewerage, no person, firm, or corporation shall engage in or work at the business of a master plumber or journeyman plumber unless licensed to do so by the state board of health. A master plumber may also work as a journeyman plumber. Anyone not so licensed may do plumbing work which complies with the provisions of the minimum standard prescribed by the state board of health on premises or that part of premises owned and actually occupied by him as his residence, unless otherwise forbidden to do so by a local ordinance.

In any such city or village no person, firm, or corporation shall engage in the business of installing plumbing or install plumbing in connection with the dealing in and selling of plumbing material and supplies unless at all times a licensed master plumber, who shall be responsible for proper installation, is in charge of the plumbing work of such person, firm, or corporation.

The state board of health shall prescribe rules and regulations, not inconsistent herewith, for the examination and licensing of plumbers.

(1933 c 349 s 4; 1937 c 370 s 3; 1941 c 367 s 2) (5887-22)

326.41 Examiners. The state board of health shall appoint three examiners, of whom one shall be a practical master plumber, one a practical journeyman plumber, and one a representative of the board, to be known as the plumbing examiners. Such master plumber and such journeyman plumber shall each receive his expenses and such sum per diem for each day actually engaged in duties connected with the carrying out of the provisions of sections 326.37 to 326.45 as the board shall fix by its order.

(1933 c 349 s 6) (5887-24)

326.42 Applications. Applications for plumber's license shall be made to the state board of health, with fee. Unless the applicant is entitled to a renewal, he shall be licensed by the state board of health only after passing a satisfactory examination by the examiners showing fitness. Examination fees for both journeyman and master plumbers shall be $5. Upon being notified that he has successfully passed the examination for original license the applicant shall submit an application, with the license fee herein provided. Annual license fees shall be $5 for journeymen and $25 for master plumbers but persons qualifying for license after June 30 of any year shall be issued a license for the remainder of the calendar year upon payment of one-half of the annual fee. Licenses shall expire December 31, but may be renewed upon application made the following January or February, but if in February only upon payment of an additional fee of $1 for a journeyman and $5 for a master plumber.

(1933 c 349 s 7; 1937 c 370 s 5; 1941 c 367 s 3; 1953 c 78 s 1) (5887-25)

326.43 Board may revoke licenses. The board may revoke any license obtained through error or fraud, or if the licensee is shown to be incompetent, and for a wilful violation of any of its rules and regulations, or of local ordinances applicable to such work, or of sections 326.37 to 326.45, or for knowingly aiding or abetting one to do plumbing work who is not properly licensed, or the employing by a master plumber of an unlicensed person to do plumbing work in places where licenses are required. The licensee shall have notice in writing, enumerating the charges, and be entitled to a hearing by the board upon at least five days' notice, with the right to produce testimony. The board may appoint, in writing, any competent person to take testimony, who shall have power to administer oaths, issue subpoenas, and compel the attendance of witnesses. The decision of the board shall be based on the testimony and records. One year from the date of revocations application may be made for a new license.

(1933 c 349 s 8; 1937 c 370 s 6) (5887-26)

326.44 Fees paid to state treasurer. All fees received under sections 326.37 to 326.45 shall be paid by the state board of health to the state treasurer, and an amount of money equal to the amount so paid over by the board to the treasurer is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, to the board for the purpose of carrying out the provisions of sections 326.37 to 326.45. The salaries of the necessary employees of the board and the per diem of the inspectors and examiners hereinbefore provided, their expenses and all incidental expenses of the board in carrying out the provisions of sections 326.37 to 326.45, shall be paid, on order of the board, from such appropriation, but no expense or claim shall be incurred or paid in excess of the amount received from the fees herein provided.

(1933 c 349 s 10) (5887-28)

326.45 State license; examination; application. The provisions of sections 326.37 to 326.45 which require state licenses to engage in the work or business of plumbing, and the provisions which provide for the examination of applicants for such licenses, shall only apply in cities, villages, or boroughs having a population of 5,000 or more.

(1933 c 349 s 11; 1937 c 370 s 7) (5887-29)
CHAPTER 360
AERONAUTICS

360.041 AIRPORTS ON WATERS AND RECLAIMED LAND. Subdivision 1. Acquisition. The powers herein granted to a municipality to establish and maintain airports shall include the power to establish and maintain such airports in, over, and upon any public waters of this state within the limits or jurisdiction of or bordering on the municipality, any submerged land under such public waters, and any artificial or reclaimed land which before the artificial making or reclamation thereof constituted a portion of the submerged land under such public waters, and as well the power to construct and maintain terminal buildings, loading floats, causeways, roadways and bridges for approaches to or connecting with the airport, and landing floats and breakwaters for the protection of any such airport.

Subd. 2. Incidental powers. All the other powers herein granted municipalities with reference to airports on land are granted to them with reference to such airports in, over, and upon public waters, submerged land under public waters, and artificial or reclaimed land.

[1955 c. 203 s. 19]

CHAPTER 361
WATERS AND WATERCRAFT SAFETY

361.01 M.S. 1957. (Repealed, 1959 c. 592 s 29)

361.01 POLICY OF STATE. It is the policy of this state, which is blessed with an abundance of water, to promote its full use and enjoyment by all of the people, now and in the future, to promote safety for persons and property in connection with the use of the waters of the state, to promote uniformity of laws relating to such use and to conform with any requirements of the United States relating thereto.

[1959 c. 592 s 1]

361.02 M.S. 1957. (Repealed, 1959 c 592 s 29)

361.02 DEFINITIONS. Subdivision 1. For the purposes of sections 361.01 through 361.28, the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. “Person” includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.

Subd. 3. “Owner” means a person, other than a lien holder, having the property in or title to a watercraft. The term includes a person entitled to the use or possession of such craft, subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

Subd. 4. “Dealer” means any person engaged in the business of manufacturing or selling new and unused watercraft or used watercraft, or both, having an established place of business for the sale, trade and display of such watercraft, and having in his possession watercraft for the purpose of sale or trade.

Subd. 5. “Operate” means to navigate or otherwise use a watercraft.

Subd. 6. “Operator” means every person who operates or is in actual physical control of a watercraft.

Subd. 7. “Watercraft” means any contrivance used or designed for navigation on water other than (a) duck boat during the duck hunting season, (b) sailboat, (c) canoe, (d) rice boat during the harvest season, (e) seaplane.

Subd. 8. “Motorboat” means any watercraft propelled in any respect by machinery, including watercraft temporarily equipped with detachable motors.

Subd. 9. “Underway or in use” means any watercraft in operation or use when not securely fastened to a dock or other permanent mooring.

Subd. 10. “Commissioner” means the commissioner of conservation acting directly or through his authorized agents.

Subd. 11. “License” means the authentic document used to designate the numbers assigned a watercraft and to renew same.

Subd. 12. “Waters of this state” means any waters capable of substantial beneficial public use, and any waters to which the public has access, which are within the territorial limits of this state, including boundary waters.
361.03 Watercraft licenses. Subdivision 1. General requirements. Except as hereinafter provided, no person shall after July 1, 1959, operate, or give permission for the operation of, any watercraft for which a license fee is prescribed in subdivision 3 on the waters of this state unless a license for such watercraft has been issued and is in effect in accordance with sections 361.01 to 361.28. The license number assigned a watercraft shall remain the same if continually renewed, and the license of each watercraft shall purchase the watercraft license numbers assigned and affixed same as may be prescribed by the commissioner.

Subd. 2. Application, issuance, reports. Application for a watercraft license shall be made to the commissioner, or by a county auditor or his agent, in such form as the commissioner shall prescribe, and shall state the name and address of every owner of the watercraft and be signed by at least one owner. Upon receipt of the application and the appropriate fee for two years, hereinafter provided, a license shall be issued in such form as the commissioner shall prescribe. The county auditors and their agents shall make such reports relating to the issuance of licenses as the commissioner shall require.

Subd. 3. Fees for license. The fee for each watercraft license for one calendar year, or portion thereof, shall be as follows:
(a) Any watercraft which is rented or offered for rent 75 cents.
(b) For each watercraft 16 feet in overall length or under 75 cents, and an additional fee of 25 cents for each foot over 16 feet.
(c) Dealer's license $5, regardless of the number of watercraft owned by such dealer.
(d) Duplicate licenses may be obtained at a cost of 75 cents.

Subd. 5. Disposition of receipts. All money received by the county auditors and their agents pursuant to sections 361.01 to 361.28 shall be promptly deposited and transmitted to the commissioner in the same manner as money received from the sale of game and fish licenses. All money received by the county auditors and their agents shall be deposited with the state treasurer and shall be expended only as may be authorized by law for administration and enforcement of sections 361.01 to 361.28, inspection of watercraft, and acquisition and development of sites for public access to the waters of this state.

Subd. 6. Expiration, renewal; new licenses. Licenses issued hereunder shall expire on December 31 of the year following the year of issuance and may be renewed in the manner provided for original issuance. No new license shall be issued for any watercraft which has previously been licensed under sections 361.01 to 361.28. After 15 days after the date of expiration, unless notice of abandonment of such watercraft has been given as hereinafter required at least one year prior to the date of application for such new license or unless the application is accompanied by satisfactory proof that the watercraft has been continually outside the state during the entire year prior to such date.

Subd. 7. Loss or destruction, duplicate license. Upon receipt of affidavit of loss or destruction of a license issued hereunder, together with the duplicate license fee, the commissioner shall issue a duplicate license.

Subd. 8. Transfer of ownership, destruction or abandonment of watercraft. Within 15 days after the transfer of ownership, or any part thereof, other than a security interest, or the destruction or abandonment of any watercraft, written notice thereof shall be given to the commissioner in such form as he shall prescribe. Every owner or part owner of a watercraft shall, upon failure to give such notice, be subject to the penalties imposed by sections 361.01 to 361.28. Failure to give such notice of transfer of ownership shall terminate the license thereof and be a ground for its suspension.
Sec. 1. No person shall operate a watercraft on any waters of this state, towing a person on water skis, aqua-plane, surfboard, saucer, or similar device, unless there is in such watercraft either another person in addition to the operator in the position to continuously observe the person being towed, or instead of such observer, the watercraft is equipped with either a curved rear view mirror placed so that the operator may continuously observe the person being towed, or a safety warning device approved by the commissioner.

Subd. 2. No person shall be towed, or shall operate a watercraft towing a person on water skis, aqua-plane, surfboard, saucer or similar device on any waters of this state at any time from one hour and a half after sunset to sunrise of the following day from sunset to sunrise but not necessarily fixed to any part of the boat a lantern or flashlight capable of showing a white light visible all around the horizon at a distance of two miles or more and shall display such lantern or flashlight in sufficient time to avoid collision with another boat.

Subd. 3. All watercraft operating in waters under the jurisdiction of the United States Coast Guard shall comply with United States Coast Guard regulations.

Sec. 2. Every watercraft under 26 feet when underway, shall carry and display the lights as may be required by the U. S. Coast Guard for watercraft of the same length and type.

Sec. 3. Dinghies, tenders and other watercraft whose principal function is as an auxiliary to other larger watercraft may, when so operating, carry, in lieu of other lights required by this section, a flashlight visible to other craft in the area in which it is operating.

Sec. 4. Watercraft 26 feet or more in overall length shall display such lights as may be required by the U. S. Coast Guard for watercraft of the same length and type.

Sec. 5. No person shall operate or control any watercraft while under the influence of intoxicating liquor, narcotic or habit-forming drugs. No owner or operator of such a motorboat while any person is so riding or sitting.

Sec. 6. No person shall operate a watercraft on any waters of this state, towing a person on water skis or other device, unless such watercraft is loaded with passengers or cargo beyond its safe carrying capacity, or which is equipped with any motor or other propulsion machinery beyound its safe power capacity.

Sec. 7. The operator of any watercraft involved in an accident or incident resulting in injury or death to any person or in damage to property shall, if he can do so without serious danger to the watercraft he is operating or the persons aboard, immediately stop at the scene of the accident or incident and render such assistance without serious danger to the watercraft he is operating or the persons aboard, and type.

Sec. 8. Every watercraft under 26 feet when underway, shall carry and display the lights as may be required by the U. S. Coast Guard for watercraft of the same length and type.

Sec. 9. Horn or Whistle; Siren. Subdivision 1. Motorboats 26 feet or more in overall length shall carry a power, hand or mouth operated horn or whistle capable of producing a sound for at least two seconds and audible for at least one-half mile. The operator of such motorboats shall, only when reasonably necessary to ensure safe operation, sound such horn or whistle.

Subd. 2. No siren shall be carried or used on any watercraft other than patrol watercraft. Any siren carried or used in violation of this subdivision may be removed and seized by the sheriff and shall thereupon become the property of the county in which seized and may be used or disposed of as the county board may determine.

Sec. 10. Muffler. No motor shall be used on any watercraft unless it is equipped with an efficient muffler, underwater exhaust or other device which at all times adequately muffles or suppresses the sound of the exhaust of the motor so as to prevent excessive or unusual noise, and no motor shall be equipped with any cut-out.

Sec. 11. Device for arresting backfire. No motor other than a detachable engine shall be used on any watercraft unless its muffler is fitted with a U. S. Coast Guard approved device for arresting backfire.

Sec. 12. Fire extinguisher; ventilation. Motorboats carrying or using fuel or other inflammable or toxic fluid in any enclosure of the boat shall be equipped with a fire extinguisher and an efficient natural or mechanical ventilation system which will remove gases prior to and during the time any person occupies the watercraft.
visions of sections 361.01 to 361.28 relating to the operation and equipment of watercraft while participating in the event authorized.

(1959 c 592 s 20)

361.21 M.S. 1957 [Repealed, 1959 c 592 s 20]

361.21 HAZARDS TO NAVIGATION; REMOVAL OF BUOYS OR STRUCTURES. Subdivision 1. The commissioner may require that a written permit be obtained for the placement of any structure or device which, in his opinion, constitutes a hazard to navigation.

Subd. 2. Except as authorized by the commissioner, no person shall obstruct, remove, damage or destroy any buoy or structure placed in the waters of this state in accordance with sections 361.01 to 361.28 or by authority of the United States.

(1959 c 592 s 21)

361.22 M.S. 1953 [Repealed, 1955 c 707 s 12]

361.22 PENALTIES FOR VIOLATIONS. Subdivision 1. Any person who shall violate any provision of sections 361.01 to 361.28, or any regulation of the commissioner promulgated pursuant to sections 361.01 to 361.28, or who shall operate any watercraft, be prohibited from operating a watercraft for a period of not more than 90 days. Upon a second conviction for any such violation within a period of one year, the court shall prohibit the operator from operating a watercraft for 90 days.

Subd. 2. Any operator who shall operate a watercraft when such operation is prohibited pursuant to subdivision 2, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $100 or by imprisonment for not more than 90 days.

(1959 c 592 s 22)

361.23 M.S. 1953 [Repealed, 1955 c 706 s 12]

361.23 VIOLATION AS EVIDENCE. In all civil actions a violation of any of the provisions of sections 361.04 through 361.20, inclusive, by any of the parties thereto shall not be negligence per se but shall be prima facie evidence of negligence. No record of the conviction of any person for any violation of sections 361.01 to 361.28 shall be admissible as evidence in any court in any civil action.

(1959 c 592 s 23)

361.24 M.S. 1953 [Repealed, 1955 c 706 s 12]

361.24 DUTIES OF SHERIFFS AND COUNTY BOARDS. Subdivision 1. It shall be the duty of the sheriff of each county to enforce the provisions of sections 361.01 to 361.28 and to maintain a program of search, rescue, posting and patrol, and inspection of watercraft for hire. He shall prohibit the use of any watercraft for hire which does not comply with the standards of safety for such watercraft the commissioner shall prescribe. He shall investigate all watercraft accidents and drownings and report his findings to the commissioner in such form as the commissioner shall prescribe. The county board may authorize the employment of additional personnel as it deems necessary to carry out the provisions of this section.

Subd. 2. On or before September 1 of each even-numbered year, the county board of each county shall submit to the commissioner its proposed budget to carry out the provisions of sections 361.01 to 361.28 during the biennium beginning on the following July 1. The commissioner shall review such proposed budgets and incorporate into the budget for department of conservation such parts thereof as he deems necessary and equitable for each county, the total of which shall not exceed 75 percent of the anticipated receipts from the sale of watercraft licenses during such biennium. The amount appropriated for each county shall be paid to such county at the beginning of the fiscal year, and the county may expend such amount for the purpose of carrying out the provisions of this section.

(1959 c 592 s 24)

361.25 M.S. 1953 [Repealed, 1955 c 706 s 12]

361.25 REGULATIONS. The commissioner shall promulgate, in the manner prescribed in Minnesota Statutes, Section 97.53, Subdivision 2, regulations relating to the operation of any watercraft, be prohibited from operating a watercraft for a period of not more than 90 days. Upon a second conviction for any such violation within a period of one year, the court shall prohibit the operator from operating a watercraft for 90 days.

(1959 c 592 s 25)

361.26 M.S. 1953 [Repealed, 1955 c 706 s 12]

361.26 APPLICATION OF STATE LAW; LOCAL REGULATIONS. The provisions of sections 361.01 to 361.28, and of other applicable laws of this state shall govern the operation, equipment, numbering and all other matters relating thereto whenever any vessel shall be operated on the waters of any county, or when any activity regulated by sections 361.01 to 361.28 shall take place thereon. Nothing in sections 361.01 to 361.28 shall be construed as limiting the authority of any political subdivision of this state to adopt regulations, not inconsistent with sections 361.01 to 361.28 and the regulations of the commissioner, relating to the use of waters within its jurisdiction, except that a city of the first class of over 200,000 or the park board thereof, may forbid the use of motorboats or boats with motors attached thereto on its lakes.

(1959 c 592 s 26)

361.27 M.S. 1953 [Repealed, 1955 c 706 s 12]

361.27 BOAT AND WATER SAFETY ACCOUNT; FINES AND FORFEITED BAIL MONEY. Subdivision 1. All license fees received in the state treasury under sections 361.01 to 361.28 shall be credited to the boat and water safety account which is hereby established. All moneys paid into such account prior to July 1, 1961, are hereby appropriated to the commissioner and may be used to defray the expenses of carrying out the purposes enumerated in section 361.03, subdivision 5. Not exceeding 75 percent of such moneys may be paid to such counties and in such amount as the commissioner may determine and be used to defray the expenses of enforcement of the provisions of sections 361.01 to 361.28.

Subd. 2. All fines and forfeited bail money, from violations under sections 361.01 to 361.28 collected from persons apprehended or arrested shall be paid by the justice of the peace, municipal court, or other person or officer collecting such fines, forfeited bail money or installments thereof, within 15 days after the last day of the month in which such moneys were collected, to the county treasurer of the county where the violation occurred. One-half of such receipts shall be credited to the general revenue fund of the county. The other one-half of such receipts shall be transmitted by the county treasurer to state treasurer to be deposited in the credit of the boat and water safety account in the state treasury.

Subd. 3. In order to provide for the immediate implementation of sections 361.01 to 361.28 and to defray the expenses of administration incident thereto, there is hereby appropriated to the commissioner from any moneys in the state treasury not otherwise appropriated the sum of $50,000 to be available for expenditure upon enactment of sections 361.01 to 361.28 and to remain available until expended.

(1959 c 592 s 27)

361.28 M.S. 1957 [Repealed, 1959 c 592 s 29]

361.28 PERSONAL PROPERTY TAXES. The license fee on watercraft as imposed herein is not to be considered in lieu of personal property taxes thereon.

(1959 c 592 s 28)

361.29 M.S. 1957 [Repealed, 1959 c 592 s 29]

361.29 MARINE TOILETS. Subdivision 1. (a) For the purposes of this section the term "watercraft" has the meaning given to it in section 361.01, subdivision
7, and acts amendatory thereof. (b) No person owning or operating a watercraft or other marine conveyance upon the waters of the state of Minnesota shall use, operate or permit the use or operation of any marine toilet or similar device for the disposition of sewage or other wastes, unless the marine toilet is equipped with a treatment device of a type acceptable to the water pollution control commission of the state of Minnesota. No person shall discharge into the waters of this state, directly or indirectly from a watercraft, any untreated sewage or other wastes, nor shall any container of untreated sewage or other wastes be placed, left, discharged, or caused to be placed, left or discharged in or near any waters of this state from a watercraft in such manner or quantity as to create a nuisance or health hazard or pollution of such waters, by any person or persons at any time whether or not the owner, operator, guest or occupant of a watercraft or other marine conveyance.

Subd. 3. The water pollution control commission shall upon request furnish a list of the types of treatment devices currently available and considered acceptable for the purposes of this section for use with such marine toilets. The commissioner of conservation shall furnish the sheriff of each county in the state of Minnesota with a list of such treatment facilities acceptable to the water pollution control commission of the state of Minnesota.

Subd. 4. Any treatment device designed for use with a marine toilet, if in good working condition and of a type acceptable to the water pollution control commission of the state of Minnesota, is presumed to comply with requirements of this section.

Subd. 5. The installation or presence of a marine toilet in a watercraft shall be indicated by the owner upon application for licensing of the watercraft or marine conveyance, and no license for any such watercraft bearing a marine toilet shall be issued except upon certification by the owner of the installation of an acceptable treatment device for use with such marine toilet.

Subd. 6. A person who violates any provision of this section is guilty of a misdemeanor.

362.07 DEPARTMENT OF ECONOMIC DEVELOPMENT. There is hereby created and established a department of the state government to be designated and known as the Department of Economic Development, said department and all officials thereof to be subject to the provisions and limitations of sections 362.07 to 362.24.

362.08 DEFINITIONS. As used in sections 362.07 to 362.24, "department" means the department of economic development, and "commissioner" means the commissioner of economic development.

362.09 COMMISSIONER; ADVISORY COMMISSION. Subdivision 1. The department shall be under the supervision and control of a commissioner of economic development, who shall be appointed by the governor, by and with the advice and consent of the senate for a term to coincide with that of the governor but to serve at the pleasure of the governor.

Subd. 3. A commission of 21 members to act in an advisory capacity to the commissioner is created. Members thereof shall be appointed by the governor, from two members from each congressional district and five from the state at large, for terms to coincide with the term of the governor.

362.10 FUNCTIONS. The department of economic development shall have the following functions:

(1) Research and statistics,
(2) Publicity and promotion,
(3) Promotion of the higher use of agricultural and forest lands,
(4) Business, economic and industrial development services, and
(5) Promotion of tourism.

362.11 DUTIES OF COMMISSIONER. The commissioner shall have power, and it shall be his duty, to exercise the functions, perform the work, and carry on the activities specified in sections 325.07, 325.13 and 325.15 as functions of the department.

362.12 SCOPE OF DEPARTMENTAL POWERS AND DUTIES. Subdivision 1. Enumeration. The department shall:

(3) Investigate and study conditions affecting Minnesota business, industry, and commerce and collect and disseminate information, and engage in technical studies, scientific investigations, and statistical research and educational activities necessary or useful for the proper execution of the powers and duties of the department in promoting and developing Minnesota business, industry, and commerce, both within and outside the state;

(6) Conduct or encourage research designed to further new and more extensive uses of the natural and other resources of the state and designed to develop new products and industrial processes;

(10) Cooperate with interstate commissions engaged in formulating and promoting the adoption of interstate compacts and agreements helpful to business, industry, and commerce;

(11) Cooperate with other state departments, and with boards, commissions, and other state agencies, in the preparation and coordination of plans and policies for the development of the state and for the use and conservation of its resources insofar as such use, conservation, and development may be appropriately directed
ommend limitations on said public works; gather current progress information with reference to public and private works projects of the state and its political subdivisions with reference to conditions of employment; inquire into and report to the governor, when requested by him, with respect to any program of public state improvements and the financing thereof; and request and obtain information from other state departments or agencies as may be needed properly to report thereon; (13) Study changes in population and current trends and prepare plans and suggest policies for the development and conservation of the resources of the state; (14) Study for the state the relative cost and efficiency of public works projects and buildings as compared with private; (15) Generally, gather, compile, and make available statistical information relating to business, trade, commerce, industry, transportation, communication, natural resources, and other like subjects in this state; with authority to call upon other departments of the state for statistical data and results obtained by them and to arrange and compile that statistical information in such manner as may seem wise.
The voters shall place a cross-mark in one of the above squares to express their choice. The ballot shall be cast and counted during the same hours and in the same manner as ballots for the election of town officers of the town, except as herein expressly provided, such meeting and election shall be subject to all the laws of this state regulating town meetings and elections of town officers in the town. [1895 c. 187 s. 8]

366.12 REGULATIONS. If 70 per cent. or more of the voters voting on such question shall vote affirmatively, the town board shall be authorized and empowered to regulate the location, height, bulk, number of stories, size of buildings and other structures, the location of roads and schools, the percentage of lot which may be occupied, the sizes of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of lands, recreation, agriculture, forestry, soil conservation, water supply conservation, or other purposes, and to carry out the provisions of this grant shall issue building permits, and it shall be unlawful to erect, establish, alter, enlarge, use, occupy, or maintain any building, structure, improvement, or premises without first having obtained such permit. This section is subject to the provisions and limitations of section 366.13. [1895 c. 187 s. 8; 1947 c. §94 s. 1]

366.13 ZONING DISTRICTS. For any or all of these purposes the board of supervisors of any such town where a majority of the legal voters voting thereon have voted “Yes” at such an election, may divide the portions of the town into districts or zones of such number, shape, and area as may be deemed best suited to carry out the purposes of sections 366.10 to 366.18, and within such districts or zones it may regulate and restrict the location, height, bulk, number of stories, size of buildings and other structures, the location of roads and schools, the percentage of lot which may be occupied, the sizes of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of lands for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, or other purposes. All such regulations shall be uniform for each class and kind of buildings and for the use of land throughout each district, but the regulations in one district may differ from those in other districts.

No such board of supervisors may make any regulation prohibiting the erection, establishment, alteration, enlargement, use, occupancy or maintenance of any land area or airport as defined by the act of Congress known as the Civil Aeronautics Act of 1938, owned by any municipality, political subdivision, or public corporation created in and for any two or more municipalities, the operation and use of which has been approved by the Department of Aeronautics or by the Civil Aeronautics Board of the United States, nor shall any permit under the provisions of sections 366.10 to 366.18 be required for any such erection, establishment, alteration, enlargement, use, occupancy or maintenance. Any regulations heretofore made by any board of supervisors prohibiting such erection, establishment, alteration, enlargement, use, occupancy or maintenance of airports are hereby abrogated and annulled. [1939 c. 187 s. 4; 1945 c. §94 s. 8]

366.14 PURPOSE OF REGULATIONS. These regulations shall be made in accordance with the comprehensive plan, designed and enacted for the purpose of promoting the health, morals, convenience, order, prosperity, or welfare of the present and future inhabitants of any such town, including, among other things, lessening congestion in streets or roads or excessive amounts of roads; securing safety from fire and other dangers; providing adequate light and air; preventing, on the one hand, excessive concentration of population and, on the other hand, excessive and wasteful scattering of population or settlement; promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve provisions for transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility, food supplies, and protection of both urban and non-urban development. [1895 c. 187 s. 3]

366.15 DISTRICTS OR ZONES, AMENDMENT. The board of supervisors of any such town where a majority of the legal voters voting thereon have voted “Yes” at such election may, from time to time, amend the number, shape, size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of lands, agriculture, forestry, soil conservation, water supply conservation, or other purposes, and to carry out the provisions of this grant shall issue building permits, and it shall be unlawful to erect, establish, alter, enlarge, use, occupy, or maintain any building, structure, improvement, or premises without first having obtained such permit. Any regulations of the zoning resolution shall be uniform for each class and kind of buildings and for the use of lands throughout each district, but the regulations in one district may differ from those in other districts. If any or all of these purposes the board of supervisors of any such town where a majority of the legal voters voting thereon have voted “Yes” at such an election may amend the number, shape, size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of lands, agriculture, forestry, soil conservation, water supply conservation, or other purposes, and to carry out the provisions of this grant shall issue building permits, and it shall be unlawful to erect, establish, alter, enlarge, use, occupy, or maintain any building, structure, improvement, or premises without first having obtained such permit. This section is subject to the provisions and limitations of section 366.13. [1895 c. 187 s. 8; 1947 c. §94 s. 1]

366.16 TOWN BUILDING COMMISSIONER. The board of supervisors of any such town where the majority of legal voters voting thereon have voted “Yes” at such an election may enforce these regulations by withholding building permits, and it shall be unlawful to erect, establish, alter, enlarge, use, occupy, or maintain any building, structure, improvement, or premises without first having obtained such permit. Any regulations of the zoning resolution shall be uniform for each class and kind of buildings and for the use of lands throughout each district, but the regulations in one district may differ from those in other districts. If any or all of these purposes the board of supervisors of any such town where a majority of the legal voters voting thereon have voted “Yes” at such an election may amend the number, shape, size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of lands, agriculture, forestry, soil conservation, water supply conservation, or other purposes, and to carry out the provisions of this grant shall issue building permits, and it shall be unlawful to erect, establish, alter, enlarge, use, occupy, or maintain any building, structure, improvement, or premises without first having obtained such permit. This section is subject to the provisions and limitations of section 366.13. [1895 c. 187 s. 8; 1947 c. §94 s. 1]

366.17 PLANNING AND ZONING COMMISSION. For the purpose of carrying out the provisions of sections 366.10 to 366.18, the board of supervisors of any such town where the majority of legal voters voting thereon have voted “Yes” at such election may appoint a planning and zoning commission, all of whose members shall be freeholders; the number of such commissioners to be determined by the board. The planning and zoning commission shall act as an advisor to such town board, and the commission may be empowered to employ a civil engineer or city planner as may be required for establishing the districts or zones of any parts of such towns. [1895 c. 187 s. 8]

366.18 EXISTING BUILDINGS NOT CHANGED. The zoning resolution, as adopted by the board of supervisors of any such town or as subsequently amended, shall not prohibit the continuance of the use of a building for any trade or industry for which such building was used at the time the resolution took effect, or the alteration of or addition to any existing building for the purpose of carrying on any prohibited trade or industry within the zone where such structures are located. [1895 c. 187 s. 9]

366.181 VIOLATIONS; PENALTIES. Any person who shall knowingly violate, infract, or disobey any of the provisions or the rules of the zoning regulations adopted by any town board pursuant to Minnesota Statutes 1945, Sections 366.10 to 366.18, shall be guilty of a misdemeanor, and upon conviction thereof punished by imprisonment in the county jail or courthouse for not to exceed 90 days, or by fine of not to exceed $100 and costs. [1947 c. 186 s. 1]

366.182 ADOPTION OF BUILDING AND ZONING REGULATIONS, ELECTION. The board of supervisors of any town may submit to the legal voters of the town, for their approval or rejection at an annual town meeting or at any special town meeting called for that purpose the question as to whether or not such board shall adopt building and zoning regulations and restrictions in the town. The
question shall be submitted to the voters in the manner provided in Minnesota Statutes, Section 366.11. If the question is approved by the voters as required in Minnesota Statutes, Section 366.12, the board of supervisors may adopt building and zoning regulations and restrictions in the town in the manner provided in Minnesota Statutes, Sections 366.11 to 366.18.

366.19 LICENSES. Any person who shall exhibit any circus, theatrical performance, or show of any kind, or who shall keep a billiard, pool, or pigeonhole table, or a bowling alley in any town, without first obtaining a license therefor, as provided in section 366.01, shall be guilty of a misdemeanor; and, upon conviction, shall be punished by a fine of not more than $250 or by imprisonment in the county jail for not more than 90 days.

[R. L. s. 632; 1919 c. 408] (1050)

CHAPTER 368

TOWNS; SPECIAL PROVISIONS

368.50 WATERWORKS, SEWAGE DISPOSAL. In addition to the existing powers of the town, the town board of any town having more than 3,000 inhabitants, excluding the inhabitants of incorporated villages or cities therein, and an assessed valuation of taxable property, exclusive of money and credits, of more than $10,000,000, may erect, construct, maintain, and operate a system of waterworks and sewage disposal plant and lay and construct within the platted area thereof such sewers leading to the plant and other equipment necessary to the operation thereof as the board deems advisable. The board may enter into a contract with any city or village located in the town or adjacent thereto for the care, maintenance, and operation of the waterworks, sewage disposal plant, and sewers.

[R. L. s. 377; 1951 c. 397 s 1; 1955 c 500 s 3; 1959 c 686 s 14; Ex1959 c 75 s 1, 2] (1108-57)

368.51 PAYMENT OF COST, BONDS. The cost thereof may be paid from the general revenue funds. If these funds are insufficient therefor the board may issue the negotiable bonds of the town to the amount authorized by the board. The board fixes the denominations and the place and time of payment thereof, which time shall not be more than 25 years from the date thereof. The bonds mature serially and bear interest at a rate not in excess of five percent per annum payable semiannually. The bonds may not be sold for less than their par value and accrued interest thereon. Section 475.60 governs the issuance, negotiation, and sale of the bonds and the proceeds of the bonds may be used only in payment of the cost of the erection, construction, maintenance, and operation of the system of waterworks and sewage disposal plant in the event the revenue are insufficient to pay that cost.

[R. L. s. 377; 1951 c. 225 s 1; 1955 c 500 s 1; 1959 c 686 s 14; Ex1959 c 75 s 1, 2] (1108-58)

368.52 TAX LEVY. The full faith and credit of the town is pledged for the payment of these bonds and the current interest thereon. Each year the board shall include in the tax levy an amount sufficient to pay interest on the bonds as it accrues and to accumulate a sinking fund for the redemption of the bonds at maturity. The town board may levy a tax to pay the principal and interest owing on the bonds commencing with the year 1951 and continuing until the bonds and interest are paid in full in addition to the annual tax levy now permitted by law in the town.

[R. L. s. 377; 1951 c. 397 s 1; 1955 c 500 s 3; 1959 c 686 s 14; Ex1959 c 75 s 1, 2] (1108-59)

368.53 BONDS; FORM, SALE. These bonds when issued shall be sealed with the town seal and signed by the chairman of the board and the town clerk, but the signatures to any coupons attached to the bonds may be lithographed thereon. The bonds shall be sold in such proportions of the whole amount authorized as the town board determines. The total principal amount of bonds issued may not exceed $131,000.

[R. L. s. 377; 1951 c. 225 s 2; 1955 c 500 s 4; 1959 c 686 s 14; Ex1959 c 75 s 1, 2] (1108-60)

368.54, 368.55 [Repealed, 1955 c 500 s 5]
CHAPTER 373
POWERS, DUTIES, PRIVILEGES

373.01 POWERS. Each organized county is a body politic and corporate, and as such empowered to act for the following purposes:

(1) To sue and be sued.

(2) To acquire and hold real and personal property for the use of the county, and lands sold for taxes as provided by law; and to purchase and hold for the benefit of the county real estate sold by virtue of judicial proceedings, to which the county is a party;

(3) To sell, lease, and convey any real or personal estate owned by the county, and to give contracts or options to sell, lease or convey any such real or personal estate, and make such order respecting the same as may be deemed conducive to the interests of its inhabitants; provided, no sale, lease or conveyance of any such real estate, nor any contract or option therefor, shall be valid, without first advertising for bids or proposals in the official newspaper of the county for three consecutive weeks and once in a newspaper of general circulation in the area where the property is located. The notice shall state the time and place of considering the proposals, contain a legal description of any real estate, and a brief description of any personal property. All proposals shall at that time be considered, and the one most favorable to the county accepted, but the county board shall reserve the right, in the interest of the county, to reject any or all proposals. Sales of personal property the value of which is estimated to exceed $500 shall be made only after first advertising, for bids or proposals as herein provided, for real estate. Sales of personal property the value of which is estimated to be less than $500 may be made either on competitive bids or in the open market, in the discretion of the county board. Provided, further, that in no case shall any such lands be disposed of without there being reserved to the county any and all iron ore and other valuable minerals in and upon the same, with right to explore for, mine and remove the same, nor shall such minerals and mineral before or after disposal of the surface rights, otherwise than by mining lease, in similar general form to that provided by section 93.20 for mining leases affecting state lands, such lease to be for a term not exceeding 50 years, and to be issued on a royalty basis, royalty to be not less than 25 cents per ton of 2,240 pounds, and to fix a minimum amount of royalty payable during each year, whether mineral is removed or not; provided, further, prospecting options for such mining leases may be granted for periods not exceeding one year, such options to require, among other things, periodical showings to the county board of the results of exploration work done;

(4) To make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers.

373.27 GREAT RIVER ROAD, FINANCIAL ASSISTANCE. Subdivision 1. The county board of any county lying adjacent to the great river road or through which the great river road passes as now existing or hereafter established, may grant to the Mississippi river parkway commission of Minnesota, the commissioner of highways, or the commissioner of conservation such sums of money as are available and which it deems advisable, not to exceed $2,000 per year, for the following purposes: The promotion and development of the great river road in Minnesota; the paying of actual expenses of commission members incurred in the performance of their duties as commissioners; the purchase of stationery and office supplies; and the payment of dues to the national Mississippi river parkway commission, for the purchase of lands and interests in lands including scenic easements by the grantees, in addition to the normal right of way required.
for the great river road. Such lands and interests in lands may include parkway features such as lands necessary for recreation, safety rest areas, and the conservation of natural scenic beauty, including such areas as submarginal lands, faces of adjacent hillsides, lakeshore and river banks, swamps and residual parcels and areas of historical, archeological or scientific interest, in accordance with the joint report to congress and the plan proposed by the state and approved by the secretary of commerce and the secretary of the interior.

Subd. 2. Such grants of the county may come from any moneys available in the county treasury and the county may levy not to exceed $2,000 in any year upon all the taxable property within the county for the purpose of making the grants herein authorized.

Subd. 3. All moneys received as grants heretofore and hereafter under subdivision 1 of this section shall be deposited in the general revenue fund in the state treasury and credited to a special account in the name of the commission or commissioner named in subdivision 1 of this section to whom it was granted and is appropriated to such person for the purposes specified in the grant. The moneys so granted, credited and appropriated shall not cancel at the end of a fiscal year but shall remain available until expended for the purpose or purposes for which it was granted. If no specific purpose is named in the grant, the moneys shall be available to such commission or commissioner for any of the purposes set forth in said subdivision 1.

NOTE: See sections 161.1419 to 161.145.

CHAPTER 375
COUNTY BOARDS

375.01 MEMBERS, NUMBER OF. Each county shall have a board of five commissioners who shall be known as the county board and whose terms of office shall be four years and until their successors qualify; but, in counties having an area of over 5,000 square miles and a population exceeding 75,000, the board shall consist of seven members.

(R. L. 1947, c. 255, s. 1)

375.18 GENERAL POWERS. Subdivision 1. Accounts, examination, settlement and allowance. Each county board may examine and settle all accounts of the receipts and expenses of the county, and examine, settle, and allow all accounts, demands, and causes of action against the same, and, when so settled, issue county orders thereof, as provided by law.

Subd. 2. Manage property, funds, business. Each county board may have the care of the county property, and management of the county funds and business, except in cases otherwise provided for, and make such orders concerning the same as it deems expedient.

Subd. 12. Parks, acquisition of land. Each county board may acquire by gift or purchase and improve not exceeding one acre of land within the county, for use as a park, site for a building, or other public purpose, and, when required by the public interest, sell and convey the same; which land may be paid for out of moneys in the county treasury not otherwise appropriated, or by issuing bonds of the county.

375.19 ADDITIONAL POWERS. In addition to all other powers now or hereafter by law conferred upon county boards, authority hereby is given to receive and accept for their counties real or personal property by gift, bequest, devise, conveyance, or otherwise from any person whose care, support, treatment, or maintenance, in whole or in part, is or may be chargeable to or furnished or provided by such counties, and to hold or dispose of the same for the benefit of their counties, as by law provided in the case of other county property; to permit use of county equipment for soil conservation projects and to make annual expenditures from the general revenue fund for soil conservation purposes not exceeding an aggregate amount of one cent per acre of all lands included within soil conservation districts in the county. All expenditures made by any county board of commissioners subsequent to May 1, 1947, not exceeding the annual amount herein provided for, are hereby validated.

[1933 c. 241; 1947 c. 855 s. 1; 1951 c. 645 s. 1]

375.471 LAND CONSERVATION AND UTILIZATION; FEDERAL AID. The county boards of the several counties which have been designated as a resource conservation and development project area under the provisions of 7 USCA, Sec. 1011(e) and acts amendatory thereof, are authorized to enter into such agreements as may be necessary with the secretary of agriculture of the United States and other agencies of the federal government for the program of land conservation and land utilization authorized by 7 USCA, Sec. 1010 and acts amendatory thereof, to accept assistance therefor under 7 USCA, Sec. 1011 and acts amendatory thereof, to engage in such works of improvement as are necessary to effectuate the purpose of such acts and to cooperate with the said secretary of agriculture and federal agencies to the end that residents of this state shall obtain the benefits and
advantages available to them and intended by congress to be so available in such cases. The said county boards shall comply with any and all requirements of federal law and any rules and regulations promulgated thereunder and with appropriate state laws in accomplishing the purposes here intended. If a proceeding is instituted by petition for an improvement under this section, the proceedings thereafter be conducted by a board in the same manner as is provided for the establishment of a drainage system under chapter 105. A majority of the landowners as defined in section 106.031, shall be required for a valid petition. They may also proceed under and exercise the authority granted by sections 110.121 to 110.126 or as otherwise provided by law.

[1967 c 585 s 1]

375.48 COUNTY ADMINISTRATOR; APPOINTMENT; QUALIFICATIONS. Subdivision 1. The board of county commissioners of any county may appoint and employ a county administrator upon such terms and conditions as it deems advisable and is authorized to appropriate funds and provide suitable office space for such office. The county board shall set the salary of the administrator. He shall be chosen solely on the basis of his training, experience and administrative qualifications and need not be a resident of the county at the time of his appointment. The county administrator serves at the pleasure of the board and his employment may be terminated by the board without notice. The county board may provide for his tenure of office.

Subd. 2. The county board may appoint as county administrator any county officer or employee except a county commissioner during the term for which he was elected. If a county officer or employee is appointed county administrator, the county board may provide that the duties of county administrator are in addition to his duties as such officer or employee.

[1967 c 585 s 1]

375.49 DUTIES OF COUNTY ADMINISTRATOR. Subdivision 1. The county board shall prescribe the duties and responsibilities of the county administrator. Insofar as required by the county board, he is responsible to the board for the proper administration and management of any duty assigned to him and for these purposes is deemed the head of a department.

Subd. 2. The county administrator may be assigned any of the following duties and responsibilities.
   (a) To manage any or all of the affairs of the county which county board has authority to control;
   (b) To examine regularly the books, papers and accounts of each department office, and agency of the county under the control of the county board and to report to the board the condition in which he finds them and such other information as the board directs;
   (c) To submit to the board such recommendations concerning the affairs of the county, its future financial needs, and its offices, departments and agencies as he deems proper;
   (d) To see that all orders, resolutions and regulations of the county board are faithfully executed;
   (e) To initiate and present a proposed annual budget to the county board for its review and consideration; and
   (f) To serve as clerk of the county board. Upon the adoption of a resolution directing the county administrator to assume the responsibilities of clerk of the board, the county auditor shall no longer be held responsible for the duties as clerk to the board imposed by section 381.09.

[1967 c 585 s 1]

375.50 RESCISSION OF RESOLUTION ESTABLISHING ADMINISTRATOR'S OFFICE. The board at any time may rescind the resolution establishing the office of county administrator. Any duties and responsibilities previously assigned to the county administrator, upon adoption of the rescinding resolution, shall be vested in the officer or department which had responsibility for the function previous to the transfer of the function to the county administrator.

[1967 c 585 s 3]

375.51 ORDNANCES; ENACTMENT, PUBLICATION. Subdivision 1. Enactment. In any instance in which a county board is authorized by law to enact ordinances, such county ordinances shall be adopted in the manner hereinafter prescribed except as otherwise provided by law. Every county ordinance shall be enacted by a majority vote of all the members of the county board except where a lesser number is required by law. It shall be signed by the chairman of the board and attested by the clerk of the board. The ordinance shall be published as hereinafter provided. Proof of the publication shall be attached to and filed with the ordinance in the office of the county auditor. Every ordinance shall be recorded in an ordinary record office of the county within 20 days after its publication. All ordinances shall be suitably entitled and shall be substantially in the style: "The county board of... County ordinance:"

Subd. 2. Notice of Intention. No ordinance of a county shall be enacted unless a notice of the intention to enact such ordinance has been published in the official newspaper of the county. Such publication is to be considered. The notice shall state the subject matter and the general purpose of the proposed ordinance. Proof of the publication of the notice shall be attached to and filed with the ordinance, if enacted, in the office of the county auditor.

375.52 ORDNANCE PUBLICATION. Every ordinance enacted by a county board shall be published at least once as part of the proceedings of the meeting at which the ordinance was enacted. Publication shall be made in the official newspaper of the county but additional publications, either in the official newspaper or other newspaper, may be ordered. An ordinance may be published in its entirety, or otherwise as the board provides.

To the extent of the authority described in subdivision 1 of this section, a county may incorporate in an ordinance by reference any statute of Minnesota, any administrative rule or regulation of any department of the state of Minnesota affecting the county, or any code. The term "code" as used herein means any compilation of regulations or standards or parts thereof prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, public health, safety, or general welfare.

In the case of lengthy ordinances, or ordinances which include charts or maps, the ordinance need not be published in its entirety if the title of the ordinance and a summary of the ordinance is included in the publication of the proceedings of the meeting at which the ordinance was enacted. In such case and in the case a statute, administrative rule or regulation or a code is adopted by reference, all requirements of statute for the publication of ordinances shall be satisfied if the summary of the ordinance or the code is published in the required manner and if, prior to such publication, at least three copies of the entire ordinance or of the statute, rule, regulation or code are marked as official copies and filed for use and examination by the public in the office of the county auditor. Provisions of the entire ordinance or of the statute, rule, regulation or code thus incorporated in such ordinance by reference shall be as much a part of the ordinance as if they had been set out in full therein.

[1967 c 698 s 1]

375.53 REVISION AND CODIFICATION. Any county may revise and codify and print in book, pamphlet or newspaper form any general and special laws, ordinances, resolutions and rules in force in the county. Such codification shall be a sufficient publication of any ordinance included in it and not previously published in a newspaper if a substantial quantity of the codification is printed for general distribution to the public. A notice that copies of the codification are available in the office of the county auditor shall be published in the official county newspaper for at least two successive weeks. The county board is authorized to make a reasonable charge for the cost of printing and distribution of ordinances or a codification of ordinances.

[1967 c 698 s 2]

375.54 VIOLATIONS OF ORDINANCES, PENALTIES. The county board shall have power to declare that the violation of any ordinance shall be a penal offense and to prescribe penalties therefor. Such penalties shall not exceed those permitted for conviction of a misdemeanor as defined by law.

[1967 c 698 s 3]

375.55 PROSECUTIONS UNDER ORDINANCE. All prosecutions for violation of county ordinances shall be brought by the county attorney in the name of the county upon complaint and warrant as in other criminal cases.

[1967 c 698 s 4]
378.01 NAMING LAKES, RIVERS, STREAMS, AND BODIES OF WATER; PETITION. When it is desired to change the name of, or give a name to, any unnamed lake, river, stream, or body of water located within the boundaries of this state, the State Geographic Board, or any 15 or more legal voters residing within the county where all or any part of such body of water is located, may petition the board of the county wherein the petitioners reside, or in which the body of water is located, to change the name of, or to give a name to, any previously unnamed lake, river, stream, or other body of water, however designated. The petitioners shall describe, in their petition with reasonable correctness, the location of any such lake, river, stream, or other body of water; the name, if any, by which it may then be known, or if without any name, such fact shall be stated; the name or names which the petitioners desire given to the body of water; and the reason for such change of name or for giving the designated name to any previously unnamed body of water. The petitioners shall set out after each of their names, as signed to the petition, their place of residence. No name of any lake, river, stream, or other body of water, which name has existed for 40 years, shall be changed under any such petition. The petitioners may include in the petition any number of lakes, rivers, streams, or other bodies of water, the names of which they may desire to be heard thereon and shall make an order, by resolution, fixing and determining the name which any lake, river, stream, or other body of water described in the petition shall have and bear, and the name so fixed by the board shall be the name of such lake, river, stream, or other body of water and such designation shall thereafter be used and followed as its legal name. In any petition, any body of water located within the boundaries of more than one county, then the county boards of the several counties affected shall act jointly and as one body, a majority of such joint body being sufficient to determine upon a name; the county auditor with whom such a petition shall be filed shall forward by mail a certified copy of such petition to the auditor of each of the counties so affected, who shall proceed to the respective county boards, and the notice of hearing thereon determined upon by the joint board shall be published in each such county as provided in section 378.02. The auditor of the county in which the petition was filed shall make and file certified copies of the resolution so adopted in the office of the register of deeds of each county affected at the expense of the petitioners.

378.02 HEARINGS BY COUNTY BOARD. On the filing of such petition with the auditor of the county wherein the petitioners reside, or in which the body of water is located, and presenting therewith the necessary copies thereof hereafter required, such auditor shall present the petition to the board of the county, which board shall by order fix the day and place of hearing on the petition to be held more than 30 days thereafter, of which hearing notice shall be given in the newspaper designated by the county board as the official newspaper for the county; provided that the hearing may be held at any convenient place within the county, as shall be determined by the board. On the day fixed for the hearing any legal voters in the county, or any municipality, may appear, by attorney or in person, and file an answer to the petition, setting out in plain concise language why the prayer of the petitioners should not be granted in whole or in part, and, may in the answer pray the county board to give another or different name to the lake, river, stream, or other body of water than the one prayed for in the original petition. The petitioners may include in the petition any number of lakes, rivers, streams, or other bodies of water, the names of which they may petition to have changed, or any number of previously unnamed lakes, rivers, streams, or other bodies of water which they may desire to have given a name by the board in the proceedings, and the same procedure shall be had on the petition in such event as though only one lake, river, stream, or other body of water be described in the petition.

378.03 NOTICES OF HEARINGS. Notice of the time and place of hearing on any such petition shall also be served on the State Geographic Board and personally on the chairman of the town board of any village, town, city, or other incorporated political subdivision any such lake, river, stream, or other body of water involved in the hearing may be located and it shall be the duty of such official on whom the notice of hearing shall be served, to present such notice to the board or council who shall determine whether a hearing shall be held and as they shall deem to be for the public interest.

378.04 HEARINGS; PROCEDURE; WATERS IN MORE THAN ONE COUNTY. At the time fixed by the notice of hearing on the petition, or at any time before the hearing, any person may object to the hearing, and shall be heard thereon, and shall be entitled to be heard thereon, and the board shall hear all parties desiring to be heard thereon and shall make an order, by resolution, fixing and determining the name which any lake, river, stream, or other body of water described in the petition shall have and bear, and the name so fixed by the board shall be the name of such lake, river, stream, or other body of water and such designation shall thereafter be used and followed as its legal name. In any petition, any body of water located within the boundaries of more than one county, then the county boards of the several counties affected shall act jointly and as one body, a majority of such joint body being sufficient to determine upon a name; the county auditor with whom such a petition shall be filed shall forward by mail a certified copy of such petition to the auditor of each of the counties so affected, who shall proceed to the respective county boards, and the notice of hearing thereon determined upon by the joint board shall be published in each such county as provided in section 378.02. The auditor of the county in which the petition was filed shall make and file certified copies of the resolution so adopted in the office of the register of deeds of each county affected at the expense of the petitioners.

378.05 NAMES NOT TO BE DUPLICATED. In choosing and fixing the name of any river, lake, stream, or other body of water, the county board or boards shall, as far as possible, not duplicate names of existing lakes, rivers, streams, or other bodies of water, and shall select and approve such names therefor, as shall in their judgment be for the permanent good and best interests of the county or counties affected. To that end, the auditor of the county wherein a petition shall be filed shall cause a copy thereof, together with a copy of the notice of hearing thereon, to be forwarded by mail to the director of water resources and engineering, who shall compare the names suggested in the petition with the names of other lakes, rivers, streams, or bodies of water within the state and report back to the auditor before the date of the hearing, his findings and recommendations.

378.06 PETITIONERS TO GIVE BONDS. Before any such petition shall be acted upon or the notice of hearing given, the petitioners shall give a bond to be approved by the county auditor of the county wherein the petition has been filed, conditioned upon the full payment of all reasonable expenses which the county or counties shall incur in such proceeding; provided, that the State Geographic Board shall not be required to give bond hereunder.

378.20 BATHING BEACHES. Subdivision 1. Bathing beach. A public bathing beach, as the term is used in this section, shall be taken to mean any public beach, including any shore or adjacent public waters, which have been or may be used for bathing or swimming, or any privately owned place which the public is permitted to frequent for use or use of bathing. Subd. 2. Hennepin county, unlawful to bathe at public beaches at certain times. No person, or any such public waters shall be closed to bathing, swimming, and congregating after the hour of 9:00 p.m., or after any time between 9:00 a.m. and 10:30 a.m. of any day, in the manner hereinafter prescribed.
SUbd. 5. Not restrictive. Nothing in this section shall limit or abrogate any of the existing powers of any body or governing board of any county, city, village, or town.

SUbd. 6. Penalty. Any person violating any of the provisions hereof shall be guilty of a misdemeanor.

378.21 GUARDING ICE-CUTTING. Every person cutting ice in or upon any waters wholly or partly in the state, for the purpose of removing the ice, at or before the time of commencing such cutting, shall surround the cuttings and openings with fences or guards sufficient to warn all persons of the same, and shall maintain such fence or guard until the ice has again formed in such openings to the thickness of at least six inches. Every such person who shall fail to comply with any requirement of this section shall be guilty of a misdemeanor.

CHAPTER 394
BUILDING AND PLANNING COMMISSIONS; PLANNING DEVELOPMENT, ZONING

394.06 PLANNING COMMISSION AUTHORIZED. There is hereby authorized to be created in any county of this state now or hereafter containing a city of the first class, the area of which city comprises at least 25 percent of the total area of the county, or city of the second class, a county planning commission of not less than four and not more than 20 members.

394.07 TOWN BOARD MAY HAVE MEMBERS ON COMMISSION. The town board of any town desiring to be represented on said county planning commission may appoint, and at its pleasure may remove, two members of said commission. The governing body of each city and village, other than the city of the first or second class, desiring to be represented on said commission may appoint, and at its pleasure may remove, two members of said commission. When appointments to said commission are first made, the appointing authority shall appoint one member for a two year term and another member for a four year term, after which all subsequent appointments shall be for a four year term. Members shall hold office until their duly appointed successors have qualified. Appointments to fill vacancies shall be for the unexpired portion of the term. The county auditor and the county surveyor shall be members of said commission. Certified copies of the minutes of the meetings of the appointing bodies at which appointments under sections 394.06 to 394.17 are made shall be filed with the county auditor.

394.09 DUTIES; POWERS. The county planning commission shall have power and authority; except as otherwise provided by law:

(1) To propose a general comprehensive plan or plans for the future physical development of the county or parts thereof outside of the limits of the city of the first or second class. Such plan or plans may include, among other things, the location, character, and extent of state highways, thoroughfares, viaducts, subways, bridges, water front blockades, by-ways, playgrounds, squares, parks, aviation fields, public ways, public forests, wild life sanctuaries, botanical garden grounds, public buildings, public utilities, building lines, and restricted building districts of all buildings, public or private;

(2) To propose a plan or plans which will divide the county into zones or districts and limit and regulate the construction, height, bulk, location, and use of buildings and other structures and premises and lot areas in such zones or districts;

(3) To propose a plan or plans concerning the marking of historical landmarks, and location of statuary and other works of art which are or may become the property of the county and the removal or relocation of any such work belonging to the county;
To propose a part of a plan covering one or more of the towns, cities, other than the city of the first class, villages, sections, or divisions of the county and may from time to time propose alterations, amendments, or additions to any plan or plans;

(5) To cooperate with other planning boards and commissions of the county in the execution of its powers and authority.

394.10 PLANS PREPARED UPON REQUEST OF TOWN BOARD. Whenever requested by the town board or the governing body of any city or village, other than a city of the first or second class, the county planning commission shall, at the expense of the town or city or village making such request, prepare a plan or alteration, amendment, extension, or addition of any existing plan for the future growth and development of such town or city or village making such request, prepare a plan or alteration, amendment, extension, or addition of any existing plan for the future growth and development of such town or city or village. It shall submit said plan together with all maps, drawings, and recommendations of the commission to the town board or governing body of the city or village affected. Such town board or governing body shall give due notice of and shall hold at least one public hearing before accepting or rejecting such plan, which acceptance or rejection shall be made within 90 days of the date of its submission to the town board or governing body of the city or village.

394.11 ADDITIONAL POWERS TO COMMISSION. The town boards of all towns within said county and the governing bodies of the said cities and villages, other than the city of the first or second class, may grant to such planning commission such further and additional powers as may be necessary to carry out the purposes of sections 394.06 to 394.17.

394.21 AUTHORITY TO CARRY ON COUNTY PLANNING AND ZONING ACTIVITIES. Subdivision 1. For the purpose of promoting the health, safety, morals, and general welfare of the community any county in the state having less than 300,000 population according to the 1950 federal census is authorized to carry on county planning and zoning activities.

Subd. 2. Sections 394.21 to 394.37 shall not become operative in any county until the board of county commissioners shall have accepted and adopted a comprehensive plan.

Subd. 3. For each such district a zoning ordinance or map or regulations or both may be adopted.

394.22 DEFINITIONS. Subdivision 1. The words or terms as used in sections 394.21 to 394.37 have the meanings given them in these sections unless a different meaning is clearly indicated by the context.

Subd. 2. "Board" means the board of county commissioners.

Subd. 3. "Governing body" means a town board of supervisors, the council of a municipality, or board of county commissioners.

Subd. 4. "Municipality" means a city, village, or borough however organized.

Subd. 5. "Planning agency" unless otherwise indicated means a county planning agency, the county auditor, or any governmental or nongovernmental agency, authority, commission, or board created for the purpose of administering the provisions of the comprehensive plan.

Subd. 6. "Official control" means legislatively defined and enforced governmental activities, standards, restrictions, and regulations, and other criteria, all of which control the physical development of a municipality or a county or any part thereof or any detail thereof, and are the means of implementing regulations into regulations and ordinances all or portions of which is a part of the general objectives of the comprehensive plan. Such official controls may include but are not limited to ordinances establishing zoning, subdivision control, platting, and the adoption of detailed maps.

394.23 COMPREHENSIVE PLAN. The board shall have the power and authority to prepare a comprehensive plan for the orderly future physical development of the area of the county or parts thereof outside the incorporated limits of municipalities. The plan, which may include text and maps, shall be approved and certified by the board and when so certified shall be referred to as the comprehensive plan. The plan may thereafter be amended or added to by the board.

394.24 OFFICIAL CONTROLS. Subdivision 1. Official controls which shall further the purposes and objectives of the comprehensive plan and parts thereof shall be adopted by resolution of the board.

Subd. 2. Official controls adopted by a board shall apply to and be binding on any area or parts thereof outside the incorporated limits of a city, village, or borough.

394.25 FORM OF CONTROL. Subdivision 1. Official controls may include but are not limited to the features set forth in this section.

Subd. 2. The establishment of zoning districts within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation, surface water drainage and removal, and additional uses of land may be encouraged, regulated, or prohibited and for such purposes the board may divide the county into districts of such number, shape, and area as may be deemed best suited to carry out the comprehensive plan.

Subd. 3. For each such district a zoning ordinance or map or regulations or both may be adopted-designating or limiting the location, height, bulk, number of stories, size of, and the specific uses for which dwellings, buildings, and structures may hereafter be erected or altered; the minimum and maximum size of yards, courts, or other open spaces; sanitary, safety, and protective measures that shall be required for such dwellings, buildings, and structures; the area required for public streets and public buildings, civic centers, and travel service facilities showing exact location, size, boundaries, and other related features included in the comprehensive plan.

Subd. 4. Maps for highways, roads, parkways, roads, and streets showing the exact alignment, gradients, dimensions, and other pertinent features, and including specific controls for setback from the right of way against encroachment by buildings or other physical structures or facilities.

Subd. 5. Specific regulations and controls to other subjects in the comprehensive plan or any code. The planning commission or any governmental or nongovernmental agency, authority, commission, or board creating the comprehensive plan may adopt regulations protecting such future sites against encroachment by buildings and other physical structures or facilities.

Subd. 6. A zoning ordinance as part of or supplemental to any of the provisions or regulations of controls adopted in accordance with the provisions of sections 394.21 to 394.37.

Subd. 7. Specific regulations and controls pertaining to other subjects incorporated in the comprehensive plan or enacting standards and procedures to be employed in land development including, but not limited to, subdividing land and the approval of land plats and the preservation of streets and land for public purposes requiring future dedication or acquisition and general design of physical improvement.

Subd. 8. Any statute of Minnesota, any administrative rule or regulation of any department of the state of Minnesota affecting the county, or any code. The term "code" as used herein means any compilation of regulations or standards or part thereof of a governmental agency or an adoption or reference to a governmental agency or a governmental agency or a governmental agency for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, public health, safety, or welfare. All requirements of statutes for the publication or posting of resolutions shall be satisfied in such case as if the resolution incorporating the statutes, regulation, ordinance, code or any code in the required manner and if, prior to such posting or publication, at least three copies of the statute, rule, regulation, ordinance or code are made as official copies and filed for use and examination by the public in the office of the county auditor. Provisions of the statute, rule, regulation, ordinance or code thus incorpor-
394.36 PUBLIC HEARING REQUIRED. Subdivision 1. Before approving all or any part of the comprehensive plan or any amendment, extension, or addition thereto, or any official control, or any commission, extension, amendment, or addition thereto, at least one public hearing shall be held with regard to the plan or the control or any amendment, extension, or addition to either. Such public hearing may be continued from time to time and additional hearings may be held.

Subd. 2. The time, place, and purpose of such public hearing shall be given by publication in a newspaper of general circulation in the town, municipality, or other area concerned, and in the official newspaper of the county, at least ten days before the hearing.

Subd. 3. Public hearings required by this subdivision shall be conducted by the planning advisory commission as provided in Minnesota Statutes, Section 394.30, subd. 2, or in the event no planning advisory commission has been established, the meeting shall be conducted by such person as the board of county commissioners shall direct.

394.37 POWERS AND DUTIES OF A BOARD OF ADJUSTMENT. Subdivision 1. Whenever a board of county commissioners shall have adopted official controls it shall at the same time as the adoption of such controls create a board of adjustment, provided that any county which prior to the effective date of Laws 1959, Chapter 559, has adopted a zoning ordinance or official controls shall create a board of adjustment within 90 days of the effective date of Laws 1959, Chapter 559.

Subd. 2. The board of adjustment shall consist of three members whose appointment, term of office, or removal from the board shall be as provided in the resolution creating the board of adjustment; provided that no elected officer of the county nor any employee of the board of commissioners shall serve as a member of the board of adjustment and that one member of such board shall be a member of the county board.

Subd. 3. The board of adjustment shall elect a chairman and vice chairman from among its members and shall appoint a secretary who need not be a member of a board. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations.

Subd. 4. The meetings of the board of adjustment shall be held at the call of the chairman and at other times as the board in its rules of procedure may specify.

Subd. 5. The board of adjustment shall act upon all questions as may arise in the administration of any ordinance or official control, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative officer enforcing any ordinance adopted pursuant to the provisions of sections 394.21 to 394.37. The members of such board of adjustment shall serve without compensation but may be paid their necessary expenses in attending meetings of the board and in the conduct of the business of the board.

Subd. 6. Such appeal shall be taken in such time as shall be prescribed by the board of adjustment by general rule, by filing with the board of adjustment a notice of appeal specifying the grounds thereof. The board of adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant and the officer from whom the appeal is taken and decide the same within a reasonable time. The board of adjustment may reverse or affirm wholly or partly, or modify the order, requirement, decision, or determination as in its opinion ought to be done in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a warrant. The reasons for the board's decision shall be stated. The decision of such board shall not be final and any person having an interest affected by such ordinance shall have the right to appeal to the district court in the county in which the land is located on questions of law and fact.

394.28 APPROPRIATION FOR PLANNING ACTIVITY. The board of county commissioners shall provide the funds, equipment, and accommodations necessary for such planning activity as the board determines. Such appropriation may include funds for the purpose of matching funds of other governmental units or for joint ventures engaged in with other governmental units.

Any county providing for planning activities may receive grants-in-aid from or enter into reasonable agreements with any other local government of the United States or the state of Minnesota, to arrange for the receipt of federal or state funds in the interest of furthering the planning program.

394.29 MAY EMPLOY DIRECTOR OR INSPECTOR AND STAFF. To carry out the purposes of sections 394.21 to 394.37 the board may employ a planning director or inspector and such staff as it deems necessary; or the board may employ or contract with a planning agency, authority, or commission, or with planning consultants, or with other specialists for such services as it requires.

394.30 PLANNING ADVISORY COMMISSION. Subdivision 1. The board of county commissioners, which has adopted a resolution indicating its intent to provide for the planning of the county, and which has appointed a planning advisory commission of not less than five nor more than seven members, and which has adopted a resolution creating the commission, may at the same time as the adoption of such controls create a board of adjustment, provided that not less than three shall be residents of the portion of the county lying outside the incorporated limits of a city or other area concerned, and in the official newspaper of the county, at least ten days before the hearing.

Subd. 2. The board of adjustment shall consist of three members whose appointment, term of office, or removal from the board shall be as provided in the resolution creating the board of adjustment; provided that no elected officer of the county nor any employee of the board of commissioners shall serve as a member of the board of adjustment and that one member of such board shall be a member of the county board.

Subd. 3. The board of adjustment shall elect a chairman and vice chairman from among its members and shall appoint a secretary who need not be a member of a board. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations.

Subd. 4. The meetings of the board of adjustment shall be held at the call of the chairman and at other times as the board in its rules of procedure may specify.

Subd. 5. The board of adjustment shall act upon all questions as may arise in the administration of any ordinance or official control, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative officer enforcing any ordinance adopted pursuant to the provisions of sections 394.21 to 394.37. The members of such board of adjustment shall serve without compensation but may be paid their necessary expenses in attending meetings of the board and in the conduct of the business of the board.

Subd. 6. Such appeal shall be taken in such time as shall be prescribed by the board of adjustment by general rule, by filing with the board of adjustment a notice of appeal specifying the grounds thereof. The board of adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant and the officer from whom the appeal is taken and decide the same within a reasonable time. The board of adjustment may reverse or affirm wholly or partly, or modify the order, requirement, decision, or determination as in its opinion ought to be done in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a warrant. The reasons for the board's decision shall be stated. The decision of such board shall not be final and any person having an interest affected by such ordinance shall have the right to appeal to the district court in the county in which the land is located on questions of law and fact.

394.31 RELATION TO OTHER COUNTY AUTHORITY. Nothing in sections 394.21 to 394.37 shall prevent the board acting pursuant to the authority granted by sections 394.21 to 394.37 from or enter into reasonable agreements with any other local government of the United States or the state of Minnesota, to arrange for the receipt of federal or state funds in the interest of furthering the planning program.
to apply to the area within the municipality. Notwithstanding the adoption of the comprehensive plan and recommendations for the municipality the plan and recommendations shall not become binding until official controls are adopted by the municipality in accordance with the plan.

Subd. 4. The board of supervisors of any town which has adopted building and zoning regulations and restrictions pursuant to law shall have the authority granted the governing body of any municipality as provided in this section.

394.33 RELATIONS WITH TOWNS. The governing body of any town may continue to exercise the authority to plan and zone as provided by law, but after the adoption of official controls for a county or portion thereof by the board of county commissioners no town shall enact official controls inconsistent with the standards prescribed in the official control adopted by the board. Nothing in this section shall limit any town's power to zone more restrictively than provided in the controls adopted by the county.

394.34 INTERIM ZONING. If a county is conducting, or in good faith intends to conduct studies within a reasonable time, or has held or is holding a hearing for the purpose of considering a comprehensive plan or official controls or an amendment, extension, or addition to either, or in the event new territory for which no zoning may have been adopted, may be annexed to a municipality, the board in order to protect the public health, safety, and general welfare may adopt as an emergency measure a temporary interim zoning map or temporary interim zoning ordinance, the purpose of which shall be to classify and regulate uses and related matters as constitutes the emergency. Such interim resolution shall be limited to one year from the date it becomes effective and to one year to renewal thereafter.

394.35 FILING WITH REGISTER OF DEEDS. Upon the adoption of any ordinance or official control including any maps or charts supplemented to or as part thereof, the county auditor shall file a certified copy thereof with the register of deeds for record.

394.36 NONCONFORMING USES. Subdivision 1. The lawful use or occupation of land or premises existing at the time of the adoption of an official control hereunder may be continued, although such use or occupation does not conform to the provisions thereof, but if such nonconforming use or occupancy is discontinued for a period of more than one year, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

Subd. 2. The board may by resolution as herein provided prescribe such regulations not contrary to law as it deems desirable or necessary to regulate and control, or reduce the number or extent of or the gradual elimination of nonconforming uses and occupancies.

394.37 ENFORCEMENT. Subdivision 1. The board shall provide for the enforcement of sections 394.21 to 394.37 and of ordinances, resolutions, and regulations made thereunder and may impose enforcement duties on any officer, department, agency, or employee of the county.

Subd. 2. It is declared unlawful for any person to violate any of the terms and provisions of sections 394.21 to 394.37 or the provisions of any ordinance, regulation, or other official control adopted by the board. Violation thereof shall be a misdemeanor. All fines for violations shall be paid to the county and shall be credited to the general revenue fund.

Subd. 3. In the event of a violation or a threatened violation of sections 394.21 to 394.37 or any ordinance, regulation, or other official control adopted hereunder, the board, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations and it is the duty of the county attorney to institute such action.

Subd. 4. Any taxpayer of the county may institute mandamus proceedings in district court to compel specific performance by the proper official or officials of any duty required by sections 394.21 to 394.37 or by any ordinance adopted thereunder.

CHAPTER 396
COUNTY ZONING: FOREST LANDS

396.01 ESTABLISHED IN CERTAIN COUNTIES. For the purpose of precboning health, safety, morals, public convenience, general prosperity and public welfare, the county board of any county in which there is now or may hereafter be located a state forest or a federal forest, or a state conservation area, is hereby empowered to regulate and restrict within the county the location and the use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, water conservation, forestry, and other purposes.

[1959 c. 559 s. 1] (669-37)

396.02 COUNTY BOARD TO DESIGNATE DISTRICTS. For any or all of the purposes designated in section 396.01, the county board may by ordinance divide all or any part of the unincorporated portions of the county into districts of such number, shape, and area as may be deemed necessary, and may likewise enact suitable regulations to carry out the purposes of this chapter. These regulations shall be uniform in each district, but the regulations in one district may differ from those in other districts.

[1959 c. 559 s. 2] (669-38)

396.03 OBJECT OF REGULATIONS. These regulations shall be made in accordance with a comprehensive plan and designed for any or all of the following purposes:

1. To promote the health, safety, morals, public convenience, general prosperity and public welfare;
2. To encourage a distribution of population and a mode of land utilization which will facilitate the economical and adequate provision of transportation, roads, water supply, drainage, sanitation, education, recreation, or other public requirements;
3. To conserve and develop natural resources;
4. To lessen governmental expenditures;
5. To conserve and develop natural resources;
6. To prevent soil erosion;
7. To protect the state's agricultural or other industries;
8. To protect the food supply;
9. To protect the use or occupation of lands or premises;
10. To prevent waste.

These regulations shall be made with a reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses.

[1959 c. 559 s. 3] (669-39)

396.04 INVESTIGATIONS. The county board, in conjunction with the town boards of the affected areas shall investigate and determine the necessity of establishing districts and prescribing regulations therefor, as herein provided; and, for that purpose, shall consult with residents of affected areas, and with federal, state, and other agencies concerned. State, county, town, city, and village officials, departments, or agencies are hereby authorized to make available, upon request of the county board, such pertinent information as they may possess, to render technical assistance, and to cooperate in assembling and compiling pertinent information.

[1959 c. 559 s. 4] (669-40)
396.05 COUNTY BOARD TO PREPARE PLAN. After investigation, as herein provided, the county board shall prepare a proposed ordinance establishing districts and prescribing regulations therefor, as herein provided, which shall be approved by the town boards of the areas affected and filed in the office of the county auditor.

1939 c. 340 s. 5 (669-41)

396.06 HEARINGS. After the filing of the proposed ordinance, the county board shall hold a public hearing thereon, at which the proposed ordinance shall be submitted, and parties in interest and citizens shall have an opportunity to be heard. Notice of the time, place, and purpose of the hearing shall be published once each week for three consecutive weeks in the official newspaper of the county, and in such other legal newspapers published in the county as the county board may deem necessary.

1939 c. 340 s. 6 (669-42)

396.07 PUBLICATION OF ORDINANCES. Following the public hearing, the county board may adopt the proposed ordinance, with such changes as it may deem advisable. Forthwith after the adoption of any such ordinance, the county auditor shall cause the same to be published for three successive weeks in the official newspaper of the county and in such other legal newspapers published in the county as the county board may deem necessary. Proof of such publication shall be filed in the office of the county auditor and thereon the ordinance shall take effect. Any such ordinance may, from time to time, be amended or repealed by the county board upon like proceedings as in case of the adoption of an ordinance.

1939 c. 340 ss. 7, 8 (669-43, 669-44)

396.08 MAY COMPEL ATTENDANCE OF WITNESSES. The chairman or acting chairman of the county board may compel attendance of witnesses and administer oaths to witnesses at all hearings hereunder. The county auditor, as clerk of the board, shall keep separate minutes of all proceedings, including appearances, and other official actions hereunder, which shall be public records.

1939 c. 340 s. 9 (669-45)

396.09 SEPARATE HEARINGS. Any person aggrieved by any provision of an ordinance adopted hereunder, or any amendment thereto may, within 60 days after the taking effect of such provision, demand a separate hearing thereon before the county board. The demand shall be in writing and shall specify in detail the ground of the objections. The demand shall be filed with the county auditor. A hearing thereon shall be held by the board no sooner than 10 days, nor longer than 40 days, after the filing of the demand with the county auditor, who shall notify the applicant of the time and place of hearing. At this hearing the board shall consider the matter complained of and shall notify the applicant, by registered mail, what action, if any, it proposes to take thereon. The provisions of this section shall not operate to curtail or exclude the exercise of any other rights or powers of the county board or any citizen hereunder.

1939 c. 340 s. 10 (669-46)

396.10 MAY ADJUST ENFORCEMENT. The county board is authorized to adjust the application or enforcement of any provision of an ordinance hereunder in any specific case where a literal enforcement of such provision would result in great practical difficulties, unnecessary hardship, or injustice, so as to avoid such consequences, provided such action shall not be contrary to the public interest or the general purposes hereof.

1939 c. 340 s. 11 (669-47)

396.11 APPEALS TO DISTRICT COURT. Any person or persons, jointly or severally, aggrieved by a decision of the county board, may, within 30 days from the date the applicant received the notice of the proposed action of the county board, appeal to the district court in the same manner as an appeal is taken from an order of a county board disallowing a claim. Within ten days after an appeal has been taken the auditor shall without charge file in the office of the clerk of the court a certified copy of the demand for hearing, the order of the county board appealed from, together with the minutes and records of the county board with reference thereto, including the date of the filing of the appeal. The proceedings shall be put upon the calendar for trial at the next general or special term of the district court. The court shall summarily hear and determine the issues and may take such testimony as is necessary to determine the matter.

1939 c. 340 s. 18 (669-48)

396.12 NOT TO AFFECT USE. The lawful use or occupation of land or premises existing at the time of the adoption of an ordinance hereunder may be continued, although such use or occupation does not conform to the provisions thereof, but if such non-conforming use or occupancy is discontinued for a period of more than two years, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. If the state acquires title to any land or premises, all further use or occupancy thereof shall be a conforming use or occupancy.

1939 c. 340 s. 13 (669-49)

396.13 NON-CONFORMING USES REGULATED. The county board may, by ordinances, as herein provided, prescribe such regulations, not contrary to law, as it deems desirable or necessary to regulate and control non-conforming uses and occupancies.

1939 c. 340 s. 14 (669-50)

396.14 COUNTY BOARD TO MAKE COMPLETE LIST. Immediately after the adoption of any zoning ordinance, the county board shall prepare a complete list of all non-conforming uses and occupancies existing at the time of the adoption of the ordinance. This list shall contain the names of the owner or owners, and any occupant other than the owner, the legal description or descriptions of the land, and the nature and extent of the non-conforming use. Copies of these lists shall be filed for record in the office of the register of deeds of the county auditor and shall be corrected, from time to time, as the county board may prescribe. Immediately after the filing of this list, the county auditor shall furnish each town assessor, or the county assessor, as the case may be, a record of non-conforming uses or occupancies existing within his assessment district. At the time of each assessment thereafter each assessor shall prepare a list of all non-conforming uses or occupancies, which list shall be given to the county board. The county board shall thereupon amend the previous list and file a certified copy of the same in the office of the register of deeds of the county.

1939 c. 340 s. 15 (669-51)

396.15 ENFORCEMENT. The county board shall provide for the enforcement of this chapter and of ordinances and regulations made hereunder, and may impose enforcement duties on any officer, department, agency, or employee of the county.

1939 c. 340 s. 16 (669-52)

396.16 ORDINANCES AND REGULATIONS. The provisions of all ordinances and regulations adopted hereunder shall have the force and effect of law. No person shall use or occupy any land or premises in violation of any such ordinances or regulations, except as hereinafter provided. A violation of this chapter or of any ordinance or regulation hereunder shall be a misdemeanor.

1939 c. 340 s. 17 (669-53)

396.17 TAXPAYERS MAY COMPEL ACTION. Any taxpayer or taxpayers of the county may institute mandamus proceedings in district court to compel specific performance, by the proper official or officials, of any duty required by this chapter or by any ordinance adopted hereunder.

1939 c. 340 s. 18 (669-54)

396.18 MAY RESTRAIN VIOLATIONS. In the event of a violation or a threatened violation of this chapter or of any ordinance or regulation adopted hereunder, the county board, or any member thereof, in addition to other remedies, may institute actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations. It shall be the duty of the county attorney to institute such actions and the county board may allow him reasonable compensation therefor, in addition to his other compensation.

1939 c. 340 s. 19 (669-55)
396.19 COUNTY AUDITOR TO FILE CERTIFIED COPY WITH REGISTER OF DEEDS. Upon the adoption of any ordinance hereunder, the county auditor shall file a certified copy thereof with the register of deeds for record.

396.20 COUNTY BOARD MAY APPROPRIATE MONEY. The county board is empowered to appropriate, out of the general revenue fund of the county, such moneys, not otherwise appropriated, as may be necessary for the purposes of this chapter.

396.21 EXCEPTIONS. The following uses are excepted from the provisions of this chapter. (1) Hunting and fishing cabins on privately owned lands; (2) Mines, quarries and gravel pits; (3) Hydro dams, private dams, flowage areas, transmission lines and substations; and (4) The harvest of any wild crop.

CHAPTER 398
PARK DISTRICTS

398.01 PARK DISTRICTS; SINGLE AND MULTI-COUNTY. There are hereby created, subject to activation by the boards of county commissioners, as hereinafter provided, park districts which are bodies corporate and politic and which, when activated, shall be deemed to be political subdivisions of the State of Minnesota and public corporations. Park districts shall be of two kinds—single county, which shall be coterminous with a county except that in counties containing a city of the first class such city shall be excluded from the park district, and multi-county, which shall include parts of or all of more than one county but shall not include any city of the first class. No park district shall be activated under this chapter until it contains at least part of a county having a population of 350,000 people or more according to the last federal decennial census preceding such activation or an entire county contiguous to a county having such a population. No park district activated hereunder shall contain a county now or hereafter containing a city of the first class which occupies more than 30 percent of the county by area.

398.02 BOARD OF PARK DISTRICT COMMISSIONERS. Each park district shall be governed by a board of park district commissioners. The board for single county park districts shall consist of seven commissioners. The board for multi-county park districts shall be constituted as determined in accordance with sections 398.03 and 398.04.

398.03 COMMISSIONERS. Subdivision 1. The first board of park district commissioners for each single county district shall be appointed by the board of county commissioners of the county in which the park district is located as follows: The board of county commissioners shall by resolution divide the single county park district into four election districts which shall be similar in shape and no one of which shall contain more than 5 percent more area than any other. Following the adoption of such a resolution, the board of county commissioners shall appoint as park district commissioners one resident of each of the election districts and three residents of the park district at large, each for a term continuing until his successor is elected and qualifies. The chairman of the board of county commissioners may call the first meeting of the first board of park district commissioners or they may meet and organize without such a call.

Subd. 2. Subject to the requirements set forth herein and in sections 398.04 and 398.05 the number, qualifications, first meeting and terms of park district commissioners for multi-county park districts and the method of their selection and replacement shall be determined by joint resolution adopted separately by the several boards of county commissioners for the counties in which the park district is located. Park commissioners in such park districts shall be appointed in the first instance and when vacancies occur, but in all other cases they shall be elected. Certified copies of the joint resolution adopted by the several boards of county commissioners and of any amendments thereto shall be filed with the secretary of state for the state of Minnesota and shall take effect upon such filing.

398.07 PRIMARY DUTIES. Park district boards shall have as their primary duty not the establishment of parks and playgrounds of a local or neighborhood type but rather the acquisition, development and maintenance of large parks, wild life sanctuaries, forest and other reservations, and means for public access to historic sites and to lakes, rivers and streams and to other natural phenomena.
398.08 GENERAL POWERS. Park districts shall have all the rights, powers, privileges and immunities of a municipal corporation at common law and they shall be subject to the duties of a municipal corporation at common law. Except as otherwise limited in this chapter they shall have perpetual succession, may sue and be sued, may use a corporate seal, may acquire by lease, purchase, gift, condemnation and personal property such property as the board may require and may hold, manage, control, sell, convey, lease or otherwise dispose of such property or its interests therein. The board shall have full authority to exercise all the powers of the district, to make all necessary or desirable contracts, to procure public liability and other insurance protection as may be necessary and convenient for the care and employing hired help and equipment and for other purposes to exercise the power of eminent domain, to enact ordinances and to declare that the violation thereof shall be a penal offense and to prescribe the penalties thereof, not to exceed a fine of $1,000, or imprisonment in a village or county jail for a period of not to exceed one year, and in either case, any further penalty being added to the penalties imposed. The board shall have full power and authority to acquire and establish parks and to operate, maintain, protect, improve and preserve a park system and to conduct a recreational program in its parks. 

[1955 c 806 s 8]

398.09 SPECIFIC POWERS. Park district boards in addition to the foregoing general powers shall have these specific powers:

(a) The power to regulate the use of the waters of any lake lying wholly within a park established under this chapter and the use of any lake shore which is within a park established under this chapter and the waterfront immediately abutting such lake shore for not to exceed 300 feet therefrom, by all persons, including persons boating, swimming, fishing, skating or otherwise, in, upon or about said lake, lake shore and abutting waterfront, subject to regulation by the state of Minnesota.

(b) The power to acquire lands either within or without the park district for conversion into forest reserves and for the conservation of the natural resources of the state, including streams, lakes, submerged lands and swamps, and to these ends may create parks, parkways, forest reservations and other reservations and use and control the land and water thereon for all purposes so as to be in such manner as is conducive to the general welfare. These lands may be acquired by the board, on behalf of the district, by gift or devise, by purchase or by condemnation. In furtherance of the use and enjoyment of the lands controlled by it, the board may accept donations of money or other property, or may act as trustee of land granted by the state and use the proceeds therefrom for the maintenance thereof, the same, whether issued or to be issued.

(c) The power to acquire lands which it has acquired are not necessary for the purposes for which acquired, to dispose of such lands upon terms as are advisable, including the power to transfer such lands to other public corporations. Where lands which were acquired by condemnation or otherwise are not necessary for the purposes for which the lands were acquired, 20 years before are to be sold to private parties, such sales shall be notified in writing of the board's intent to dispose of the properties and shall be given 20 days to purchase the property taken from them at such price as the board shall deem fair compensation to the district for such property. The board may lease any of its lands or permit the same to be occupied, subject to the terms for which the lands were acquired upon such terms as are advisable, and no such lands shall be sold without the approval of the district court of the county in which the lands are situated.

(d) The power to fix, alter, charge and collect fees, tolls and charges for the use of facilities of the park district, for services rendered by, or for any commodities furnished by, or for licenses issued by, the board pursuant to ordinances authorized by the laws, and to fix fees collected for any violation of a board's ordinance shall be paid into the treasury of such park district board.

(e) The power to borrow, make and issue negotiable bonds, notes and other evidences of indebtedness, subject to the provisions of sections 388.16 and 388.17, to pledge its full faith, credit and taxing power to the payment thereof, and/or to secure the payment of such obligations or any part thereof, by mortgage, lien, trust sale or other security or trust, or by the issuance of other evidences in connection with its property, contracts, franchises or revenues and to make such agreements with the purchasers or holders of such notes, bonds or other evidences of indebtedness or with others in connection with the same, whether issued or to be issued.

(f) The power to cooperate with or borrow from any governmental organization, state or federal, or from any agency of the state or federal government for any purpose within the scope of the authority of this corporation.

(g) The power to cooperate with any public or municipal corporation, with the counties and with any private or public organization engaged in conservation, recreational activities, protection of the public health and safety, prevention of water pollution, sanitation, and/or mosquito abatement, in a park district, to adopt regulations, to enter into agreements, to hold, manage, control, sell, convey, lease or otherwise dispose of any existing parks or park lands owned by any county government or municipal corporation in the park district; such contracts shall be entered into at the request of and by agreement with the public authority in control of such parks or park lands. Thereupon such parks or park lands may be developed and operated as a park as in case of lands otherwise acquired by the board. Such acquisition or assumption of control or operation of a municipal park system by a park district shall in no way impair the authority and power of such municipality to levy and collect taxes for park, playground and recreational purposes, all or part of such tax funds to be transferred to the park district for such use as may be agreed upon between the district and the municipality.

(h) To designate employees as police officers within the parks under the jurisdiction and control of the board, and employees so designated may exercise all the powers of police officers within the park lands under the jurisdiction and control of the board. Before exercising these powers, each such employee shall take an oath and give a bond to the state in such sum as the board prescribes for the proper performance of his duties in such respects. The board may contract with municipalities or with the county or counties for the policing of park properties.

[1955 c 806 s 9; 1957 c 169 s 1]

398.12 ORDINANCES, RESOLUTIONS; ENACTMENT. The board may, after public hearing held upon two weeks published notice, enact such ordinances as it may deem necessary or convenient to carry out the general and special powers herein granted. It may also, upon notice of hearing, adopt such resolutions as may appear necessary or convenient to carry out such powers, except where action is herein directed to be taken by ordinance. An ordinance or resolution shall be signed by the chairman, attested by the secretary and published in one or more legal newspapers published within the state.
398.13 ORDINANCES, ENFORCEMENT. The board shall have authority to enforce its ordinances and to employ police officers and attorneys for such purposes. Any police officer, constable, sheriff or other public enforcement official having jurisdiction in the county, in which all or a part of a park district is located, shall have authority to arrest persons violating the law for the violation of any ordinance of the board. The board shall have authority to issue warrants upon persons accused of violating an ordinance of the board, and to carry out the prosecution in any proper tribunal under said ordinance. Nothing herein contained shall prevent the enforcement within a park district of any ordinance or regulation of a municipality or county within such park district which is not inconsistent with the ordinances of the board.

398.32 COUNTY PARKS. Subdivision 1. Acquisition, establishment, and maintenance. Any county may acquire by purchase, lease, or gift or by condemnation as provided by law any land or water areas or interests therein within or outside of the county for public park purposes and related outdoor recreational purposes. Any county or political subdivision of sections 398.31 to 398.36 may establish and name the same as county parks or other units of the county park system and subject to the provisions of sections 398.31 to 398.36 so far as applicable.

Subd. 2. Existing areas. Except as otherwise expressly provided, all areas herefore or hereafter acquired by any county under any other law for public park purposes, public access to waters, or related outdoor recreational purposes shall be acquired for and become a part of the county park system and subject to the provisions of sections 398.31 to 398.36.

Subd. 3. Public use facilities, accommodations, and services; public or private operation. The county board of any county having a county park or parks may provide the construction, installation, maintenance, and operation of parks, facilities, accommodations, and services for public use for the purposes specified in subdivision 1, or may authorize private persons or corporations to do so under leases or contracts upon such terms and conditions as the board may prescribe in the public interest.

Subd. 4. Surveys and plans. The county board of any county may provide for surveys to determine the need for county parks and the location and suitability of areas not now available, for general plans for a county park system, and for plans for the improvement of any county park or the construction or installation of facilities, accommodations, or services for public use therein.

Subd. 5. Sale or disposal of surplus tracts. The county board of any county, after public hearing upon notice given by the county auditor by publication in the official newspaper of the county, may, upon determining that any tract of land or water or interest therein acquired under or subject to the provisions of sections 398.31 to 398.36 is no longer needed for the purposes thereof, sell, lease, or otherwise dispose of such tract or interest upon such terms as it deems best in the public interest, or may provide for the use thereof for other purposes, so far as inconsistent with any lawful restrictions on the use or disposal of such tracts or interests therein.

Subd. 6. Cooperation with other agencies. A county or any other governmental subdivision or public agency of the state may be a party to a joint cooperative project, undertaking, or enterprise with any one or more other counties as defined in section 398.31 or otherwise or other governmental subdivisions or public agencies of the state for the purpose of acquiring and developing, maintaining, or operating any county park or any other governmental subdivision or public agency, with respect to any of said purposes, may act under and be subject to the provisions of Minnesota Statutes, Section 471.59, as now in force or hereafter amended, or any other appropriate law now in force or hereafter amended, or any other appropriate law now in force or hereafter enacted providing for joint or cooperative action between governmental subdivisions or other public agencies.

398.33 FUNDS. Subdivision 1. Tax levy. For the purposes of sections 398.31 to 398.36, the county board of any county may levy taxes on all the taxable property in the county at a rate not exceeding 10 percent of the maximum levy now or hereafter authorized by law for the road and bridge fund of the county. Such levy may be made in addition to all other tax levies authorized by law, and shall not be subject to any limitation except the foregoing. No other limitation hereafter prescribed by law shall apply to the tax levies herein authorized unless expressly so provided.

Subd. 2. Fees. For the purposes of sections 398.31 to 398.36 the county board of any county may prescribe and provide for the collection of fees for the use of any county park or other unit of the county park system or any facilities, accommodations, or services provided for public use therein, such fees not to exceed that prescribed in state parks.

Subd. 3. Contributions from other governmental subdivisions. Contributions from other governmental subdivisions, counties, municipalities, or political subdivisions of sections 398.31 to 398.36, with respect to county parks or other units of the county park system may be made to the county to which the same belongs by any city, village, borough, town, or school district within or without the county or by any other county as defined in section 398.31 or otherwise to whose residents the park may be of substantial benefit for park or recreational purposes. Such contributions may be made out of the general funds of the contributing governmental subdivisions or out of funds raised or designated for park purposes or out of funds raised expressly for the purpose of such contributions, and the governing bodies of such subdivisions may levy taxes therefor, subject to any applicable limitations. The governing body of a governmental subdivision making such the county parks or other units of the county park system may be made to the county to which the same belongs by any city, village, borough, town, or school district within or without the county or by any other county as defined in section 398.31 or otherwise to whose residents the park may be of substantial benefit for park or recreational purposes. Such contributions may be made out of the general funds of the contributing governmental subdivisions or out of funds raised or designated for park purposes or out of funds raised expressly for the purpose of such contributions, and the governing bodies of such subdivisions may levy taxes therefor, subject to any applicable limitations. The governing body of a governmental subdivision making such contributions or any other governmental subdivision or public agency for which the same belongs by any city, village, borough, town, or school district within or without the county or by any other county may levy taxes therefor, subject to any applicable limitations.

Subd. 4. Gifts, grants, and loans. The county board of any county may, in the name and behalf of the county, accept gifts, grants, or loans of money or other property from the United States, the state, or any other source for any purpose under sections 398.31 to 398.36, may enter into any agreement for repayment or otherwise required in connection therewith, and may hold, use, and dispose of such property or for said purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto.

Subd. 5. County park fund. All moneys received from any source specified in section 398.31 to 398.36 and received by county shall be paid into the county park fund of the county receiving the same and used for the purposes herein authorized.

Subd. 6. Bonds. To raise funds for the cost and expense of acquisition of areas for county parks or other units of the county park system or for the improvement thereof, or to refund bonds issued for said purposes, the county board of any county may issue the bonds of the county in the manner and subject to the provisions of the county park fund of the county as herein or otherwise expressly provided, and may levy all taxes necessary therefor, subject to the limitations hereinafter prescribed. Such bonds and interest thereon and the expense of issuance thereof may be paid out of the proceeds of tax levies or out of revenue from fees or other sources, or both, and the county board may pledge any such proceeds or revenues thereto. So far as any such obligations may be made payable out of the proceeds of tax levies without provision for payment or reimbursement from other revenue, the amount of such tax levies shall be subject to the limitation prescribed in section 398.33, subdivision 1, so that the total tax
wise such bonds may be issued in addition to all other bonds authorized by law and shall not be subject to any limitations except the foregoing. No other limitation hereafter prescribed by law shall apply to such bonds unless expressly so provided.

398.34 ORDINANCES. Subdivision 1. Enactment. The county board of any county may enact ordinances relating to the county park system or to any county park or other unit subject to the provisions of sections 398.31 to 398.36 as hereinafter provided. Before acting on any such ordinance, the county board shall hold a public hearing upon the proposal therefor upon at least three weeks' notice given by the county auditor by publication in the official newspaper of the county, stating briefly the subject matter and the general purpose of the proposed ordinance. The proposed ordinance may be amended by the county board before enactment in any manner consistent with the terms of the ordinance. Every such ordinance, upon enactment, shall be signed by the chairman of the county board, attested by the county auditor, filed by him, and published in the official proceedings of the board. Thereupon the ordinance shall take effect, subject to the further provisions of this section in the case of an ordinance affecting public waters. Every ordinance enacted by the county auditor by publication in the official newspaper of the county, stating briefly the subject matter and the general purpose of the proposed ordinance, and, if incorporated therein, shall have no force or effect; provided, that no provision of any such ordinance affecting public waters shall be valid except with the approval of the commissioner of conservation. In case any provision of a proposed ordinance affects any public waters, notice of the hearing thereon of a copy of such provision shall be mailed by the county auditor to the commission of conservation at least three weeks before the date of the hearing. Unless written approval of such provision by the commission of conservation is filed with the county auditor at or before the hearing, it shall be stricken from the proposed ordinance, and, if incorporated therein, shall have no force or effect; provided, that the invalidity of such a provision shall not affect the validity of any other provision of an ordinance.

Subd. 2. Ordinances regulating protection and use of parks. By ordinance adopted and provided by the county board may prescribe regulations not inconsistent with law, for the protection and use of any county park or parks or other units subject to the provisions of sections 398.31 to 398.36, including any waters lying within the boundaries of such a park or unit, and, in the case of waters extending beyond such boundaries, including also any part of such waters lying within the confines of the shore thereof that are not within the boundaries thereof. Provided, that no provision of any such ordinance affecting public waters shall be valid except with the approval of the commission of conservation. In case any provision of a proposed ordinance affects any public waters, notice of the hearing thereon of a copy of such provision shall be made by the county auditor to the commission of conservation at least three weeks before the date of the hearing. Unless written approval of such provision by the commission of conservation is filed with the county auditor at or before the hearing, it shall be stricken from the proposed ordinance, and, if incorporated therein, shall have no force or effect; provided, that the invalidity of such a provision shall not affect the validity of any other provision of an ordinance.

Subd. 3. Violations; penalties; disposal of fines. Every ordinance relating to any matter specified in subdivision 2 shall have the force and effect of law, and a violation of any provision thereof shall be deemed a misdemeanor, punishable by imprisonment in the county jail for not more than three months or by a fine of not more than $100. The provisions of such ordinances shall not supersede any applicable provision of an ordinance of any city, village, or borough, but shall be supplementary thereto. All fines collected for violations of ordinances enacted hereunder shall be deposited in the county park fund.

398.36 COUNTY PARK COMMISSION. The county board of any county having or proposing to establish a county park or parks may by ordinance enacted as provided by section 398.34 create a county park commission, with such provisions for membership, terms of office, and other requirements as the county board may prescribe, and may delegate to such commission as the county board may prescribe, authority to exercise any of the powers conferred on the board by sections 398.32 to 398.35, except the power to acquire or sell land or water or interests therein, to levy taxes, to appropriate money, or to enact ordinances. The commission may make recommendations to the county board in the respect of any matter relating to county parks requiring action by the board.

399.01 DEFINITIONS. Subdivision 1. As used in sections 399.02 to 399.12, the terms defined in this section shall have the meanings given them.

Subd. 2. “District” means a metropolitan mosquito control district created pursuant to sections 399.02 to 399.12. The area of the district is the area of the counties which elect to come within it as hereinafter provided.

Subd. 3. “Commission,” unless otherwise specified, means a metropolitan mosquito control commission which is the governing body of the district, and is authorized to exercise the powers enumerated in sections 399.02 to 399.12.

Subd. 4. “Commissioner” means a member of the commission.

Subd. 5. “Eligible counties” means the counties which have now joined together in a joint agreement to control mosquitoes, and such counties are the counties of Anoka, Dakota, Hennepin, Ramsey, Scott, and Washington.

Subd. 6. “Contiguous county” is a county which is contiguous to any of the counties named in subdivision 5.

399.02 ESTABLISHMENT OF DISTRICT. Any two or more of the aforementioned eligible counties are hereby authorized to establish a metropolitan mosquito control district in order to continue to control mosquitoes in the district.

399.03 COMMISSION. Subdivision 1. The district shall be operated by a commission which shall consist of two members from each county within the district. Commissioners shall be members of the board of county commissioners of their respective counties, and shall be appointed by their respective boards of county commissioners.

Subd. 2. The terms of the members of the first commission shall expire on December 31 next following their appointment. Thereafter the terms of the commissioners shall be one year commencing on January 1 of each year.

Subd. 3. If a vacancy occurs on the commission, it shall be filled by the appropriate board of county commissioners.

Subd. 4. A person appointed to the commission shall qualify as a commissioner by filing with the director of the commission a written certificate of appointment from his county auditor, together with a written acceptance of appointment from his county auditor, together with a written acceptance of appointment; provided that the provisions of the first commission shall file in the office of the county auditor of Hennepin county.

Subd. 5. The commission shall meet on the first Thursday after the first Monday in January of each year in order to select the officers of the commission for the current year and to conduct such other organizational business as may be necessary.

Subd. 6. The officers, who shall be commissioners, shall be a chairman, a vice chairman, and a secretary, no two of whom shall be from the same county. The chairman shall preside at all meetings of the commission, and in his absence, the vice chairman shall preside. The secretary shall keep a complete record of the minutes of each meeting.

Subd. 7. Contracts and other written instruments of the commission shall be signed by the chairman or vice chairman and by the business administrator of the commission pursuant to authority from the commission.
Subd. 8. The commission may adopt bylaws to regulate its own proceedings.

Subd. 9. Each county in the district shall have one vote. Each commissioner shall have one-half vote, but if only one commissioner from a county is present, he shall have one full vote. The majority of the voting power of the commission shall be necessary to adjourn from time to time.

Subd. 17. Members of the commission, its officers, and employees, while on the business of the commission, may enter upon any property within the district at reasonable times to determine whether mosquito breeding exists thereon, and such persons may take all necessary and proper steps for the control of mosquitoes on such property as the director of the commission may designate. Subject to the paramount control of the county and state authorities, commission members and officers of employees of the commission may enter upon any property and clean up any stagnant pool of water, the shores of lakes and streams, and other breeding places for mosquitoes within the district. Such persons may spray with insecticides approved by the director any area within the district that is found to be a breeding place for mosquitoes.

Subd. 18. [Repealed, 1963 c 798 s 16]

399.05 CONTRACTS FOR MATERIALS, SUPPLIES AND EQUIPMENT. No contract for the purchase of materials, supplies, and equipment costing more than $2,500 shall be made by the commission without publishing the notice once in the official newspaper of each of the counties in the district that bids or proposals will be received. The notice shall be published at least ten days before bids are received. Such notice shall state the nature of the work or purchase and the terms and conditions under which bids or proposals will be received. The commission may reject any and all bids or proposals or may accept any bid or proposal or any part thereof. The contract is awarded may be required to give sufficient bond to the commission for the faithful performance of the contract. If no satisfactory bid is received the commission may readvertise the contract. The commission shall have the right to set qualifications, specifications and to require bids to meet such qualifications and specifications by competitive bidding, and may require any other steps it deems necessary. The commission by a vote of not less than five-sixths of the voting power of the commission shall declare that an emergency exists requiring the immediate purchase of materials or supplies at a cost in excess of $2,500 but not to exceed $5,000 in amount, or in making emergency repairs, it shall not be necessary to advertise for bids, but such material, equipment, and supplies may be purchased in the open market at the lowest price available without securing formal competitive bids. An emergency as used in this section shall be an unforeseen circumstance or condition which results in placing life or property in jeopardy. All contracts involving employment of labor shall stipulate terms thereof and such conditions as the commission deems reasonable as to hours and wages.

399.06 ADVERSE INTEREST OF COMMISSIONERS. No commissioner shall have any personal or financial interest in any sale, lease, or other contract made by the commission nor shall he benefit therefrom directly or indirectly. Any violation of this section may make such sale, lease, or other contract void. Upon conviction for a violation of this section a commissioner shall be automatically disqualified from further service on the commission.

399.07 FINANCING. Subdivision 1. The method of providing funds for the commission shall be as set forth in this section.

Subd. 2. Each county in the district shall levy a special tax each year in order to defray its share of the cost of the activities of the commission, which share shall not exceed one cent per capita. This levy may be increased to the extent of charter or statutory millage limitations and shall not exceed 50 cents per capita within the county making the levy. Such per capita limitation shall be calculated on the basis of the last decennial or special federal census. Such levy where necessary may be made separate from the general levy of the county and may be at any time of the year, however, no participating county shall levy any tax for mosquito control except under sections 399.01 to 399.12.

Subd. 3. Each county in the district shall turn over to the commission all proceeds of such special tax and any subsequent special tax immediately after such proceeds are received, to be deposited in a bank or banks designated by the commission as its official depository, in an account to be known as the metropolitan mosquito control fund; and such funds may only be expended by the commission for the activities of the commission. Any bank or trust company so designated shall qualify as a depository by furnishing a corporate surety bond or collateral as required by Minnesota Statutes, Section 118.01, and shall thereafter, as long as money of the fund is on deposit in an amount in excess of charter or statutory millage limitations and shall not exceed 50 cents per capita within the county making the levy. Such per capita limitation shall be calculated on the basis of the last decennial or special federal census. Such levy where necessary may be made separate from the general levy of the county and may be at any time of the year, however, no participating county shall levy any tax for mosquito control except under sections 399.01 to 399.12.

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specify the name of the payee, the amount to be disbursed, and the purpose of the disbursement.

389.08 COUNTY PARTICIPATION, TERMINATION; DISSOLUTION. No county may terminate its participation in the district except by giving 12 months notice to the chairman of the commission. In the event a county terminates its participation in the district as provided in this section an appraisal of the property of the commission shall be made by a board of appraisers and the value determined as of the date of such termination. The board of appraisers shall consist of three members, one of whom shall be appointed by the county, one by the remaining counties within the district, and the third by the other two members of the appraisal board. In the event that the two appraisers cannot agree as to the appointment of the third appraiser within a period of 30 days then and in that event the matter shall be referred back to said commission and the commission should then have the authority to appoint the third appraiser. There shall be paid over to the treasurer of the county an amount equal to that county’s share in the net assets of the commission proportionate to its financial contribution to the metropolitan mosquito control fund. In the event of the dissolution of the district all property of the commission shall be sold and the proceeds of such sale remaining after payment of all debts, obligations and liabilities of the district, along with any balance in the fund, shall be divided and paid over to the county treasurers of the respective counties which are then members of the district in proportion to their unindividuated interest computed as above specified.

390.09 COMPENSATION OF COMMISSIONERS. Each commissioner, including the officers of the commission shall be reimbursed for his actual and necessary expenses incurred in the performance of his duties. The chairman shall be paid a per diem for attending meetings, monthly, executive, and special, and each commissioner shall be paid a per diem for attending meetings, monthly, executive, and special, which per diem shall be established by the commission, such expense reimbursement and per diem notwithstanding any other funds which such commissioners may receive from any other public body.

390.10 CONTIGUOUS COUNTIES; MEMBERSHIP. Any county contiguous to the district may become a party to the district whenever the county board of such county petitions the district to be admitted and the commission by resolution gives its consent to include such county in the district.

390.11 COOPERATION WITH OTHER AGENCIES; ADVISORS. Subdivision 1. The commission shall cooperate for the purposes of research and protection of public health and welfare, with the state department of health, the state department of conservation, the university of Minnesota, the state agricultural experiment station, the state highway department, the U. S. department of agriculture, and U. S. public health service.

Subd. 2. The commissioners of agriculture, of conservation, of highways, the secretary and executive officer of the Minnesota department of health, and the head of the department of entomology and economic zoology of the university of Minnesota shall act in an advisory capacity to the metropolitan mosquito control commission and the director of said commission shall furnish to each of these departments a copy of the operational plan and pertinent technical reports of said district.

390.12 ELIGIBLE COUNTIES MUST APPROVE. Sections 390.01 to 390.12 shall be effective as to any eligible county or any contiguous county only after its approval by a majority vote of the governing body of such county. When and at such time as this approval is given, then the district consisting of the eligible counties shall have the authority to take over the assets of the contractually formed commission which heretofore existed.

CITIES, VILLAGES
CHAPTER 411
INCORPORATION, CITIES FOURTH CLASS

411.01 INCORPORATION; PETITION; FIRST ELECTION. Subdivision 1. Population. Inhabitants of contiguous territory not organized as a city but organized as a village, and having not less than 1,000 nor more than 10,000 inhabitants, may become incorporated, as a city of the fourth class.

411.40 POWERS AND DUTIES OF COUNCIL ENUMERATED.

(12) To regulate the use of all bridges, viaducts, tunnels, drains, sewers and cesspools within the city, and to prohibit the use or maintenance of cesspools and privies in such portions of the city as it may designate, and to compel sewer connections in such portions, and to make the same and to assess the cost thereof on the property so connected with the sewer;

(19) To compel and require railway companies to make and keep open and in repair, ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded;

(20) To restrain the pollution of the waters of any creek, river, pond, lake or watercourse within or adjacent to the city; to prevent the dumping of refuse or other matter therein, and to provide for the cleansing and purification of water, watercourses, and canals, and the draining or filling of ponds or pools on private property, when necessary to prevent or abate nuisances, and to compel the owner or occupant of any building or grounds to remove from the premises owned or occupied by him all such offensive substances as the city council or commissioner of health may direct, and upon his default to authorize the removal or destruction thereof by some officer of the city at the expense of said owner or occupant;

(21) To compel the owner of low ground where water is liable to collect and become stagnant to fill or drain such low places, and upon his default to authorize such draining or filling at the expense of such owner, and to make the expense of the destruction or removal of such substance, specified in clause (20), or expense of filling or draining any low ground lying upon any of said low ground is filled or drained, to make a special assessment for the same upon such property, to be collected as other special assessments are collected;

(22) To regulate the use and maintain general supervision and control of navigable waters within, upon and adjacent to the city limits; to regulate the use of public and private docks, landings, wharves and levees in such city; to establish, alter and maintain docks, dock lines, landings and levees; to regulate and control the anchorage, moorage and landing of all water craft and their cargoes within the city; to license and regulate or prohibit wharf boats, tugs, and other boats used about the harbors or within the jurisdiction of the city; and to fix the rates of wharfage and dockage, and to collect wharfage and dockage from all boats, rafts, or other craft landing at or using any public landing place, wharf, dock, or levee within the city;

(23) To make regulations in regard to the use of steamers, towing of vessels, opening and passing of bridges, to appoint harbor masters and define their duties; and to prevent and prohibit the removal of sand and other material from or near any levee, embankment, or boundary line of public waters;
VILLAGES

CHAPTER 412

Sec. 412.221 Specific powers of the council
412.241 Parks; parkways; recreational facilities
412.521 Powers of board

412.221 SPECIFIC POWERS OF THE COUNCIL.

Subd. 1. Generally. In order to carry out the general powers granted in section 412.511, the park board shall have the powers granted in the following subdivisions.

Subd. 2. Employment. The park board may employ necessary personnel and fix their compensation.

Subd. 3. Construction; contracts. The park board may construct roadways, paths, buildings, fountains, docks, boathouses, bathhouses, refreshment booths, amusement halls, pavilions, and other necessary structures and improvements in

parks. The board may, with the consent of the village council, make contracts and leases for the construction and operation of these facilities for terms not exceeding ten years. Every such contract and lease shall provide that the structure shall be operated for the public use and convenience, and that the charges shall be reasonable and it shall reserve to the park board power to prescribe reasonable rules and regulations from time to time for the conduct of the privilege.

Subd. 4. Purchase of supplies; equipment, and services. The park board may purchase all necessary materials, supplies, equipment, and services.

Subd. 5. Maintenance. The park board shall maintain, beautify and care for park property.

Subd. 6. Permit club to use navigable waters; limitations. The park board may lease to private clubs the privilege of occupying limited areas in the bed of any navigable lake adjacent to a village park for clubhouse purposes for not more than ten years. No clubhouse shall be so located as to interfere with navigation. Every such lease shall reserve to the board full power and authority to make from time to time reasonable rules and regulations with respect to the use of the leased property. The lessee shall have power to retain the clubhouse for the use of its own members and guests.

Subd. 7. Entertainment. The park board may provide musical and free entertainment for the general public.

Subd. 8. Ice. The park board may regulate the taking of ice from any pond, lake or other body of water in any village park.

Subd. 9. Additional powers. The park board may perform whatever other acts are reasonable, necessary and proper to carry out the powers granted in section 412.511.

[1949 c 119 s 61]
CHAPTER 429
LOCAL IMPROVEMENTS, SPECIAL ASSESSMENTS

Sec.
429.011 Definitions
429.021 Local improvements, council powers

429.011 Definitions. Subdivision 1. For the purpose of this chapter the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. "Municipality" means any city of the second, third, or fourth class however organized, or any village, borough or any town containing platted land situated wholly or partly within 25 miles of the city hall of a city of the first class having a population of more than 200,000 inhabitants.

429.021 Local improvements, council powers. Subdivision 1. Improvements authorized. The council of a municipality shall have power to make the following improvements:

1) To acquire, open, and widen any street, and to improve the same by constructing, reconstructing, and maintaining sidewalks, pavement, gutters, curbs, and vehicle parking strips of any material, or by grading, graveling, oiling, or otherwise improving the same, including the beautification thereof and including storm sewers or other street drainage and connections from sewer, water or similar mains to curb lines.

2) To construct, reconstruct, extend and maintain storm and sanitary sewers and systems, including outlets, treatment plants, pumps, lift stations, service connections, and other appurtenances of a sewer system, within and without the corporate limits.

3) To construct, reconstruct, extend and maintain water works systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a water works system, within and without the corporate limits.

4) To abate nuisances and to drain swamps, marshes and ponds on public or private property and to fill the same.

5) To construct, reconstruct, extend and maintain water works systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a water works system, within and without the corporate limits.

6) To construct, reconstruct, extend, and maintain dikes and other flood control works.

CHAPTER 435
PUBLIC IMPROVEMENTS, OTHER PROCEEDINGS

Sec.
435.46 Furnishing water, contracts
435.47 Purchasing water
435.51 Extension to public institutions

435.46 Furnishing water, contracts. The council of any city of the fourth class may enter into contracts and agreements with any adjoining municipality, which has water system, water commission, or water board for the furnishing of water to its citizens for the laying of water mains in its streets by the adjoining municipality, the water commission, or water board thereof. Upon the making of this agreement or contract or upon permission to that effect being given by the council, the adjoining municipality, or its water board or commission, may lay the water mains under the direction of the council and furnish water to these citizens. All the provisions of sections 429.011 to 429.111 relative to frontage tax, petitions, notice, tax levy, assessment, statements relative to delinquent frontage taxes, the collection thereof, and the other provisions thereof shall be followed in these cases the same as if the water was furnished directly by the city from a water plant owned and controlled by it.

435.47 Purchasing water. The council of any village lying adjacent to a city of the first class which has not theretofore operated a water system but which has installed water and sewer mains to serve the inhabitants thereof, which sewer and water mains connect with said mains installed by the city, is hereby authorized to furnish water and sewer services by purchasing water from the water department of said city and reselling the same to the inhabitants of the village. The council of any such village may by resolution duly adopted determine to install necessary improvements, additions, and extensions to the existing sewer and water mains for such purposes and may assess the cost of such improvements, additions, and extensions upon property benefited thereby in accordance with the procedure of section 429.061, and may thereafter issue certificates of indebtedness of the village in anticipation of the collection of said assessments in accordance with the provisions of section 429.091.

435.51 Extension to public institutions. A city which is contiguous to any tract of land upon which is situated a public institution of the state is authorized:

1) to extend the service facilities of any public utility or sewage system thereof beyond the corporate limits of the city to provide service for the public institution, provided the cost of construction of the extension is paid by the state if the state does not itself construct the extension;

2) to operate and maintain such extension and provide the public utility and sewage services upon payment of compensation therefor by the state in such amount as may be agreed upon by the city and the state.

service facilities
CHAPTER 441
STREETS, BRIDGES

441.01 CITIES OF FIRST CLASS MAY CONSTRUCT BRIDGE JOINTLY. Any cities of the first class in this state are hereby authorized to construct jointly a bridge across any natural watercourse forming a common boundary, in whole or in part, between them.

1923 c. 156 s. 1 (1917)

441.15 BRIDGES OVER NAVIGABLE WATERS. Any city of the first class operating under a home rule charter within the limits of which are navigable waters of the United States, is hereby authorized to make application to the secretary of war of the United States for the privilege of erecting and maintaining a bridge for public use over such navigable waters lying wholly within the boundaries of the state of Minnesota, according to plans and specifications for the bridge to be approved by the secretary of war.

1907 c. 29 (1908)

441.16 BRIDGES OVER INTERSTATE WATERS. Any city having a population of not more than 20,000, and situate on interstate or international waters is authorized and empowered to appropriate money or to issue bonds to secure money for the construction, maintenance, and repair of bridges extending over or partly over such waters into another state or country, or for making reimbursement for all expenditures made or incurred in the construction, repair, or maintenance of such bridges.

1917 c. 18 s. 1 (1918)

441.26 ROADS, BRIDGES, AND FERRIES OUTSIDE CITY OF FOURTH CLASS. The council of any village or of any city of the fourth class may appropriate and expend such reasonable sums as it may deem proper to assist in the improvement and maintenance of roads lying beyond its boundaries and leading into it and to improve and maintain bridges and ferries thereon whether they are within or without the county in which it is situated.

1895 c. 316 s. 1 (1897)

441.27 AUTHORITY TO IMPROVE HIGHWAY DELEGATED. Any city of the fourth class in this state may delegate to an adjoining municipality the authority to improve any public highway within such city connecting it with such an adjoining municipality, or it may make a joint contract with such adjoining municipality for the improvement of such highway, under the joint supervision of both municipalities.

1923 c. 156 s. 1 (1923)

441.28 REPAIRING AND REBUILDING BRIDGES. When any city of the second class in this state has by authority of law constructed, built, purchased, or otherwise lawfully acquired any bridge across any navigable stream, either wholly or partly within the limits of the city or partially within and partially without the limits of the city or partially within the limits of the city and connecting with and partly within the limits of another city, every such city shall have the power and authority to repair, reconstruct, and rebuild from time to time any such bridge, when the same may be determined to be necessary by a two-thirds vote of all the members of the city council, and every such city is hereby authorized to issue its bonds in the manner specified in sections 441.27 to 441.33 for any or all of the purposes aforesaid; provided, that the amount of bonds issued by authority of sections 441.27 to 441.33 shall not exceed two percent of the assessed valuation of the taxable property of such city according to the then last preceding equalized valuation thereof as determined by the state board of equalization.

1905 c. 170 s. 1 (1906)

441.34 CITIES MAY BUY TOLL BRIDGES. When any bridge has been by any person or corporation constructed to extend over or partly over an interstate or international river or water into another state or country, and such bridge has, for at least three years, been privately owned and operated as a toll bridge by any person or corporation, any city of any class organized either under a home rule chart or under the general law, and situated within the limits of the city, may acquire and construct a bridge for public use over such navigable streams lying wholly within the city, or partly within the city and connecting with and partly within the city.

1919 c. 316 s. 1 (1919)

441.46 MAY SELL BRIDGE TO THE STATE. Any city purchasing and acquiring any bridge across any navigable stream, either wholly or partly within the city, and having in its treasury available for the payment of such improvement any money not otherwise lawfully acquired or required to be expended as hereinbefore provided, may sell, assign, and transfer to the state or any public agency, or to any political subdivision thereof, or to any other state or public agency or political subdivision thereof within or adjoining which any part of the bridge is located, or to any two or more of them jointly, provided that any such sale or transfer shall not alter, change, modify, or affect the rights, powers, securities, and privileges of the holders of any outstanding bonds issued by the city in payment of the bridge as provided in sections 441.34 to 441.46, and therefor to own, operate, repair, improve, extend, and maintain the same as a toll bridge, whether all or any portion of the bridge and approaches be within or without the corporate limits of the city. Any such bridge over navigable waters of the United States shall be owned, operated, and maintained by any city acquiring the same subject to and in accordance with the act of congress authorizing the construction thereof and the lawful rules and regulations of the secretary of war relative thereto.

1939 c. 316 s. 1 (1940)

441.47 CITIES AND VILLAGES MAY ACQUIRE TOLL BRIDGES. Any city or village of this state, however organized, bordering upon any navigable or non-navigable stream, river, or body of water, including any international or interstate navigable or non-navigable stream, river, or body of water, is authorized to acquire, purchase, construct, maintain, and operate bridges and approaches thereto, and may acquire, purchase, construct, maintain, and operate bridges and approaches thereto across any such navigable or non-navigable stream, river, or body of water, and any person or corporation, any city purchased, or any interest therein, to the state or to any public agency or political subdivision thereof, or to any other state or public agency or political subdivision thereof within or adjoining which any part of the bridge is located, or to any two or more of them jointly, provided that any such sale or transfer shall not alter, change, modify, or affect the rights, powers, securities, and privileges of the holders of any outstanding bonds issued by the city in payment of the bridge as provided in sections 441.34 to 441.46, or the payment of the principal and interest of such bonds when and as due; and any such sale or transfer made while any of such bonds are outstanding shall be subject to the payment thereof and to the assumption and performance by the city of all covenants and agreements imposed upon the city by sections 441.34 to 441.46 or incurred and assumed by the city in connection with the issuance of such bonds.

1939 c. 316 s. 13 (1940)

441.48 CITIES OF FIRST CLASS MAY CONSTRUCT BRIDGE JOINTLY. Any city of the first class in this state may construct a bridge jointly with an adjoining municipality, or it may make a joint contract with such adjoining municipality for the improvement of such highway, under the joint supervision of both municipalities.

1921 c. 188 s. 1 (1922)
Every city and village which shall by ordinance have determined to exercise the powers granted by sections 441.47 to 441.55 shall have the right to acquire, purchase, construct, maintain, and operate any such bridges and approaches thereto across, above, or under any railroad or public utility right of way and in, upon, under, or above any public or private road, highway, street, alley, or public ground, or upon any property owned by any municipality, political subdivision, or agency of this state, and any such city or village may acquire, occupy, possess, and use all real estate, easements, rights in land, structures, buildings, equipment, appurtenances, machinery, and other real, personal, or mixed property necessary or incidental in the acquisition, purchase, construction, maintenance, or operation of any such bridges and approaches thereto by purchase or by condemnation or expropriation, in accordance with the laws of the state governing the acquisition of private property for public purposes by condemnation or expropriation, and in accordance with the laws of any foreign state where it becomes necessary to so acquire real estate and other property needed for the acquisition, purchase, construction, operation, or maintenance of any such bridges and approaches thereto.

\[1941 \text{ c. 286 s. 2}\]

CHAPTER 442

SEWAGE DISPOSAL; WATER AND SEWAGE

442.01, 442.02 [Repealed, 1949 c 119 s 110]

442.03 WATER-WORKS, LIGHTING PLANTS AND SEWAGE PUMPING PLANTS; BOARD OF MUNICIPAL WORKS. In each city of the second class in the state there is created and established a board of municipal works, which shall have the control and management of all water-works systems, lighting plants, and sewage pumping plants of the city as may be owned and operated by the city, with the powers and duties designated; provided, that sections 442.03 to 442.25 shall not apply in so far only as the pumping and disposal of sewage is concerned to any city situated upon a navigable river which now has or may hereafter have a municipal sewage disposal plant for the treatment and disposal of sewage in such city.

\[1903 \text{ c. 165 s. 1; 1911 c. 236 s. 1; 1935 c. 75 s. 1} (1664-45)\]

442.04 AUTHORITY OF BOARD. All authority under sections 442.03 to 442.25 in the city, shall be exercised by a board of six commissioners to be known and designated as the board of municipal works, who shall be appointed by the mayor of the city, and whose terms of office shall be as designated in section 442.05.

\[1903 \text{ c. 165 s. 21} (1664-46)\]

442.05 BOARD OF MUNICIPAL WORKS. Subdivision 1. Appointment of members; tenure of office. It is hereby made the duty of the mayor in the city in which a water-works plant, a lighting plant and a sewerage pumping plant, or any one or more of them, is being owned and operated by the city on the last Monday in April, 1903, to appoint on the last Monday in April, 1903, six persons, residents of the city, commissioners, one of whom shall be appointed to serve for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, and one for a term of six years. These six persons shall constitute the first board of municipal works for the city in which so appointed. The terms of office shall commence on the first Monday in April, 1903, and these commissioners shall on that day enter upon the performance of their duties and assume the control and management of the water-works system, lighting plant and sewerage pumping plant of the city in which they have been so appointed, or such of these works as shall then be owned and operated by the city.

The mayor of the city shall annually thereafter, on the last Monday in April, appoint one person, resident of the city, as a member of the board and as the successor of the commissioner whose term of office expires in that year, to serve for a term of six years from the first Monday in May of the year in which appointed and until his successor is appointed and qualifies. All appointments made under the provisions of sections 442.03 to 442.25, including the filling of vacancies, shall be so made that no more than three persons of those comprising the board, shall at any time belong to the same political party; and, provided that a change in the political belief of any of the members after appointment, shall not disqualify any member for membership or for reappointment.

In each city of the second class in the state in which none of the municipal works designated shall be owned and operated by the city on the last Monday in April, 1903, but in which any one or more of the municipal works shall thereafter
be installed and established by the city, to be operated and controlled by the city, and in each city of the second class in this state in which therefor any one or more of the municipal works may be so installed and established by the city, and no such board having been heretofore appointed in or for any such city, it shall be the duty of the mayor of the city, not more than 30 days, and not less than ten days, prior to the time that it is contemplated by the city to commence the operation of any such works to appoint a board hereinafter designated, whose terms of office shall commence immediately upon such appointment and such board shall be appointed to serve until the first Monday in May following, one year after the following first Monday in May, one year after the following first Monday in May, one year after the following first Monday in May, and one year after the following first Monday in May, and their successors shall thereafter be appointed at the times and in the manner hereinafter designated for the appointment of successors.

When it shall hereafter be shown by any official state census that any city of the second class in this state and there shall, at that time, be owned and operated by the city one or more of such municipal works, it shall be the duty of the mayor of the city, on the last Monday in April following the official notice of such census, to appoint the board hereinafter designated, whose term of office shall commence on the first Monday in May following, and who shall be appointed to serve for the lengths of time first specified in this section, and their successors shall thereafter be appointed at the times and in the manner hereinafter designated for the appointment of successors.

Subd. 2. Control and Management. Each such board shall assume the control and management of such works immediately after the same shall be installed or established by the city and be ready for operation.

When there shall hereafter be constructed, purchased, or installed any one of the municipal works hereinafter designated, by any such city in which such board of municipal works have been theretofore appointed and established, or any additions or extensions made to any such works theretofore established, or machinery installed to be operated in connection therewith, such board shall thereupon assume the control, operation, and management of such works, extensions, or machinery, in addition to all works then under its control, immediately after the same shall be completed by such city and ready for operation.

Subd. 3. Vacancies. All vacancies by resignations or otherwise, shall be filled by the appointment of the mayor of the city with the approval of the majority of the city council of said city.

Subd. 4. Removal of commissioners. The mayor may remove any of the commissioners for misconduct, incompetency, or neglect of duty at any time after such commissioner shall have entered upon the discharge of his official duties, take an oath of office, and subscribe the usual oath of office and deposit the same with the recorder of the city, together with a written acceptance of his appointment. All appointments herein provided for shall be made by the mayor in writing and filed by him with the recorder of the city, and the commissioner of the secretary of the board shall certify the appointment to the board, together with the necessary facts to the recorder, showing the cause of the vacancy and how filled.

Subd. 5. Officers. The board shall elect annually one of its number to be president and one to be vice-president of the board, and may make by-laws and regulations for its government not inconsistent herewith. In the absence of the president, or when a president, or when the president by reason of sickness or other cause is incapacitated from acting, the vice-president shall be the acting president of the board, and shall sign all orders and doings of the board, when present. The absence of a majority of the board, within the scope of its duty and authority shall be obligatory and binding upon the city.

Subd. 6. No compensation for commissioners; expenses. The members of the board shall receive no compensation for their services, but shall be allowed their reasonable official expenses, except that traveling expenses outside such city shall not be allowed any member unless authority to make the trip be previously granted by the board and approved in writing by the mayor of the city.

Subd. 7. Secretary. The board shall elect some suitable person as secretary, not a member of the board, who shall, as secretary, be the general superintendent of the several municipal works under its control in the city. The board shall have power, by an affirmative vote of a majority of all its members, to remove him for cause, after opportunity shall be given him to be heard by the board.

Subd. 8. [Repealed, 1945 c 173 s 2]

Subd. 9. Employees. The board may appoint and employ all proper clerks, assistants, and employees necessary or convenient for the operation and management of the several municipal works or departments in the city, and for accomplishing the purposes contemplated by sections 442.03 to 442.25.

Subd. 10. Salaries. The salary and compensation of all persons appointed and employed by the board in any of the departments under its control shall be such as may be fixed by such board, by an affirmative vote of a majority of all its members.

Subd. 11. Rules for appointment, employment, and removal of employees. Municipal works. It shall be the duty of each such board within six months after its appointment and organization to make and establish general rules providing for the manner and method of appointing, employing, and removing all persons in connection with the operation and management of the several municipal works under the care of the board and to define their duties and powers. These rules shall, when practicable, provide that all appointments and employments, other than ordinary labor and transient assistants and employments, shall be made in accordance with the civil service or merit system, and all such rules when so established shall be changed only by an affirmative vote of five-sixths of all the members of the board.

Subd. 12. Ex officio officials of board. The treasurer of the city is hereby declared to be ex officio treasurer of the board. The city engineer of the city, except when otherwise designated by the board for special purposes, shall be the engineer of the board.

The city attorney of the city, except when otherwise specially designated by the board, shall be the legal adviser of the board.

DUTIES OF SECRETARY AND TREASURER; BOOKS OPEN TO PUBLIC INSPECTION.

It is made the duty of the secretary, under the direction of the board, to receive, account for, and pay out the moneys received by the board and to pay into the city treasury the moneys due such board on account of the operation of these works, and to keep a set of books which shall at all times contain a full and complete statement of the condition and operation of each such municipal works or department, and of all matters in connection therewith, and a detailed and exact account of all moneys received and paid out by order of the board, in each such department, and all debts due and owed by or to the board. The secretary shall keep a record of all the expenses of and liabilities incurred by the board in each such department.

It is made the duty of the treasurer of the board to receive all moneys which may be paid into the city treasury on account of the board from any sources whatever, and place the same in a separate fund to be designated "municipal works fund," and to keep a record of all moneys received, and to pay out the moneys due such board on account of the operation of these works, and to keep a set of books which shall at all times contain a full and complete statement of the condition and operation of each such municipal works or department, and of all matters in connection therewith, and a detailed and exact account of all moneys received and paid out by the board, in each such department, and all debts due and owed by or to the board. The treasurer shall keep a record of all the expenses of and liabilities incurred by the board in each such department.

The books of the board shall at all times be open to the examination of any taxpayer of the city, or to any member or committee of the city council; the board shall, on the first Monday in April in each year, make a full report in detail to the city council of the condition and operation of the works under its charge, and of each department, and of all receipts and expenditures for the year then ending on account of the same; and shall, when desired by the council, transmit to the city council a true and correct statement of the financial condition of any such department.

DUTIES OF SECRETARY AND TREASURER; BOOKS OPEN TO PUBLIC INSPECTION.

442.06 DUTIES OF SECRETARY AND TREASURER; BOOKS OPEN TO PUBLIC INSPECTION. It is made the duty of the secretary, under the direction of the board, to receive, account for, and pay out the moneys received by the board and to pay into the city treasury the moneys due such board on account of the operation of these works, and to keep a set of books which shall at all times contain a full and complete statement of the condition and operation of each such municipal works or department, and of all matters in connection therewith, and a detailed and exact account of all moneys received and paid out by order of the board, in each such department, and all debts due and owed by or to the board. The secretary shall keep a record of all the expenses of and liabilities incurred by the board in each such department.

It is made the duty of the treasurer of the board to receive all moneys which may be paid into the city treasury on account of the board from any sources whatever, and place the same in a separate fund to be designated "municipal works fund," and to keep a record of all moneys received, and to pay out the moneys due such board on account of the operation of these works, and to keep a set of books which shall at all times contain a full and complete statement of the condition and operation of each such municipal works or department, and of all matters in connection therewith, and a detailed and exact account of all moneys received and paid out by order of the board, in each such department, and all debts due and owed by or to the board. The treasurer shall keep a record of all the expenses of and liabilities incurred by the board in each such department.

The books of the board shall at all times be open to the examination of any taxpayer of the city, or to any member or committee of the city council; the board shall, on the first Monday in April in each year, make a full report in detail to the city council of the condition and operation of the works under its charge, and of each department, and of all receipts and expenditures for the year then ending on account of the same; and shall, when desired by the council, transmit to the city council a true and correct statement of the financial condition of any such department.
The board shall, upon receipt thereof, proceed to consider the same and shall make such corrections or changes as may be deemed necessary to perfect and equalize the same, and shall approve and establish the same on or before the last Monday in August following.

Upon the completion of the establishment of the said estimates by the board, the same shall be submitted to the city council of the city, which shall make such corrections or changes as may be deemed necessary to perfect and equalize the same by a majority vote of all of the members of said city council on or before the first regular meeting of the city council in September in said city following.

Subd. 6. Filing. After these several estimates and the assessments for water-works purposes upon the several municipal departments have been fully approved and established by the city council, a duplicate of the same, duly certified to by the president of the city council and the city recorder, shall be filed with the Recorder of the city on or before the second Monday in September, a.d at the same time the copy shall be transmitted to and filed with each municipal department or board of the city against which an assessment for the use of water has been so made.

Subd. 7. Inclusion in estimates to council; assessment; levy. The city council shall thereupon include the amounts so established by the city council and the amounts so included in all of the several municipal purposes of the city fund in its tax levy for the general tax purposes upon the several municipal departments, and shall also make a special estimate of amounts required for the purpose of the establishment of a sinking fund under the purpose designated and provided for in section 442.09, subdivision 2, clause (4), and shall be included in the amounts apportioned by the city council from the general fund of the city and the several municipal departments, and shall be included in the amounts apportioned by the said council from the general fund of the city and the several municipal departments.

The current expenses of operating and maintaining the water-works department, lighting and sewerage departments, or such of them as may be under their control;

(2) Interest on all outstanding water and light bonds;

(3) Extensions and improvements;

(4) Such other accounts, and such subdivisions of the foregoiing named accounts as may be deemed desirable for the purpose of accurately showing the true financial conditions of each of the departments and all property belonging to the same.

Subd. 2. Estimates presented to board. On or before the second Monday in August of each year the secretary of the board shall present to the board of municipal works of the city, in writing, an estimate of the probable receipts during the next ensuing fiscal year for each and all departments other than municipal, such fiscal year to commence on the first day of April following, together with an estimate of the several amounts required during the next ensuing fiscal year for the operation and proper maintenance of each department under its control, and shall also make a special estimate of amounts required for the establishment of a sinking fund under the said council for the next ensuing fiscal year for each of the following purposes:

(1) For the current expenses of operating and maintaining the water-works department;

(2) For interest on all outstanding water-works bonds;

(3) For water-works extensions and improvements; and

(4) Such other accounts, as may be deemed desirable for the purpose of accurately showing the true financial conditions of each of the departments and all property belonging to the same.

Subd. 3. Limitation on estimate for extensions and improvements. The estimate for extensions and improvements in such water works department shall not exceed ten per cent of the estimated probable receipts from all sources other than bonds, as approved by an affirmative vote of a majority of all the members of the council.

Subd. 4. Estimate of use of water. If the estimate of the probable receipts shall be less than the total of the amounts required for all of the purposes designated, the council shall thereupon prepare a detailed statement of all water which shall be used, and shall be allowed for each of the purposes designated above, excepting therefrom only public fountains, public drinking places and public watering troughs, and shall equitably apportion the amount so required in addition to the estimated amount of receipts from other sources, to each municipal purpose for which the water is to be used, on the basis of the water rates prescribed and established by the board for like purposes, but shall not exceed such rates, and shall make an assessment of the several amounts so appropriated on the general fund of the city and on the funds of the several municipal departments so using the water.

Subd. 5. Approval of estimates. Upon the completion of this estimate for all departments under the control of the board, the secretary shall present the same to the board, for its consideration and approval.
and pay orders drawn upon the same in the manner and as may be designated by the ordinance creating the same. The board may at any time direct the city treasurer to invest a specified portion of the fund, or the whole thereof, in bonds of the state of Minnesota, or in certificates of deposit accompanied by bonds of indemnity of one or more banks located in the city, if in the opinion of the board the same can be done advantageously.

Subd. 3. Payment of bonds. The fund shall be used exclusively for the payment of maturing water-works bonds, and only such amount shall be paid therefrom for the redemption of such bonds, as the board may annually, by resolution, authorize and designate. [1903 c. 165 s. 8a; 1911 c. 236 s. 4] (1664-52)

442.11 TRANSFER OF MONEY TO MUNICIPAL WORKS FUND. It shall be the duty of the council of the city, immediately after the organization of the board, to direct the city treasurer to transfer from the general fund to the municipal works fund, all moneys thereby levied for the departments under the control of the board, as the same may be received by the treasurer from the auditor of the county, and all moneys in the treasury of the city applicable to the needs of the departments, prior to the time that the first of the tax levies, hereinafore designated to be made by and collected, received by the board, and placed in the hands of the board; and the council of the city shall also, when not provided for in the board's estimate, cause to be transferred to the municipal works fund from the proper fund of the city the necessary means for making and operating such works, or additions and extensions thereto, as may have been installed by the city and over which such board has assumed control, until the beginning of the fiscal year following the first tax levy which includes the board's estimate for the same. [1903 c. 165 s. 9] (1664-53)

442.12 PAYMENTS FROM FUND; ORDERS. No moneys shall be paid out of the funds in the city treasury belonging to the board, except for principal or interest of water or light bonds, or either, unless such payment shall be specially authorized by the board. [1903 c. 165 s. 9] (1664-53)

442.13 EXPENDITURES TO CONFORM TO ESTIMATE; BORROWING POWER. In all appropriations, and in all purchases made or liabilities incurred, the amount of the estimate provided by the board for any fiscal year, or the amount of the estimate made thereby, as hereinbefore provided; and, except when otherwise authorized by law, no loans shall be made by the board at any time for any purpose, except when extraordinary expenditure shall be rendered unavoidable by fire or other unforeseen calamity, and such expenditure be approved by a majority vote of the council of the city. [1903 c. 165 s. 11] (1661-55)

442.14 REDEMPTION OF BONDS. When the city treasurer shall pay any principal or interest on any water or light bond he shall immediately transmit to the secretary of the board a statement of the payment, together with the bond or coupon so redeemed, and proper entry thereof shall be made by the secretary in the books kept for that purpose. [1903 c. 165 s. 12] (1661-56)

442.15 REGULATING DISTRIBUTION OF WATER; RATES, LIEN; HYDRANTS; PREVENTING WASTE OF WATER. Each such board shall, if a water-works system by its control, regulate the distribution and use of the water in all places and for all purposes where the same may be required for either public or private use, and fix the price and rates therefor; and, from time to time, cause to be assessed the water rate to be paid by the owner or occupant of each house or other building having or using, upon water, such basis as it shall deem equitable, and such water rate shall become a continuing paramount lien, until paid, upon each house or other building, and upon the lot or lots upon which such house or other building is situated, and it shall erect such new number of public hydrants and in such places as shall be ordered, from time to time, by the board; provided, however, that the board shall not exceed, in any fiscal year, the amount of the estimate made therefor, as hereinbefore provided; and, except when otherwise authorized by law, no loans shall be made by the board at any time for any purpose, except when extraordinary expenditure shall be rendered unavoidable by fire or other unforeseen calamity, and such expenditure be approved by a majority vote of the council of the city. [1903 c. 165 s. 17] (1664-51)

442.16 ENFORCING PAYMENT OF WATER RATES. Each such board shall have the power and authority to require payment in advance for the use of water furnished by it in or upon any building, place, or premises, and in case prompt payment for the same shall not be made, it may shut off the water from such building, place, or premises, and shall not be compelled again to supply the building, place, or premises, with water until the arrears, with interest thereon, together with the cost and expense of turning the water off and on, as fixed by ordinance, shall be fully paid. [1903 c. 165 s. 14] (1664-58)

442.17 SYSTEM EXTENDED, RATES. Each such board may from time to time, for the purpose of furnishing a full supply of water to the inhabitants of such city, extend the water-works system under its control in such manner as it may deem best subject to all conditions contained in sections 44203 to 44225, provided, however, that said board shall make such extensions in the said water-works system as are directed by resolution duly passed by a majority vote of the city council of the city.

The board of municipal works of the city shall establish such reasonable water rates as will, at all times, insure to the city at least a sufficient income to pay all the expenses and costs of operation, maintenance, and repair of the system and works, and the interest on outstanding bonds, provided, however, that the determination of such said water rates shall be subject to the approval of the city council of the city, which such board shall prescribe, as penalty for the violation of any law or ordinance or part thereof, the imposition upon the offender of a fine not exceeding $500, or by imprisonment for not exceeding one year, or both, at the discretion of the court, for the board, or any of its officers, to knowingly omit the property of any person from assessment for water rates, or neglect or refuse to collect the same, or to give any person other or different credit for the use of water than that given the whole public, or those belonging to the same class. [1903 c. 165 s. 16] (1664-60)

442.18 OFFENSES BY BOARD OR OFFICERS. It is hereby declared to be a gross misdemeanor, punishable by a fine not exceeding $500, or by imprisonment for not exceeding one year, or both, at the discretion of the court, for the board, or any of its officers, to knowingly omit the property of any person from assessment for water rates, or neglect or refuse to collect the same, or to give any person other or different credit for the use of water than that given the whole public, or those belonging to the same class. [1903 c. 165 s. 16] (1664-60)

442.19 REGULATION OF LIGHTING PLANTS; EXTENSION. Each such board shall, if a municipal lighting plant be in operation in the city, regulate the distribution of lamps on the streets and public grounds of the city in such manner as to properly light the streets and public grounds and shall determine the number and location of these lamps and provide for the proper operation, care, and maintenance of the same, and of all poles, wires, fixtures, and appliances pertaining to the same, and shall have the full control and management of such lighting plant; but no extensions for street lighting shall be made to the same nor additional lamps placed except upon an affirmative vote of a majority of all the members of the board. [1903 c. 165 s. 17] (1664-61)

442.20 BYLAWS, REGULATIONS, AND ORDINANCES; PENALTY FOR VIOLATION; PUBLICATION. Each such board is hereby invested with full power to make and enforce such bylaws, regulations, and ordinances applicable to any or all of the works under its control as may be deemed necessary to carry into effect the objects and intent of this chapter, and not inconsistent herewith, and to supply and define any power or mode not already specially designated herein, and to supply any other or different mode or power than that theretofore provided for the violation of any ordinance or part thereof, the imposition upon the offender of a fine not exceeding $100 or imprisonment for a term not exceeding 90 days; the board shall cause all such bylaws, regulations, and ordinances to be entered in a book to be kept for...
that purpose, and signed by the president and secretary, which, when so entered and signed, shall be evidence in any court of this state. All such regulations and ordinances shall be published at least once in the official newspaper of the city.

442.21 CONTRACTS; LOWEST BIDDER, ADVERTISEMENT. Every contract for material or for the construction of any part of any of the works under the control of the board, which shall involve the expenditure of a sum of $500, or more, shall be in writing and shall remain on file with the secretary of the board. All work shall be given to the responsible bidder therefore, except incidental and minor improvements, after notice soliciting proposals for the doing of such work shall have been published in the official newspaper of the city, in at least two separate issues of the same; provided, the board shall have the right to reject any and all bids, and such rights shall be reserved in each advertisement soliciting bids; and, provided, that in the event of any extraordinary or sudden injury to any of the works, or any part of such system, whereby damage or loss might ensue by reason of any delay, or in the event of the lowest bid submitted being no less than ten percent greater than the engineer's estimate therefor, the board may cause the damage to be repaired or the proposed improvement to be made without calling for bids.

The board may deem for the best interest of the city, and, provided, further, that in all work of laying water pipe the board may require all joints to be made by persons in the employ of the board.

442.22 PURITY OF WATER; FILTERS; INCREASING SUPPLY. Each such board shall have the power and authority to adopt any and all means, and to do any and all things by it deemed necessary to be done, to protect or to enhance the purity of the water supply of any such city and to supply the citizens of such with a pure and wholesome water for all purposes. The board shall have the power and authority to decide upon, adopt, construct, and install a system of filters or such other appliances, system, or methods as it may determine for the purpose of filtering or purifying the water to be furnished by any such city to its citizens; or, if deemed advisable by it to be advisable, may provide and secure by purchase or otherwise any and all property of water from other sources than therefrom used; and may, from time to time, as deemed necessary, increase the supply of water to the system theretofore employed.

442.23 INTERFERENCE WITH WORKS, PENALTIES. Any person who shall, without authority from the board, lay any main or service pipe or take water therefrom, or open or shut any service cock or fire hydrant, or remove or unscrew the cap from such fire hydrant, or enter or form any connection with or turn water into any tunnel excavated or used by the board for the purpose of laying its pipe, or who, being authorized by the board to take water from any main or service pipe into any specified building or upon any specified premises, or to be used for any specified purposes, shall, without authority from the board, use such water for any other than specified purpose or permit any other person to use the same for any other than specified purpose, or to take the same out of such building; and also such other person so using or taking such water, or who, without lawful authority, shall dig or excavate within six feet of any main, pipe, gate, hydrant, or blow-off of the works, shall be deemed guilty of a gross misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than $100, and not less than $25, or by imprisonment in the county jail for a term of not more than three months, nor less than 20 days, or both such fine and imprisonment.

442.24 DIVERSION OR CORRUPTION OF WATER; INJURY TO WORKS, CIVIL LIABILITY. If any person shall maliciously or wilfully divert the water, or any portion thereof, from any such water-works, or shall corrupt or render the water thereto supplied impure, or shall destroy or injure any canal, aqueduct, pipe, conduit, machinery, or other property used or required for procuring or distributing such water in any such city, or shall destroy or injure any of the machinery, fixtures, or appliances used or required for operating the lighting plant or the sewerage pumping plant in such city, or do any act which shall cripple the operation of any such plant, or reduce its efficiency, such person, and his aids and abettors, shall forfeit to the board of the city, to be recovered in a civil action, treble the amount of damages (besides cost of suit), which shall appear on the trial therefor to have been sustained; and all such acts are hereby declared to be gross misdemeanors, and the parties found guilty thereof may be further punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court.

442.25 COMMENCEMENT AND SCOPE OF POWERS OF BOARD. The board of municipal works provided for in sections 442.03 to 442.24 shall have no powers over, or duties of any kind in connection with, any of the municipal works wherein designated until the same shall have been fully completed and installed and shall be in use and operation or ready to be put into use and operation, but the board shall be vested with and shall have the full power and authority after any such works shall have been constructed, installed, and come under the control of the board to determine upon, make, construct, and install any and all extensions thereto, except as in those sections otherwise expressly provided. In case of lighting plants those sections shall not repeal, amend, or modify Laws 1901, Chapter 199, except in so far as those sections vest such board with power and authority to control, operate, and manage such plants after the same shall have been constructed, erected or purchased by the city, as provided in those sections, and to make additions and extensions thereto for the uses and purposes for which such plants shall have been so installed by the city, and for which such plants are intended and directed by the board of the city to be used, but the power and authority to determine upon make, construct, and install additions and extensions thereto for such new and additional uses shall have been determined upon, constructed, and installed, ready for use and operation, the control, operation, and management thereof shall be immediately assumed by such board.

Those sections shall not vest the board with any power or control over the sewer pipes of the city, nor abridge in any manner the powers of the council of the city with respect to the laying or extensions of sewer pipes or constructing a sewer system, or part of same, in the city, or to deprive the council of the supervision or control of such sewer pipes after construction, but the board shall have the full control and management of the pumping plant only of such system or systems of sewage, machinery, appliances, and flush tanks employed in the operation of such system or systems after the same have been erected, constructed, and installed by the city.
CHAPTER 443
(SEWAGE AND RUBBISH DISPOSAL)

443.02 BONDS FOR SEWAGE DISPOSAL PLANT. The governing body of any village or any city of the second, third or fourth class, however organized is hereby authorized and empowered, for the purpose of acquiring the necessary site either within or outside of the municipality and of constructing, enlarging, improving or repairing a sewage disposal plant, garbage crematory or garbage disposal plant thereon, to issue the negotiable bonds of the village or city to the amount authorized by the village or city council;

These bonds shall be issued, negotiated, and sold in accordance with the particular method prescribed by the laws governing villages or by the charter of the city so issuing such bonds, provided that all proceedings shall be done pursuant to the provisions of Minnesota Statutes 1945, Chapter 475.

The bonds may be issued and sold notwithstanding any limitations contained in the charter of the city or in any law of the state prescribing or fixing any limit upon the bonded indebtedness.

Nothing contained herein shall be construed to repeal or modify the provisions of any home rule charter requiring the question of the issuance of bonds to be submitted to vote of the electors. The powers herein granted are in addition to all existing powers of such villages or cities. [1927 c 85 s 1; 1929 c 244 s 1; 1937 c 154 s 1] (1799-1)

443.14 EQUITABLE CHARGES FOR SEWAGE FACILITIES. Any city of the first class operating under a home rule charter and not embraced within the limits of any sanitary district which is authorized to provide a method or system for establishing and collecting equitable sewage service charges, which has installed and is operating, or which is proceeding to establish and install, or which may hereafter install a system of sewers, sewage pumping station, or a sewage treatment or disposal plant for public use, in addition to all other powers granted to it, shall have authority, by an ordinance duly adopted by the governing body thereof, to charge just and equitable rates, charges, or rentals for the use of such facilities and for connections therewith by every person, firm, or corporation whose premises are served by such facilities either directly or indirectly, or whose premises are connected in any way with such sewers, or whose premises are served by a water distribution system which obtains its water supply from any source liable or subject to contamination or pollution as the result of the emptying or discharging of domestic sewage or industrial waste into the source of such water supply through any such sewers, sanitary sewer system, system of sewers, sewage pumping station, sewage treatment plant, or sewage disposal plant. These charges shall be, as nearly as reasonably possible, equitable and in proportion to the service or benefit rendered and may take into consideration the quantity of sewage produced, concentration, or color thereof which such sewage may have in polluting or causing the pollution of any river, lake, bay, or other body of water forming the source, in whole or in part, of the water supply of any such water distribution system, and the cost of the disposal of such sewage. Nothing herein contained shall authorize the imposition of any rate, charge, or rental against any real estate unoccupied by dwelling, building, or other structure designed for residential, commercial, or industrial purposes. The charges may be fixed on the basis of water consumed or on some other basis of measuring the use made of these facilities. In case of arrangements with other municipalities, districts, or private parties for the supplying of these sewers, such rates, charges, or rentals may also be levied the same as in independent operations. [Ex. 1933 c. 30 s 1] (1607-34)

443.15 GENERAL SEWER FUND; DISPOSITION. The moneys received from the rates, charges, or rentals, as authorized by sections 443.14 to 443.17, shall be kept separate from the general or other revenues of the political subdivision and when so collected shall be placed in a separate general sewer fund. Any moneys received from the sale of any by-products arising out of sewage treatment or disposal shall be credited to this fund. The moneys so received shall be recorded, deposited, secured, and paid out as other funds of the political subdivision are; provided, that upon establishing and fixing the charges aforesaid the receipts thereof shall be used first to meet the costs of operating and maintaining the facilities, and any additional sums collected shall be applied to capital charges represented by bonds, certificates of indebtedness, or otherwise, and to the reasonable requirements for replacements and obsolescence. In determining the amount of capital costs to be met, the amount charged to special assessments, and any amount of such cost properly chargeable to other than sanitary sewers, shall be deducted therefrom; and no such rate, charge, or rental shall include any amount therefor or be applied thereto upon their collection. [Ex. 1933 c. 50 s 21] (1607-32)

443.16 CHARGES AS TAX LIEN ON LAND; DELINQUENT RENTALS. The rates, charges, or rentals for this sewer service shall be a charge against the owner, lessee, or occupant of the premises, or against any or all of them; and any such claim for unpaid rates, charges, or rentals which have been properly billed to the occupant of the premises may be collected in a civil action in any court of competent jurisdiction; or, in the discretion of the governing body of the municipality, may be certified to the county auditor (or auditors of the counties) with the taxes against such property served and shall be collected as other taxes are collected. Payments of delinquent rentals shall be credited to the same fund as current funds for that purpose are, deducting therefrom any cost of collection accruing to the political subdivision. [Ex. 1933 c. 30 s 3] (1607-35)

443.17 RATES, FIXING. Before any rate for this service is fixed under authority of sections 443.14 to 443.17 a public hearing, with due posted or published notice thereof, shall be held by the governing body at which hearing interested persons shall be given an opportunity to be heard on the question. A similar hearing shall be held before the establishment of any change in such rates, charges, or rentals. [Ex. 1933 c. 30 s 4] (1607-34)
CHAPTER 444
WATERWORKS, SEwers, DRAINS, STORM SEwers

444.01 Definitions. As used in this chapter: into any such city or village may issue bonds for to acquire by gift, purchase, lease, condemnation or otherwise any and all facilities of the listed in subdivision whether or not financed by the municipality itself for the use and availability of the facilities for fire protection and for maintaining sanitary conditions in public buildings, parks, streets, and other public places. In determining the fairness of such charges to be imposed, the authority hereby granted shall be in addition to all other powers with reference to such facilities otherwise granted by the laws of this state or by the charter of any such city.

Subd. 2. Financing. For the purpose of paying the cost of building, constructing, reconstructing, repairing, enlarging, improving, or in other manner obtaining such facilities or any portion thereof, any such city or village may issue and sell its general obligations, which may be made payable solely from such taxes or special assessments or from such revenues, or from any two or more of such sources. All such obligations shall be issued and sold in accordance with chapter 475. When special assessments are pledged for the payment of such obligations, they shall be authorized and issued in accordance with the further provisions of chapter 429, or of the municipality's charter if it authorizes such obligations and the governing body determines to proceed therewith. When net revenues are pledged to the payment of the obligations, together with or apart from taxes and special assessments, such pledge shall be made in accordance with the further provisions of subdivision 3.

Subd. 3. Charges; net revenues. For the purpose of paying for the construction, reconstruction, repair, enlargement, improvement, or other obtainment and maintenance, operation and use of such facilities, the governing body of any such city or village may have authority to impose charges for the use and for the availability of such facilities and for connections therewith and to make contracts for such charges as hereinafter provided. Such charges may be imposed with respect to facilities made available by agreement with other municipalities or private corporations or individuals, as well as to the owned and operated facilities of the city or village itself, and may charge for service directly rendered shall be as nearly as possible proportionate to the cost of furnishing the same, and sewer charges may be fixed on the basis of water consumed, or by reference to a reasonable classification of the types of premises to which service is furnished and the quality, pollution, quality, quantity of sewage produced, or on any other equitable basis including, but without limitation, any combination of those referred to above. Minimum charges for the availability of water or sewer service may be imposed for all premises abutting on streets or other places where municipal water mains or sewers are located, whether or not connected thereto. Charges for connections to the facilities may in the discretion of the governing body be fixed by reference to the portion of the cost thereof which has been paid by assessment of the premises to be connected, in comparison with other premises, as well as the cost of making or supervising the connection. The governing body may make such charges a charge against the owner, lessee, occupant or all of them and may provide and covenant for certifying unpaid charges to the county auditor with taxes against the property served or to any other obligation, and other taxes are collected. The governing body may fix and levy taxes for the payment of reasonable charges to the municipality itself for the use and availability of the facilities for fire protection and for maintaining sanitary conditions in public buildings, parks, streets, and other public places. In determining the fairness of such charges to be imposed, the authority hereby granted shall be in addition to all other powers with reference to such facilities otherwise granted by the laws of this state or by the charter of any such city.

444.075 WATERWORKS SYSTEMS, MAIN SEWERS, SEwAGE DISPOSAL PLANTS. Subdivision 1. Authorization. Any city, except cities of the first class operating under a home rule charter, or any village is hereby authorized and empowered to build, construct, reconstruct, repair, enlarge, improve, or in any other manner obtain waterworks systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a waterworks system, and sewers, sewage treatment plants, systems, and other facilities for disposing of sewage or industrial waste, all hereinafter called facilities, and to maintain and operate the same inside or outside its corporate limits, and to acquire by gift, purchase, lease, condemnation or otherwise any and all land and easements required for that purpose. The authority hereby granted shall be in addition to all other powers with reference to such facilities otherwise granted by the laws of this state or by the charter of any such city.

Subd. 2. Financing. For the purpose of paying the cost of building, constructing, reconstructing, repairing, enlarging, improving, or in any other manner obtaining such facilities or any portion thereof, any such city or village may issue and sell its general obligations, which may be made payable primarily from taxes or special assessments or from such revenues, or from any two or more of such sources. All such obligations shall be issued and sold in accordance with chapter 475. When special assessments are pledged for the payment of such obligations, they shall be authorized and issued in accordance with the further provisions of chapter 429, or of the municipality's charter if it authorizes such obligations and the governing body determines to proceed therewith. When net revenues are pledged to the payment of the obligations, together with or apart from taxes and special assessments, such pledge shall be made in accordance with the further provisions of subdivision 3.

Subd. 3. Charges; net revenues. For the purpose of paying for the construction, reconstruction, repair, enlargement, improvement, or other obtainment and maintenance, operation and use of such facilities, the governing body of any such city or village may have authority to impose charges for the use and for the availability of such facilities and for connections therewith and to make contracts for such charges as hereinafter provided. Such charges may be imposed with respect to facilities made available by agreement with other municipalities or private corporations or individuals, as well as to the owned and operated facilities of the city or village itself, and may charge for service directly rendered shall be as nearly as possible proportionate to the cost of furnishing the same, and sewer charges may be fixed on the basis of water consumed, or by reference to a reasonable classification of the types of premises to which service is furnished and the quality, pollution, quality, quantity of sewage produced, or on any other equitable basis including, but without limitation, any combination of those referred to above. Minimum charges for the availability of water or sewer service may be imposed for all premises abutting on streets or other places where municipal water mains or sewers are located, whether or not connected thereto. Charges for connections to the facilities may in the discretion of the governing body be fixed by reference to the portion of the cost thereof which has been paid by assessment of the premises to be connected, in comparison with other premises, as well as the cost of making or supervising the connection. The governing body may make such charges a charge against the owner, lessee, occupant or all of them and may provide and covenant for certifying unpaid charges to the county auditor with taxes against the property served or to any other obligation, and other taxes are collected. The governing body may fix and levy taxes for the payment of reasonable charges to the municipality itself for the use and availability of the facilities for fire protection and for maintaining sanitary conditions in public buildings, parks, streets, and other public places. In determining the fairness of such charges to be imposed, the authority hereby granted shall be in addition to all other powers with reference to such facilities otherwise granted by the laws of this state or by the charter of any such city.
accumulation of a sinking fund for the redemption of such bonds at their
sufficient amount for the payment of such interest as
credit of any such city shall at all times be pledged for the payment of any bonds
thereon, and the governing body of such city shall each year include in the tax levy
upon the bonded indebtedness of such city.

Subd. 5. Connection with facilities; charges. Any such city or village is hereby
authorized to permit any person, company or corporation located and doing business
inside or outside of the city or village limits to connect with such facilities and make
use of the same upon such terms and upon the payment of such fees and charges
therefor as may be prescribed or contracted for by the city or village, and to con-
tract with any such person, company or corporation for the payment by such per-
son, company or corporation of a part of the cost of construction, maintenance or
use of such facilities and to receive from such person, company or corporation doing
business inside or outside of the city or village limits payment in cash or install-
ments of such portion of the cost of the construction, maintenance or use thereof
as may be agreed upon or contracted for with the city or village and devote the
money so received to the purpose of such construction, maintenance or use. The
proportionate cost of construction, maintenance or use of such facilities to be paid
by such person, company, or corporation may be made payable in installments due
at not greater than annual intervals for a period not to exceed 30 years. Any such
person, company or corporation which may pay any part of the cost of construction,
maintenance or use of such facilities in the manner aforesaid, shall thereafter have
the right to use such facilities for the disposal or treatment of his, their or its sew-
age or industrial waste by the city or village upon the payment of reasonable charges
for the use of such facilities or the charges contracted for in case there is a contract
as herein provided. Any such city or village may contract with any other city
or village for the joint or cooperative obtainment or use of such facilities without
limitation of time.

Subd. 6. [Repealed, 1963 c 696 s 4]
[1949 c 394 s 1; 1951 c 366 s 1; 1953 c 195 s 1; 1955 c 296 s 1; 1957 c 608 s 1; 1959
524 s 1; 1963 c 626 s 1-3]

444.08 [Repealed, 1957 c 508 s 2].

444.09 STORM SEWER MAINS; BONDS FOR. The governing body of any
city of the fourth class in the state operating under a home rule charter pursuant
to the provisions of the Constitution of the State of Minnesota, Article 4, Section 36,
after an affirmative vote of a majority of the electors thereof, voting at an election
called for such purpose, is hereby authorized and empowered, for the purposes
herein designated, to issue the negotiable bonds of such city to an amount in the
aggregate not exceeding $25,000; these bonds to be made in such denomination and
payable at such places and at such times, not exceeding 30 years from the date
thereof, as may be deemed best, and to bear interest at the rate of six per cent per annum, payable semianually, with interest coupons attached, payable
at such place or places as shall be designated therein and such governing body is
further authorized to negotiate and sell such bonds from time to time to the highest
bidder therefor and upon the best terms that can be obtained for these bonds.
No such bonds shall be sold for less amount than the par value thereof and
accrued interest thereon.

Such bonds shall be issued and sold in accordance with the particular method
prescribed by the charter of the city so issuing such bonds.
The bonds authorized by sections 444.09 to 444.14, or any portion thereof, may
be issued and sold by any such city notwithstanding any limitations contained
in the charter of such city or in any law of this state prescribing or fixing any limit
upon the bonded indebtedness of such city.

444.10 TAX LEVY FOR INTEREST AND SINKING FUND. The full faith and
credit of any such city shall at all times be pledged for the payment of any bonds
issued under sections 444.09 to 444.14 and for the payment of the current interest
thereon, and the governing body of such city shall each year include in the tax levy
a sufficient amount for the payment of such interest as it accrues, and for the
accumulation of a sinking fund for the redemption of such bonds at their
maturity.

444.11 SALE OF BONDS. All bonds issued under the authority of sections
444.09 to 444.14 shall be sealed with the seal of the city issuing the same and signed
by the mayor and attested by the city clerk, except that the signatures to the
coupons, attached to such bonds, if any, may be lithographed thereon. The sale of
such bonds shall be in such manner and in such proportions of the whole amount
authorized by sections 444.09 to 444.14 and at such times as may be determined by
the governing body of such city.

[1925 c. 51 s. 1] (1760-5)

444.12 USE OF PROCEEDS OF SALE OF BONDS. The proceeds of any and
all bonds issued and sold under authority of sections 444.09 to 444.14 shall be used
only for the purpose of constructing a storm sewer main for the use of such city
and to take care of the overflow of any lake partially within the limits of such city,
and the outlet for which lake flows through such city.

[1925 c. 51 s. 4] (1760-4)

444.13 CHARTER PROVISIONS FOR ELECTIONS. Nothing contains: In
sections 444.09 to 444.14 shall be construed to repeal or modify the provisions of
any charter adopted pursuant to the Constitution of the State of Minnesota,
Article 4, Section 36, requiring the question of the issuance of bonds to be submitted
to the vote of electors.

[1925 c. 51 s. 5] (1760-5)

444.14 POWERS GRANTED ARE ADDITIONAL. The powers granted in sec-
444.09 to 444.13 are in addition to all existing powers of such cities.

[1925 c. 51 s. 6] (1760-6)

444.15 FRONTAGE WATER TAX UPON REAL ESTATE; ASSESSING, LEV.
NING, OR COLLECTING; LIMITATION. No city within this state shall assess,
levy, or collect any frontage tax or assessment upon lots or property abutting or
bordering upon any water main or water pipes defraying the expenses in whole
or in part, of the construction and maintenance of any system of water-works
according to the lineal foot of each frontage for a longer period than five years
from and after the first levy of such tax or assessment.

[1929 c. 38]
CHAPTER 445

MINNEAPOLIS- ST. PAUL SANITARY DISTRICT

Sec. 445.01 SANITARY DISTRICT AUTHORIZED. When two or more contiguous cities of the first class shall directly or indirectly discharge sewage or industrial wastes, or both, into a common natural watercourse, or may, so discharge sewage or industrial wastes, or both, into such watercourse as to endanger health or to create a nuisance, such cities shall be organized and incorporated into a sanitary district.

Sec. 445.02 SANITARY DISTRICT TO BE ORGANIZED. Immediately upon the passage of this chapter and when any area in the future comes within the meaning of this chapter, the state board of health shall proceed to investigate each and every area comprised of two or more contiguous cities of the first class coming within the meaning of section 445.01, for the purpose of determining whether the discharge of sewage and industrial wastes into a common natural watercourse from these cities is likely to endanger or does endanger the public health and is likely to create a public nuisance and that the removal or abatement, or both, thereof will be a benefit to such area. Should it be determined by the state board of health that the discharge of sewage or industrial wastes from that particular area does or is likely to endanger the public health and/or does or is likely to cause a public nuisance, and that its removal and/or abatement will be a benefit to such area, the state board of health shall so find and shall by written order declare these cities to be a single sanitary district. The state board of health shall forthwith serve a copy of its findings and order, in the manner provided by statute for the service of summons in civil action, upon the mayor of each of these cities. Such notice shall set forth all the facts and conditions causing the creation of such sanitary district and the reasons why each particular municipality is included within or is not included within said district. The original findings and order of the state board of health shall be filed with the secretary of state. A copy of the findings and order, together with a notice specifying the time and place of a public hearing by the state board of health on its action, shall be published by the state board of health in a legal newspaper in each of the cities of the first class once each week for two successive weeks. Such public hearing shall be held not earlier than 30 days after final publication of the notice and at a point convenient to the persons within the proposed district. Such hearing may be adjourned from time to time. At such hearing each city of the first class may appear and offer testimony and evidence, and the proposed board of trustees, or their attorneys, may appear, and offer testimony and evidence. Following the public hearing the state board of health shall file with the secretary of state their findings and order with the same effect as if made by the state board of health. The state board of health shall file with the clerk of the district court in the same manner as if the proceedings were pending in such court. The board of trustees of each sanitary district shall each elect one of its own members as trustees to the board, and the board may appoint any one or more of its officers, members, or employees to hold any hearing herein provided for, with like power and authority as is herein vested in the board with respect to the holding and conduct of such hearing and to the summoning of witnesses and production of evidence therefor, in which case the record of the hearing shall be reported to the board, and the board may take action thereon with like effect as if the hearing had been held before the board. The board may employ legal counsel and such other assistance as may be necessary for the purpose of making the investigation herein provided for and otherwise discharging the duties herein imposed upon the board.

If, after hearing and consideration, the state board of health shall determine that the public health so requires, and the property in such area will be benefited by the elimination of such conditions, it shall so find and shall confirm its order creating the sanitary district by a copy of such confirming order with the governing body of each city of the first class and serve a copy of the order upon every person who appeared at the hearing, and shall file a copy of the order with the clerk of the district court of the county in which r.c.h. city of the first class is located.

A order, together with a notice addressed to all citizens, taxpayers, and each city and all other interested parties, stating that each city, or person aggrieved by the order, may appeal from such order in the manner provided in section 445.05, shall be published in the same manner as is provided for the publication of the order creating such sanitary district.

If, after hearing and consideration, the state board of health shall determine that the removal or abatement of the condition created by such two or more contiguous cities of the first class discharging sewage and industrial wastes into a common natural watercourse will not benefit such area it shall so find and shall by order annul and cancel its former order creating the district.

Sec. 445.03 APPEALS TO DISTRICT COURT. Within 30 days after the final publication of the order and notice, as hereinafore provided, each city, or any citizen or taxpayer, may appeal to the district court wherein the city or property of such citizen or taxpayer is located for exclusion of such city from such sanitary district. The district court thus appealed to shall secure a judge from a judicial district to which the district may be assigned within or contiguous to the district to hear and determine the appeal. The cause may be brought on for hearing by the state of citizen, or taxpayer so appealing or the state board of health and the appeal shall be tried as other civil causes by the court without jury. If the court finds that all the requirements of law in establishing the district have been complied with, and that the city or the property of such citizen or taxpayer appealing to the court be included in the abatement of the discharge of sewage and industrial wastes from that particular area, and that the removal or abatement of the condition created by such two or more contiguous cities of the first class discharging sewage and industrial wastes into a common natural watercourse will not benefit such area it shall so find and shall by order annul and cancel its former order creating the district.

Sec. 445.04 BOARD OF TRUSTEES TO GOVERN DISTRICT. The district shall be governed by a board of trustees who shall be appointed or selected as follows: Within 60 days after the filing of the order of the state board of health confirming the order creating the sanitary district with the clerk of the district court of the county in which each city of the first class is located, there shall be no appeal by any citizen or taxpayer, or any corporation, if there shall be such an appeal within 40 days after the order shall have been handed down by the district court or by the supreme court affirming the establishment of a sanitary district by the state board of health, the city councils, or other governing bodies of the cities within the sanitary district shall each elect one of its own members as trustees to the board, and also one trustee from the citizenry of each city or county wherein such cities of the first class are located: provided, that no such appointee from the citizenry shall hold office under the state or any of its political subdivisions except that of...
The mayor of each city, or such other member of the governing body as he may name, shall also be a trustee during his term of office as mayor. The governor shall also appoint one member to such board from the state at large.

No person residing in any county partly or wholly within the sanitary district or in any county adjacent to such county shall be eligible to appointment by the governor.

The city clerk of each city shall immediately, upon the election of the two trustees by the city council of his city, file with the secretary of state a certified copy or copies of the resolution or resolutions of the council of his city electing these trustees. At the same time, he shall also file with the secretary of state the names and addresses of the trustees selected. In the event the mayor of such city, or, in the event the mayor of such city has appointed some member of the governing body in his place, the city clerk shall immediately file with the secretary of state a certified copy of the order of the mayor appointing the trustee. Thereafter, the city clerk shall immediately transmit to the state board of health the names and addresses of the trustees elected by his city. Immediately upon receiving notification from the cities of the first class comprising the district of the names and addresses of the persons selected by such cities as trustees, the secretary of the state board of health shall call a meeting of the trustees so selected, and shall give written notice by mail to each trustee so selected, at least five days before the meeting.

If the city council, or mayor, of any of the cities of the first class shall, within the time specified therein, fail to select, and cause to be certified, any of the trustees to the governor, the governor shall designate such trustees, as have not been so designated. Any trustee so appointed by the governor shall be a citizen of the city whose mayor or council has so failed to act or the county wherein he is located.

445.05 BOARD; TERMS; VACANCY; OATH; REMOVAL; COMPENSATION.

Subdivision 1. The first board of trustees so selected shall serve as follows: The governor shall appoint one member who shall be the secretary of the state, or other person of knowledge, experience, and skill in the public interest, who is not an employee of the state. He shall serve as a trustee for a term of one year, and as an ex-officio member of the board of health for a term of one year, and as an ex-officio member of the board of health for a term of one year.

The governor shall also appoint one member to such board from the state at large.

The governor shall also appoint one member to such board from the state at large.

445.06 OFFICIAL NAME. Immediately after the trustees shall organize, they shall adopt an official name for the sanitary district. The names of the cities of the first class comprising the district shall be a part of the name of the district. Such sanitary district from the time the official name is adopted shall constitute a body corporate, and may sue and be sued, either in the name of the body corporate, or in the name of such trustee as shall be authorized for the proper management and conduct of the business of such district. The sanitary district shall not be subject to the provisions of Laws 1925, Chapter 426, or acts supplemental thereto.

445.07 QUORUMS; MEETINGS; OFFICERS AND EMPLOYEES. Four-sevenths of the members of the board of trustees shall constitute a quorum for the transaction of business, and the affirmative vote of four-sevenths of the entire membership of the board shall be required for the passage of any measure, except as otherwise provided herein. As soon as the trustees first appointed enter upon the duties of their office, they shall organize by electing one of their members chairman, who shall hold office at the pleasure of the trustees. The trustees shall have power to appoint a secretary, a chief engineer, consulting engineers, and other consultants, attorneys, and such other officers, agents, and employees as they may see fit; provided, however, that when the board of trustees performs any work within the limits of a city of the first class or establishes a minimum wage for skilled and unskilled labor in the specifications of any contract for work within a city of the first class, the rate of payment to such skilled and unskilled labor shall be the prevailing rate of wage for such labor in such city. The members of such district and the employees shall perform such duties and receive such compensation as the board of trustees may determine, and shall be removable at the pleasure of the board.

445.08 BOARD OF TRUSTEES TO ADOPT RULES. The board of trustees may from time to time make, adopt, and enforce such rules, regulations and ordinances as it may find expedient or necessary for carrying into effect the purposes of this chapter, and fix penalties for violation thereof, not exceeding for each offense 90 days' imprisonment in jail or workhouse, or a fine not exceeding $100, with imprisonment not exceeding 90 days, if the fine be not paid. Prosecution may be in any municipal court sitting within the district. Every sheriff, constable, policeman, and other peace officer shall see that all such rules, regulations, and ordinances are obeyed, and shall arrest and prosecute offenders. If the board shall be treasury of the city or county from which the arresting officer draws his salary, and all persons committed shall be received into any penal institution within the district at the expense of the city or county, and all records shall be public records. The board of trustees shall prepare annually a comprehensive report of its official and financial transactions and shall mail a copy of such statement to the governor; the state board of trustees shall be removed at the pleasure of the board, the governor shall give the wastes produced in the jointly used sewers or works of the sanitary district for the discharge of persons, property, and industries shall give the wastes at the point of origin, and to enter into contract.
with such industry or industries providing for charge to be made annually or otherwise for the treatment which may be given such wastes at the works of the sanitary district;

(3) To require any occupant of any industrial premises inside or outside of the boundaries of any established municipality within the area of the sanitary district engaged in discharging factory or industrial wastes directly or indirectly into any natural watercourse, or into any river, canal, ditch, or other waterway within the boundaries of the sanitary district to discontinue such discharge or construct new sewage disposal plants or to so change or rebuild any outlet, drain, or sewer as to discharge the factory or industrial wastes into such municipality or into such intercepting sewers as may be established by the sanitary district under such regulations as the sanitary district may determine;

(4) To make, promulgate, and enforce such reasonable rules and regulations for the supervision, protection, management, and use of any system of jointly used intercepting sewers and treatment and disposal works as it may deem expedient, and the board may provide in that connection that the same shall be used for the conveyance, treatment, and disposal of the sewage of such municipalities or territories at the sewage treatment and disposal works of the district; provided, that in the event the board of trustees has undertaken or shall undertake, by contract or otherwise, to construct trunk sewers, intercepting sewers, pumping stations, treatment and disposal works and appurtenances thereto for the purpose of conveying, treating, and disposing of the sewage of a territory or municipality not included within the boundaries of such district, such territory or municipality shall pay the entire cost of any sewage collection, treatment and disposal works used exclusively by it and of such additional capacity of joint intercepting sewers and such treatment and disposal plant as may be necessary to treat the sewage of such territory or municipality. Such additional cost, including repayment of equity in any existing works, to be determined by the board of trustees. Like agreements may be made by the board of trustees with the United States government, the state of Minnesota, and any county, counties, or townships, cities, villages, or municipalities having plants or industries located adjacent to the sanitary district. The reasonableness of any rule and the factual determinations of the board of trustees may be reviewed by the district court on application of any municipality or person or corporation aggrieved in the district; and

(5) To acquire, reconstruct, operate and maintain such metering stations which measure the sewage flow from the city of Minneapolis and certain of the sewage flow regulators in Minneapolis and St. Paul as may be deemed necessary for the efficient operation of the district; that such acquisition shall be so acquired upon agreement by the board of trustees and the city councils of said cities, with the city of Minneapolis to be compensated for such value, and the same may be modified from time to time, with necessary maps, plats, surveys, and estimates of probable cost of such system for the entire district based upon the probable needs and requirements of the district and of any adjacent territory likely to be annexed to such district, down to such time in the future as to the trustees shall seem most efficient and economical as well as proper and reasonable.

445.11 BOARD OF TRUSTEES TO ADOPT COMPREHENSIVE PLAN. Before undertaking the construction or operation of any system of sewage disposal for the district including intercepting sewers, pumping stations, treatment works, and appurtenances, it shall be the duty of the board of trustees of such sanitary district to adopt a comprehensive plan and program of procedure and work, for the collection, treatment, and disposal of sewage, industrial waste, and sludge handling or disposal works be located, maintained, or operated upon such site except with the approval and consent of five-sevenths of the entire board of trustees expressed by resolutions to such effect.

For the purpose of this chapter, an intercepting sewer and appurtenances thereto shall be construed, and appurtenances that are not now or will not be required by any municipality within the sanitary district, if the municipalities continued to dispose of their sewage and industrial waste by discharging their sewage and industrial waste without treatment into a common natural watercourse.

[1931 c 341 s 14] [1931 c 341 s 15] [1933 c 341 s 23] (1607-17)

445.10 OBJECTS AND PURPOSES. The general purpose and object of any sanitary district organized under this chapter shall be to promote the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treatment and disposal of all domestic sewage, commercial sewage, and industrial waste produced and that shall be generated within its own territory, so that the pollution resulting from the discharge thereof in any watercourse within the sanitary district shall be so reduced that such river, stream or watercourse shall cease to be, and shall not become a nuisance, or offensive, or injurious to the health and well-being of the people of the state. To accomplish such purpose and end, the trustees of any sanitary district organized under this chapter shall have power, within or without the territorial limits of the district, to construct, operate, maintain, and reconstruct a sewage disposal system or systems and to obtain sites for, to lay out, establish, construct, operate, and maintain, and may provide for the laying out, establishing, constructing, operating, and main-
stations, and other structures to be used exclusively by such city and territory served by such city, as set out in section 445.11, the intention shall be expressed by a resolution adopted by a majority vote of the members elect of its governing body, and thereafter such municipality may, notwithstanding any provision to the contrary included within the charter of such city, or any general law of the state, issue certain for the purpose thereof, for the term of 30 years, devise and lease the lands of its sanitary district, without a vote upon the question by the electors of such city. All bonds issued under the provisions of this section shall be payable by the sanitary district, without any vote upon the question by the electors of such city. All bonds issued under the provisions of this section shall be payable in equal installments of not less than one dollar each year, or as near $1 as may be, commencing on the date of the issuance, and continuing until paid in full.

445.13 MAY ENTER TERRITORY OF SANITARY DISTRICT. Such sanitary district may, through its officers, agents, and employees, enter upon land within or without the territorial limits of such district for the purpose of making surveys and examinations when the board of trustees shall deem it necessary or expedient in connection with the performance of its duties or functions. Such sanitary district may likewise enter upon any state, county, town, city, village, or municipal corporation property or water works, streets, alleys, or public streets, and occupy them so as to comply reasonably with the needs and requirements of such sanitary district, so as to become due and payable in not more than three years from the date of issuance, and the last instalment thereof to become due and payable not more than 30 years from their date. No annual maturing instalment of principal of any issue of such obligations shall be more than two and one-half times the amount of the smallest instalment thereof maturing in any one year.

445.14 LAND, EASEMENTS; ACQUISITION. The trustees may from time to time acquire in the name of the district by purchase, deed, grant, lease, or condemnation every such right, title and easement in land public or private within and without its corporate limits as it may deem expedient, including the right of eminent domain, to construct and maintain underground conduits with or without disturbance of the surface. Any property found unnecessary for its purpose, provided, however, that no sale of land be made by said board of trustees without first obtaining an order from the district court of the district in which such land is situated authorizing said sale, which order shall be filed with the secretary of said district and the clerk of said district court.

Land, or any right, interest, estate or easement thereof, may be acquired by the exercise of the right of eminent domain in the manner prescribed by Minnesota Statutes 1919, Sections 430.01 to 430.05, but without any assessment of benefits. All awards not set aside as therein provided shall be a charge upon the district for which the sale shall be made. The duties specified to be performed in said sections by the city council, the city clerk and the city engineer, respectively, shall be performed by the trustees, the secretary and the chief engineer of the district. Appeals to the district court shall be taken to the district court of the county in which the land lies. The notices required to be published shall be published in every case of general circulation published in the county or counties wherein the land lies. All reports and papers required by said sections to be filed with the city clerk shall be filed with the secretary of the district. Unless a lesser estate is designated, and absolute estate in fee simple, unqualified in any way whatsoever, shall vest in the district in every case of taking by the exercise of the power of eminent domain, and such estate shall not be limited or qualified in any way by the construction of the same.

445.15 CONSTRUCTION WORK TO BE DONE BY CONTRACT. All construction work and every purchase of equipment, supplies or materials, in carrying out the purposes of this chapter, that shall involve an expenditure of $2,000, or more, shall be awarded by contract, except as hereinafter provided. Before receiving bids, the board of trustees shall publish, once a week for two consecutive weeks in the official newspaper of each city in the sanitary district a notice that bids will be received for such construction work, and/or such purchase of equipment, supplies, or materials, stating the nature of the work, and the terms and conditions upon which the contract is to be let, naming therein a time and place where such bids will be received, opened, and read publicly, which time shall be not less than seven days after the date of the last publication. After such bids have been duly received, opened, and read publicly and recorded, the board of trustees shall award the contract to the lowest responsible bidder, the board of trustees reserving the right to reject any or all bids. Such contract to be duly executed in writing and the person to whom the contract shall be awarded shall give sufficient bond to the board for the faithful performance of the contract. If no satisfactory bid is received, the board shall advertise the same for a second time in an official newspaper of the county, and if no satisfactory bid is received, the board shall advertise the same a third time, and if no satisfactory bid is received, the board shall advertise the same a fourth time. If no satisfactory bid is received, the board shall substitute the lowest responsible bidder, the board of trustees reserving the right to reject any or all bids. Such contract to be duly executed in writing and the person to whom the contract shall be awarded shall give sufficient bond to the board for the faithful performance of the contract. If no satisfactory bid is received, the board shall advertise the same for a second time in an official newspaper of the county, and if no satisfactory bid is received, the board shall advertise the same a third time, and if no satisfactory bid is received, the board shall advertise the same a fourth time. If no satisfactory bid is received, the board shall substitute the lowest responsible bidder, the board of trustees reserving the right to reject any or all bids. Such contract to be duly executed in writing and the person to whom the contract shall be awarded shall give sufficient bond to the board for the faithful performance of the contract.

445.16 CONSTRUCTION WORK TO BE DONE BY LABOR. All construction work and the purchase of equipment, supplies or materials, in carrying out the purposes of this chapter, that shall involve an expenditure of $2,000, or more, shall be awarded by contract, except as hereinafter provided. Before receiving bids, the board of trustees shall publish, once a week for two consecutive weeks in the official newspaper of each city in the sanitary district a notice that bids will be received for such construction work, and/or such purchase of equipment, supplies, or materials, stating the nature of the work, and the terms and conditions upon which the contract is to be let, naming therein a time and place where such bids will be received, opened, and read publicly, which time shall be not less than seven days after the date of the last publication. After such bids have been duly received, opened, and read publicly and recorded, the board of trustees shall award the contract to the lowest responsible bidder, the board of trustees reserving the right to reject any or all bids. Such contract to be duly executed in writing and the person to whom the contract shall be awarded shall give sufficient bond to the board for the faithful performance of the contract. If no satisfactory bid is received, the board shall advertise the same for a second time in an official newspaper of the county, and if no satisfactory bid is received, the board shall advertise the same a third time, and if no satisfactory bid is received, the board shall advertise the same a fourth time. If no satisfactory bid is received, the board shall substitute the lowest responsible bidder, the board of trustees reserving the right to reject any or all bids. Such contract to be duly executed in writing and the person to whom the contract shall be awarded shall give sufficient bond to the board for the faithful performance of the contract. If no satisfactory bid is received, the board shall advertise the same for a second time in an official newspaper of the county, and if no satisfactory bid is received, the board shall advertise the same a third time, and if no satisfactory bid is received, the board shall advertise the same a fourth time. If no satisfactory bid is received, the board shall substitute the lowest responsible bidder, the board of trustees reserving the right to reject any or all bids. Such contract to be duly executed in writing and the person to whom the contract shall be awarded shall give sufficient bond to the board for the faithful performance of the contract.
Bonds shall be required from contractors for any works of construction as provided in and subject to all the provisions of sections 574.26 to 574.31.

445.10 MAY CONTRACT WITH ADJACENT MUNICIPALITIES. Any city of the first class comprising the sanitary district, may contract with any of its adjacent municipalities, villages, governmental functions, institutions, persons, or firms, for the conveying, treatment, and disposal of their sewage and industrial waste, all such contracts hereafter made to be subject to approval by the board of trustees so as to effect the general objects and purposes as set forth in section 445.10.

445.13 SEWAGE CHARGES, COLLECTIONS. Any city of the fourth class that has entered into a contract with an adjoining city of the first class for the conveying, treatment, and disposal of the sewage of the city of the fourth class, pursuant to section 445.16, shall have the same authority to collect and certify to the county auditor the maintenance charge made for the services under the contract to the city of the first class pursuant to section 445.16.

445.18 MUNICIPALITY MAY LEVY SPECIAL ASSESSMENT. Any municipality within or without the district whose sewage or industrial waste is discharged by contract or otherwise into the sewage disposal system of the sanitary district, shall have authority to levy special assessments upon any property within the municipality, not subject to real estate taxes, which is benefited by the sewage disposal system located therein. These special assessments may be levied and collected in the same manner as other special assessments for local improvements authorized by local charters, or general laws.

445.19 CONTIGUOUS MUNICIPALITIES SHALL TREAT SEWAGE. Within one year after any such sanitary district shall begin treating sewage and industrial waste, any municipality contiguous thereto that is grossly polluting a watercourse common to such district and such municipality, shall treat its sewage to the same degree and extent as does such sanitary district, and the state board of health is hereby authorized, empowered, and directed to establish such rules and regulations as will make that requirement effective. When any such municipality shall determine, or be directed, to erect and construct, at its own cost and expense, the drains, sewers, intercepting sewers, pumping stations, treatment plant, and other structures to be used by it, this intention shall be expressed by a resolution adopted by a majority vote of the members elect of its governing body, and thereafter such municipality may, notwithstanding any provision to the contrary included within the charter of such municipality or any general law of the state, issue and sell in whole or in part out of tax levies and the cost of and maintenance thereof, such bonds for the cost thereof without a vote upon that question by the electors of the municipality and outside of any limitation established upon the amount of bonds that may be issued by such municipality. Such bonds shall be issued and sold in the same manner and under the same conditions as any other bonds that may be issued and sold by such municipality. The cost of such construction may be paid in whole or in part out of tax levies and the cost of operation and maintenance shall be met out of annual tax levies and such levies for such purposes may be over and above any limitation now established in any general law of the state or by the charter of such municipality.

445.19 CORPORATION, now ORGANIZED. The officials designated shall meet upon the call of the mayor (of the larger of the cities if more than one) at his office, and shall proceed to organize themselves into a public corporation under some appropriate name for the objects and purposes stated in section 455.15, and shall unite in a certificate which shall state the name and objects of the corporation, the fact that it is organized under sections 455.15 to 455.22, and that the members of the corporation shall be themselves, during their respective terms of office, and their respective successors in such offices. Such certificate shall be recorded in the office of the secretary of state.

445.19 CONDEMNATION OF FLOWAGE RIGHTS FOR POWER DAMS. Any city of the third class now owning and operating a power dam, either with or without its corporate limits, for the purpose of generating electricity for municipal use, is hereby authorized and empowered to acquire necessary flowage rights under the right of eminent domain over and upon any property, including any public easement therein, for the purpose of increasing the height of the dam.

445.15 CORPORATIONS TO PROVIDE ELECTRICITY IN CITIES UPON RIVERS. Any city situated upon a river where there may be secured a developed water power conveniently near for utilization in the creation and development of electrical energy to supply the city and any state institution therein with such energy at approximate cost, either alone or in conjunction with an adjacent city, may do so through a public corporation formed at its request as provided in sections 455.16 to 455.22.

445.16 UNITING WITH ADJACENT CITY; FAILURE TO UNITE. Any city mentioned in section 455.15 which may desire to avail itself of the provisions of sections 455.15 to 455.22 shall proceed as follows.

If there is no adjacent city, or if there is one and it fails or refuses to unite in the adoption of these resolutions within 30 days thereafter, shall by resolution accept the invitation, these cities shall, by further resolution of their respective legislative bodies, declare their desire to so secure such water power and to have organized, under sections 455.15 to 455.22, a public corporation therefore, and shall, by the same resolution, request the respective mayors, or other executive heads (by whatever name known) of these cities, and the president or other executive head of the governing, or managing board, of any state institution (or of the senior state institution, if more than one) in those cities, to proceed to form such corporation under sections 455.15 to 455.22.

455.17 CORPORATION, HOW ORGANIZED. The officials designated shall meet upon the call of the mayor of the larger of the cities if more than one at his office, and shall proceed to organize themselves into a public corporation under some appropriate name for the objects and purposes stated in section 455.15, and shall unite in a certificate which shall state the name and objects of the incorporation of the corporation, the fact that it is organized under sections 455.15 to 455.22, and that the members of the corporation shall be themselves, during their respective terms of office, and their respective successors in such offices. Such certificate shall be recorded in the office of the secretary of state.
455.18 OFFICERS AND GOVERNMENT. The corporation when organized shall provide for and elect such officers as it may designate, and may employ a manager and such other agents and servants as may be necessary for the corporate business and may adopt such rules, regulations, and bylaws for the government of the corporation and of its employees as may seem best, but the members of the corporation shall receive no pay or compensation as members, or as officers, but may have their actual expenses.

455.19 ACQUISITION AND DEVELOPMENT OF WATER POWER. The public corporation when organized shall be authorized and empowered to acquire, by lease or otherwise or any developed water power within or near the corporate limits of the cities whose officers are, ex officio, members of the corporation; to acquire all necessary lands, rights, and privileges, and to provide itself with a suitable hydro-electric plant, fully equipped with auxiliary power plant necessary to utilize economically the water power, and with the necessary means of distribution of the electrical energy therefrom.

455.20 DISPOSITION OF ELECTRICAL ENERGY. The electrical energy so developed, shall be disposed of as follows: (1) to the grantor from whom the water power is acquired if the contract therefor so provides; (2) to any state institution in the city, or cities, desiring the same; and (3) any surplus then remaining, in equal shares, to the cities whose officers are members of the corporation, if more than one, otherwise the whole to the single city.

455.21 RATES. The same rate shall be charged by the corporation to all users of electrical energy so supplied, whether the user is the grantor from whom the water power is acquired, a state institution, or a city, and that rate shall be sufficient to pay and cover the cost of operation, maintenance, interest charges, and the retirement of any indebtedness, and to provide for the renewal of the plant and for a reasonable emergency fund, and no more.

455.22 ISSUANCE OF BONDS. The corporation shall likewise be authorized to raise money by the sale of its bonds or certificates of indebtedness to carry out the objects and purposes of the corporation, and the indebtedness evidenced thereby shall be a lien upon all the property, rights, and franchises of the corporation.

CHAPTER 456
WATER-WORKS

456.01 WATER-WORKS IN CITIES ORGANIZED UNDER SPECIAL LAWS, HAVING NOT OVER 5,000. When any charter, general, or special election, held in any city in the class hereinafter mentioned, the electors thereof by an affirmative vote of two-thirds of the electors voting thereat so determine, any city in the state having 5,000 population, or less, organized and existing under a special law, is hereby authorized and empowered, in addition to all powers to issue bonds, conferred upon it by its city charter, or by virtue of any general or special law, and in addition to all other bonds that it is by the law authorized to issue, to issue its bond in the aggregate amount mentioned in sections 456.02 to 456.07 to be determined as set forth therein, and to dispose of the same as provided therein, and to use the proceeds thereof for the purpose of acquiring, constructing, extending, enlarging, improving, or purchasing municipal water-works, light and power plants, or of acquiring or purchasing lands or rights for the erection, establishment and maintenance of dams and reservoirs for the purpose of furnishing water, light or power to the public, or for either or all of such purposes, but in each such case the city may either acquire such plant or property at such price, not exceeding its fair value, and on such terms as may be agreed upon between such city and the owner thereof; or, if such arrangement as to price and terms cannot be agreed upon, may acquire such property by condemnation thereof. The procedure, in event of condemnation, shall be that prescribed by chapter 117 and the purchase price of the property, as so fixed by agreement or condemnation, may be paid out of the proceeds of the bonds by sections 456.01 to 456.07 authorized to be issued and the balance of the proceeds, if any, may be used for the extension, enlargement, or improvement of such plant or property so acquired.

456.02 SUBMISSION TO VOTERS. When the council of any such city, at any regular or special meeting thereof, determine by resolution duly adopted by two-thirds vote of all members thereof, entered upon the minutes of the proceedings, that it is necessary to acquire by purchase or condemnation, or both, water-works, light or power plants already in existence, or to construct, enlarge, extend, establish, or improve a municipal water, light or power plant, or to acquire, as aforesaid, lands or shore or fluvial rights along, by, or near any lake or river for the purpose of erecting or establishing or maintaining reservoirs or power dams or other water purposes, or either or all thereof, as the case may be, and that the funds in the treasury of such city are not sufficient for such purposes, and that it is necessary to issue the bonds of such city in an amount to be determined by such council in such resolution, not exceeding in the aggregate ten percent of the assessed valuation of the taxable property of such city according to the last preceding assessment thereof, such council may cause the proposition of issuing such bonds, in such an amount, to be submitted to the electors of the city at any charter, general, or special election to be held therein. Such resolution shall fix the time of the voting, if the same be submitted at special election, which shall be not less than ten days after the date of the adoption of the resolution, and the special election shall be conducted as provided by law for charter elections. The notice of such election, at which the proposition is to be submitted, whether general, charter, or special, shall contain a statement of the total amount of the principal of the bonds and the purposes to which it is proposed to put the same.
456.06 WATER-WORKS; POWER TO ACQUIRE. Each city of the third class in the state is hereby authorized and empowered, as provided in sections 456.09 to 456.15, to construct, erect, purchase, or otherwise pursuant to authority of law, acquire a system of water-works to be operated and governed by such city, in such manner and to be managed and regulated by such boards or commission, or otherwise, from time to time, may be prescribed by law, authorized by such city to issue bonds in payment therefor, as provided in sections 456.09 to 456.15.

1905 c 105 s 1 (1866)

456.09 ISSUE OF BONDS; MORTGAGE, LIMIT OF DEBT. Each such city is hereby authorized to issue in payment for any such system of water-works, or to pay and discharge or refund any bonds secured by a mortgage upon such system, or water-works otherwise heretofore authorized to issue, at the time of such purchase, in addition to all bonds heretofore authorized to be issued by such city, its bonds, in an amount to be determined by a two-thirds vote of the members of its council, not exceeding in amount five percent of the assessed valuation of the taxable property of such city, according to the last preceding assessment thereof, for the purpose of constructing, erecting, purchasing, or acquiring in any lawful manner a system of water-works.

1905 c 105 s 2 (1867)

456.15 WATER-WORKS, HOW ACQUIRED. Every such city is hereby authorized and empowered, by a two-thirds vote of the council thereof, to contract on behalf of the city for the purchase of water-works or for the building and construction of a system of water-works, but no contract for such building or construction shall be entered into until after the council, or other governing body, shall cause an advertisement for sealed bids for the performance of such contract to be published by the city clerk or recorder thereof, at least once in each week for three successive weeks, in a daily newspaper published in the city, if one there be; if there be none, then once in each week for three successive weeks in a weekly newspaper published in the city; if there be no such newspaper, then for three successive weeks in a daily newspaper published in St. Paul or Minneapolis. The council or other governing body shall have authority to prescribe such terms and conditions relative to the making of such bonds for such contract and relative to the security which each bidder shall be required to make or deposit with such bid, as to such council shall seem expedient and necessary. The council of any city, or other body or authority having the control and management of such water-works, may adopt and enforce such rules and regulations as to the time when water rentals shall become due and payable as such body or authority may deem advisable.

1913 c 37 s 1, 3 (1841, 1842)

456.16-456.22 [Repealed, 1959 c 292 s 4]

456.23 EXTENSION OF WATER-WORKS SYSTEMS. Any city in this state or hereafter having a population of 50,000 or more and owning or operating a water department for the purpose of supplying water to its inhabitants may extend its water-works so owned and operated so as to draw water from any river in this state, notwithstanding any provisions or limitations contained in the charter of any such city.

1923 c 985 s 1 (1881-1)

456.21 EXTENSION OR REPAIR OF PUMPING PLANTS, RESERVOIR SYSTEMS, OR WATER MAIN SYSTEMS. In addition to the power heretofore granted by law, any city of the fourth class in the state is hereby authorized and empowered to sell its bonds for the purpose of extending or repairing any pumping plant, reservoir system, or any system of water mains, or any of them, now owned and operated by any such city.

1919 c 262 s 8 (1958-59)

456.29 EXTENSION OF WATER MAINS INTO AND FURNISHING OF WATER TO CONTIGUOUS TOWNS, VILLAGES, OR CITIES. Any city of the first class, which maintains a municipally-owned and operated water plant or department, whether such water plant is under the control of the council or a board of water commissioners, is hereby authorized to furnish water to, and extend its mains into, any city, town, or village whose territory is contiguous to such city, and to assess the cost of extending these mains against the property abutting on the street in which the mains are laid.

1927 c 15 s 1 (1891)

456.30 COST OF EXTENSION; REQUESTS FOR EXTENSION. When any such city extends its mains and furnishes water to contiguous cities, towns, or villages, under the provisions of sections 456.29 to 456.30, and is operating under a home rule charter adopted pursuant to the Constitution of the State of Minnesota, Article 4, Section 35, the cost of such mains shall be collected in the manner prescribed by its charter; provided that no such mains shall be extended or ordered furnished to any such contiguous city, town, or village except upon the adoption of a resolution requesting such service by the council or town board of such city, town, or village, which resolution shall designate the streets, alleys, or other public places wherein such mains may be laid; and, provided that the total cost of constructing such mains extended into any city, town, or village shall be assessed against the property abutting on the street where the mains are laid.

1927 c 154 s 2 (1891-3)

456.32 EXTENDING WATER PIPES. Any city in the state, now or hereafter owning and operating water-works, is hereby authorized to extend its water-works and mains from and along any road, street, alley, or public highway in the state, whether within or without the corporate limits of such city, to supply water for a reasonable compensation to the occupants of property adjacent or accessible to the line so extended, whether within or without the corporate limits of such city; provided, this section shall not be construed as granting any rights to lay or maintain water-works on the private property of any person, or as authorizing any city to extend its water-works under such line shall be so extended as not to interfere with the safety or convenience of ordinary travel over these roads, streets, alleys, or public highways.

1905 c 258 s 1; 1910 c 119 s 111; 1915 c 577 s 1 (1864)

456.33 WATER RENTALS; RULES; APPLICATION. In all cities of the first class in this state owning a municipal water-works system, the board of water commissioners of such city, or other body or authority having the control and management of such water-works system, may adopt and enforce such rules and regulations as to the time when water rentals shall become due and payable as such body or authority may deem advisable.

1913 c 37 s 1, 3 (1841, 1842)

456.41 BONDS FOR CONSTRUCTION OF WATER-WORKS AND MUNICIPAL MARKET. The governing body of any city of the first class in this state which operates its water-works system by means of a board of water commissioners created by act of the legislature, and which owns, maintains, and operates its own municipal market, is hereby authorized and empowered, for the purposes herein designated, to issue from time to time as needed the negotiable bonds of the city to be sold, exchanged, or otherwise disposed of not exceeding $500,000; the proceeds of the sale of such bonds for the purpose of constructing and improving public works, and for the purpose of extending, repairing, and maintaining the same, shall be applied toward the payment of the interest and principal of such bonds, or any part thereof, when due, and for such other purposes as the city may require, and any such bonds remain unsold shall be void.

1924 c 65 s 1 (1860-82)

456.42 LIMITATION OF INDEN:ITEDNESS; TAX LEVY. The bonds authorized by section 456.41, or any portion thereof, may be issued and sold by any such city, and any such city may levy taxes upon the taxable property of any such city, to pay and discharge any such bonds, and for the purposes of maintaining and operating the water-works and public market of such city, or for any other public purpose, to the extent that the same shall not exceed the amount of the taxes levied upon the taxable property of such city, the taxes hereby authorized to be levied for such purposes shall be in addition to all other taxes levied for the payment and discharge of the taxes levied for the payment and discharge of any other bonds.

1937 c 6 (1837)
notwithstanding any limitation contained in the charter of such city or in any law of this state prescribing or fixing any limit upon the bonded indebtedness of such city. The governing body of any such city issuing said bonds shall set aside annually from the revenues of the operation of projects for which the bond issue herein is authorized, a sufficient amount to pay the interest on said bonds and the principal of any such bonds maturing in any such year; and in the event such revenue is insufficient for this purpose, the governing body of any such city issuing these bonds shall include in the tax levy a sufficient amount for the payment of such interest as it accrues and for the accumulation of a sinking fund for the redemption of such bonds at their maturity.

456.19 Powers as Labor and supply to public water highways

456.20 Land covered by water condemned for slips

456.21 To be held for public water highway

456.22 Proceedings

456.23 Land or easement to vest in city

456.24 Land for harbors and wharves condemned

456.25 Public landfills, wharves, docks; construction, maintenance; rate charges

456.26 Bond issue

456.27 Bond issue; limitation on indebtedness not applicable

456.28 Bond issue, form of bond

456.29 Bond issue; proceeds to constitute special fund

**CHAPTER 458**

**WATER TRANSPORTATION FACILITIES; PORT AUTHORITIES**

458.01 [Repealed, 1949 c 119 s 110]

458.02 FREIGHT AND PASSENGER TRANSPORTATION TERMINALS. Any city in this state now or hereafter having a population of not less than 4,000, and not more than 50,000, shall have the power to acquire and hold in fee simple, by purchase or condemnation, the following: docks; levees; wharves; landing places, railroad and other land transportation loading and unloading places, land and water freight and passenger stations, terminals and terminal buildings for any and all kinds of carriers and necessary equipment and appurtenances on any navigable stream within the limits of such city and may set aside such portions of the land when acquired, as the public needs may require, for use for public travel and shall devote the remainder thereof to the uses herein provided, or if required by the United States government.

458.03 CONSTRUCTION OF DOCKS; CHARGES. Such cities shall have the power to construct, erect, and maintain on any such land so acquired, docks, levees, wharves, landing places, railroad, and other transportation loading and unloading places, and water freight and passenger stations, terminals and terminal buildings for any and all kinds of carriers and necessary equipment and appurtenances; and such city shall have the power and is hereby authorized to charge a reasonable price for the use of such docks, levees, wharves, and landing
PORT AUTHORITIES

458.09 PORT AUTHORITY COMMISSION, APPLICATION TO SEAWAY PORT AUTHORITIES. Subdivision 1. A commission to be known as "Port Authority Commission, Application to Seaway Port Authorities" is hereby established in and for every city of the state which has, or shall have over 50,000 inhabitants and which is or shall be situated upon, or adjacent to, or which embraces or shall embrace within its boundaries, in whole or in part, a port or harbor located on a navigable lake or stream within the state of Minnesota. The provisions of sections 458.09 to 458.19 are expressly declared to be applicable to all such cities. Those port authorities now or hereafter having jurisdiction over harbors located on the Great Lakes-St. Lawrence seaway system shall be known and referred to in sections 458.09 to 458.19 as seaway port authorities. A port authority shall be a body corporate and political. Each port authority shall have jurisdiction and shall be empowered to exercise and apply for the purpose of exercising and applying the powers herein conferred, as follows:

Subd. 2. Any port authority, created and existing pursuant to this section, the membership of which has been appointed under Minnesota Statutes, Section 458.10, Subdivision 1, shall have jurisdiction and shall be empowered to exercise and apply any and all of its powers and duties, as defined in sections 458.09 to 458.19, at any place or places within the entire geographical area included within the boundary limits of the city of the first class in which said port authority is located, and said area of operations shall be known and described as the port district. The power to lease property which the port authority, in its discretion, believes suitable and proper to be used by the port authority in the execution of its duties and responsibilities is not to be limited to said port district, but the port authority shall have the power to lease such property either within or without said port district for such purpose.

Subd. 3. The provisions of sections 458.09 to 458.19 only shall be applicable to seaway port authorities and the term "port authority" when used in those sections shall be deemed to include seaway port authorities. The provisions of sections 458.10 to 458.19 shall not be applicable to seaway port authorities.

458.10 MEMBERSHIP. Subdivision 1. Such port authority for any city shall be comprised of three commissioners who shall be appointed by the council of each city in which such port authority is hereby created. The first commissioners of any such port authority shall be appointed for terms as follows: one for two years; one for four years; and one for six years.

Subd. 2. Any formal resolution of the governing body of any city having a port authority created under the terms of this subdivision and now existing, the port authority of such city shall be increased to seven commissioners, two of whom shall be members of the governing body of such city. The members of such port authority shall be chosen by the mayor of such city and the approval and consent of the governing body of such city, and shall serve for a period of six years, provided that the members of any such port authority now existing shall be appointed for the remainder of their terms fixed by the council or governing body of such city, and the making of such change shall in no way be held to impair, affect or invalidate such bonds.

458.04-458.08 [Expired]
assignments of collateral are permitted by law to secure deposits of the funds of any such city.

in a sum equal to twice the amount of money which will probably be needed by such depositories to the port authority, such bonds to be conditioned for the safe·keeping and prompt repayment of such deposits. When any of the funds of the port authority shall cover and include all portions of any city in and for which any such port authority is created, the port authority shall designate a national or state bank or banks as depositories of its money. Such designation shall be made by resolution entered on the records. The assistant treasurer shall have the powers and perform the duties of the treasurer in the event of the absence or disability of the treasurer. The treasurer of every port authority shall give bond to the state in a sum equal to twice the amount of money which will probably be needed by him at any time during any one year of his term, that amount to be determined at least six months prior to the commencement of such term, and such bond to be approved as to both form and sureties by the port authority and filed with its secretary; such bond, however, shall not exceed $300,000.

458.12 DEPOSITORIES DESIGNATED. The port authority shall biennially designate a national or state bank or banks as depositories of its money. Such designation shall be made by resolution entered on the records. The assistant treasurer shall have the powers and perform the duties of the treasurer in the event of the absence or disability of the treasurer. The treasurer and the sureties on his official bond shall, to such extent, be exempt from liability for the loss of any such deposited funds by reason of the failure, bankruptcy, or other act or default of such depository; provided, that any such port authority may accept assignments of collateral by any depository of its funds to secure such deposits to the same extent and conditioned in the same manner as assignments of collateral are permitted by law to secure deposits of the funds of any such city.

458.13 TERRITORIAL JURISDICTION. The territorial jurisdiction and authority of the port authority shall cover and include all portions of any city in and for which the same is created and established, and all portions of such port or harbor within the city. The city and those portions of such port or harbor, are hereby declared to as the port district.

458.14 RIGHT TO LEVY TAXES OR ASSESSMENTS FORBIDDEN. The port authority shall have no right or authority to levy any tax or special assessment, nor to pledge the credit of the state, or any other subdivision or municipal corporation thereof; nor to incur any obligation enforceable upon any property, either within or without the port district, other than property owned by the port authority. Annually, at such time as may be fixed by charter, resolution, or ordinance of the city, the port authority shall be apportioned by the treasurer in such manner as the treasurer and the sureties on his official bond shall, to such extent, be exempt from liability for the loss of any such deposited funds by reason of the failure, bankruptcy, or other act or default of such depository; provided, that any such port authority may accept assignments of collateral by any depository of its funds to secure such deposits to the same extent and conditioned in the same manner as assignments of collateral are permitted by law to secure deposits of the funds of any such city.

458.15 CITY TO TRANSFER PROPERTY. The council of any such city may, in its discretion, by majority vote, and with or without consideration, transfer or cause to be transferred to such port authority or may place in its possession and control, by lease, or other contract or agreement, either for a limited period or in fee, any dock, waterfront, or riparian property now or hereafter owned or controlled by such city, within the port district, but nothing in sections 458.09 to 458.19 contained shall be construed to impair or in any manner restrict any power of such city or any municipality to itself own, develop, use and improve port or terminal facilities. Any such city may issue its bonds for, and appropriate the proceeds thereof, to the purchase, construction, extension, improvement, and maintenance of docks, warehouses, or other port or terminal facilities owned or to be owned or operated solely by the port authority, other than a seaway port authority, under the same conditions, to the same extent and in the same manner as if such properties were public utility plants, needful public buildings and public conveniences from which revenue may be derived, and were owned or to be owned or operated solely by the city. Any city entitled to appoint members of a seaway port authority may issue its general obligation bonds for, and appropriate the proceeds thereof for any of the foregoing purposes and for the conservation, development, reclamation, protection and improvement of lands under the jurisdiction of such seaway port authority. Such bonds shall be issued only after approval of two-thirds of the members of the city council of such city. Any such bonds shall be sold, issued, sold and secured as provided in Minnesota Statutes, Sections 475.60 to 475.73; an election shall not be necessary to the validity of such bonds. Such city may also in its discretion and with or without compensation therefor furnish to such port authority offices, warehouses, or other structures and space with or without heat, light and other service, and such stenographic, clerical, engineering or other assistance as its council may determine. The city attorney or solicitor of any such city may be the city attorney or solicitor of the port authority, but this provision shall not impair the power of the port authority to employ additional counsel when in the judgment of its members such action is for any reason advisable.

458.16 POWERS AND DUTIES. Subdivision 1. It shall be the general duty of any such port authority to promote the general welfare of the port district, and of the county or counties thereof; to promote the efficient, safe and economical handling of such commerce, and to provide or promote adequate docks, railroad and terminal facilities open to all upon reasonable and equal terms for the handling, storage, care and shipment of freight and passengers to, from and through the port.
Subd. 2. It shall further be the special duty of such port authority:

(1) To confer with any similar body created under laws of any state embracing within its boundaries any part of any port or harbor of which the port district lies within the same, and for the purpose of operating, extending, or improving the entire harbor and port;

(2) To consider and adopt detailed and comprehensive plans for the regulation, future development and improvement of the port district, which plans shall, so far as practicable, be in cooperation with the United States Department of Commerce and the United States Coast Guard, or other similar body a comprehensive plan for the regulation and future development and improvement of the entire harbor and port;

(3) To confer from time to time with any such similar body and, so far as may be, to agree therewith upon legislation and regulations needed for the regulation and control of the port as a whole, and to recommend the adoption of such legislation and regulations to the appropriate councils, legislatures or other legislative and regulatory bodies;

(4) To agree upon legislation and regulations needed for the regulation and improvement of the conduct of navigation and commerce within the port district and to similarly recommend the same;

(5) Either jointly with a similar body, or separately, to recommend to the proper departments of the government of the United States, or any state or subdivision of either, or to any other body, the carrying out of any public improvement for the benefit of the port or port district;

(6) To investigate the practices, rates and conduct of privately owned or operated truck and trailer terminals and port facilities within the port district, and to institute such proceedings and take such steps as may be required by any public interest; in connection with any such investigation, the port authority shall have power, by subpoena issued out of the district court of the county where the port authority is situated, to require the attendance of witnesses and to examine written or oral testimony, under oath, of witnesses;

(7) Annually by April 1 of each year to make written report to the council of such city, giving a detailed account of its activities and of its receipts and expenditures during the preceding calendar year, together with such further matters and recommendations as it shall deem advisable for the advancement of the commerce and welfare of the port district.

Subd. 3. Such port authorities as are hereby created and existing under the provisions contained in this chapter, the principles of the law of St. Paul, and the provisions of the law of the United States, and any other local and general laws, and any other body, and to institute such proceedings and take such steps as may be necessary to construct and maintain recreational facilities along the river or the lands abutting thereon, and are hereby authorized to expend port authority moneys therefor, and shall have power to,magnify, convey, exchange, or transfer any property by the port authority shall be determined by resolution duly adopted by the council of the city of St. Paul, and shall be subject to the approval of a majority of the members of the council of the city of St. Paul.

Subd. 4. Any port authority operating under the provisions hereof and also under the provisions of Minnesota Statutes, Sections 458.191 to 458.191 inclusive shall be authorized to expend any funds and income accruing to it from the sale, conveyance, exchange or transfer of real property for the promotion of the public interest, and for any other purpose or to any other body, the carrying out of any public improvement for the benefit of the port or port district.

The port authority, in its own name, shall have full power and authority to acquire, purchase, construct, lease, or operate any bulkheads, jetties, piers, wharves, docks, landing places, warehouses, etc., wharves, elevators, cold storage plants, terminals, bridges, and such other terminal or transportation facilities as may be necessary or convenient for storing, handling, or transporting goods and passenger traffic; for the handling of passenger traffic; for the handling of railroad and water transportation within the district; to make rules, regulations, and charges for the use thereof, and for any service rendered; for such purposes to own, hold, lease, or operate real and personal property, to borrow money and to secure the same by bonds or mortgages upon any property held or to be held by it, and to sell, or convey, exchange, or transfer any property by the port authority for such purposes, or any of the purposes outlined in this chapter for the development of a seaport, such bonds to be issued, sold and secured in the same manner as provided below for the construction of a vehicular toll bridge or tunnel, except that a trust indenture may be required to be filed with the port authority or any successor port authority in the state of Minnesota, or any city, county, village, school district, town, or other municipality, shall be so taken or acquired by the port authority without the consent of the state, municipality, or governmental subdivision, the necessity of the taking of any property by the port authority shall be determined by resolution duly adopted by the port authority and shall further be the special duty of such port authority to which it is herein given.

Laws 1963, Chapter 254 reads: "Section 2. Any port authority which shall become county, village, school district, town, or other municipality, shall be so taken or acquired by the port authority without the consent of the state, municipality, or governmental subdivision, the necessity of the taking of any property by the port authority shall be determined by resolution duly adopted by the port authority and shall further be the special duty of such port authority to which it is herein given.

458.17 ADDITIONAL POWERS. The port authority, in its own name, shall have full power and authority to acquire, purchase, construct, lease, or operate any bulkheads, jetties, piers, wharves, docks, landing places, warehouses, etc., wharves, elevators, cold storage plants, terminals, bridges, and such other terminal or transportation facilities as may be necessary or convenient for storing, handling, or transporting goods and passenger traffic; for the handling of passenger traffic; for the handling of railroad and water transportation within the district; to make rules, regulations, and charges for the use thereof, and for any service rendered; for such purposes to own, hold, lease, or operate real and personal property, to borrow money and to secure the same by bonds or mortgages upon any property held or to be held by it, and to sell, or convey, exchange, or transfer any property by the port authority for such purposes, or any of the purposes outlined in this chapter for the development of a seaport, such bonds to be issued, sold and secured in the same manner as provided below for the construction of a vehicular toll bridge or tunnel, except that a trust indenture may be required to be filed with the port authority or any successor port authority in the state of Minnesota, or any city, county, village, school district, town, or other municipality, shall be so taken or acquired by the port authority without the consent of the state, municipality, or governmental subdivision, the necessity of the taking of any property by the port authority shall be determined by resolution duly adopted by the port authority and shall further be the special duty of such port authority to which it is herein given.

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458.17 ADDITIONAL POWERS. The port authority, in its own name, shall have full power and authority to acquire, purchase, construct, lease, or operate any bulkheads, jetties, piers, wharves, docks, landing places, warehouses, etc., wharves, elevators, cold storage plants, terminals, bridges, and such other terminal or transportation facilities as may be necessary or convenient for storing, handling, or transporting goods and passenger traffic; for the handling of passenger traffic; for the handling of railroad and water transportation within the district; to make rules, regulations, and charges for the use thereof, and for any service rendered; for such purposes to own, hold, lease, or operate real and personal property, to borrow money and to secure the same by bonds or mortgages upon any property held or to be held by it, and to sell, or convey, exchange, or transfer any property by the port authority for such purposes, or any of the purposes outlined in this chapter for the development of a seaport, such bonds to be issued, sold and secured in the same manner as provided below for the construction of a vehicular toll bridge or tunnel, except that a trust indenture may be required to be filed with the port authority or any successor port authority in the state of Minnesota, or any city, county, village, school district, town, or other municipality, shall be so taken or acquired by the port authority without the consent of the state, municipality, or governmental subdivision, the necessity of the taking of any property by the port authority shall be determined by resolution duly adopted by the port authority and shall further be the special duty of such port authority to which it is herein given.
property shall be thereafter accomplished by proceedings by law, as in taking land for public use by right of eminent domain under the laws of the state.

In addition to the power and authority heretofore conferred upon the port authority, the port authority, in its own name, shall have full right and power to acquire and thereafter to construct and maintain any connecting vehicular toll bridge across any waters which form a common boundary between any city of the first class in the state and any other city either within or without the state and to reconstruct, improve, and repair such existing bridge; and to construct, maintain, and operate such toll bridge and appurtenant aids and rights of way, point suitable to the interests of navigation, and to reconstruct, repair, and improve the same; and to construct, maintain, and operate a tunnel under these waters and to reconstruct, repair, and improve the same; and to issue and sell the negotiable evidences of the port authority for such purposes. Such bonds shall be authorized by resolutions at the port authority's request and to the extent of such power and authority, to the extent of the cost thereof, to acquire and maintain such real estate and other property as may be needed for the location, construction, maintenance, reconstruction, improvement, repair, and operation of such bridge or tunnel.

The port authority shall have full right and power to acquire by proceedings by law, as in taking land for public use by right of eminent domain under the laws of the state, the real estate and other property for public purposes in such state.

The port authority shall also have full right and power to cause to be made a survey and investigation relating to the proper uses, operations, improvement, and development of the port district, the stimulation of employment by reason thereof, and the benefit to the city and county in which such district lies and to the state of Minnesota. The port authority may also cause to be prepared a plan for future construction, development, and improvement of the port, which plan may be integrated into any existing or future city plans of any city in the port district. Upon completion of the survey and public hearing, such plan, upon approval of the port authority, shall be submitted to the body having jurisdiction of any part of such port to petition any interstate commerce commission for the favorable vote of a majority of its members in favor of the plan. Such plan shall be subject to the provisions of the Interstate Commerce Act and the port authority shall be subject to the provisions of any federal or state laws relating to the port authority.

Any seaway port authority may also operate its port terminal facilities constructed on their premises as terminal operators and as such, may contract with a warehouse operator, or terminal operator for other terminal services on an agency basis. They may enter into such a contract which may provide that the warehouse operator or terminal operator shall be responsible for the payment of their commission and in the compliance with all local ordinances, state or federal laws in regard to employees. Such seaway port authority may also contract with any other agent or agents for the furnishing of any and all aids necessary to the operation of the port authority, provided that such contract shall be approved by resolution duly adopted by the favorable vote of a majority of the commissioners of the port authority. As to said seaway port authority this law shall become effective upon approval by resolution duly adopted by the favorable vote of a majority of the commissioners of the port authority.

The port authority shall have power and authority, in its own behalf, to employ such engineering, legal, technical, clerical, stenographic, accounting, and other assistance as it may deem advisable; any employee of any port authority created and existing under and pursuant to the provisions of this act shall be considered as an "employee" as the term is used in the second paragraph of subdivision (1) of section 1955, clause 4, and shall be authorized by resolutions as the port authority may determine from time to time to enter into contracts for the erection, repair, maintenance or operation of docks, warehouses, terminals, elevators, or other structures upon or in connection with property owned or controlled by it; to contract or make other arrangements with the United States government, or any department thereof, with persons, public or private corporations, or any other person or corporation for the furnishing of such terminal services and facilities as may be necessary for the proper carrying out of the provisions of this act; and to enter into such arrangements with any other seaway port authority for the furnishing of such terminal services, as such arrangements may be advisable; any employee of any seaway port authority created and existing under and pursuant to the provisions of this act shall be considered as an "employee" as the term is defined in subdivision (1) of section 1955, clause 4. Such arrangements may also include any other agreements which may be advisable for the efficient operation of the port and for the benefit of the port district.

Any seaway port authority shall have authority either alone or jointly with any similar body having jurisdiction of any part of such port to petition any interstate commerce commission...
commission, railroad and warehouse commission, public service commission, public utilities commission, or any body or other local, federal, state, or local authority, administrative, executive, judicial, or legislative, having jurisdiction in the registering, rates, charges, regulation, or action which in the opinion of the

Port authority may be designed to improve or better the handling of commerce in thru the port or improve terminal and transportation facilities therein, and may intervene before any such body in any proceeding affecting the commerce of the port and in any such matters shall be considered along with other interested person of the official representatives of the port district.

NOTE: Laws 1959, Chapter 600, amended sections 456.136, 456.17, and 456.29. Section 1 thereof reads:

"The remedies herein provided are supplementary to the enforcement of sections of the general law relating to the control of commerce of the port authority of Duluth. As to said seaway port authority this law shall become effective upon approval by the governor of a majority of the members of a majority of the membership of any other seaway port authorities to which this law may apply in the future, it shall become effective immediately upon the governor's approval of the bill containing this legislation.

156.191 INDUSTRIAL DEVELOPMENT DISTRICTS. Subdivision 1. The port authority of any port district created and existing under Minnesota Statutes, Section 456.10, Subdivision 1, may, after a public hearing thereon of which at least ten days notice shall be published in a daily newspaper of general circulation in the port district, create industrial development districts within the port district and find that the creation of such development district or districts is proper and desirable in establishing and developing a system of harbor and river improvements and industrial developments in each port district.

Subd. 2. It is hereby declared to be the public policy of the legislature of the state of Minnesota that it is in the public interest to empower the port authority to employ the power of eminent domain, and for such port authority to advance and expend public moneys for the purposes contained in Laws 1957, Chapter 812, and to provide for means by which marginal area properties may be developed or redeveloped in accordance with the legislative policies hereinafter stated.

(1) A sound development of the economic security of the peoples of the city of the state of Minnesota is situated in port authority development and redevelopment of marginal properties, and the general welfare of the inhabitants of the port districts in which they exist require the remedying of such injurious conditions to which marginal properties are now subject; and

(2) The development and redevelopment of such marginal area properties cannot be accomplished by private enterprise alone without public participation and assistance in the acquisition of land and planning, in the financing of land assembly in the work of clearance, development, and redevelopment, and in the making of improvements necessary therefor.

(3) To protect and promote sound development and redevelopment of marginal lands as hereinafter defined, and the general welfare of the inhabitants of the port districts in which they exist, to remedying such injurious conditions to which marginal properties are now subject, and

(4) That whenever the development or redevelopment of such marginal lands cannot be accomplished by private enterprise alone, without public participation and assistance in the acquisition of land and planning and in financing of land assembly, development and redevelopment, and in making of improvements necessary therefor, it is in the public interest to employ the power of eminent domain, to advance and expend public moneys for those purposes, and to provide for means by which such marginal lands may be developed or redeveloped.

(5) That the development or redevelopment of such marginal lands and the provision of appropriate continuing land use constitute public uses and purposes for which public moneys may be advanced or expended and private property acquired, and are governmental functions and are of state concern in the interest of health, safety and welfare of the peoples of the state of Minnesota and of the communities in such areas as exist.

(6) That the necessity in the public interest for the provision of Laws 1957, Chapter 812, is declared to be a matter of legislative determination.

Subd. 3. The existence of such marginal lands characterized by any or all of such conditions constitutes a serious and growing menace which is condemned as injurious and inimical to the public health, safety, and welfare of the people of the communities in which they exist and of the people of the state.

(2) Such marginal lands present difficulties and handicaps which are beyond remedy and control solely by regulatory processes in the exercise of the police power.

(3) They contribute substantially and increasingly to the problems of, and necessitate excessive and disproportionate expenditures for, crime prevention, correction, punishment, the treatment of mental illness, the preservation of the public health and safety, and the maintaining of adequate police, fire and accident protection and other public services and facilities.

(4) This menace is becoming increasingly direct and substantial in its significance and effect.

(5) Such benefits which will result from the remedying of such conditions and the redevelopment of such marginal lands will accrue to all the inhabitants and property owners of the communities in which they exist.

(6) Such conditions of marginal lands tend to further obsolence, deterioration, and disuse because of the lack of incentive to the individual land owner and his inability to improve, modernize, or rehabilitate his property while the condition of the neighboring properties remains unchanged.

(7) As a consequence the process of deterioration of such marginal lands frequently cannot be halted or corrected except by redeveloping the entire area, or substantial portions of it.

(8) Such conditions of marginal lands are chiefly found in areas subdivided into small parcels of divided and widely scattered ownerships, frequently under defective titles, and in many such instances the private assembly of the land under redeveloped is so difficult and costly that it is uneconomic and as a practical matter impossible for owners to undertake because of lack of the legal power and excessive costs.

(9) The redeeming of such conditions may require the public acquisition at prices of adequate areas, the redevelopment of the areas suffering from such conditions under proper supervision, with appropriate planning and continuing land use.

(10) The development or redevelopment of land, or both, acquired under the authority of Laws 1957, Chapter 812, constitute a public use and are governmental functions, and that the sale or leasing of such land after the same has been developed or redeveloped is merely incidental to the accomplishment of the real or fundamental purpose, that is, to remove the condition which caused said property to be marginal property as in Laws 1957, Chapter 812, defined.

Subd. 4. "Marginal lands" is defined and characterized by any one or more of the following described conditions:

(1) An economic dislocation, deterioration, or disuse resulting from faulty planning.

(2) The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.

(3) The laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions.

(4) The existence of inadequate streets, open spaces, and inadequate utilities.

(5) The existence of lots or other areas which are subject to being submerged by water.

(6) By a prevalence of depreciated values, impaired investments, and social and economic maladjustment to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.

(7) In some parts of marginal lands, a growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially usable but which is uneconomic and as a practical matter impossible for the owner or occupant to remedy by private means.

(8) In other parts of marginal lands, a loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

(9) Property of an assessed valuation of insufficient amount to permit the establishment of a local improvement district for the construction and installation of streets, walks, sewers, water and other utilities.

(10) Lands within an industrial area which are not devoted to industrial uses but which are necessary to industrial development within the industrial area.

(11) Lands acquired by the state of Minnesota by forfeiture for non-payment of taxes.

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458.192 ADDITIONAL POWERS. Subdivision 1. In addition to all powers conferred on such port authority under Minnesota Statutes, Sections 458.09 to 458.19, such port authority, to accomplish the purposes set forth in subdivision 1 of section 458.10, shall have such additional powers as hereinafter described in subdivisions 2 through 10 of this section.

Subd. 2. It may acquire by lease, purchase, gift, devise, or condemnation proceedings all necessary right, title and interest in and to lands and buildings required for the purposes contemplated in the creation of such industrial development district and, if such lands obtained by it shall not be used by such port authority and disposed of the same subject to the limitations and conditions herein prescribed. Title to any such property acquired by condemnation or purchase shall be in fee simple, absolute, but any such real or personal property or interest therein otherwise acquired may be so acquired or accepted subject to any condition which may be imposed by the grantor or donor and agreed to by the port authority not inconsistent with the proper use of such property for the purposes herein provided. Any properties, real or personal, acquired, owned, leased, controlled, used or occupied by the port authority for any of the purposes of this section are declared to be acquired, owned, leased, controlled, used and occupied for public governmental and municipal purposes and shall be exempt from taxation by the state or any of its political subdivisions. Such exemption from taxation applies only when the port authority holds property for its own purpose. When property is sold, this exemption from taxation shall not apply, and the property shall be returned for taxation to the tax rolls. Such port authority shall have the power to execute options for purchase or lease of such properties.

Subd. 3. It may exercise the right of eminent domain in the manner provided by Minnesota Statutes, Chapter 117, or under the provisions of the home rule charter of the city in which said port authority is located for the purpose of acquiring any property which it is authorized to acquire by condemnation. The fact that the property so needed has been acquired by the owner under eminent domain laws shall not be a defense to the proceeding before the port authority by the exercise of the right of eminent domain, provided that the acquisition of such sites and property has the approval and ratification of the governing body of the city in which said port authority is located. The port authority may take possession of any such property so to be acquired at any time after the filing of the petition describing the same in condemnation proceedings. It shall not be permissible to require condemnation of any such property in any case where possession thereof has not been taken.

Subd. 4. It may contract and be contracted with in any matter connected with the purpose of industrial development within the powers of the port authority herein given.

Subd. 5. It may acquire rights or easements for terms of years or perpetually to accomplish the purpose of such industrial districts' development.

Subd. 6. It may purchase all supplies and materials necessary in carrying out the purposes of this section.

Subd. 7. It may accept from the United States of America or state of Minnesota or any of their agencies or any local subdivision of government under the authority of Minnesota or otherwise or on or off the public governmental subdivisions within the jurisdiction of the port authority, any property, real or personal, for the purpose of carrying out the purposes of Laws 1957, Chapter 812, and of acquiring and developing industrial development districts and facilities as contemplated herein.

Subd. 8. Such port authority, in connection with the acquisition of land for and the development of industrial development districts, may exercise all the powers of governmental subdivisions within the jurisdiction of Minnesota Statutes, Section 282.01, and pursuant thereto shall have all the powers similar to the city of the first class in which it is located to acquire, by any means provided by law, lands forfeited for non-payment of taxes to the state of Minnesota.

Subd. 9. It is hereby declared that the purposes of Laws 1957, Chapter 812, in the provision for the creation and development of industrial development districts is in the public interest, and to implement the program, it is essential that tax-forfeited lands, the title to which has vested in the state of Minnesota, be conveyed to such port authority for a nominal consideration of $1 per tract for use and subsequent resale as found expedient by such port authority in furtherance of the purpose of Laws 1957, Chapter 812.

It is declared that any proposed resale of industrial development lands to private parties, or the use in any manner thereof by such port authority in the way of industral development, requires that such port authority acquire title to all lands necessary or convenient for the purpose herein set out for the creation and development of such industrial development district, petition for the conveyance of which has been made to such commissioner under the provisions of Laws 1957, Chapter 812, upon payment by such port authority of the nominal consideration of $1 for each tract of land so acquired.

Any such deed of conveyance shall be upon a form approved by the attorney general and shall convey to any such port authority an absolute title to such tract of land, or to the residue thereof, only to the extent necessary for the purpose of leasing or selling the same to private persons in the furtherance of such industrial development district. It may exercise its authority, herein given, to the acquisition, development, sale or lease of single or multiple tracts of land to be developed, irrespective of size, having in mind that the purpose of Laws 1957, Chapter 812, is the industrial development of the district.

458.193 BONDS, ISSUANCE. Subdivision 1. In anticipation of the receipt by the port authority of payments, appropriations, rents and profits and of income from any other source and for the purpose of securing funds as needed by such port authority for the payment of the cost of property acquired and for other purposes of the port authority, the port authority may issue bonds in such principal amount as shall be authorized by the governing body of the city of the first class in which such port authority is situated. Such bonds shall be in such amount and form and bear interest at such rate as the said governing body of such city of the first class shall prescribe and shall be sold by such port authority to the highest bidder therefor at the place and time for the receiving of the bids has been published once at least two weeks prior to the date of receiving bids. Except as otherwise provided in Laws 1957, Chapter 812, if the issuance of the bonds herein authorized by such port authority shall be governed by provisions of Minnesota Statutes, Chapter 475, and such port authority when issuing such bonds shall be deemed to be embraced within the meaning of the term "municipal corporation" as said term is used in Minnesota Statutes, Chapter 475. Notwithstanding any provision to the contrary included within the charter of any such city or any general or special law of the state of Minnesota, such bonds may be issued and sold without submission of the question thereof to the electors of such city of the first class, provided, however, that the ordinance of the governing body of such city shall provide that the issuance of such bonds for a public use shall be subject to any provisions in the charter of such city pertaining to the procedure for referendum of ordinances enacted by such governing body. Any such bonds issued by any such port authority of any such city of the first class shall not be included in computing the net indebtedness of such city of the first class under any applicable law or charter provision. The receipt and expenditure of any moneys received hereunder shall not be included within the definition of any limitation imposed on per capita taxing or spending in the charter of any such city of the first class, and such exemption from such limitation shall apply to such port authority. The taxing powers granted to cities of the first class in connection with
Laws 1957, Chapter 812, in any manner shall be in addition to all taxing powers now possessed by them.

Subd. 2. Such bonds shall be of such date, denominations, place of payment, form and details as may be determined by the port authority with the consent of the governing body of such city. The bonds shall mature serially, the first installment to fall due in not more than three years and the last in not more than 30 years from the date of issuance.

Subd. 3. The bonds shall be signed by the chairman of the port authority, attested by the secretary and countersigned by the treasurer, said officers to be elected annually by the members of the port authority, and the interest coupons shall be attached thereto and be executed and authenticated by the printing, engraved or lithographed facsimile signature of chairman and secretary. Such bonds shall not in any way impair the credit or liability of any member of the port authority.

Subd. 4. The bonds shall be secured by the pledge of the full faith, credit and resources of the city of the first class in which said port authority has been created. Said port authority is hereby authorized to pledge such full faith, credit and resources of said city only upon the specific authorization of the governing body of said port authority. The port authority may issue revenue bonds in any specific case and the amount thereof shall be a matter of decision for such governing body in the first instance. The specific consent to the pledge of such full faith, credit and resources of the city of the first class shall be conclusively presumed from formal action of the governing body of such city, taken by ordinance. Such bonds shall be paid, both in the principal amount thereof and the interest thereon from tax levies as hereinafter provided for the purpose of repayment, the earnings and all income received by such port authority from whatever source it may be derived.

Subd. 5. Such port authority, upon issuing any bonds under the provisions of this section, shall, before the issuance thereof, levy for each year, until the principal and interest are paid in full, a direct annual tax on all the taxable property in the city of the first class in which such authority has been created in an amount not in excess of the sum required to pay the principal and interest thereof when and as such principal and interest mature. After any such bonds have been delivered to the purchasers, such tax shall be irrepealable until such indebtedness is paid, and after the issuance of such bonds no further action by the port authority shall be necessary to authorize the extensions contained in the text of this section. The secretary of the authority shall forthwith furnish a certified copy of such levy to the county auditor of the county in which the authority and city are located, together with full information regarding the bonds for which the tax is levied and such county auditor shall extend and assess the tax so levied, and shall do so annually until the principal and interest have been paid in full. Any surplus resulting from the excess levy herein provided for shall be transferred to a sinking fund after the principal and interest for which the tax was levied and collected has been paid; provided that the port authority may, on or before October 31 in any year, by appropriate action cause its secretary to certify to the county auditor the amount on hand and available in its own treasury from earnings of the sinking fund to be applied in reducing the levy for that year herein provided for by that amount. The amount of funds so certified shall be set aside by the port authority and be used for no other purpose than for the payment of principal and interest on the bonds. All taxes hereunder shall be to the port authority and remitted by the county treasurer to the port authority, in accordance with the provisions of law governing the collection of other taxes and shall be used solely for the payment of the bonds when due.

Subd. 6. Bonds legally issued pursuant to Laws 1957, Chapter 812, shall be deemed authorized as securities within the provisions of Minnesota Statutes, Section 30.14, and shall be proper for the investment therein by any savings bank or trust company or sinking fund or unit trust funds hereinafter defined in corporation, and may be pledged by any bank or trust company as security for the deposit of public moneys therein in lieu of surety bonds. Such bonds shall be deemed and treated as instrumentalities of a public governmental agency and, as such, exempt from taxation.
tion in a newspaper published and of general circulation in the county and port dis·
dustrial district. This section shall not be limited by other laws pertaining to
of its general plan of port improvement, or industrial development, or both, it
for the best interests of the district and the people thereoi and in furtherance
powers of port authoritics.
local improvement districts within such industrial development district which may,
by negotiable notes due in not exceeding 12 months from the date thereof, payable

Subd. 7. [Repealed, 1961 c 497 s 5]
[1957 c 812 s 6; 1959 c 147 s 4; 1961 c 497 s 1-3; 1967 c 635 s 2]

458.185 ADDITIONAL POWERS. Subdivision 1. A port authority shall have
the further power and authority to cooperate with or act as agent for the federal
or state government or any of its political subdivisions in the exercise of
the foregoing, to carry out the purposes of Laws 1957, Chapter 812, or of any other
related federal, state or local legislation operative within the area of river, harbor
and industrial development district improvement.

Subd. 2. Such port authority shall have the authority to carry out studies and
analyses of the industrial development needs within its area of operation, and of
meeting those needs; to study the desirable patterns for industrial land use
and community growth and other factors affecting the development of local industrial
development within the district and make the result of these studies available to
the public and industry in general; to engage in research and disseminate informa·
tion relating to the engineering and legal needs of such authority, the latter to be the chief legal
advisor to such authority.

Subd. 3. Each commissioner, including the chairman, shall be paid for attending
meetings of the port authority, regular and special, $25 per meeting, the aggregate
of such payments to any one commissioner for any one year not to exceed $600.

Subd. 4. Such port authority shall have the power to hire and employ all per·
sons necessary to carry out the provisions of this section, and to do such other acts as the port
laws by Laws 1957, Chapter 812, including a chief engineer and a general counsel to serve
the engineering and legal needs of such authority, the latter to be the chief legal
advisor to such authority.

Subd. 5. Such port authority shall have the power to accept conveyances of
land from all other public agencies, commissions or other units of government,
including the Housing and Redevelopment Authority of the City of Saint Paul and the
Metropolitan Airports Commission of the State of Minnesota, if such land can
be properly utilized by such port authority in any river, harbor and industrial
development district, to carry out the purposes of Laws 1957, Chapter 812.

Subd. 6. The provisions in carrying out the provisions of this section so said
industrial development district has been created, to develop the lands
within such industrial development district to make the same suitable and available
for industrial uses and purposes; to dredge, bulkhead, fill, grade and protect
such property; to do any and all things necessary after the acquisition of such
property to put the said property in such condition as is necessary and expedient
thereof to do so, the port authority

Subd. 7. A port authority shall have the further power, after the authorization
of bonds pursuant to section 458.193 or section 458.194, to provide funds immediately
required for the purpose and not exceeding the amount of such bonds, by effecting
temporary loans upon such terms as it shall by resolution determine, evidenced
by negotiable notes due in not exceeding 12 months from the date thereof, payable
to the order of the lender or bearer, to be repaid with interest from the proceeds
of such bonds when issued and delivered to the purchaser thereof. No such loan
shall be obtained from any commissioner of the port authority or from any corpo·
cation, association, or other institution of which a port authority commissioner
is a stockholder or officer.

[1957 c 812 s 7; 1961 c 497 s 4]

458.186 SALE OF PROPERTY. Subdivision 1. When a port authority deems
it for the best interests of the district and the people thereof and in furtherance
of its general plan of port improvement, or industrial development, or both, it
may sell and convey any property or part thereof owned by it within a port or
industrial district. This section shall not be limited by other laws pertaining to
powers of port authorities.

Subd. 2. The port authority shall give notice of the proposed sale by publica·
tion in a newspaper published and of general circulation in the county and port dis·
tRICT at least ten days before the date fixed for the hearing thereon. The notice
shall describe the property to be sold and state that the terms and conditions of
the sale are available for public inspection at the office of the port authority
and state the place specified in the notice the authority will meet to
hear and determine the advisability of the sale. The hearing shall be held not more
than 20 days from the publication of notice. At the hearing the authority shall
hear the reasons of any taxpayer in the port district for or against the sale
of the property. The authority shall make its findings and determination on the advisability of making the sale and enter its determina·
tion on its records. Any taxpayer may appeal the determination of the authority
by filing a notice of appeal with the district court of the county in which the
district is located, and serving the same upon the authority within 30 days of the entry of the determination but no appeal shall be allowed
except on the grounds that the action of the authority was arbitrary, capricious, or
contrary to law.

Subd. 4. The terms and conditions of sale of any property shall include the
se which the bidder will be permitted to make of it. The authority shall have the
power to file security as assurance that the property will be used for that
purpose. In determining the sale terms and conditions the port authority may
consider the nature of the proposed use and the relation thereof to the improve·
ment of the harbor, the riverfront and the city of the first class and the business
and the facilities of the port authority in general. All sales shall be made upon
such terms and conditions as the port authority deems necessary and proper to protect the public interest.
No purchaser shall transfer title to such property at a negotiated price if such sale is deemed in the public interest by the
port authority and in furtherance of the aims and purposes of sections 458.09 to
458.91, after hearing as herein required.

Subd. 5. The purchaser shall, within one year from the date of the purchase,
devote the property to the intended use, or shall commence work on the improve·
ments thereon to devote it to such use, and if he fails to do so, the port authority
may cancel the sale and title to the property shall revert to it. Extension of time
to comply with such condition may be granted by the port authority on good cause
shown by the purchaser. The terms of sale may contain any other provision by the
port authority by which it deems necessary and proper to protect the public interest.
No purchaser shall transfer title to such property within one year without the consent of the port authority.

Subd. 6. All sales made in accordance with the provisions of this section shall
have incorporated in the instrument of conveyance of title the conditions of sec·
tion 458.197, and the terms and conditions relating to the use of the property as they relate to the
lands. Any violation of such covenant shall result in a right by the authority
to declare a breach of the covenant running with the land and seek a judicial decree
from the district court declaring a forfeiture and a cancellation of any deed so
given.

Subd. 7. No conveyance shall be made until the purchaser shall have submitted
to the port authority plans and specifications for the development of the property
sold, and said plans and specifications shall be approved in writing. However,
nothing herein shall require the preparation of final plans and specifications before
the hearing on the sale, unless so directed by the authority.

[1957 c 410 s 8 458.197]

458.197 ADVANCES OF MONEY BY PORT AUTHORITY. Such port authority
is hereby granted the power to advance its general fund moneys or credit, or both,
without interest, to accomplish the objects and purposes of sections 458.191 to
458.199, which advances shall be repaid from the sale or lease, or both, of such de·
velopment and the proceeds thereof. Provided, if the development or redevelop·
ment or redevelopment was obtained from the sale of general obligation
bonds of the port authority, then such advances shall bear a rate of interest not less than the
average annual interest rate on general obligation bonds of the port authority
which are outstanding at the time such advances are made. Nothing herein shall
prevent the port authority from advancing the money so repaid for the accretion
of further objects and purposes authorized by such laws, subject to re·
payment in the same manner. Nothing herein shall affect or impair the obligation
of the port authority to use, rents of lands acquired with money so advanced to accumulate and maintain reserves securing the payment of principal and interest on revenue bonds issued to finance port or industrial facilities, when such rents shall have been pledged for this purpose in accordance with section 458.194. Nothing herein shall require the reimbursement of advances made for the acquisition of lands excluding any additional facilities for navigation purposes when authorized by law. Nothing contained in the provisions of Minnesota Statutes 1961, Sections 458.09 through 458.91, as amended, shall be construed as exempting lands leased from the port authority to a tenant or lessee who is a private person, association, or corporation from responsibility or liability for payment of assessments or taxes levied by the port authority for the purpose of financing improvements thereon which lease expressly provided that the tenant or lessee shall be liable for taxes or assessments levied or assessed against such property during the term of such lease or any extension thereof.

[1957 c 818 s 16; 1963 c 564 s 1; 1965 c 792 s 1]

458.198 DETERMINATION OF PROPERTY AS MARGINAL LANDS. The determination that property sought by eminent domain proceedings is marginal lands as herein defined is a judicial question, provided that a duly adopted resolution of the authority of the port district that the property sought is marginal lands as the term is herein defined, setting forth the characteristics of the lands sought to be acquired which constitute the marginal lands as herein defined shall be prima facie evidence that such land is marginal lands as defined in Laws 1957, Chapter 812.

[1957 c 818 s 17]

458.199 CITY OF FIRST CLASS MAY LEVY TAXES FOR BENEFIT OF PORT AUTHORITY. To enable such port authority to function properly and in the public interest to carry out the aims and purposes of Laws 1957, Chapter 812, in the creation and development of industrial development districts as herein provided, any such city of the first class in which such port authority has been created and is existing shall have the power, upon request of such port authority and in addition to all other powers now possessed thereby, and in addition to and in excess of any limitation upon the amount of money lawfully levied for the benefit of and for expenditure by such port authority, not exceeding in any one year an amount equal to $300/100 of one mill upon the dollar of the assessed valuation thereof, upon all the taxable property in such city, excluding money and credits; and any money levied for such purpose shall be paid over by the county treasurer to the port authority for the benefit of and for expenditure by such port authority. The port authority shall have the power and authority to levy taxes for the purpose of raising moneys required for the payment of damages and other expenses arising in or out of such condemnation proceedings, and to use and expend such moneys in the manner provided for in Minnesota Statutes, Section 458.21.

[1957 c 818 s 18]

458.201 POWERS AS TO WORK, LABOR AND SUPPLIES. The provisions of Section 15 of Chapter 341, Laws of the State of Minnesota for 1933, shall apply to all construction work and every purchase of equipment, supplies, or materials necessary in carrying out the provisions of Laws 1957, Chapter 812. The powers there granted to, and the duties imposed upon the board of trustees of the corporation therein referred to are hereby granted to and imposed upon the members of any such authority hereby created, and shall be prima facie evidence that such land is marginal lands as defined in Laws 1957, Chapter 812.

[1957 c 818 s 19]

PUBLIC WATER HIGHWAYS

458.20 LAND COVERED BY WATER CONDEMNED FOR SLIPS. Each city in this state having at any time a population of over 50,000 according to the census last taken is hereby empowered to acquire by proceedings in condemnation under or assessed against such leased or assigned facility for navigation purposes when authorized by law. Nothing contained in the provisions of Minnesota Statutes 1961, Sections 458.09 through 458.91, as amended, shall be construed as exempting lands leased from the port authority to a tenant or lessee who is a private person, association, or corporation from responsibility or liability for payment of assessments or taxes levied by the port authority for the purpose of financing improvements thereon which lease expressly provided that the tenant or lessee shall be liable for taxes or assessments levied or assessed against such property during the term of such lease or any extension thereof.

[1957 c 818 s 16; 1963 c 564 s 1; 1965 c 792 s 1]

458.21 TO BE HELD FOR PUBLIC WATER HIGHWAY. When any land covered with water or an easement therein shall be acquired by any city pursuant to the provisions of sections 458.20 to 458.23 such land shall therefor be held as and for a public water highway for travel by, and the accommodations and passages of boats, steamships, and water craft of all kinds.

[1957 c 818 s 16; 1963 c 564 s 1; 1965 c 792 s 1]

458.22 PROCEEDINGS. The land covered with water or an easement therein specified in section 458.20 may be acquired by proceedings to be conducted by the council in the manner provided by sections 463.01 to 463.07 enabling municipalities to establish and acquire a building line easement along streets, highways, parks, and parkways, and the council in any such city shall, under sections 458.20 to 458.23, exercise the powers thereunder and perform all the duties imposed in sections 463.01 to 463.07 on the governing body mentioned therein.

[1957 c 818 s 16; 1965 c 792 s 1]

458.23 LAND OR EASEMENT TO VISIT IN CITY. Upon the conclusion of the proceedings and the payment of the costs the several lots of land shall be deemed aforesaid appropriated for the purposes of sections 458.20 to 458.23 and such land or the easement therein for these purposes shall vest absolutely in the city in which the land is situated.

[1957 c 818 s 16; 1965 c 792 s 1]

HARBORS, WHARVES

458.24 LAND FOR HARBORS AND WHARVES CONDEMNED. Any city of the first class in this state shall have the right, power, and authority to condemn lands under the right of eminent domain for harbors, wharves, boat-landings, and such canals and approaches thereto as may be required and the right, power, and authority to levy taxes for the purpose of raising moneys required for the payment of damages and other expenses arising in or out of such condemnation proceedings, and to use and expend such moneys in the manner provided for in Minnesota Statutes, Section 458.21.

[1909 c 321 s 4]

458.25 TO BE HELD FOR PUBLIC WATER HIGHWAY. When any land covered with water or an easement therein shall be acquired by any city pursuant to the provisions of sections 458.20 to 458.23 such land shall therefor be held as and for a public water highway for travel by, and the accommodations and passages of boats, steamships, and water craft of all kinds.

[1909 c 321 s 4]

458.26 BOND ISSUE. The council of any such city is hereby authorized and empowered for the purposes herein designated to issue from time to time as needed the negotiable bonds of such city to an amount in the aggregate not exceeding $150,000, to be made in such denomination and payable at such places and at such times not earlier than one year from the date thereof as the council shall deem best and to bear interest at a rate not to exceed six percent per annum payable semiannually, with
interest coupons attached, payable at such place or places as shall be designated therein, and such governing body is further authorized to negotiate and sell such bonds from time to time to the highest bidder therefor and upon the best terms that can be obtained for the bonds.

No such bonds shall be sold for a less amount than the par value thereof and accrued interest thereon.

1921 c 363 s 2 (1504-2)

458.27 BOND ISSUE; LIMITATION ON INDEBTEDNESS NOT APPLICABLE. The bonds authorized by section 458.26, or any portion thereof, may be issued and sold by any city notwithstanding any limitation contained in the charter of such city or in any law of this state prescribing or fixing any limit upon the bonded indebtedness of such city, but the full faith and credit of any such city shall at all times be pledged for the payment of the current interest thereon, and the governing body of any such city shall each year include in the tax levy a sufficient amount for the payment of such interest as it accrues, and for the accumulation of a sinking fund for the redemption of such bonds at their maturity.

1921 c 363 s 3 (1504-3)

458.28 BOND ISSUE, FORM OF BONDS. All bonds issued under the authority of sections 458.25 to 458.31 shall be sealed with the seal of the city issuing the same and subscribed by the mayor and attested by the city clerk and countersigned by the city comptroller or auditor of such city except that the signature to the coupons attached to such bonds, if any, may be lithographed thereon. The sale of such bonds shall be made in such manner and in such proportion of the whole amount authorized by sections 458.25 to 458.31 and at such times as may be determined by the governing body of such city.

1921 c 363 s 4 (1504-4)

458.29 BOND ISSUE PROCEEDS TO CONSTITUTE SPECIAL FUND. The proceeds of any and all bonds issued and sold under the authority of sections 458.25 to 458.31 shall be placed in the treasury of the city issuing the same and held and used only for the purposes of carrying out the provisions provided for in section 458.25. The proceeds of these bonds, or any thereof, shall not be used for any other purpose than those therein specified.

1921 c 363 s 5 (1504-5)

458.30 CITIES AUTHORIZED. Sections 458.25 to 458.31 shall only apply to such cities as are or may be governed by a charter adopted pursuant to the Constitution of the State of Minnesota, Article 4, Section 36.

1921 c 365 s 6 (1504-6)

458.31 POWERS GRANTED ARE ADDITIONAL. The powers granted in sections 458.25 to 458.31 are in addition to all existing powers of such cities.

1921 c 365 s 7 (1504-7)

LEVEES

458.32 LEVEES ON NAVIGABLE STREAM WHEN CHANNEL CHANGED. Any city of the first class in this state shall have the power to acquire and hold in fee simple, by purchase or condemnation, levees not exceeding 200 feet in width on either side of any navigable stream within the limits of such city when the channel thereof is altered or changed by or under the authority of the United States government and may set aside such portions of these levees as the public needs may require for use for public travel and devote the remainder thereof to such uses as shall be determined by the council of the city shall deem for the best interests of the city, or as required by the United States government.

1911 c 114 s 1 (1600-4)

458.33 ISSUANCE OF BONDS. Any such city may by ordinance adopted by a two-thirds vote of all members elect of its council issue and sell the bonds of such city of the par value of not exceeding $500,000 to aid in defraying the expense of acquiring and improving the levees mentioned in section 458.32.

1911 c 114 s 2 (1606-6)

458.34 LIMIT OF DEBT; TAX LEVY. The bonds authorized by sections 458.32 to 458.35, or any thereof, may be issued and sold by any such city notwithstanding any limitation contained in the charter of such city or in any law of this state prescribing or fixing any limit upon the bonded indebtedness of such city, and the full faith and credit of any such city shall at all times be pledged for the payment of any bonds issued under sections 458.32 to 458.35, and for the payment of the current interest thereon, and the council of such city shall each year include in the tax levy a sufficient amount to provide for the payment of such interest as it accrues and for the accumulation of a sinking fund for the redemption of such bonds at their maturity.

1911 c 114 s 3 (1600-7)

458.35 TERM OF BONDS; SALE. No such bonds shall be issued by any such city for the purposes mentioned in sections 458.32 to 458.34, to run for a longer term than 30 years or bearing a higher rate of interest than four percent per annum, payable semiannually, but the place of payment of the principal and interest thereof and the denominations in which the same are issued shall be such as may be determined by the council and may be in the form of coupon bonds or registered certificates, so-called. All of these bonds shall be signed by the mayor, attested by the city clerk and countersigned by the city comptroller of the city issuing the same, and shall be sealed with the seal of such city and attached to such bonds, and may be lithographed thereon. None of the bonds shall be sold at less than their par value and accrued interest, and then only to the highest responsible bidder therefor.

1911 c 114 s 4 (1608)

STONE QUARRIES, DOCKS

458.36 BONDS, ISSUANCE. Subdivision 1. The governing body of any city of the first class in this state, is hereby authorized and empowered, for the purposes herein designated, to issue from time to time as needed the negotiable bonds of the city to an amount in the aggregate not exceeding $500,000, the bonds to be made in such denominations and payable at such places and at such times, not exceeding ten years from the date thereof, as may be deemed best. These bonds to be serial in form, one-tenth to be retired each year after issue and to bear interest at a rate not to exceed six percent per annum payable semiannually, with interest coupons attached, payable at such place or places as shall be designated therein, and such governing body further authorized to negotiate and sell such bonds from time to time to the highest bidder or bidders therefor and upon the bonded indebtedness of such city as may be determined by the governing body of such city.

1925 c 364 s 1 (1600-2)

Subd. 2. No such bonds shall be sold for a less amount than the par value thereof and accrued interest thereon.

1925 c 364 s 2 (1600-3)

Subd. 3. Sections 458.36 to 458.41 shall not supersede the provisions of the charter of any city providing for the referendum of ordinances passed by the governing body of the city or any provision of any such charter precluding the provisions of the charter of any city making the action of the council subject to approval of a board of estimate and taxation, nor with the provisions of any such charter prescribing a particular method of authorization of such bonds.

1925 c 364 s 3 (1600-4)

458.37 TAX LEVY FOR PAYMENT OF BONDS. The full faith and credit of any such city shall at all times be pledged to the payment of any bonds issued under sections 458.36 to 458.41, and for the payment of the current interest thereon, and the governing body of such city shall each year include in the tax levy a sufficient amount for the payment of such interest as it accrues.

No tax levy shall be made if sufficient funds exist in the special fund, called "quarry and dock fund," herein created and described.

1925 c 364 s 4 (1600-5)

458.38 ISSUE AND SALE OF BONDS. All bonds issued under authority of sections 458.36 to 458.41 shall be sealed with the seal of the city issuing the same, signed by the mayor, attested by the city clerk, and countersigned by the comptroller or auditor of such city, except that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon. The bonds shall be made in such denominations and in such proportions of the whole amount authorized by sections 458.36 to 458.41 and at such times as may be determined by the governing body of such city.

1925 c 364 s 5 (1600-6)

458.39 USE OF PROCEEDS OF SALE OF BONDS; QUARRY AND DOCK FUND. The proceeds of any and all bonds issued and sold under authority of sections 458.36 to 458.41 shall be used for the following purposes, and none other: For acquiring by gift, purchase, or condemnation, a site or sites containing rock and to remove and use the same for any municipal purpose; and especially for the
construction of public grounds, public docks, harbor terminals, and a breakwater for their protection; and to procure and pay for the necessary equipment of machinery, tracks and labor required in the making of such public improvements and to clear public highways adjacent to such sites from rock obstruction.

458.41. The council of such city having in charge the operation of the removal and disposal of rock, of the exact quantity of such rock or crushed rock manufactured therefrom, removed and used either by the city upon its highways, or sold to contractors for such use, or for use in making any other improvements, under city authority or franchise.

If any such city uses this rock or crushed rock manufactured therefrom, upon its highways, then that department of the city charged with maintenance of streets shall pay into a special fund of such city to be known as quarry and dock fund, an amount of money equivalent to what it would fairly expend for such material if elsewhere obtained in the city.

If sold to contractors engaged in construction of public improvements in the city, or under franchise from it, then the moneys so derived shall likewise go into the quarry and dock fund. The moneys in the fund shall be used for payment of interest on the bonds and for the retirement and payment of the principal thereof and for no other purpose. Recourse to a tax levy shall in no case be necessary there is a deficiency in the special fund to pay such interest or principal.

If any tax levy shall be necessary to provide for any deficit in this fund, the amount so levied shall be restored to the general fund of the city out of proceeds of such fund as soon as it is sufficient for such purpose.

458.40. CHARTER PROVISIONS NOT AFFECTED. Nothing contained in sections 458.36 to 458.41 shall be construed to repeal or modify the provisions of any charter adopted pursuant to the Constitution of the State of Minnesota, Article 4, Section 36, requiring the question of the issuance of bonds to be submitted to a vote of the electors.

458.41. POWERS ADDITIONAL. The powers granted in sections 458.36 to 458.41 are in addition to all existing powers of such cities.

WATER TERMINALS

458.42. ACQUISITION OF LAND. Any city of the second class in this state located upon navigable boundary waters shall have the power to acquire and hold in fee simple by purchase or condemnation land for the establishment of docks, piers, levees, wharves, landing places, railroad or other land transportation loading and unloading places, land and water freight and passenger stations, terminals and terminal buildings for any and all kinds of carriers and necessary equipment and appurtenances on any navigable stream within the limits of such city and may set aside such portion of the land when acquired as the public may require for use for public travel and shall devote the remainder thereof to uses herein provided or if required by the United States government.

458.43. CONSTRUCTION OF WORKS; TOLLS AND CHARGES. All such cities shall have the power to construct, erect, and maintain on any such land so acquired, docks, quays, levees, wharves, landing places, railroad and other transportation loading and unloading places, land and water freight and passenger stations, terminals and terminal buildings for any and all kinds of carriers and necessary equipment and appurtenances; and such cities shall have the power and are hereby authorized to charge a reasonable price for the use of such docks, quays, levees, wharves, and landing places, railroad and other land transportation loading and unloading places, land and water freight and passenger stations, terminals and terminal buildings for any and all kinds of carriers and necessary equipment and appurtenances, such reasonable price to be determined and fixed by the common council of the city, and the making of such charge shall in no way be held to impair, affect or invalidate any bonds issued by such city to cover the payment of the construction thereof.

458.44. BONDS OR CERTIFICATES; MORTGAGE; REGULATION. Any such city may, by written resolution or ordinance adopted by a two-thirds vote of all members of its council or other governing body, issue and dispose of interest-bearing bonds or certificates to be known as river terminal bonds or certificates which shall under no circumstances be and become an obligation or liability of the city or payable out of the general funds of the city, but shall be payable solely out of the specified portion of the receipts or income to be derived from such river terminal docks, quays, levees, wharves, landing places, railroad and other transportation loading and unloading places, land and water freight and passenger stations for the acquisition of which the bonds or certificates were issued. Such certificates shall not be issued and secured on any river terminal property in the city which shall under no circumstances be and become an obligation or liability of the city, or payable out of the general funds of the city, but shall be payable solely out of the specified portion of the receipts or income to be derived from such property for the acquisition of which the certificates were issued. Such certificates shall be managed and directed by the council of the city owning, or owning and operating, any such river terminal property.

The council shall cause to be printed annually for public distribution a report of the operation of the removal and disposal of rock, of the exact quantity of such rock or crushed rock manufactured therefrom, removed and used by the city upon its highways, or sold to contractors for such use, or for use in making any other improvements, under city authority or franchise.

458.45. ACCOUNTS; PUBLICATION OF FINANCIAL REPORTS. Every such city owning, or owning and operating, any such public utility shall keep the books of account for such public utility distinct from other account books and in such manner as to show the true and complete financial results of such city ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to such city of such public utility, together with the amounts set aside for maintenance, extension, and improvement; all operating expenses of every description in case of such city operation; the amount set aside for sinking fund purposes. The council shall cause to be printed annually for public distribution a report showing the financial results of such city ownership, or ownership and operation.

DOCKS

458.46. CITIES MAY ACQUIRE LAND FOR DOCKS. The council of any city in this state is hereby authorized and empowered by a two-thirds vote of all the members elect of the council to acquire lands, lands covered with water or buildings, for sites for public docks for passenger purposes by purchase; provided the same can be done upon terms satisfactory to the council.

[1897 c 181 s 1]
CONDEMNATION OF LANDS. The council of any city in this state is hereby authorized and empowered to condemn lands, lands covered with water or buildings for sites for public docks for passenger purposes in the manner provided in sections 458.48 and 458.49. No site for a public dock shall ever be acquired by any city by purchase or condemnation unless a necessity therefor exists, which necessity shall be determined by a two-thirds vote of all the members elect of the council.

458.47 COMMISSIONERS OR VIEWERS; TO ASSESS DAMAGES; TO SURVEY PROPERTY AND GIVE HEARING. The council, upon determining by a two-thirds vote of all its members elect that the necessity for acquiring this property exists, shall appoint three commissioners, no two of whom shall be residents of the same ward of the city, and all of whom shall be disinterested freethinkers and qualified voters of the city, to view the premises and assess the damages which may be occasioned by the taking of private property for the purpose of a public dock for passenger purposes. The commissioners shall be notified, as soon as practicable, by the clerk of the city to attend at his office, at a time to be fixed by him, for the purpose of qualifying and entering upon their duties, and the commissioners in attendance shall be authorized to appoint another commissioner or commissioners in place of any absentees or in lieu of any person appointed as commissioner but not qualified by reason of residence or other cause to act as such, selected from among the freethinkers not represented in the board of commissioners and possessing the required qualifications. In cases of vacancy the council shall fill the vacancies thereby occasioned.

The commissioners shall be sworn by the city clerk to discharge their duties as commissioners in the matter with impartiality and fidelity and to make due return of their actions and doings to the council.

The commissioners shall with all reasonable speed, with the assistance of the city engineer of the city, cause a survey and plat of the property proposed to be acquired or injuriously affected, to be made and filed with the city clerk, exhibiting as nearly as may be the land or parcels of property required to be taken, or which may be damaged thereby, and thereupon give notice by publication in the official newspaper of the city for at least ten days and to the owner personally, if within the state and his residence is known, to the effect that such plat has been filed, and that the commissioners will meet at a place and time designated by him, and thereupon view the premises and assess the damages for property to be taken, or which may be injuriously affected.

At the time and place according to the notice, the commissioners shall view the premises, and may hear any evidence or proof offered by the parties interested, and adjourn from day to day, if necessary, for the purpose. When their view and hearing shall be concluded they shall determine and assess the amount of damages to be paid to the owner of each parcel of property proposed to be taken or which may be injured thereby, and thereupon give notice by publication in the official newspaper of the city, when such appeal shall be entered and the damages in relation to these buildings shall be assessed separately from the damages in relation to the land upon which they are erected.

If the land and buildings belonging to different persons, or if the land be subject to a lease, mortgage, or judgment, or if there be any estate in it less than an estate in fee, the injury or damage done to such person or interests, respectively, may be awarded to them by the commissioners, less the benefit resulting to them, but in no case shall such damages be aggregated to the damage sustained by other persons having an interest therein, exceed the value of the parcel of property sought to be taken.

The commission, having ascertained and assessed the damages, shall make and file with the city clerk a written report to the council of their action in the premises, embracing a schedule or assessment of the damages in each case, with a description of the land and name of the owners, if known to them, and a statement of the costs of the proceeding.

Upon such report being filed in the office of the city clerk, he shall give at least ten days' notice by publication in the official newspaper of the city to the effect that such assessment has been returned and that the same will be confirmed by the council, to be determined, to be named in the report. If no objections are made in writing by persons interested in any land required to be taken. Any persons interested in buildings standing in whole or in part upon any land required to be taken, shall, on or before the time specified in the notice, notify the council in writing of their election to remove such buildings according to the award of the commission, and on the day fixed for the consideration of such report, or at such subsequent meeting to which the same may stand or be referred, shall have power in their discretion to confirm, revise, or annul the assessment, giving due consideration to any objections interposed by parties interested.

The damages assessed shall be paid out of the general fund of the city and paid to the owner or tendered or deposited or set apart in the treasury of the city, and to the use and employment of the party, or his next friend, appointing a guardian, all the interest which may be occasioned by reason of the taking of the property or easement sought to be acquired by the council at a meeting thereof, to be named in the notice, unless objections are made thereto, within six months from the confirmation of such assessment and report, and the land or property required to be taken for such purpose shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner, or his agent, or deposited or set apart in the treasury of the city as the owner of the parcel of land taken or injuriously affected, the name of the owner of this parcel may be entered upon their schedule as unknown and the money awarded may be set aside and deposited in the treasury for the unknown owner of the land taken or injuriously affected. In cases of disputed ownership the name of all the owners or claimants of any parcel may be entered upon the schedule, and the money may be set aside and deposited in the name of the owner of the parcel of land, but need not be paid to them until they shall determine by proper action in court their rights to this money.

In case any owner of any of these buildings shall elect to move his buildings, he shall so remove them within 30 days from the confirmation of the report or award, and if such buildings as the council may allow to remain shall be injuriously affected and in so doing shall take into consideration the value of the property proposed to be taken, with such other damage as may be incident thereto, and the advantage which will accrue to the property or any part thereof by reason of the taking of the property or easement sought to be acquired by the city.

If there should be any building standing in whole or in part upon the land to be taken, the commissioners shall in each case determine and assess the amount of damages which should be paid to the owner thereof in case the building, or so much thereof as may be necessary, should be taken and determine and assess the amount of damages to be paid to such owner in case he should elect to remove the building, and shall cause such buildings to be removed at his expense separately from the damages in relation to the land upon which they are erected.

When any owner of lands or tenements affected by any proceeding under sections 458.46 to 458.49 shall be an infant, or labor under legal disability, the judge of the district court of the county, or in his absence the judge of any other court of competent jurisdiction, may appoint a suitable guardian for such party, or his next friend, appoint a suitable guardian for such party, and all notices required by sections 458.46 to 458.49 shall be served upon such guardian, and all notices required to be served upon the city by an owner may be served by the guardian.

Any person feeling himself aggrieved by such assessment may, by notice in writing served on the mayor of the city, a copy whereof with proof of service shall be filed in the office of the clerk of the district court of the county within 20 days from the time of confirmation of the report or assessment, appeal from such assessment to the district court of the county, when such appeal shall be tried by the court and jury as in ordinary cases; but no pleadings shall be required, and the party appealing shall be entitled to all the rights and privileges to which he is entitled by law; and the judgment or decree rendered in such case shall be final, which shall be brought on trial and be governed by the same rules in all other respects as appeals from justice of the peace in civil suits.

[1897 c 181 s 3]
458.49 COUNCIL MAY MAKE IMPROVEMENTS. The council of any city in this state which shall have acquired sites for public docks for passenger purposes under the provisions of sections 458.46 to 458.49, may improve the same by the erection and maintenance thereof of suitable buildings and by the construction and maintenance thereof of suitable piers, and that such council may by ordinance provide for the regulation, control, and operation of such docks, buildings, and piers, and fix the charges for the use thereof. [1957 c 849 s 4]

APPROPRIATION; EXPENDITURES

458.50 POLICY DECLARATION. It is hereby determined and declared that the harbors in this state are valuable natural resources; that there are tracts of land in this state located in harbors upon the Great Lakes—St. Lawrence Seaway, which by reason of topography, submergence, erosion, depletion and other causes thereof are not suitable for use and which would, if so used, contribute to the conservation, development, reclamation and protection of these lands so as to constitute them economically valuable is an essential governmental function of the state of Minnesota; that the conservation, development, reclamation and protection of such lands will promote the public welfare of the state of Minnesota by developing and preserving certain of these lands, and that such processes are essential to assure the inclusion of the state of Minnesota in both domestic and foreign systems of water-borne commerce; that the fortunate position of the state of Minnesota with respect to the Great Lakes—St. Lawrence Seaway will not be fully realized in terms of economic benefit to the citizens of this state unless certain of such lands are developed, reclaimed, and protected; that the maintenance of restoring such lands to economic usefulness will provide employment; will reduce unemployment; will tend to increase navigation and commerce in the state of Minnesota; and will benefit in many other ways the people of the state of Minnesota. [1957 c 849 s 1]

458.51 MINNESOTA SEAWAY PROPERTY CONSERVATION FUND. There is hereby created a special fund to be known as the Minnesota Seaway Property Conservation Fund. To provide moneys for this fund there are hereby levied upon all taxable property in the state of Minnesota, to be spread by the state auditor upon the tax rolls in the manner in which other state taxes are spread, for the tax years 1957 to 1971, inclusive, a uniform annual tax sufficient to produce the sum of $5,000,000 for each of the years 1958 to 1972, inclusive, together with such additional sums as may be necessary to pay the interest upon the certificates of indebtedness hereinafter authorized. In case of a deficiency in the proceeds of such tax levy for any year the auditor shall levy sufficient additional amounts in succeeding years to compensate therefor until the full amount herein authorized has been raised. The proceeds of such taxes shall be credited to the Minnesota Seaway Property Conservation Fund. [1957 c 849 s 2]

458.52 CERTIFICATES OF INDEBTEDNESS, ISSUANCE. Pending the levy and collection of such taxes, and upon request of the governor, the state auditor shall issue certificates of indebtedness of the state as funds are needed for the purposes of sections 458.50 to 458.59, not exceeding the amount required from time to time to meet the appropriations hereinafter made and not exceeding $5,000,000 in the aggregate. Such certificates shall be known as Minnesota Seaway Property Conservation Certificates of Indebtedness, and shall be issued and sold at not less than par upon sealed bids after two weeks published notice, unless sold to the state board of investment as hereinafter provided. Such certificates shall be in such form and of such denominations and shall mature at such times as the auditor may determine, not exceeding the time when funds shall be available for the payment thereof from the tax levies authorized by section 458.51. Such certificates shall bear such rate of interest and shall contain such other terms and conditions as the auditor may determine, as the auditor may determine. Such certificates shall be signed by the state treasurer and attested by the state auditor under their official seals, and the auditor and treasurer shall keep records thereof. Such certificates shall be chargeable upon and a lien against the taxes authorized by section 458.51. The principal and interest of such certificates shall be payable only from the proceeds of such taxes and so much thereof as may be necessary is hereby appropriated for such payments; provided, that such interest as may become due at any time when there is not on hand a sufficient amount from the proceeds of such taxes to pay the same, shall be paid out of the general revenue fund, and the amount of such fund therefor is hereby appropriated, to be reimbursed from the proceeds of such taxes when received. All moneys received from the sale of such certificates shall be credited to the Minnesota Seaway Property Conservation Fund. [1957 c 849 s 3]

458.53 PURCHASE OF CERTIFICATES OF INDEBTEDNESS BY STATE BOARD OF INVESTMENT. The state board of investment is hereby authorized to invest any funds under its control or direction in any certificates of indebtedness issued hereunder and to purchase such certificates at such rate of interest as it may determine, and such certificates may be issued and sold to the board without advertising for bids. [1957 c 849 s 4]

458.54 APPROPRIATION TO GOVERNOR FOR GOVERNMENTAL TO GOVERNOR FOR AID. Any port authority organized and operating under Minnesota Statutes, Sections 458.09 through 458.19, or amendatory and supplemental laws, which owns lands in a port district upon the Great Lakes—St. Lawrence Seaway, which are submerged, eroded or depleted, or which for any reason are valueless for riparian purposes, which land is so situated so as to be beneficial to the citizens of this state were the land to be developed to economic usefulness, may apply to the governor for assistance in conserving, reclaiming, developing or protecting such land. The application to the governor shall describe the lands sought to be conserved, developed, reclaimed or protected; shall contain photographs or surveys showing the tract and its proximity to navigable waterways; an estimate of the cost of such; plans showing the manner in which the funds will be used; description of the rehabilitation which may best be achieved; the use to which such lands will be put upon their conservation, development, reclamation or protection; the benefit to the people of this state from such a project; and a request of the governor for funds necessary to conserve, develop, reclaim and protect any such tract or tracts, by piling, bulkheading, filling or any other means, without limitation, by reason of the enumeration of the foregoing. [1957 c 849 s 5]

458.55 PORT AUTHORITY MAY APPLY TO GOVERNOR FOR AID. Before submitting such an application such port authority shall by resolution appropriate its funds in an amount equal to that requested by the governor for expenditure upon the conservation, development, reclamation, or protection of the lands so applied for or for expenditures for such purpose necessary to render such rehabilitated lands useful for port authority purposes. The funds appropriated by any such port authority shall be spent solely for the purposes detailed in the resolution and in furtherance of the plan submitted to the governor or modified with his consent and the approval of the state executive council. The principal or any part of the principal of the money may for the purpose of furthering the integrated project as described in its initial application for funds to the governor make further applications for additional funds in the same manner as set forth herein. [1957 c 849 s 6]

458.56 APPROPRIATION BY PORT AUTHORITY BEFORE APPLICATION. Before submitting such an application such port authority shall by resolution appropriate its funds in an amount equal to that requested by the governor for expenditure upon the conservation, development, reclamation, or protection of the lands so applied for or for expenditures for such purpose necessary to render such rehabilitated lands useful for port authority purposes. The funds appropriated by any such port authority shall be spent solely for the purposes detailed in the resolution and in furtherance of the plan submitted to the governor or modified with his consent and the approval of the state executive council. The principal or any part of the principal of the money may for the purpose of furthering the integrated project as described in its initial application for funds to the governor make further applications for additional funds in the same manner as set forth herein. [1957 c 849 s 7]

458.57 GOVERNOR TO DETERMINE AMOUNT OF FUNDS TO BE ALLOCATED TO PORT AUTHORITY. Upon receipt of any such application, the governor shall, before the port authority proceed to develop the project, determine the amount, if any, of the funds of the Minnesota Seaway Property Conservation Fund shall be paid over to the treasurer of any applying port authority, taking into consideration the location of the port authority with respect to the Great Lakes—St. Lawrence Seaway, the usefulness of the port as part of a domestic or foreign system of water-borne commerce; the use to which such land may be put upon their conservation, development, reclamation, or protection of the lands; the benefit to the people of the state of Minnesota as distinguished from purely local benefits to be derived from the completed
laws 1957, chapters 648, 831, and 849, using and occupying, and who have used and occupied, said property for business or other lawful purpose.

In the event that any of the provisions of subdivision 2 render this section unconstitutional, that portion of subdivision 2 shall be severable and of no effect.

458.60 MUNICIPAL SEAWAY PORT AUTHORITY BONDS, DISPOSITION OF INCOME. Subdivision 1. Any city or county entitled to appoint members to a seaway port authority existing pursuant to the provisions of Minnesota Statutes 1957, Chapter 458, and any act amendatory thereof, shall conform with the provisions of subdivision 2 in the disposition of any income from investments which such city or county may have received from the proceeds of the sale of such general obligation bonds.

Subd. 2. Any moneys paid to any such seaway port authority by any city or county after the passage of this section shall be forthwith transferred and delivered to such seaway port authority as the income from the investments is received.

The proceeds of such investments which may be received by either such city or county after the passage of this section shall be forthwith transferred and delivered to such seaway port authority as the income from the investments is received.

Subd. 3. Moneys received by such seaway port authority from such a city or county may be expended by the seaway port authority for any authorized lawful purpose.

1961 c 571 s 1-4]
CHAPTER 462
HOUSING, REDEVELOPMENT, PLANNING, ZONING

MUNICIPAL PLANNING

Sec. 462.351 MUNICIPAL PLANNING AND DEVELOPMENT; STATEMENT OF POLICY.
The legislature finds that municipalities are faced with mounting problems in providing means of guiding future development of land so as to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities and to promote the public health, safety, morals and general welfare. Municipalities can prepare for anticipated changes and by such preparations bring about significant savings in both private and public expenditures. Municipal planning, by providing public guides to future municipal action, enables other public and private agencies to plan their activities in harmony with the municipality's plans. Municipal planning will assist in developing lands more wisely to serve citizens more effectively, will make the provision of public services less costly, and will achieve a more secure tax base. It is the purpose of sections 462.351 to 462.364 to provide municipalities, in a single body of law, with the necessary powers and a uniform procedure for adequately conducting and implementing municipal planning.[1965 c 670 s 1]

462.353 DEFINITIONS. Subdivision 1. For the purposes of sections 462.351 to 462.364 the terms defined in this section have the meanings given them.

Subd. 2. “Municipality” means any city, including a city operating under a home rule charter, and any village or borough and any town having the powers of villages pursuant to Minnesota Statutes, Section 308.01.

Subd. 3. “Planning agency” means the planning commission or the planning department of a municipality.

Subd. 4. “Platting authority” means the governing body or other agency responsible under statute or charter for the approval of plats of land within the municipality or within its area of platting control.

Subd. 5. “Comprehensive municipal plan” means a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan, and recommendations for plan execution. A comprehensive plan represents the planning agency's recommendations for the future development of the community.

Subd. 6. “Land use plan” means a compilation of policy statements, goals, standards, and maps, and action programs for guiding the future development of private and public property. The term includes a plan designating types of uses for the entire municipality as well as a specialized plan showing specific areas or specific types of land uses, such as residential, commercial, industrial, public or semi-public uses or any combination of such uses.

Subd. 7. “Transportation plan” means a compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the various modes of transportation of the municipality and its environs such as streets and highways, mass transit, railroads, air transportation, trucking and water transportation, and includes a major thoroughfare plan.

Subd. 8. “Community facilities plan” means a compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the public or semi-public facilities of the municipality such as recreational, educational and cultural facilities.

Subd. 9. “Capital improvement program” means an itemized program setting forth the schedule and details of specific contemplated public improvements by fiscal year, together with their estimated cost, the justification for each improvement, the impact that such improvements will have on the current operating expense of the municipality, and such other information on capital improvements as may be relevant.

Subd. 10. “Official map” means a map adopted in accordance with section 462.359 showing existing streets, proposed future streets and the area needed for widening of existing streets of the municipality. An official map may also show the location of existing and future public land and facilities within the municipality.

Subd. 11. “Governing body” in the case of cities or villages means the council by whatever name known, and in the case of a town, means the town board.[1965 c 670 s 2]

462.353 AUTHORITY TO PLAN. Subdivision 1. General authority. A municipality may carry on comprehensive municipal planning activities for guiding the future development and improvement of the municipality and may prepare, adopt and amend a comprehensive municipal plan and implement such plan by ordinance and other official actions in accordance with the provisions of sections 462.351 to 462.364.

Subd. 2. Studies and reports. In exercising its powers under subdivision 1, a municipality may collect and analyze data, prepare maps, charts, tables, and other illustrations and displays, and conduct necessary studies. A municipality may publicize its purposes, suggestions, and findings on planning matters, may distribute reports thereon, and may advise the public on the planning matters within the scope of its objectives.

Subd. 3. Appropriation and contracts. A municipality may appropriate monies from any fund not dedicated to other purposes in order to finance its planning activities. A municipality may receive and expend grants and gifts for planning purposes and may enter into contracts with the federal and state governments or with other public or private agencies in furtherance of the planning activities authorized by sections 462.351 to 462.364.[1965 c 670 s 3]

462.354 ORGANIZATION FOR PLANNING. Subdivision 1. Planning agency. A municipality may by charter or ordinance create a planning agency. A planning agency created by ordinance may be abolished by two-thirds vote of all the members of the governing body. The planning agency shall be advisory, except as other powers and duties are imposed on it by sections 462.351 to 462.364, by statute, by charter, or by ordinance inconsistent with the municipal charter. The planning agency may take the following alternative forms:

(1) It may consist of a planning commission, which may or may not include municipal officials among its members. The planning commission may be provided with staff which may be a division of the administrative structure of the municipal government. The commission shall be advisory directly to the governing body.

(2) It may consist of a planning department with a planning commission advisory to the department. The planning commission, a department, and the municipal administration. The planning department may be provided with an executive director and other staff as in the case of other municipal departments.

Subd. 2. Board of adjustments and appeals. The governing body of any municipality adopting or having in effect a zoning ordinance or an official map shall provide for a board of appeals and adjustments. The board shall have the powers set forth in section 462.357, subdivision 4. Except as otherwise provided by charter, the governing body may provide that there be a separate board of appeals and adjustments that the governing body or the planning commission or a committee of the planning commission serve as the board of appeals and adjustments, and it may provide an
462.355 PREPARATION, ADOPTION, AND AMENDMENT OF COMPREHENSIVE MUNICIPAL PLAN. Subdivision 1. Preparation and review. The planning agency shall prepare the comprehensive municipal plan. In discharging this duty the planning agency shall consult with and coordinate the planning activities of other departments and agencies of the municipality to insure conformity with its comprehensive plan. In the development of the comprehensive plan, the planning agency shall take cognizance of the planning activities of adjacent units of government and other affected public agencies. The planning agency shall periodically review the plan and recommend amendments whenever necessary.

Procedure for plan adoption and amendment. The planning agency may, unless otherwise provided by charter or ordinance consistent with the municipal charter, adopt and amend from time to time a comprehensive municipal plan as its recommendation to the governing body. The plan may be prepared and adopted in sections, each of which relates to a major subject of the plan or to a major geographical section of the municipality. The governing body may propose amendments to the comprehensive municipal plan by resolution submitted to the planning agency. Before adopting the comprehensive municipal plan or any section or amendment of the plan, the planning agency shall hold at least one public hearing thereon. A notice of the time, place and purpose of the hearing shall be published once in the official newspaper of the municipality at least ten days before the day of the hearing. The adoption or amendment of the plan, or amendment shall be transmitted to the governing body prior to the publication of the notice of hearing. Adoption and amendment of the comprehensive municipal plan or of any section thereof shall be by resolution adopted by a majority of the members of the planning commission. A copy of the plan or of any section thereof adopted by the planning agency shall be certified to the governing body of the municipality.

Subd. 3. Adoption by governing body. Unless otherwise provided by charter, the governing body may by resolution of a majority of its members adopt and amend the comprehensive plan or portion thereof so recommended as the official municipal plan. Such notice and hearing as may be prescribed by ordinance. Unless so adopted by the governing body, the plan shall constitute only the recommendation of the planning agency.

462.356 PROCEDURE FOR PLAN EFFECTUATION; GENERALLY. Subdivision 1. Recommendations for plan execution. Upon the recommendation by the planning agency of the comprehensive municipal plan or sections thereof, the planning agency shall study and propose to the governing body reasonable and practicable means for putting the plan or section of the plan into effect. Subject to the limitations of the following sections, such means include, but are not limited to, zoning regulations, regulations for the subdivision of land, an official map, a program for coordination of the normal public improvements and services of the municipality, urban renewal and a capital improvements program.

Subd. 2. Compliance with plan. After a comprehensive municipal plan or section thereof has been recommended by the planning agency, a copy filed with the governing body, no publicly owned interest in real property within the municipality shall be acquired or disposed of, nor shall any capital improvement be authorized by the municipality or special district or agency thereof or any other political subdivision having jurisdiction within the municipality until after the subject to which such legislation is addressed has been adopted by the governing body. The adoption of such legislation shall be deemed to have satisfied the requirements of this subdivision. The governing body may, by resolution adopted by two-thirds vote dispense with the requirements of this subdivision when in its judgment it finds that the proposed acquisition or disposal of real property or capital improvement has no relation to the comprehensive municipal plan.
by the governing body, the planning agency, or by petition of affected property owners as defined in the zoning ordinance. An amendment not initiated by the planning agency shall be referred to the planning agency. If there is one, for study and report and may not be acted upon by the governing body until it has received the recommendation of the planning agency on the proposed amendment or received and approved from the date of reference of the amendment without a report by the planning agency.

Subd. 5. Amendment; certain cities of the first class. The provisions of this subdivision apply to cities of the first class. In such cities amendments to a zoning ordinance shall be made in conformance with this section but only after there shall have been filed in the office of the city clerk a written consent of the owner of each described lot or parcel of real estate situated within 100 feet of the real estate affected, and after the affirmative vote in favor thereof by a majority of the members of the governing body of any such city. The governing body of such city may, by a two-thirds vote of its members, after hearing, adopt a new zoning ordinance without such written consent whenever the planning commission or planning board of such city shall have made a finding of the necessity of the area of the city or of an area of not less than 40 acres, within which the new ordinance or amendments or alterations of the existing ordinance would take effect when adopted, and shall have considered whether the number of descriptions of real estate affected by such changes and alterations renders the obtaining of such written consent impracticable, and such planning commission or planning board, in its report in writing as to whether in its opinion the proposals of the governing body in any case are reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use, and shall have conducted a public hearing on such proposed ordinance, changes or alterations, of which hearing published notice shall have been given in a daily newspaper of general circulation at least once each week for three successive weeks prior to such hearing, which notice shall state the time, place and purpose of such hearing, and shall have reported to the governing body of the city its findings and recommendations in writing.

Subd. 6. Appeals and adjustments. Appeals to the board of appeals and adjustments shall be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

2. To hear requests for variances from the literal provisions of the ordinance but where the strict enforcement would cause undue hardship, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit the construction, enlargement, or location of any building or structure if the proposed building or structure is contrary to the zoning regulation or in the zone in which the affected person's land is located. The board or governing body as the case may be may impose conditions in the granting of variances to assure compliance and to protect adjacent properties.

462.338 PROCEDURE FOR PLAN EFFECTUATION; SUBDIVISION REGULATIONS. Subdivision 1. Authority to regulate. To provide for orderly, economic, and safe development of land and urban services and facilities, and to promote the public health, safety, morals and general welfare, a municipality may by ordinance regulate by minimum design and physical standards and design requirements as to such urban services and facilities, and procedures for plat approval, including a procedure for appeals from actions of the platting authority. Subdivision regulations shall be adopted by ordinance when the governing body is the platting authority and by resolution when the platting authority is the planning commission or planning board. A noncontiguous municipality has boundaries less than four miles apart, each is authorized to control the subdivision of land equidistant from its boundaries within this area.

Subd. 2. Terms of regulations. Subdivision regulations shall require that a proposed subdivision plat shall be in conformity with the official map if such exist. In establishing requirements for the location and width of streets, the municipality shall consider anticipated traffic needs and the prospective character of the development and make any reasonable requirements therefor. As a condition to the approval of any subdivision plat of lands to which the regulations apply, subdivision regulations may prescribe requirements concerning the extent and manner in which streets shall be graded and paved and sidewalks, curbs, fences, railings, or other elements shall be installed. The regulations may provide, or authorize the governing body or other plating authority to provide, that, in lieu of the completion of such work before the final platting of the plat, the governing body or platting authority may accept or require a contract secured by a deposit, certified check, or a bond in an amount and with security and conditions satisfactory to it, to assure the municipality that such improvements and utilities will be actually constructed and installed according to the specifications approved by the governing body or plating authority as expressed in the contract; and the municipality may enforce such contracts by appropriate legal and equitable remedies. The subdivision regulations may provide for residential uses that a reasonable portion of each proposed subdivision be dedicated to the public for public use as parks, playgrounds, or that the subdivider at his option contribute an equivalent amount in cash as defined by the regulations, provided that cash payments received under such regulations shall be placed in a special fund by the municipality and used only for the acquisition of land for parks and playgrounds.

462.359 PROCEDURE FOR PLAN EFFECTUATION; OFFICIAL MAPS. Subdivision 1. Statement of purpose. Land that is needed for future street purposes and as sites for other necessary public facilities and services is frequently diverted to non-public uses which could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained later only at prohibitive cost of additional public utilities and occupational plots of subdivisions to be developed for residential uses that a reasonable portion of each proposed subdivision be dedicated to the public for public use as parks, playgrounds, or that the subdivider at his option contribute an equivalent amount in cash as defined by the regulations, provided that cash payments received under such regulations shall be placed in a special fund by the municipality and used only for the acquisition of land for parks and playgrounds.

462.361 JUDICIAL REVIEW. Subdivision 1. Review of action. Any person aggrieved by an ordinance, rule, regulation, decision or order of a governing body or board of adjustments and appeals acting pursuant to sections 462.351 to 462.364, may have the ordinance, rule, regulation, decision or order, reviewed by an appropriate remedy in the district court, subject to the provisions of this section.

Subd. 2. Exhaustion of remedies. In actions brought under this section, a municipality may raise as a defense the fact that the complaining party has not attempted to remedy his grievance by use of procedures available to him for that purpose under ordinance or charter, or under sections 462.351 to 462.364. If the court shall find that such remedies have not been exhausted, it shall require the complaining party to pursue those remedies unless it finds that the use of such remedies would serve no useful purpose under the circumstances of the case.

462.362 ENFORCEMENT AND PENALTY. A municipality may by ordinance provide for the enforcement of ordinances or regulations adopted under sections 462.351 to 462.364 and provide penalties for violation thereof. A municipality may also enforce any provision of sections 462.351 to 462.364 or of any ordinance adopted theretofore by any administrator, injunction, or any other appropriate remedy in any court of competent jurisdiction.

462.363 PRESENT ORDINANCES CONTINUED. Except as otherwise provided in sections 462.351 to 462.364, valid ordinances and regulations now in effect shall continue in effect until amended or repealed.
462.371 REGIONAL PLANNING ACTIVITIES. Any two or more counties, cities, villages, boroughs, or towns may enter into an agreement under section 471.59 for the conduct of regional planning activities.
[1965 c 694 s 1]

462.372 REGIONAL PLANNING BOARDS. The agreement creating a regional planning agency shall provide for a regional planning board composed of members selected from the governing bodies of the participating governmental units. The number, term of office, method of appointment and removal of members, shall be provided for in the agreement.
[1965 c 694 s 2]

462.373 REGIONAL PLANNING BOARD; POWERS AND DUTIES. Subdivision 1. The regional planning board may employ a planning director and necessary staff, or appoint an advisory planning commission, or both, to assist it in exercising its powers and duties. The regional planning board may hire experts and consultants and contract with other planning agencies for necessary services.

Subd. 2. The regional planning board may prepare and from time to time revise, amend, extend, add to a plan or plans for the development of the region, which plan or plans collectively shall be known as the regional development plan. No portion of a regional development plan shall be adopted by the regional planning board until it has been referred to the governing bodies of participating units for their review and their recommendation within such time as is prescribed in the agreement.

Subd. 3. The regional planning board may accept funds, grants, and services from the government of the United States or its agencies, from the state of Minnesota or its departments, agencies or instrumentalities, or from any governmental unit whether participating in the regional agency or not, and from private and civic sources.
[1965 c 694 s 3]

462.374 ADOPTION OF PLAN BY LOCAL UNITS. Any local governmental unit within the region may adopt all or any portion of the regional development plan. No comprehensive plan shall be adopted in any participating unit until such plan has been referred to the regional planning board for its review and recommendation within such time as is prescribed in the agreement.
[1965 c 694 s 4]

462.375 REGIONAL DEVELOPMENT PLAN; FILING AND DISTRIBUTION. The regional planning agency shall transmit the regional development plan and any revisions thereof, to any state planning agency that may exist, otherwise to the department of economic development, the governing bodies of governmental units, and to planning agencies in contiguous areas. The agency may prepare additional copies of the plan for general distribution or sale.
[1965 c 694 s 5; 1967 c 299 s 9]

462.41 [Repealed, 1947 c 487 s 61]

CHAPTER 465
RIGHTS, POWERS AND DUTIES; MUNICIPALITIES

465.18 STATE’S OWNERSHIP OF BED OF NAVIGABLE RIVER. The ownership of the beds and the lands under the waters of all rivers in this state which are navigable for commercial purposes for hereby declared to be and shall be in the State of Minnesota in fee simple, subject only to the regulations made by the congress of the United States with regard to the public navigation and commerce and the lawful use by the public of the waters while thereon.
[1911 c. 291 s. 1] (1945)

465.19 CHANGE OF CHANNEL WITHIN AND AT COST OF CITY; CITY’S OWNERSHIP. When any portion of the channel of any river navigable for commercial purposes within the limits of any city in this state is changed by or under the authority of the United States government or any other authority for the improvement of navigation and the cost of such change or any portion thereof is borne by the city within which change is made the old bed of the river or portion thereof abandoned by reason of any such change, shall belong to and become the property in fee simple of the city in which the same is situated without further act or ceremony. The filing and recording in the office of the register of deeds of the county in which such city is located, of a copy of this bill together with a plat or map certified by the secretary of war of the United States or the United States government engineer in charge of the changes of the channel hereinbefore referred to, showing the respective locations of the water line of the old or original bed of the river and such changed location, shall constitute sufficient evidence of title of such city to the old river bed and lands herebefore referred to. Upon the request of any such city the governor and state auditor shall also execute and deliver to such city a deed of conveyance transferring all of the right, title, and interest of the State of Minnesota in and to such old river bed and lands herebefore referred to. Upon the request of any such city the governor and state auditor shall also execute and deliver to such city a deed of conveyance transferring all of the right, title, and interest of the State of Minnesota in and to such old river bed and lands within the limits of such city, and the lands so claimed or acquired may be held, used, or disposed of by such city as the common council shall determine to be for the best interests of such city.
[1911 c. 291 s. 1] (1945)

465.20 DIVERSION OF UNNAVIGABLE STREAMS; RAISING WATERS OF LAKES. Any city of this state now or hereafter having a population of more than 50,000 according to the last preceding state or national census, may, if in the judgment of its city council, the public health or welfare of its citizens will be promoted thereby, divert any unnavigable stream, flowing wholly or partly within the corporate limits, from its natural bed to an artificial channel or to another watercourse. The diversion may take place at any feasible or desirable point within or without the corporate limits, and the new channel may be created within or without or partly within and partly without the corporate limits. For the purpose of controlling and regulating the flow of such stream in its new channel, the city may, by the erecting
of dams or other suitable means, raise the waters of any lake or lakes from which the stream may flow, or through which the new channel may flow, and control the discharge from such lake or lakes, and straighten, enlarge, and make such changes and improvements in the channels as may be necessary for such purposes. Such new channels may, where necessary, cross any highway or railway; in which case suitable bridges shall be provided.

465.27 ORDINANCE; SURVEY AND MAP. The city council shall by ordinance first adopt and file with the city clerk a survey and map showing the point at which it is proposed to divert the stream, the route to be followed, the point from which the waters of any lake, a profile of the route and of the water surface, the cross-section of the proposed new channel, the enlargement, if any, of any existing channel, the bridges, culverts, etc. to be built, and in general, the entire extent and scope of the improvement as nearly as may be.

465.28 LANDS; HOW ACQUIRED. The city council may acquire in the name of the city, by grant, dedication, purchase, or devise the lands and the rights necessary to carry out such improvements.

465.29 CONDEMNATION; SPECIAL ASSESSMENTS. The power of eminent domain and the power to levy special assessments for benefits are hereby delegated to such cities for the purposes of sections 465.26 to 465.48, to acquire the lands and rights needed or any of them, to be exercised as follows.

465.30 ORDINANCE; APPRAISERS. The city council shall by ordinance determine and declare as nearly as may be the cost of such improvements, exclusive of damages to property, and appoint five appraisers, who shall be disinterested freeholders and qualified voters of the county, and none of whom shall be residents of the town or ward or wards of the city in which the property so designated is situated, to view the premises and appraise the damages which may be occasioned by the taking of private property or otherwise in making such improvement, and to be indemnified from time to time for the purpose aforesaid. If any, of any existing channel, the bridges, tunnels, culverts to be built, and in general, the entire extent and scope of the improvement as nearly as may be.

465.31 OATH. The appraisers shall be sworn to discharge their duties as appraisers in matters of impartiality and fidelity; and to make due return of their acts to the city council.

465.32 NOTICE OF MEETING. The appraisers shall give notice of their meeting by publication in the official newspaper of the city, once a week for six consecutive weeks, which last publication shall be at least ten days before the day of such meeting, which notice shall name the stream to be diverted, the point of diversion, the general course of the new channel and the height to which it is proposed to raise or maintain any lake, the location of proposed bridges, culverts, or tunnels, the estimated cost of construction, and contain a description of the lands designated by the city council to be taken for right of way and for flowage purposes, and give notice that a plan of the improvement has been filed in the office of the city clerk, and that the appraisers will meet at a place and time designated in the notice, and thence proceed to view the premises and appraise the damages for purposes desired and give notice that a plan of the improvement has been filed in the office of the city clerk, and that the appraisers will meet at a place and time designated in the notice, and thence proceed to view the premises and appraise the damages for purposes of diversion, the general course of the new channel and the height to which it is proposed to raise and between which it is proposed to maintain the waters of any lake, a profile of the route and of the water surface, the cross-section of the proposed new channel, the enlargement, if any, of any existing channel, the bridges, culverts, etc. to be built, and in general, the entire extent and scope of the improvement as nearly as may be.

465.33 MAILING NOTICES. A copy of all subsequent notices relating to the proceeding which are required to be published, shall be mailed by the city clerk immediately after the first publication thereof to such persons as shall have appeared in the proceedings and requested in writing that such notices be mailed to them.

465.34 MEETING OF APPRAISERS; DAMAGES AND BENEFITS. At the time and place mentioned in the notice, the appraisers shall meet and thence proceed to view the premises, and hear any evidence or proof offered by the parties interested and may adjourn from time to time for the purpose aforesaid. When their view and hearing shall be concluded they shall determine the amount of damages, if any, suffered by each piece or parcel of land affected by the improvement. They shall determine the amount of special benefits, if any, occurring by reason of diversion of water, drainage, or otherwise, to each piece or parcel of land wherever situated and whether contiguous to the improvement or not. If the damages exceeded the amount of benefits awarded, the excess shall be assessed as damages. If the benefits exceed the damages to any particular piece, the difference shall be assessed as benefits, but the total assessment for benefits shall not be greater than the aggregate net award of damages added to the estimated cost of construction; and in every case the benefits assessed upon the several parcels shall be in proportion to the actual benefits received, and no assessment upon any particular piece shall exceed the amount of actual special benefits after deducting the damages, if any.

465.35 BUILDINGS. If there be any buildings standing, in whole or in part, upon any parcel of the land to be taken, the appraisers shall, in such case, determine the amount of damages which should be paid to the owners thereof, in case such building, or so much of it as may be necessary, should be taken, and shall appraise and determine the amount of damages to be paid such owners in case they shall elect to remove such buildings.

465.36 DIFFERENT OWNERS OR INTERESTS. If the land and buildings belong to different persons or if the land be subject to lease, mortgage, or judgment, or if the land and buildings are situated in different town or townships, the damages to the property or leasehold interests, respectively, may be awarded to them separately by the appraisers. Neither such award of the appraisers, nor the confirmation thereof by the city council, shall be deemed to require the payment of such damages to the person or persons named in such award, in case it shall transpire that such persons are not entitled to receive the same.

465.37 REPORT. The appraisers having ascertained and appraised the damages and assessed the benefits, as aforesaid, shall make and file with the city clerk a written report of their action in the premises, embracing a schedule and appraisement of the damages awarded and benefits assessed, with descriptions of the lands, and the names of the owners, if known to them, and a statement of the costs of the proceeding.

465.38 NOTICE OF APPRAISAL; CONFIRMATION OR NULLIFICATION. Upon such report being filed, the city clerk shall give notice that such appraisement has been returned and that the same will be considered by the city council at a meeting thereof to be named in the notice, which notice shall contain the schedule of damages and benefits assessed and be published in the official newspaper of the city once a week for two consecutive weeks, and the last publication shall be at least ten days before such meeting. Any person interested in any building standing in whole or in part upon any land required to be taken by such improvement shall, on or before the time specified for the meeting in such notice, notify the city clerk of his intention of his election to remove such building, if he so elect. The city council, upon the day fixed for the consideration of such report, or at any subsequent meeting to which the same may stand over or be referred, shall have power in their discretion to confirm, revise, or annul the appraisement and assessment, giving due consideration to any objections interposed by parties interested in
the manner hereinafter specified; provided that the city council shall not have the
power to reduce the amount of any award nor increase any assessment. In case the
appraisal and assessment is annulled, the city council may thereupon
appoint new appraisers, who shall proceed in like manner as in case of the first
appraisers upon the coming in of their report, the city council shall proceed
in a like manner and with the same powers as in the case of the first appraisement.

465.39 AWARD; APPEAL. If not annulled or set aside, such award shall be
final and a charge upon the city, for the payment of which the credit of the city shall
be pledged. Such assessments shall be and remain a lien and charge upon the
respective lands until paid. The award shall be paid to the persons entitled thereto
or deposited and set apart in the treasury of the city for the use of the persons
entitled thereto within six months after the confirmation of the appraisement and
award. In case any appeal be taken from the order confirming the appraisement
and assessment, as hereinafter provided, the time for payment of the awards shall
be extended until and including 60 days after the final determination of all
appeals taken in the proceedings, and in case of any change in the awards or
assessment upon appeal, the city council may, by resolution duly adopted, at any
time within 60 days after the determination of all appeals, set aside the entire
award. Any awards so set aside shall not be paid, and the proceedings as to
the tracts for which the awards are so set aside shall be deemed abandoned. Any
amount charged as a charge upon the assessment assessment as of the time
when the credit of the city shall be pledged. All awards shall bear interest at the rate
of six percent per annum from the time of the filing of the original appraisers'
report, and all subsequent awards and awards upon appeals shall be made as of the
day and date of filing of such original reports.

465.40 VESTURE OF TITLE. Upon the conclusion of the proceedings and the
awarding of the awards, the several tracts of land shall be deemed to be taken and
appropriated for the purposes of sections 465.26 to 465.48, and the title thereto
shall vest in the city. In case the city council shall in any case be unable to
determine to whom the damages should in any particular case be paid, or in case of adverse
claim in relation thereto, or in case of the legal disability of any person interested,
the appraisers shall in any case proceed in the manner hereinafter specified:
That such appraisers shall first deposit the amount of damages with the district court of the county in which such
city is situated, for the use of the parties entitled thereto, and the court shall, upon
application of any person interested, and upon such notice as the court shall
prescribe, determine who is entitled to the award, and shall order the same paid
accordingly. Any such deposit shall have the same effect as the payment to the
proper persons.

465.41 REMOVAL OF BUILDINGS. In case any owner of buildings, as aforesaid,
have elected to remove his buildings shall he remove them within 30
days from the confirmation of the report or within such further time as the city
council may allow for the purpose and shall be entitled to the payment of the
amount of damages awarded for such taking in manner aforesaid. Any such award
shall not have elected to remove such buildings, or shall have neglected (after having
elected) to remove the same within the time above specified, such buildings, or so
much thereof as may be necessary, upon paying or depositing the damages awarded
for such taking in manner aforesaid, may be taken and appropriated, sold, or
disposed of as the city council shall elect.

465.42 APPEAL; OBJECTIONS; NOTICE; RECORD. Any person whose property
is proposed to be taken or interfered with or assessed under any provisions of
sections 465.26 to 465.48, or who claims to be damaged by the improvement, and
who deems that there is any irregularity in the proceedings of the city council, or
action of the appraisers, by reason of which the award of the appraisers ought not
to have been made, or that the amount of damages awarded to him for the taking of,
while of his property, or the assessment thereon, may, at any time before the time
specified for the consideration of the award and assessment by the city council, file with the city clerk in writing his objections
to such confirmation, setting forth therein specifically the particular irregularities
complained of, and the particular objection to the award or assessment, and contain-
ing a description of the property in which he is interested, affected by such
proceedings and his interest therein, and if, notwithstanding such objections, the
city council shall confirm the award or assessment, such persons so objecting shall
have the right to appeal from such order of confirmation of the city council to the
district court of the county in which the city is situated within 60 days after
such order. Such appeal shall be made by serving a written notice of appeal upon
the city clerk, which shall specify the property of the appellant affected by such award
of improvement, and refer to the objection filed, as aforesaid, thereupon the city
clerk, at the expense of the appellant, shall make out and transmit to the clerk of
the district court a copy of the record of the entire proceedings and of the award
of the appraisers as confirmed by the city council, and of the order of the city
council confirming the same, and of the objections filed by the appellant, as aforesaid,
and of the notice of appeal, all certified by the city clerk to be true copies,
within ten days after the taking of such appeal. If more than one appeal be taken
in the same proceeding, it shall not be necessary that each appeal be
subsequent to the first shall send up anything but a certified copy of the appellant's
objections. There shall be no pleading on any appeal, but the court shall determine
in the first instance whether there was in the proceedings any such irregularity
or omission prejudicial to the appellant and specified in his written objection
that as to him the award or assessment ought not to stand, and
whether the appraisers had jurisdiction to take action in the premises.

465.43 HEARING; APPRAISERS; AWARD; APPEAL TO SUPREME COURT. The case may be
brought on for hearing on eight days' notice, at any general or
special term of the court, and the judgment of the court shall be to confirm or
annul the proceedings, only so far as the proceedings affect the property of the
appellant, to be taken or damaged or assessed, and described in the
written objection. In case of the amount of damages or benefits assessed is complained of by such appellant, the court shall, if the proceedings be confirmed in other
respects, appoint three disinterested freeholders, residents of the county, appraisers,
to reappraise the damages, and reassess benefits as to the property of
appellant. The parties to such appeal shall be heard by the court upon the appointment of such
appraisers, and the court shall fix the time and place of meeting of such appraisers,
they shall be sworn to the faithful discharge of their duties as such appraisers, and
shall proceed in all material respects as are provided in sections 465.26 to
465.48 for the government of appraisers appointed by the city council. They shall,
after the hearing and view of the premises, make a report to the court of their
award of damages and assessments of benefits in respect to the property of such
appellant. The appellant shall, within five days of notice of filing the award, file his
written objections to the buildings if he so elect. Such election shall not
affect his right to a review. The award shall be final unless set aside by the court.
The motion to set aside shall be made within 15 days. In such report is set
aside, the court may, in its discretion, recommit the same to the same appraisers,
or appoint new appraisers, as it shall deem best; the court shall allow to the
appraisers a reasonable compensation for their services, and make such awards
of damages on such appeal, including the compensation of such appraisers, as it shall
decem fit and equitable, and enforce the same by execution. In case the court
shall be of the opinion that such appeal was frivolous or vexatious, it may
adjudge double costs against such appellant. An appeal may be taken to the supreme
court of the state from any final decision of the district court in the proceedings.

465.44 TIME OF PAYMENT. In case of any appeal the time for making pay-
ment of awards shall be extended as to all tracts embraced in the proceeding to
60 days after final determination of all appeals.

[1905 c. 18 s. 17] (1525)
465.45 NOTICE OF PENDENCY; PERSONS AFFECTED. The notice prescribed in section 465.32 shall be sufficient to charge all persons whose rights or interests may be affected by the diversion of such waters, but whose lands are not otherwise taken, with notice of the pendency of the proceeding, and all such persons may present to the appraisers evidence of the damages which they will suffer, and such damages shall be determined and appraised as the appraisers shall determine and appraise. All such persons failing to present their claims for damages arising from the diversion of waters, shall be concluded by the proceeding hereunder, whether any award of damages is made to them or not, and shall be barred from claiming damages afterwards in any other form of action or proceeding.

[1905 c. 18 s. 90] (1528)

465.46 AWARD AND ASSESSMENT, HOW CERTIFIED; ASSESSMENT, HOW ENFORCED. Upon the final determination of all appeals in such proceeding, the city clerk shall transmit to the auditor of the county or counties in which the respective lands lie a copy by him duly certified of the awards and assessment of the appraisers as confirmed by the city council; and the clerk of the district court shall, in like manner, certify the award and assessment as finally made upon all appeals; and the county auditors shall include such assessments of benefits against each tract of land assessed, with and as a part of the taxes upon such respective tracts of land in the next annual list of taxes for general, state, county and other purposes, and proceedings shall be had for the collection and enforcement thereof, as for such general taxes, including like penalties in case of non-payment, and including also proceedings for the collection and enforcement of delinquent taxes. When any of such assessments are collected, they shall be credited to the city conducting such proceedings, and paid over and accounted for in like manner as other taxes.

[1905 c. 18 s. 811] (1529)

465.47 DUTY OF CITY. It shall be the duty of such city to proceed with all reasonable dispatch to complete such improvements, unless the proceedings are set aside by the city council as provided in sections 465.26 to 465.46.

[1905 c. 18 s. 221] (1530)

465.48 POWERS AND DUTIES OF COUNCIL; PENALTIES. The city council shall have power and it shall be its duty after the construction of such works to maintain the same and to prevent injury or obstruction to the channel or works and contamination of the waters. For such purposes the city council may enact suitable ordinances and prescribe penalties for their violation, not exceeding a fine of $100 for each offense or confinement in the city workhouse not exceeding 90 days. The municipal court of the city shall have jurisdiction of such offenses.

[1905 c. 18 s. 231] (1531)

465.49 PARKING LAKE SHORES; DONATIONS; CONTRACTS FOR WATER AND ICE. All cities of the fourth class and the city councils of the same, in addition to all powers now possessed by such cities, shall have the power to dredge lakes wholly or partly within the corporate limits of such cities, to park the shores thereof, maintain a water level in such lakes, and expend money therefor. Such cities are given the right to accept donations from any person, firm, or corporation to aid in defraying such expenses and to contract for the taking of water and ice from such lake upon such terms and conditions as may be agreed upon between such city council and the person, firm, or corporation acquiring the right to the use of the water and ice.

[1918 c. 11 s. 1] (1748)

465.64 FLOOD EMERGENCY FUND, CITIES SECOND CLASS. There is hereby created in each city of the second class not operating under a home rule charter for the purpose of financing and paying for emergency flood prevention, repairs and rehabilitation and for the carrying out of contracts in connection therewith, a "Flood Emergency Fund," to be constituted and the moneys therein used as hereinafter designated. The city council or governing body may include in its estimates for the levy of taxes and may levy taxes for such amounts for this fund as it may deem necessary. All money collected from such tax levy and all money realized from the sale of the certificates of indebtedness herein provided for, shall constitute this fund and no money shall be paid out of this fund for any purpose other than as set forth in the resolution authorizing the issuance and sale of certificates of indebtedness as provided in section 465.63 and for the redemption of certificates of indebtedness issued and sold in accordance with the provisions of section 465.66. The city council or governing body of such city shall include in the tax levy a sufficient amount for the payment of interest on such outstanding certificates of indebtedness as it accrues and for the accumulation of a sinking fund for the redemption of such outstanding certificates of indebtedness at their maturity.

[1953 c. 697 s 1] (18)

465.681 CITIES OF FIRST CLASS, FLOOD CONTROL. Subdivision 1. Flood control, bonds, indebtedness. Any city of the first class is authorized and empowered to borrow a sum not to exceed $1,100,000 for the purpose of matching funds allocated by the United States Government for the purpose of flood control in such city, and for that purpose to issue and sell, from time to time, and without submitting the question of the issuance of the same to a vote of the people, the bonds of said city in the sum and amount of $1,100,000, or such part thereof as shall be deemed necessary; and to secure the payment of such bonds by pledging the full faith and credit of such city therefor. Such bonds shall be in such form and bear interest at such rate as the council of such city may prescribe, and shall be sold by the council of such city to the highest bidder therefor after at least two weeks published notice of the time and place for receiving bids. Said bonds shall be issued to mature serially, the first installment of which shall become due and payable in not more than three years and the last of which shall become due and payable in not more than 30 years from the date of their issue. The proceeds received from the sale of such bonds shall be deposited by the city in a fund to be designated as "Flood Control Project Fund" and the moneys shall be disbursed therefrom for the purpose aforesaid in the same manner as other funds of the city are disbursed, but only for the purpose herein expressed. The amount of such bonds from time to time outstanding shall not be considered in determining the net indebtedness of said city for the purpose of borrowing money or other purposes and the amount of such bonds or certificates of indebtedness shall be excluded in determining the debt limit of the city.

Subd. 2. Receipts and expenditures. The receipt and expenditure of any moneys hereunder shall not be included within the definition of any limitation imposed on taxing or spending by the charter of such city.

[1957 c. 685 s 1, 2; 1961 c. 95 s 1, 2]
CHAPTER 466
TORT LIABILITY, POLITICAL SUBDIVISIONS

466.01 Definitions. Subdivision 1. For the purposes of sections 466.01 to
466.15, "municipality" means any city, whether organized under home rule charter
or otherwise, any village, borough, county, town, public authority, public corpora-
tion, special district, school district, however organized, or other political sub-
division.

Subd. 2. For the purposes of sections 466.01 to 466.15, the "governing body of a
town" means the board of supervisors thereof; "school district" includes an un-
organized territory as defined in Minnesota Statutes 1961, Section 120.02, Subdivi-
ション 17.

[1963 c 798 s 1]

466.02 Tort Liability. Subject to the limitations of Laws 1963, Chapter
798, every municipality is subject to liability for its torts and those of its officers,
employees and agents acting within the scope of their employment or duties
whether arising out of a governmental or proprietary function.

[1963 c 798 s 2]

466.03 Exceptions. Subdivision 1. Scope. Section 466.02 does not apply to
any claim enumerated in this section. As to any such claim every municipality shall
be liable only in accordance with the applicable statute and where there is no
such statute, every municipality shall be immune from liability.

Subd. 2. Workmen's compensation claims. Any claim for injury to or death
of any person covered by the workmen's compensation act.

Subd. 3. Tax claims. Any claim in connection with the assessment and collection
of taxes.

Subd. 4. Accidents of snow and ice. Any claim based on snow or ice
conditions on any highway or other public place, except when the condition is af-
firmly caused by the negligent acts of the municipality.

Subd. 5. Execution of statute. Any claim based upon an act or omission of an
officer or employee, exercising due care, in the execution of a valid or invalid
statute, charter, ordinance, regulation, or resolution.

Subd. 6. Discretionary acts. Any claim based upon the performance or the
failure to exercise or perform a discretionary function or duty, whether or not the
discretion is abused.

Subd. 7. Other immunity. Any claim against a municipality as to which the
municipality is immune from liability by the provisions of any other statute.

[1963 c 798 s 3]

466.04 Maximum Liability. Subdivision 1. Limits; punitive damages.
Liability of any municipality on any claim within the scope of sections 466.01 to
466.15 shall not exceed

a. $25,000 when the claim is one for death by wrongful act or omission and
$50,000 on any claim in any other case; or
b. $300,000 for any number of claims arising out of a single occurrence.

No award for damages on any such claim shall include punitive damages.

Subd. 2. Inclusions. The limitation imposed by this section on individual
claimants includes damages claimed for loss of services or loss of support arising
out of the same tort.

Subd. 3. Disposition of multiple claims. Where the amount awarded to or
settled upon multiple claimants exceeds $300,000, any party may apply to any dis-
trict court to apportion to each claimant his proper share of the total amount
limited by subdivision 1 of this section. The share apportioned each claimant shall
be in the proportion that the ratio of the award or settlement made to him bears
to the aggregate awards and settlements for all claims arising out of the occur-
rence.

[1963 c 798 s 4]

466.05 Notice of Claim. Subdivision 1. Notice required. Every person
who claims damages from any municipality for or on account of any loss or in-
jury shall give the governing body of the municipality within 30 days after the alleged
loss or injury a written notice stating the time, place and circumstances thereof, and the
amount of compensation or other relief demanded. Failure to state the amount of compensation or
other relief demanded does not invalidate the notice; but in such case, the claimant shall furnish full information regarding the nature and extent of the in-
juries and damages within 15 days after demand by the municipality. No action therefor shall be maintained unless such notice has been given and unless the
action is commenced within one year after such notice. The time for giving such
notice does not include the time, not exceeding 90 days, during which the person
injured is incapacitated by the injury from giving the notice.

Subd. 2. Claims for wrongful death; notice. When the claim is one for death
by wrongful act or omission, the notice may be presented by the personal repre-
sentative, surviving spouse, or next of kin, or the consular officer of the foreign
country of which the deceased was a citizen, within one year after the alleged
injury or loss resulting in such death; but if the person for whose death the claim
is made has presented a notice that would have been sufficient had he lived, an ac-
tion for wrongful death may be brought without any additional notice.

[1963 c 798 s 5]

466.06 Liability Insurance. The governing body of any municipality may
procure insurance against liability of the municipality and its officers, em-
ployees, and agents for damages resulting from its torts and those of its officers,
employees, and agents, including torts specified in section 466.03. for which the
municipality is immune from liability; and such insurance may provide protection in
excess of the limit of liability imposed by section 466.04. If the municipality has the
ability to levy taxes, the premium costs for such insurance may be levied in excess of
any per capita or millage tax limitation imposed by statute or charter.

Any independent board or commission in the municipality may buy and hold dis-
burse funds for a particular municipal function without approval of the govern-
ning body may similarly procure liability insurance with respect to the field of its
operation. The procurement of such insurance constitutes a waiver of the defense of
governmental immunity to the extent of the liability stated in the policy but has no
effect on the liability of the municipality beyond the coverage so provided.

[1963 c 798 s 6]

466.07 Indemnification. Subdivision 1. Authority to indemnify. The
governing body of any municipality may defend, save harmless, and indemnify
any of its officers and employees, whether elective or appointive, against any tort
claims or demands, whether groundless or otherwise, arising out of an alleged act
of malfeasance in office or willful or wanton neglect of duty.

Subd. 2. Claims for wrongful death; indemnification. Where the claim is one for death
by wrongful act or omission, the governing body may similarly defend, save harm-
less, and indemnify its officers and employees against such tort claims or demands.

[1963 c 798 s 7]

466.08 Compromise of Claims. The governing body of any municipality
may compromise, adjust and settle tort claims against the municipality for dam-
ages, subject to procedural requirements imposed by law or charter, appropriate money for the payment of amounts agreed upon. When the amount of a settlement exceeds $2,500, the settlement shall not be ef-
fective until approved by the district court.

[1963 c 798 s 8]

466.09 Payment of Judgments. When a judgment is entered against or
a settlement is made by a municipality for a claim within the scope of section

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466.02, payment shall be made and the same remedies shall apply in case of non-payment as in the case of other judgments or settlements against the municipality. If the municipality has the authority to levy taxes and the judgment or settlement is unpaid at the time of the annual tax levy, the governing body shall, if it finds that other funds are not available for payment of the judgment, levy a tax sufficient to pay the judgment or settlement and interest thereon to the expected time of payment. Such tax may be levied in excess of any per capita or millage tax limitation imposed by statute or charter.

[1963 c 798 s 9]

466.10 PRIOR CLAIMS. Laws 1963, Chapter 798, does not apply to any claim against any municipality arising before the effective date of Laws 1963, Chapter 798. Any such claim may be presented and enforced to the same extent and subject to the same procedure and restrictions as if Laws 1963, Chapter 798 had not been adopted.

[1963 c 798 s 10]

466.11 RELATION TO ChARTERS AND SPECIAL LAWS. Sections 466.01 to 466.15 are exclusive of and supersede all home rule charter provisions and special laws on the same subject heretofore and hereafter adopted.

[1963 c 798 s 11]

466.13 DRAINAGE AND RELATED PUBLIC CORPORATIONS. Subdivision 1. Sections 466.01 to 466.11, except as otherwise provided for in this section, do not apply to any drainage system established under Minnesota Statutes 1961, Chapter 110, the improvement of waters under Minnesota Statutes 1961, Chapter 111, when done by a municipality; drainage and conservancy districts established under Minnesota Statutes 1961, Chapter 112; a watershed district established under Minnesota Statutes 1961, Chapter 113; and a soil conservation district established under Minnesota Statutes 1961, Chapter 114.

Subd. 2. The doctrine of "governmental immunity from tort liability" as a rule of the decisions of the courts of this state is hereby enacted as a rule of statutory law applicable to the instrumentalities of government enumerated in subdivision 1 to the same extent as it was applied in this state to such instrumentalities on and prior to December 13, 1952.

As used in this subdivision the doctrine of "governmental immunity from tort liability" means the doctrine as a part of the common law of England as adopted by the courts of this state as a rule of law exempting from tort liability the instrumentalities of government named in subdivision 1, subject, however, to such modifications thereof made by statutory enactments heretofore enacted, and subject to the other provisions of this section.

Subd. 3. An instrumentalities of government as named in subdivision 1 may procure insurance as provided for in section 466.02, and if such instrumentalities of government procures such insurance it shall otherwise be subject to all provisions and terms of sections 466.02 to 466.09 to the extent of the liability coverage afforded. Cancellation or expiration of any liability policy shall restore immunity as herein provided as of the date of such cancellation or expiration.

Subd. 4. This section is in effect on January 1, 1964 but all of its provisions shall expire on January 1, 1970.

[1963 c 798 s 13; 1965 c 74 s 2]
a dock or docks, wharf or wharves together with warehouse connections on the shore of ................. In the village, such bonds to be numbered and to mature as set forth in the petition of legal voters of the ................. (town or village) not on file in the office of the ................. clerk (or other officer of the town or village).

Dated ................., 19..........

Such notice shall be signed by the clerk of the town or village issuing the same.

[1923 c. 229 s. 31 (1918-50)]

471.08 CONDUCT OF ELECTION: BALLOTS. Such special election may be held on a day separate or on the day fixed for any other election in such town or village, in which latter event the judges and clerks acting as such for the election then to be held, shall act as judges and clerks for the special election but in either case a special ballot box shall be provided and the ballots cast on the proposition of organizing such town or village with the other town or village in the vicinity for the purpose of constructing, maintaining, and operating docks and warehouses and the proposition of issuing bonds for such purpose shall be kept separate from all other ballots cast. If such election is to be held on a day different from that of some other election in the town or village, then, the supervisors of the town or council of the village, as the case may be, shall appoint judges and clerks to conduct such special election.

Such election shall be conducted in substantially the same manner as is required for the conduct of general state and county elections; such special elections shall be by ballot and the ballot to be used thereat shall be in the following form:

Organize and Bond Ballot.

Shall the ................. (town or village) of ................. (naming it) unite with the towns of ................. and village of ................. to build, maintain, and operate docks, wharves and warehouses and shall the ................. (town or village) of ................. issue its bonds in the sum of $ ................. for the purpose of building, maintaining, and operating docks, wharves and warehouses, such bonds to be numbered, issued and to draw interest as provided in the petition therefor, now on file in the office of the clerk of the .................

Yes.................

No.................

Electors desiring to vote in favor of such proposition shall make their cross "X" opposite the word "YES" and the electors desiring to vote against the proposition shall make their cross mark "X" opposite the word "NO."

[1923 c. 229 s. 41 (1918-57)]

471.09 RETURN OF ELECTION. In case a majority of the voters of such village or town voting thereat shall vote favorably upon such proposition, the superintendents of the same as herein provided for in sections 471.05 to 471.14, shall act as judges and clerks for the election but in either case shall deliver to the clerk of the town or village in which such organization is situated, a return of such election which returns the county auditor shall preserve in his office for the inspection of any person or persons who shall be interested therein.

[1923 c. 229 s. 51 (1918-48)]

471.10 DOCK AND WAREHOUSE COMMISSION. In case the voters in the various towns and villages affected shall vote favorably upon the proposition of organizing such territorial body for the purpose of building, maintaining, and operating docks and warehouses and the proposition of issuing bonds to be numbered, issued and to draw interest as provided in the petition therefor, now on file in the office of the clerk of the ................. (designating the county in which such territory is situated). In case more than one such organization shall be effected in any county, then, there shall be added to the name of such commission, as herein provided for, organized after the first one, the designation No. 2 or 3 or 4, as the case may be.

[1923 c. 229 s. 61 (1918-49)]

471.11 ORGANIZATION OF COMMISSION; GENERAL POWERS. The commission so to be organized shall be composed of the president or other chief officer of the village in the territory affected and the chairman of each of the several town boards in such territory. The president or other chief officer of the village shall be chairman of such dock and warehouse commission. Within one month after a favorable vote upon such organization, such chairman shall call together the members of such commission and upon organization, the commission shall elect one of its members, the president or other chief officer of the village, as secretary of the commission. The commission shall at all times, keep records of all its proceedings and doings for that purpose. The commission shall have power to purchase a site for a dock, wharf, and warehouse or docks, wharves, and warehouses, and is authorized to build and maintain upon such site, one or more docks, wharves, and warehouses and for that purpose the money obtained as the proceeds of the bonds issued by the purpose of the money derived from such proceeds shall be paid by the county collecting the same into the dock fund of such organization with the treasurer of the county in which such organization is situated. In case any person, village, or town shall offer to donate one or more sites for such dock, docks, or warehouses, the commission may accept such donation. The title to any such donation shall be by ballot and the ballot to be used thereat shall be in the following form:

For the purpose of organizing the dock and warehouse commission of the County of ................. (designating the county in which such organization is to be created) for the purpose of using the moneys obtained as the proceeds of the bonds issued by the purpose of the proposition adopted as herein provided for, such dock or docks, wharves, and warehouses, or either of the same, and to raise such sums of money for that purpose as may be deemed necessary.

[1923 c. 229 s. 71 (1918-50)]

471.12 SUPERINTENDENT AND EMPLOYEES; RATES, CHARGES, SITES. The dock commission provided for in sections 471.05 to 471.14, may hire one or more superintendents for the care and operation of such dock or docks and may charge all users of such docks and warehouses reasonable rates for the use of the same in which latter event the proceeds derived from such charges shall be paid by the county collecting the same into the dock fund of such organization with the treasurer of the county in which such organization is situated. In case any person, village, or town shall offer to donate one or more sites for such dock, docks, or warehouses, the commission may accept such donation. The title to any such donation shall be by ballot and the ballot to be used thereat shall be in the following form:

For the purpose of organizing the dock and warehouse commission of the County of ................. (designating the county in which such organization is to be created) for the purpose of using the moneys obtained as the proceeds of the bonds issued by the purpose of the proposition adopted as herein provided for, such dock or docks, wharves, and warehouses, or either of the same, and to raise such sums of money for that purpose as may be deemed necessary.

[1923 c. 229 s. 81 (1918-51)]

471.13 BONDS; ISSUE AND SALE. The bonds to be voted for at the election provided for in sections 471.05 to 471.14 and issued by the town or village, voting the same, shall bear general obligations of such town or village; they shall run for a period not exceeding 20 years and shall draw a rate of interest not exceeding six percent per annum, such bonds shall be issued by the supervisors of the town or the council of the village, as the case may be, and be signed and countersigned in the same manner as in other bond issues of villages or towns and provided for by law, and shall be sold and negotiated by the authorities of the town or village issuing the same and the proceeds thereof and all moneys pertaining to such organization for dock and warehouse purposes, shall be paid to the treasurer of the county in which such territory is situated and all such funds together with other funds of such dock commission organization shall be kept by such treasurer in a separate fund to be known as "Dock and Warehouse Funds of ................." (designating the organization).

All moneys in such fund shall be paid out by the county treasurer only upon orders drawn thereon and signed by the chairman and secretary of the board of dock commissioners to which such fund belongs.

In case there shall be remaining in the dock and warehouse funds at any time a surplus of moneys after the completion and payment of all sums due therefrom, such surplus shall be paid to the several towns and villages comprising such organization in proportion to the amount of bonds issued, sold, and contributed by each town or village to the fund of such commission.

[1923 c. 229 s. 91 (1918-52)]

471.14 COMPENSATION OF COMMISSIONERS; DUTIES. The several members of the board of dock commissioners provided for in sections 471.05 to 471.14 shall hold office without compensation for their services in attending the meetings and conducting the business of such commission, a compensation of not to exceed $4.00 per day with mileage at six cents per mile to and from the place of residence of the member of the commission receiving the same and the place where such meetings were held.
ings are held, which compensation shall be paid out of the fund created for the purpose by sections 471.05 to 471.14 upon orders signed by the chairman and secretary of the commission. The chairman of the commission shall be the ex officio manager of the dock, docks, or warehouses under the control of the commission but shall at all times be subject to the direction of the commission itself. (1939 c. 229 s. 10) (1978-83)

471.92 DANGEROUS EXCAVATIONS; MAINTENANCE, ABANDONMENT. Subdivision 1. The governing body of any county, city, village, borough or town may regulate the maintenance or abandonment of open wells, cesspools, cisterns, recharging basins, catch basins and may provide penalties for the violation thereof. The use, maintenance or abandonment of any such installation so as to endanger the safety of any considerable number of persons, may be defined as a public nuisance and abated pursuant to the laws relating to public nuisances.

Subd. 2. The abatement of any such nuisance may include suitably covering such installation or surrounding the same with a suitable protective fence. (1955 c 91 s 1, 2)

473.01 PURPOSE. The legislature finds that because of urban growth and development in metropolitan areas of the state, problems have arisen and will arise which so transcend the boundary lines of local government units that no single unit can make plans for their solution without affecting other units in the area; that under existing legislation no planning agency of sufficient territorial scope exists or can be created to provide an area-wide approach in planning solutions to problems which demand coordinated and cooperative action by affected governmental units; and that comprehensive planning for the orderly and economical growth of entire metropolitan areas consistent with the general welfare requires the establishment of regional planning commissions. (1957 c 468 s 1)

473.02 DEFINITIONS. Subdivision 1. For the purpose of this chapter the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. “Governmental unit” means a county, city, village, town, school district, or other political subdivision.

Subd. 3. “Commission” or “the commission” means a regional planning and development commission created by this chapter.

Subd. 4. “Central city” means a city of more than 100,000 population contiguous to any other city of more than 100,000 population.

Subd. 5. “Metropolitan area” means the combined area of counties containing any land within five miles of the boundary of a central city and, in addition, the area of any contiguous county made part of the metropolitan area under section 473.03, subdivision 4. (1957 c 468 s 2)

473.03 REGIONAL PLANNING AND DEVELOPMENT COMMISSION. Subdivision 1. There is hereby established in each metropolitan area a regional planning and development commission consisting of the following members:

(1) Two members representing each central city in the area. One shall be the mayor or a representative appointed by him and one shall be a member of the governing body or some other resident of the city appointed in either case by the governing body.

(2) Seven members representing cities and villages in the metropolitan area other than central cities. No more than two such members shall reside in any one county. Such members shall be officials or other residents of such municipalities and shall be appointed by a majority vote of the mayors of such municipalities voting at a joint meeting, or adjourned meeting, called on at least ten days mailed notice by the mayor of the most populous of such municipalities. The number of such members shall be increased or decreased only when terms of incumbent members expire, except that if the number of members to which such municipalities are entitled is increased by the expansion of the metropolitan area under subdivision 4 of this section, the members of the commission chosen under this clause shall appoint the required number of such additional members for a term expiring at the time when the terms of other such members expire.

(3) One member to represent each county in the area. He shall be a member...
of the board of county commissioners or some other resident of the county ap-
pointed in either case by the county board.

(4) One member to represent the school districts in the area, including special
districts. He shall be a school board member or other resident of the area appointed
by a majority vote of the chairmen of the boards of such districts voting at a
joint meeting, or adjourned meeting, called on at least ten days mailed notice by
the chairman of the board of the most populous of such districts.

They shall be appointed for the term of office held by the board of the
most populous of such towns. The term of office of such members may be renewed by
laws for local corporations creating them. Each shall represent the interests of
three towns voting at a joint meeting, or adjourned meeting, called on at least ten
days mailed notice by the chairman of the board of the most populous of such towns.

The commission shall elect its own officers, and shall establish its own rules governing its
transactions, findings, and reports, and these shall be public records.

(5) The commission shall have the right to compel the attendance of persons
within two or more cities, villages, or towns in the metropolitan area. He shall
be appointed by the governing body of the corporation from its own membership,
or from persons residing in the territory under the jurisdiction of the corporation.

(6) Seven members representative of private citizens and groups interested in
the public welfare shall be appointed by the governor from residents of the
metropolitan area who hold no public office other than that of notary public. At least four of the members so appointed shall be residents of the
central cities, and not more than four shall be members of the same political
party.

Subd. 2. The mayor of each central city in the area or his representative shall serve
in terms expiring upon the qualification of the successor. Each of the other members shall serve for a term of five years and until the qualification
of his successor. The term of office of each member holding office on the
effective date of Laws 1963, Chapter 866, is extended to and terminates on May 31
next following the date on which his term of office would otherwise expire.

Except an appointment to fill an unexpired term, the term of each member shall be
the term of the next preceding incumbent expired. Any vacancy occurring before the expiration of the term shall be filled by the appointing authority for the remainder of the term except that a vaca-
cy occurring among the members representing school districts, town, or municip-
ali ties other than central cities shall be filled by the commission for the remainder of the
term as soon as practical.

Subd. 3. Initial members shall be appointed in the case of a metropolitan area
hereafter established, within 30 days after the effective date of the decennial census
for the area becomes a metropolitan area; and the mayor of each central city, the
county auditor of each county, the secretary of each public corporation, and
the mayor, school board chairman, and town board chairman responsible for
the central cities, shall make appointments under subdivision 1 shall notify the
governor of appointments made by him or the appointing authority to which he is
responsible. At the end of such 30-day period, or as soon thereafter as the governor
has been informed that a majority of the commission members have been
appointed, he shall call a meeting of the commission at which the commission
may be organized and commence its operations notwithstanding the existence of
vacancies on the commission.

Subd. 4. Any county contiguous to a county in a metropolitan area shall be
added to the metropolitan area whenever (a) the county board of the county finds
by resolution that there is need for a regional planning commission to function
within the county; and the adjoining metropolitan area should be expanded to include such county, and (b) the commission by resolution gives
its consent to the expansion.

[1957 c 468 s 3; 1963 c 866 s 1, 2]

473.04 DUTIES AND OFFICERS OF COMMISSION. Subdivision 1. The com-
mision shall elect its own officers, and shall establish its own rules governing its
internal organization, its meetings, and its procedure. It shall keep a record of its
resolutions, transactions, findings, and reports, and these shall be public records.

Subd. 2. Members of the commission shall receive no compensation for their
services; but they may be reimbursed for actual expenses incurred in carrying on
their duties.

[1957 c 468 s 4]

473.05 PLANS. Subdivision 1. The commission shall make plans for the
physical, social, and economic development of its metropolitan area with the gen-
eral purpose of guiding and accomplishing a coordinated and harmonious develop-
meter city shall also be made available to each govern-
mental unit within its metropolitan area.

Subd. 5. Any constituent governmental unit having authority to adopt a
master plan or official map may adopt all or any part of any plan prepared and
adopted by the commission of its metropolitan area by following the procedure
for the adoption of a master plan or official map.

Subd. 6. Before a governmental unit in the metropolitan area makes a final
decision on any matter which, in the sole discretion of its governing body, is not on
predominantly local but has a substantial effect on regional development, the tenta-
tive proposal or plans shall be presented to the commission for its consideration,
and the governing body shall take no binding action on the matter thereafter until
the commission has made its recommendations or until 30 days have elapsed from
the time of submission to the commission without a report from the commission.

Failure to present the proposal or plans to the commission shall be a finding by
the governing body that the matter is predominantly local. The recommendations
of the commission shall be advisory only.

[1957 c 468 s 6]

473.07 DIRECTOR, EMPLOYEES. The commission may appoint a director
and such employees as it may deem necessary for its work, and may hire such
experts and consultants as may be necessary in performing its duties. It shall
provide for the bonding of its treasurer and may make necessary contracts in the
name of the commission, provide for office space, purchase supplies and equipment,
and do anything necessary and proper to the performance of its duties.
CHAPTER 473B

METROPOLITAN COUNCIL

473B.01 PURPOSE. In order to coordinate the planning and development of the metropolitan area comprising the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, it is in the public interest to create an administrative agency for that purpose.

473B.02 METROPOLITAN COUNCIL. Subdivision 1 Creation. A metropolitan council with jurisdiction in the metropolitan area consisting of the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, is created. It shall be under the supervision and control of 15 members, all of whom shall be residents of the metropolitan area.

473B.03 REPORTS. On or before January 15th, of each odd numbered year the metropolitan council shall report to the legislature. The report shall include:
(1) A statement of the metropolitan council's receipts and expenditures by category since the preceding report;
(2) A detailed budget for the year in which the report is filed and the following year including an outline of its program for such period;
(3) An explanation of any comprehensive plan adopted in whole or in part for the metropolitan area;
(4) Summaries of any studies and the recommendations resulting therefrom made by the metropolitan council, and a listing of all applications for federal monies made by governmental units within the metropolitan area submitted to the metropolitan council;
(5) A listing of plans of local governmental units submitted to the metropolitan council; and
(6) Recommendations of the metropolitan council for metropolitan area legislation, including the organization and functions of the metropolitan council.

473B.05 METROPOLITAN PLANNING. Subdivision 1 All the powers, duties, obligations and property now vested in or imposed upon the commission established under chapter 473, for the metropolitan area, are hereby transferred to, imposed upon, and vested in the metropolitan council as the successor of such commission. At the time of such transfer the commission established under such laws is abolished.

Subd. 2 All employees of the commission shall be employees of the metropolitan council without interruption of salaries and employee benefits.

473B.06 ADMINISTRATION OF METROPOLITAN COUNCIL. Subdivision 1 General powers. The metropolitan council shall have and exercise all powers which may be necessary or convenient to enable it to perform and carry out the duties and responsibilities now existing or which may hereafter be imposed upon it by law. Such powers include the specific powers enumerated in this section.

Subd. 2 Officers and employees. The metropolitan council may prescribe all terms and conditions of employment of its officers, employees, and agents, including but not limited to the fixing of compensation, their classification, benefits, and the filing of performance and fidelity bonds and such policies of insurance as may be deemed advisable, the premium for which, however, shall be paid by the district. Officers and employees of the metropolitan council, however, are public employees. The compensation and other conditions of employment of such officers and employees shall not be governed by any rule applicable to state employees in the classified service nor to any of the provisions of chapter 15A, unless the council so provides. Those employed by the metropolitan council are members of the state employees retirement association. Those employed by a predecessor of the metropolitan council and transferred to it may at their option become members of the state employees retirement association or may continue as members of the public retirement association to which they belonged as employees of the predecessor of the metropolitan council. The metropolitan council shall make the employee's contributions to pension funds of its employees.

Subd. 3 Consulting contracts. The metropolitan council may contract for the services of consultants who perform engineering, legal, or services of a professional nature. Such contracts shall not be subject to the requirements of any law relating to public bidding.

473B.07 GIFTS AND APPROPRIATIONS. The metropolitan council may accept gifts, apply for and use grants or loans of money or other property from the United States, the state, or any person for any metropolitan council purpose and may enter into agreements required in connection therewith and may bind itself in the discharge of such agreements or in the terms of the gift, grant, loan, or agreement relating thereto. All monies of the metropolitan council received pursuant to this subdivision or any other provision of law shall be deposited in the state treasury and the amount thereof is appropriated annually to the metropolitan council for the purposes of carrying out its duties and responsibilities.

CHAPTER 473C

GIFTS AND APPROPRIATIONS

473C.01 PURPOSE. The metropolitan council shall continuously review and consider the policies of the metropolitan area. Such reviews shall be for the purpose of selecting and recommending a comprehensive development guide for the metropolitan area. Subdivision 1 The council or any of its political subdivisions shall, in the carrying out of any of its powers, duties, or functions, make or authorize any contract with a person, a political subdivision, or a governmental body to which the council or any of its political subdivisions is or may make any substantial contribution or other property for any metropolitan council purpose and may hold, use, and dispose of property or other things by way of gift or otherwise.

473C.02 Council review; municipalities. Each city, village, town, and county of which lies within the metropolitan area, shall submit to the metropol-
tan council for comment and recommendation thereon its long term comprehensive plans or any matter which has a substantial effect on metropolitan area development, and may appoint a member to serve on any metropolitan area commission or board authorized by law. Each member of the metropolitan council so appointed on each of such commissions shall serve without a vote.

473B.07 SPECIAL STUDIES AND REPORTS. Subdivision 1. The metropolitan council shall engage in a continuous program of research and study concerning the matters enumerated in this section.

Subd. 2. The control and prevention of air pollution.

Subd. 3. The control and prevention of water pollution in the metropolitan area in conformity with applicable federal and state laws.

Subd. 4. The development of long range planning in the metropolitan area but not for the metropolitan area.

Subd. 5. The acquisition of necessary facilities for the disposal of solid waste material for the metropolitan area and the means of financing such facilities.

Subd. 6. Assessment practices in the metropolitan area.

Subd. 7. The examination of the tax structure in the metropolitan area and consideration of ways to equalize the tax resources therein.

Subd. 8. Assessment practices in the metropolitan area.

Subd. 9. The necessity for the consolidation of common services of local governmental units and the kind of consolidation most suitable in the public interest.

Subd. 10. Advance land acquisition for development purposes in the metropolitan area and the role of the public in connection therewith.

Subd. 11. All studies shall include recommendations as to the governmental organization, governmental subdivision, or governmental district best suited to discharge the powers recommended.

473B.08 TAX LEVY. The metropolitan council may levy a tax on all taxable property in the counties named in section 473B.02 to provide funds for the purposes of sections 473B.01 to 473B.08. The tax shall not exceed one-half mill on each dollar of assessed valuation of all such taxable property, and shall be levied and collected in the manner provided by section 473B.08.
484.01 JURISDICTION. The district courts shall have original jurisdiction in all civil actions within their respective districts, in all cases of crime committed or triable therein, in all special proceedings not exclusively cognizable by some other court or tribunal, and in all other cases wherein such jurisdiction is especially conferred upon them by law. They shall also have appellate jurisdiction in every case in which an appeal thereto is allowed by law from any other court, officer, or body.

[R. L. s. 90] (154)

484.02 CONCURRENT JURISDICTION; BOUNDARY WATERS. For the purposes of exercising the concurrent jurisdiction of the courts of this state in civil and criminal cases arising upon rivers or other waters which constitute a common approach and extended to the opposite shore.

[R. L. s. 91] (155)

505.02 SURVEY; CONTENTS OF PLAT; BOUNDARIES. Subdivision 1. The plat shall be surveyed and a plat made setting forth and naming all thoroughfares, showing all public grounds, and giving the dimensions of all lots, thoroughfares and public grounds. All in-lots shall be numbered by beginning the numbering with number one and numbering each lot progressively, through the block in which they are situated, all blocks shall be numbered progressively, by beginning the numbering with the number one and numbering each block progressively through each plat. Consecutive lot or block numbering shall not be continued from one plat into another. All out-lots shall be designated by alphabetical order beginning with out-lot "A" in each plat. Durable iron monuments shall be set at all angle and curve points on the outside boundary lines of the plat and also at all block corners and at all intermediate points on the block lines indicating changes of direction in the lines. The plat shall indicate that all monuments have been set. There shall be shown on the plat all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon. The outside boundary lines of the plat shall be correctly designated on the plat and shall show bearings on all straight lines, or angles at all angle points, and central angle and radii and arc length for all curves. All distances shall be shown between all monuments as measured to the nearest hundredth of a foot. All lot distances shall be shown on the plat to the nearest hundredth of a foot and all curved lines within the plat shall show central angles, radii and arc distances. If a curved line constitutes the line of more than one lot in any block of a plat, the central angle for that part of each lot on the curved line shall be shown. The width of all thoroughfares shall be shown on the plat. Ditto marks shall not be used on the plat for any purpose. In any instance where a river, stream, creek, lake or pond constitutes a boundary line within or of the plat, a survey line shall be shown with bearings or angles and distances between all angle points and their relation to a water line, and all distances measured on the survey line between lot lines shall be shown, and the survey line shall be shown as a dashed line. The outside boundary lines of the plat shall close by latitude and departure with an error not to exceed one foot in 7,500 feet. All rivers, streams, creeks, lakes, ponds, swamps, and all public highways and thoroughfares laid out, opened, or traveled (existing before the platting) shall be correctly located and plainly shown and designated on the plat. The name and adjacent boundary lines of any adjoining platted lands shall be dotted on the plat.

Subd. 2. Any such plat which includes lands abutting upon any lake or stream shall show, for the purpose of information only, a contour line denoting the present shore line, water elevation and the date of survey. The highest known water elevation shall be indicated on the face of the plat by numerical figures if this data is available from the division of waters, soils and minerals of the state conservation department or from the United States corps of engineers. All elevations shall be referenced to a durable bench mark described on the plat together with its location and elevation to the nearest hundredth of a foot, which shall be given in mean sea level datum if such bench mark with known sea level datum is available within one-half mile, or such longer distance as may be practicable. The purpose of any easement shown on the plat must be clearly stated, and shall be confined to only those that deal with public utilities, and such drainage easements as deemed necessary for the orderly development of the land encompassed within the plat. Building setbacks or temporary easements shall not be shown on a plat. All easements created or dedicated by such plat must be approved by the governing or jurisdictional body or its agent prior to recording of final plat.

(R. L. s. 3366; 1907 c 438 s 1; 1911 c 347 s 1; 1939 c 339 s 1; Ex1959 c 55 s 1; 1967 c 589 s 1; 1967 c 596 s 5) (8237)
508.04 TITLES WHICH MAY BE REGISTERED. No lesser estate than a fee simple, and no mortgage, lien, or other charge upon land, shall be registered, unless the estate in fee simple therein is registered; but the fact that the estate or interest of the applicant is subject to any outstanding lesser estate or to a mortgage or other charge or lien shall not prevent its registration, and when a dock or harbor line has been established by federal authority, the estate and interest of a riparian proprietor in the submerged lands lying between the original shore line and such established dock line may be registered under this chapter, subject to the rights of the State of Minnesota in its sovereign capacity in the same, and such registration shall not in any manner affect or change the rights of the state with respect to such lands.

508.15 ORDER FOR SUMMONS; PARTIES DEFENDANT. If, in the opinion of the examiner, the applicant has a title to the land proper for registration, or if the applicant, after an adverse opinion of the examiner, elects to proceed further, the applicant shall file with the clerk a verified petition praying that a summons may be issued in the proceeding. The court shall thereupon examine all the files and records of the proceeding and, by its order, direct that a summons be issued therein. This order shall contain the name and address, so far as known, of every person who is to be joined as a party to the proceeding, including all persons named in the application, or found by the report of the examiner to be in possession of the land, or as having any right, title, interest, or estate therein, or any lien or encumbrance upon or against the same, together with the name and address of all other persons or parties whom the court, in its order, may direct to be joined therein. The parties thus named in the order of the court shall be, and shall be known as, defendants.

When the description in the application includes land which, according to the plat of the United States Government Survey, forms part or all of the bed of a meandered stream or lake, the State of Minnesota shall be made a party defendant. In all cases where decree of registration has been heretofore entered for any such land without the state having been joined and served with summons, it shall be deemed that title had heretofore passed to the applicant by reliction or accretion.
579.01 LIABILITY OF BOAT OR VESSEL. Every boat or vessel used in navigating the waters of this state shall be liable for the claims or demands hereinafter mentioned, and which shall constitute liens thereon:

(1) For all debts contracted by the master, owner, agent, or consignee thereof on account of supplies furnished for its use, or on account of work done or services rendered on board for its benefit, or on account of labor done or materials furnished by mechanics, tradesmen, or others in and for building, repairing, fitting out, furnishing, or equipping the same;

(2) For all sums due for wharfage or anchorage of such boat or vessel within the state;

(3) For all demands or damages accruing from the non-performance or mal-performance of any contract of affreightment, or any contract touching the transportation of persons or property entered into by the master, owner, agent, or consignee of the boat or vessel on which such contract is to be performed; and

(4) For all injuries done to persons or property by such boat or vessel.

No boat or vessel shall be so liable for any debt contracted on account of work done or services rendered on board of, or for the benefit of, such boat or vessel until the contract is fully performed.

579.02 ACTION; WARRANT; PROCEDURE. An action against a boat or vessel may be instituted by the filing in the district court of the county where it may be of a complaint against it by name, or, if it have no name, by description, verified by the plaintiff or some person having knowledge of the facts, and setting forth the demand, and on whose account it accrued. Thereupon the clerk shall issue a warrant, returnable in 20 days, directing the sheriff to seize such boat or vessel and detain it in custody, with its tackle, apparel, and furniture, until discharged by due course of law. Such warrant shall be served and returned as in the case of a writ of attachment. Upon the return of the warrant, proceedings shall be had against the boat or vessel seized in the same manner as if the action had been instituted against the person on whose account the demand accrued. The master, owner, agent, or consignee of the boat or vessel may appear on its behalf and answer the complaint. For sufficient cause shown, he shall be entitled to a continuance, but such continuance shall not operate as a discharge of the boat or vessel from custody, and no continuance shall be granted to the plaintiff.

579.03 OWNER SUMMONED TO SHOW CAUSE. When judgment is rendered in favor of the plaintiff against a boat or vessel, and prior thereto it has been discharged from custody by the giving of bond or otherwise, or when for any reason the judgment or any part thereof remains unpaid for 60 days, the master and owner, or either, may be summoned to show cause why they should not be personally bound by the judgment. Such summons shall be subscribed by the judgment creditor, his agent or attorney, and shall describe the judgment, specify the amount due thereon, and require the party summoned to show cause within 20 days after the service thereof, and may be served in the same manner as a summons in a civil action. It shall be accompanied by an affidavit of the person subscribing it, to the effect that the judgment has not been paid or satisfied, except as specified in the summons, to his knowledge, information, or belief.

579.04 SALE; EXECUTION. If judgment be rendered in favor of the plaintiff against a boat or vessel, and prior thereto it has been discharged from custody by the giving of bond or otherwise, or when for any reason the judgment or any part thereof remains unpaid for 60 days, the master and owner, or either, may be summoned to show cause why they should not be personally bound by the judgment. Such summons shall be subscribed by the judgment creditor, his agent or attorney, and shall describe the judgment, specify the amount due thereon, and require the party summoned to show cause within 20 days after the service thereof, and may be served in the same manner as a summons in a civil action. It shall be accompanied by an affidavit of the person subscribing it, to the effect that the judgment has not been paid or satisfied, except as specified in the summons, to his knowledge, information, or belief.

579.05 OWNER SUMMONED TO SHOW CAUSE. When judgment is rendered in favor of the plaintiff against a boat or vessel, and prior thereto it has been discharged from custody by the giving of bond or otherwise, or when for any reason the judgment or any part thereof remains unpaid for 60 days, the master and owner, or either, may be summoned to show cause why they should not be personally bound by the judgment. Such summons shall be subscribed by the judgment creditor, his agent or attorney, and shall describe the judgment, specify the amount due thereon, and require the party summoned to show cause within 20 days after the service thereof, and may be served in the same manner as a summons in a civil action. It shall be accompanied by an affidavit of the person subscribing it, to the effect that the judgment has not been paid or satisfied, except as specified in the summons, to his knowledge, information, or belief.

579.06 PLEADINGS; TRIAL; JUDGMENT. The party summoned may by answer deny that the judgment was duly rendered, or that he was master, owner, or part owner of the boat or vessel when the cause of action against it arose, and he may set up any defense which has arisen since the rendition of the judgment, but no other defense. The party issuing the summons may demur or reply to the answer, and the party summoned may demur to the reply. The issues shall be tried, and judgment, with costs, shall be rendered and enforced in the same manner as in a civil action.

579.07 APPEALS. In all cases under this chapter, if judgment be rendered in favor of the plaintiff, the master, owner, agent, or consignee of the boat or vessel, and any other person interested, may appeal from the orders or judgment of the court as in other cases.

579.08 LIMITATION OF ACTION. All actions under this chapter shall be commenced within one year after the cause of action accrues.

NOTE: Chapter 579, insofar as inconsistent with the procedure and practice provided by the Rules of Civil Procedure, is excepted therefrom.
CHAPTER 624
CRIMES, OTHER PROVISIONS

Sec. 624.69 Obstructing public levees

624.69 OBSTRUCTING PUBLIC LEVEES. It shall be unlawful for any houseboat, or other craft not used for the transportation of freight or passengers, to moor to or lay at the public levee of any city, village, or town, on the navigable waters of this state, where it will interfere with, inconvenience, or endanger the landing of any freight, passenger, or towing vessel. Every owner or person in charge of any such boat or craft, upon notice by the police of any city, village, or town, or the owner or agent of any freight, passenger, or towing craft, that it is obstructing the levee, interfering with, inconveniencing, or endangering the landing of any freight, passenger, or towing vessel, shall immediately cause the same to be removed and, upon neglect or refusal so to do, shall be punished by imprisonment in the county jail for not more than 60 days or by a fine of not more than $50.

[R L 5132] (10421)
CHAPTER 11—S. F. No. 19

[Not Coded]

An act relating to the city of Waseca; authorizing the annexation of certain land to the city.

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

Section 1. Waseca, city of; annexation of land. Notwithstanding any provisions of the statutes or any provisions of the charter of the city of Waseca to the contrary, the governing body of the city of Waseca may by ordinance annex to the city all of the land in the lake beds of Clear Lake and Loon Lake, which lakes are now partially within the corporate limits of the city.

Sec. 2. This act takes effect when approved by the governing body of the city of Waseca and upon compliance Minnesota Statutes, Section 645.021.

Approved February 17, 1965.

CHAPTER 132—S. F. No. 17

[Not Coded]

An act relating to Olmsted county; authorizing the county board to convey certain real and personal property.

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

Section 1. Olmsted county; Oronoco dam. Notwithstanding the requirements of Minnesota Statutes, Section 373.01, the county of Olmsted may transfer, set over, and convey to the State of Minnesota, by majority vote of the county commissioners of the county, and at such consideration as the parties may agree upon, all its right, title, and interest, or any part thereof, in and to the dam at Oronoco, Minnesota, including real estate. The county shall continue to maintain and operate the gates and stop logs, and furnish personnel and equipment therefor.
Sec. 2. This act takes effect upon approval by a majority vote of the Olmsted county commissioners and upon compliance with Minnesota Statutes, Section 645.021.

Approved March 30, 1965.

CHAPTER 144—H. F. No. 108
[Not Coded]

An act relating to the city of South St. Paul, authorizing it to issue additional bonds for the purpose of flood control.

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

Section 1. South St. Paul, city of; flood control bonds. The city of South St. Paul in Dakota county, may issue its general obligation bonds in an amount not to exceed $300,000 in addition to the amount of bonds authorized by Laws 1961, Chapter 514, for the purpose of financing the city's share of the cost of flood control improvement under an agreement made or to be made pursuant to said chapter. The issuance of the bonds herein authorized and the bonds authorized by said chapter shall be subject to approval by the voters of the city at an election prior to December 31, 1966, or at a special election called for the purpose by the council, but the council may proceed to issue such bonds without approval by the voters if the initial resolution for their issuance is adopted by a favorable vote of not less than six sevenths of its members. Such bonds shall not be included in the "net debt" of the city for the purpose of any limitations thereon set forth in its charter or in Minnesota Statutes 1961, Chapter 475. Except as herein provided, the issuance of such bonds shall be governed by said chapter 475.

Sec. 2. This act shall become effective only after it has been approved by a resolution adopted by the favorable vote of a majority of the members of the council of the city of South St. Paul and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved April 1, 1965.

CHAPTER 206—H. F. No. 1646
[Not Coded]

An act authorizing the cities of South St. Paul and Hastings in Dakota county to issue certificates of indebtedness in case of an emergency declared by the governor and to take measures in connection therewith.

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

Section 1. South St. Paul and Hastings, cities of; emergency measures. If the governor declares areas when communities therein are stricken or in danger of being stricken by fire, flood, storm, or other action of the elements, and he determines the emergency powers provided herein are essential to prevent the causes of the disaster, spread of the disaster or alleviating the damages caused thereby:

Sec. 2. The governing bodies of the cities of South St. Paul and Hastings, if in such disaster areas, may by four-fifths vote exercise the following emergency powers:

(1) Take such measures as are necessary to prevent the occurrence of the disaster, or the spread of the disaster, or alleviate the damages caused thereby.

(2) For the above purposes to enter into any agreement for use or disbursement of federal funds.

(3) For the above purposes to contract for work and such construction as are determined necessary individually or in conjunction with other municipalities within the areas or the federal government.

(4) For the above purposes to issue interest bearing certificates of indebtedness of the municipality in such denominations and sums as it shall determine advisable, to bear interest at a rate not exceeding six percent payable semi-annually, and be due and payable at such times as it may designate, but none of these certificates shall be issued for a period exceeding ten years nor in the total amount of $1,000,000 for each disaster.

When the city makes the proper certification to the county auditor he is authorized and required to levy and enter and collect immediately after the date of issuance of these certificates of indebtedness, a tax upon the taxable property within the city, in addition to all other taxes levied, sufficient to pay, together with all other funds made available from the federal government or otherwise, the interest annually accruing upon the certificates of indebtedness; and in advance of the maturity of the interest on any of the certificates, he shall in like manner levy a tax upon the taxable property of the municipality to pay such principal when due.

Sec. 3. Such emergency contracts can be entered into and such certificates of indebtedness issued notwithstanding any statutory, charter, or ordinance provision requirements as to bidding, election, mill limitations or other provisions to the contrary or in conflict herewith.

Sec. 4. This act shall become effective as to the city of South St. Paul only after its approval by a majority of the members of the governing body thereof, and shall become effective as to the city of Hastings only after its approval by a majority of the members of the governing body thereof, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved April 15, 1965.
CHAPTER 208—H. F. No. 1060  
[Not Coded]  
An act relating to drainage systems or ditches in the county of Lyon; petition and proceedings for improvement of outlets; consolidation; and the powers of the county board in relation thereto.  

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

Section 1. Lyon county; drainage. Subdivision 1. In the county of Lyon where a proceeding has been commenced by petition for the improvement of outlets to ditches or drainage systems, other than a judicial ditch or drainage system, located in Lucas, Stanley, Vallers and Fairview Townships, and outletting into Cottonwood Lake, in accordance with and the procedure set forth in Minnesota Statutes, Section 106.511, the petition may ask for the consolidation of all of the ditches or drainage systems whether public or private emptying into the existing drain, water course or body of water, into one system and such petition shall show the necessity therefor. In that event the county board of Lyon county shall first determine the necessity therefor and if it is found to be necessary shall order the ditches or drainage systems consolidated immediately and shall provide in the order for the elimination of all outlet charges therefor in effect between the respective ditches. The board or court shall assign a new number to the consolidated system which shall thenceforth be treated as one complete system for all purposes.  

Subd. 2. When such action is taken as provided in subdivision 1 all the applicable provisions of Minnesota Statutes, Section 106.511, and Minnesota Statutes, Chapter 106, shall apply as to the procedure, service and publication of notice upon all persons and parties interested in the proceedings and special assessments or re-assessments.  

Sec. 2. Effective date. This act shall become effective only after its approval by the governing body of the county of Lyon, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.  

Approved April 15, 1965.  

CHAPTER 217—H. F. No. 1714  
[Not Coded]  
An act relating to certain municipalities located in the counties of Houston, Fillmore, and Olmsted, authorizing such municipalities to acquire property and enter into agreements with the United States for flood control and to issue bonds to pay for such property.  

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

Section 1. County municipalities; flood control. Any of the following municipalities may exercise the powers granted in this act, subject to the conditions stated herein: The city of Chatfield, in Fillmore and Olmsted counties; the city of Rushford, in Fillmore county; the villages of Lanesboro, Whalan, Peterson, and Rushford, in Fillmore county; and the villages of Houston, Hokah, and La-

Consider the views of all interested persons and may thereafter amend the ordinance in any respect determined to be just and equitable. Upon final adoption of the ordinance the city council shall cause the same to be published in the official newspaper, and certified duplicates thereof to be filed with the county auditor and recorded in the office of the register of deeds of Blue Earth county.  

Sec. 4. The city council shall have jurisdiction to levy special assessments upon all lots and parcels of land situated within the drainage area established by the ordinance as finally adopted, provided that such assessments are levied upon notice and hearing and otherwise in accordance with the provisions of Minnesota Statutes, Section 429.061, and provided further that no proceedings for the assessment of any portion of the cost of said system on any lot or parcel of land shall be instituted until and unless such lot or parcel is included within the corporate limits of the city of Mankato. The city council shall have power to defer the levy of an assessment upon any lot or parcel, whether or not now situated within the corporate limits, for a period not to exceed 20 years from the effective date of this act. The assessment on each lot and parcel of land may be levied at such time or times and may be made payable in such number of installments as the city council shall determine, regardless of the assessment on any other lot or parcel.  

Sec. 5. The school board of Independent School District No. 77 shall have power to appropriate any funds available to it, whether derived from the proceeds of school building bonds or otherwise, for the payment of any special assessment levied upon its property in accordance with the provisions of this act.  

Sec. 6. This act shall become effective upon approval by resolutions adopted by the vote of a majority of all members of the city council of the city of Mankato and a majority of all members of the school board of Independent School District No. 77, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.  

Approved April 26, 1965.  

CHAPTER 272—H. F. No. 1461  
[Not Coded]  
An act relating to maintenance, repair or replacement of private bridges or culverts across county ditches in Marshall county.  

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

Section 1. Marshall county; bridges and culverts across county ditch. When a county ditch established by proceedings instituted prior to March 25, 1947, has been constructed in Marshall county, and private bridges or culverts were constructed across that ditch at the same time the ditch was constructed, the county board of Marshall county may, at its option, maintain, repair, or replace these private bridges or culverts as part of the ditch.  

Sec. 2. This act is effective only after its approval by the members of the board of county commissioners of Marshall county and upon compliance with the provisions of Minnesota Statutes, Section 645.021.  

Approved April 26, 1965.
Sec. 5. This act is effective as to each political subdivision upon its approval by the governing body of such political subdivision, and upon compliance with Minnesota Statutes, Section 645.021. For the purposes of this act the governing body of a town is the town board of supervisors.

Approved April 23, 1965.

CHAPTER 270—H. F. No. 1153

[Not Coded]

An act authorizing the city of Mankato to issue bonds in an amount not exceeding $250,000 to finance the construction of trunk storm sewers within and outside its corporate limits for the drainage of an area including property of Independent School District No. 77, to levy a special assessment for a portion of the cost on said school district property, payable from any funds appropriated by the school board for such purpose, and to levy or defer the levy of assessments on other benefited property.

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

Section 1. Mankato, city of; storm sewers. The city of Mankato in Blue Earth county is authorized by resolution or resolutions of its city council, and otherwise in the manner and subject to the limitations prescribed by Minnesota Statutes, Sections 475.51 to 475.57 and 475.60 to 475.753 to issue and sell general obligation bonds in an amount not to exceed $250,000 for the purpose of paying the cost of construction of a system of trunk storm sewers to serve a drainage area including the Kennedy Elementary School site now owned by Independent School District No. 77.

Sec. 2. The city council is further authorized, by proceedings taken in accordance with this act, to levy special assessments upon said school district property and upon any and all additional property determined to be benefited by said storm sewer system, including property within and outside its present corporate limits; provided that no special assessment shall be levied upon any lot or parcel of land until and unless it shall have been annexed to the city by proceedings taken in accordance with law.

Sec. 3. Prior to the construction of said trunk storm sewer system the city council shall by ordinance describe and determine the lots and parcels of land situated within the area which will be drained by said trunk storm sewer system and will be benefited by the construction thereof, including all such benefited property whether now inside or outside the corporate limits. Before the final adoption of said ordinance the city council shall provide for a public hearing thereon, upon notice published in the official newspaper of the city not less than ten days prior to the date of the hearing. The notice shall state the time and place of the hearing and the title of the ordinance on which the hearing is to be held, and that copies of the ordinance are on file in the office of the city clerk and will be made available to any person interested upon request. At the time and place fixed for the hearing the city council shall hear and con-

Sec. 4. Except as herein otherwise provided the provisions of this act shall be governed by Minnesota Statutes, Chapter 475.
An act authorizing the city of Winona in Winona county to issue certificates of indebtedness in case of an emergency declared by the governor and to take measures in connection therewith.

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

Section 1. Winona city; emergency measures. If the governor declares areas of this state as disaster areas when communities therein are stricken or about to be stricken by fire, flood, storm, or other action of the elements, and he determines the emergency powers provided herein are essential to prevent the causes of the disaster, spread of the disaster or alleviating the damages caused thereby:

Sec. 2. The governing body of the city of Winona, if in such disaster areas, may by four-fifths vote exercise the following emergency powers:

1. Take such measures as are necessary to prevent the occurrence of the disaster, or the spread of the disaster, or alleviate the damages caused thereby.

2. For the above purposes to enter into any agreement for use or disbursement of federal funds.

3. For the above purposes to contract for work and such construction as are determined necessary individually or in conjunction with other municipalities within the areas or the federal government.

4. For the above purposes to issue interest bearing certificates of indebtedness of the municipality in such denominations and sums as it shall determine advisable, to bear interest at a rate not exceeding six percent payable semi-annually, and to be due and payable at such times as it may designate. The total amount of certificates issued shall not exceed $2,000,000. Certificates in this amount may be issued notwithstanding any other statutory or charter limitation of indebtedness, by resolution of the governing body of the city of Winona, without an election, and at public or private sale for not less than par plus accrued interest to the date of delivery. The certificates shall mature within three years from their date of issue. Prior to their issuance the governing body shall levy a tax upon all taxable property within the corporate limits of the municipality for the years and in the amounts required to produce sums not less than five percent in excess of the interest on the certificates when due. The municipality shall not be required initially to levy a tax for the payment of the principal of the certificates, but when all emergency expenditures authorized in this act have been paid, all remaining funds derived from the sale of the certificates and from grants received from any source for the purpose of such expenditures shall be credited to the sinking fund for the payment of the certificates. Prior to the maturity of the certificates, the governing body shall issue and sell definitive bonds of the municipality in the amount required to refund such portion of the certificates as cannot be fully paid and redeemed from the money then on hand in the sinking fund. The bonds shall bear interest at the most favorable rate or rates ob-
tainable at public or private sale which may be higher than the rates payable on the certificates of indebtedness. The full faith and credit of the municipality shall be pledged for the payment of the certificates and bonds, and except as herein otherwise provided, all provisions for the issuance and the security thereof shall be made in accordance with Minnesota Statutes, Chapter 475.

Sec. 3. Such emergency contracts can be entered into and such certificates of indebtedness issued notwithstanding any statutory, charter, or ordinance provision requirements as to bidding, election, mill limitations or other provisions to the contrary or in conflict herewith.

Sec. 4. This act shall become effective only after its approval by a majority of the members of the governing body of the city of Winona, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved April 30, 1965.

CHAPTER 335—S. F. No. 1515

[Not Coded]

An act relating to maintenance, repair or replacement of private bridges or culverts across county ditches in Kittson county.

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

Section 1. Kittson county; bridges and culverts across county ditch. When a county ditch established by proceedings instituted prior to March 25, 1947, has been constructed in Kittson county, and private bridges or culverts were constructed across that ditch at the same time the ditch was constructed, the county board of Kittson county may, at its option, maintain, repair, or replace these private bridges or culverts as part of the ditch.

Sec. 2. This act is effective only after its approval by the members of the board of county commissioners of Kittson county and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 6, 1965.

CHAPTER 344—H. F. No. 1228

[Not Coded]

An act relating to the city of Lake City; authorizing establishment of a municipal harbor and marina and the issuance of revenue obligations with respect thereto.

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

Section 1. Lake City, city of; municipal harbor. The city of Lake City, by its common council acting at the request of its waterfront board, is authorized to establish, acquire, construct, equip, lease, operate, maintain, extend and improve a municipal harbor and marina at lake Pepin and land adjacent thereto, and devote to this purpose property now owned by the city; including without limitation a harbor, docks and slips for watercraft, automobile park-

ing areas, bathing beaches, bath houses, trailer parks, picnic and recreation areas, harbor and marina office building, concession facilities, and all necessary appurtenances.

Sec. 2. To provide funds for capital expenditures contemplated in section 1, including all incidental expenses determined by the common council to be necessary or proper in connection therewith and interest accruing on money borrowed for this purpose during construction and for a reasonable time thereafter, the city of Lake City, by its common council acting at the request of its waterfront board, may sell and issue special obligations of the city in the principal amount of $490,000, payable solely from the revenues to be derived from operation of its municipal harbor and marina. Such obligations may mature at any time or times within 40 years of their date of issue. Prior to the delivery of the obligations the common council may make such pledges and covenants with respect thereto as it may deem necessary or desirable, and may pledge to the payment thereof any part or all of the revenues to be derived from ownership, lease, and operation of any or all facilities of the municipal harbor and marina.

Sec. 3. Except as otherwise provided herein the obligations herein authorized shall be sold and issued in the manner prescribed by Minnesota Statutes, Chapter 475.

Sec. 4. This act shall become effective upon its approval by a majority of the members of the common council and by a majority of the members of the waterfront board of Lake City, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 6, 1965.

CHAPTER 348—H. F. No. 1618

[Not Coded]

An act relating to wells, water storage tanks, pipe lines, water treatment facilities, and other municipal projects in the building, construction, reconstruction, repair, enlargement, and improvement thereof in the city of Gilbert, and authorizing the issuance and sale of bonds of such city and using the proceeds thereof for the purpose aforesaid and providing for the levy of taxes therefor; repealing Laws 1961, Chapter 483.

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

Section 1. Gilbert, city of; water facilities. The city of Gilbert may build, construct, repair, enlarge, and improve its water treatment facilities, water mains, pipelines, water storage tanks, deep wells, and may by easement or purchase acquire land for the location of deep wells and water mains and water pipe lines. The authority hereby granted shall be in addition to all other powers with reference to such municipal projects otherwise granted by law or by the charter of such city.

Sec. 2. Bonds may be issued; tax levy. For the purpose of paying the cost of building, constructing, reconstructing, repairing, enlarging and improving such water treatment facilities, water mains, pipe lines, water storage tank, deep wells, and acquisition by easement or purchase of the necessary lands for deep wells and water
mains and water pipe lines, and other municipal projects, the city of Gilbert is hereby authorized to issue and sell its negotiable promissory coupon bonds in an amount not to exceed $275,000. Such bonds shall be issued and sold pursuant to provisions of Minnesota Statutes 1961, Chapter 475, except that the bonds authorized herein may not be issued by resolution of the city of Gilbert without first obtaining the approval of a majority of the electors voting on the question of issuing the bonds. It may levy taxes for the purpose of paying such bonds and interest thereon which may be levied in excess of all per capita and mill rate limitations. It may transfer and use surplus funds of the city not specifically dedicated to any other purpose.

Sec. 3. Laws 1961, Chapter 483, is hereby repealed.

Sec. 4. This act shall become effective upon its approval by a majority of the governing body of the city of Gilbert and upon compliance with the provisions of Minnesota Statutes 1961, Section 645.021. Approved May 6, 1965.

CHAPTER 349—H. F. No. 1697

[Not Coded]

An act relating to planning and zoning in Mower county; amending Laws 1959, Chapter 101, Section 1; and Section 2, Subdivision 2.

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

Section 1. Laws 1959, Chapter 101, Section 1, is amended to read:

Section 1. Mower county, planning and zoning. Subdivision 1. The county board of Mower county on recommendation of the planning commission hereinafter described shall have power to:

(a) Provide a general comprehensive plan for the future physical development of the county in an area outside of and around the city of Austin, the corporate limits of municipalities and within five miles distance therefrom, and within one mile on each side of the route of the proposed federal highway, and within other areas with the approval of the town board, or village council having jurisdiction thereof.

(b) Designate zones or use districts, and limit and regulate the construction, height, bulk, location, and use of buildings and other structure and premises, and lot areas, in such zones and districts in the area above specified.

(c) Restrain, regulate, and control the disposal of sewage, waste, refuse, and other offensive matter; and regulate the size of lots on which private sewage disposal systems will be installed; and regulate wells and domestic water supply in the entire county.

Subd. 2. The county board shall employ an inspector and such assistants as it deems necessary who shall make all investigations and perform all acts necessary for the application and enforcement of such ordinance.

The inspector shall have such qualifications as the county board deems necessary, and shall serve at such salary, and for such term, as the board shall determine.

The county board shall provide such inspector with an office, supplies, and pay his necessary expenses.

Subd. 3. The governing body of any municipality may contract with the board of county commissioners for planning and zoning services to be provided by the county, and contract may provide that the municipality shall pay such fees as are agreed for the services performed.

Sec. 2. Laws 1959, Chapter 101, Section 2, Subdivision 2, is amended to read:

Subd. 2. The planning commission shall formulate and recommend to the county board the ordinance hereinbefore mentioned. The commission may formulate and recommend, and the county board adopt, in the first instance, an ordinance covering less than all the subjects and matter above stated in section 1, subdivision 1. The commission may formulate and recommend, and the county board adopt, alterations, additions, and repeals of the ordinance or parts thereof, from time to time.

Proposed regulations, or changes in same, shall be published by reference to document on file in the office of the county auditor in a legal newspaper in the county at least ten days before the county board meeting at which same will be considered for adoption; at such meeting, any interested party shall be heard; any interested party shall have the right to appeal to the district court within 30 days after the adoption of said ordinance, or change therein.

Sec. 3. This act is effective only after its approval by the county board of Mower county and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 6, 1965.

CHAPTER 350—H. F. No. 2066

[Not Coded]

An act appropriating moneys to the executive council for disaster purposes.

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

Section 1. Flood relief; appropriation. There is hereby appropriated to the executive council from the general revenue fund the sum of $50,000 for disaster purposes arising from the floods, the moneys to be expended in accordance with the applicable provisions of Minnesota Statutes, Section 9.061.

Approved May 6, 1965.
CHAPTER 377—H. F. No. 1657  
[Not Coded]

An act relating to a water control and sanitary district in Pennington county, removing the town of Smiley from such district; amending Laws 1961, Chapter 672, Section 1, Subdivision 5; Section 2; Section 4, Subdivision 3; and Section 5, Subdivision 1.

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

Section 1. Laws 1961, Chapter 672, Section 1, Subdivision 5, is amended to read:

Subd. 5. Smiley, town of (Pennington county); water control. “Municipality” means the city of Thief River Falls, the town of North; or the town of Rocks bury, or the town of Smiley in Pennington county.

Sec. 2. Laws 1961, Chapter 672, Section 2, is amended to read:

Sec. 2. Territory; purposes. A district may be established under the provisions of sections 1 to 8 for the territory comprising the city of Thief River Falls and the towns of North; and Rocks bury, and Smiley in Pennington county for the purposes stated in said provisions. Such a district may be established notwithstanding the inclusion of said territory or any part thereof within the area embraced by a watershed district, a conservancy district, a drainage district, or other public corporation, governmental subdivision, or project; provided, that the establishment, maintenance, and operation of a district hereunder shall not affect the establishment, maintenance, operation, extent, or authority of any such watershed district, conservancy district, drainage district, or other public corporation, governmental subdivision, or project, except so far as may be necessary to give effect to the provisions of sections 1 to 8.

Sec. 3. Laws 1961, Chapter 672, Section 4, Subdivision 3, is amended to read:

Subd. 3. Acquisition and disposal of property. A district may acquire by purchase, gift, or lease, any real or personal property within or without the territory of the district and may acquire by condemnation as provided by law any real or personal property within the confines of the city of Thief River Falls and the towns of North, and Rocks bury, and Smiley in Pennington county which may be necessary for any authorized district purpose, and may lease or rent out or sell or otherwise dispose of any such property so far as not needed for such purposes.

Sec. 4. Laws 1961, Chapter 672, Section 5, Subdivision 1, is amended to read:

Sec. 5. Board of directors. Subdivision 1. Membership; appointment. The governing body of a district shall be a board of directors of five (5) members appointed by the district court as provided by the laws referred to in section 3, subdivision 2. Two members of the board shall be voters and residents of the city of Thief River Falls, one shall be a voter and resident of the town of North, and one shall be a voter and resident of the town of Rocks bury, and one shall be a voter and resident of the town of Smiley in Pennington county. Whenever a board member is to be appointed for a new term or to fill a vacancy, the governing body of the municipality of which he is to be a resident may submit to the court nominations for the appointment, and the court shall consider the same but shall not be bound thereby.

Sec. 5. This act shall be effective upon its approval by the governing body of the city of Thief River Falls and upon approval of the town boards of the towns of North, Rocks bury, and Smiley in Pennington county and upon compliance with Minnesota Statutes, Section 645.021. The term of the member of the board of directors who is a voter of the town of Smiley shall terminate upon the effective date of this act.

Approved May 10, 1965.

CHAPTER 428—H. F. No. 2090  
[Not Coded]

An act authorizing the city of Mankato in Blue Earth county to issue certificates of indebtedness in case of an emergency declared by the governor and to take measures in connection therewith.

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

Section 1. Mankato, city of; emergency measures. If the governor declares areas of this state as disaster areas when communities therein are stricken or about to be stricken by fire, flood, storm, or other action of the elements, and he determines the emergency powers provided herein are essential to prevent the causes of the disaster, spread of the disaster or alleviating the damages caused thereby:

Sec. 2. The governing body of the city of Mankato, if in such disaster areas, may by four-fifths vote exercise the following emergency powers:

(1) Take such measures as are necessary to prevent the occurrence of the disaster, or the spread of the disaster, or alleviate the damages caused thereby.

(2) For the above purposes to enter into any agreement for use or disbursement of federal funds.

(3) For the above purposes to contract for work and such construction as are determined necessary individually or in conjunction with other municipalities within the areas or the federal government.

(4) For the above purposes to issue interest bearing certificates of indebtedness of the municipality in such denominations and sums as it shall determine advisable, to bear interest at a rate not exceeding six percent payable semi-annually, and to be due and payable at such times as it may designate. The total amount of certificates issued shall not exceed $300,000. Certificates in this amount may be issued notwithstanding any other statutory or charter limitation of indebtedness, by resolution of the governing body of the city of Mankato, without an election, and at public or private sale for not less than par plus accrued interest to the date of delivery. The certificates shall mature within three years from their date of issue.
Prior to their issuance the governing body shall levy a tax upon all taxable property within the corporate limits of the municipality for the years and in the amounts required to produce sums not less than five percent in excess of the interest on the certificates when due. The municipality shall not be required initially to levy a tax for the payment of the principal of the certificates, but when all emergency expenditures authorized in this act have been paid, all remaining funds derived from the sale of the certificates and from grants received from any source for the purpose of such expenditures shall be credited to the sinking fund for the payment of the certificates. Prior to the maturity of the certificates, the governing body shall issue and sell definitive bonds of the municipality in the amount required to refund such portion of the certificates as cannot be fully paid and redeemed from the money then on hand in the sinking fund. The bonds shall bear interest at the most favorable rate or rates obtainable at public or private sale which may be higher than the rates payable on the certificates of indebtedness. The full faith and credit of the municipality shall be pledged for the payment of the certificates and bonds, and except as herein otherwise provided, all provisions for the issuance and the security thereof shall be made in accordance with Minnesota Statutes, Chapter 475.

Sec. 3. Such emergency contracts can be entered into and such certificates of indebtedness issued notwithstanding any statutory, charter, or ordinance provision requirements as to bidding, election, mill limitations or other provisions to the contrary or in conflict herewith.

Sec. 4. This act shall become effective only after its approval by a majority of the members of the governing body of the city of Mankato, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 13, 1965.

CHAPTER 518—H. F. No. 1846

[Not Coded]

An act relating to the city of Cloquet; authorizing the establishment, construction, operation, and maintenance of a water supply system from Lake Superior within and without the state, and the acquisition by gift, purchase, or eminent domain proceedings of the necessary lands and rights of way therefor without governmental approvals: authorizing the issuance and sale of general obligation or revenue bonds to pay for the cost of such water supply system; and authorizing the adoption and enforcement of rules and regulations relating to the operation and maintenance of such system, and the rates, charges, or rentals to be charged for the services supplied thereby.

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

Section 1. Cloquet, city of. water supply system. In addition to all powers now possessed by the city of Cloquet, it may establish, construct, operate, and maintain all or any part or parts of a water supply system from Lake Superior wholly within the state or partly within and without the state if it deems it to be in the public interest so to do; and it may contract with others for the establishment, construction, operation, and maintenance of such water supply system.

Sec. 2. The city of Cloquet may acquire lands and necessary rights of way by gift, purchase, or eminent domain proceedings pursuant to Minnesota Statutes, Chapter 117, for the establishment of such water supply system or extensions thereof anywhere within the state, and by gift or purchase outside the state, and may pay any taxes or fees which may be imposed on the part or parts thereof situated outside the state. If an outside state grants exemption from such taxes or fees to such city, similar exemption is granted by this state to a municipal corporation of such outside state owning lands or necessary rights of way in this state and used for a water supply system or any part thereof.

Sec. 3. In order to carry out the powers conferred upon the city of Cloquet by this act or any other law, and notwithstanding the provisions of any other law which may indicate the contrary, the city of Cloquet may proceed to establish, construct, operate, and maintain such water supply system without applying for or obtaining the approval or permission of any department or agency of the state, or of any of its governmental subdivisions, as a condition of obtaining water from Lake Superior or any other public waters, or of acquiring lands or necessary rights of way therefor.

Sec. 4. The city of Cloquet by a resolution adopted by a majority vote of the members of its governing body may authorize the issuance and sale of general obligation bonds or revenue bonds in the manner authorized by Minnesota Statutes, Chapter 475, in order to defray the original cost of establishing, constructing, or extending such water supply system, including the cost of land acquisition, engineering fees, legal fees, and all other expenses reasonably and necessarily incidental to the establishment of such water supply system, or any part or parts thereof.

The bonds herein authorized, or any portion thereof, may be issued and sold by the city of Cloquet notwithstanding any limitation contained in Minnesota Statutes, Chapter 475, or any other law prescribing or fixing any limit upon the bonded indebtedness of such city. Any taxes which may be levied to pay the principal of such bonds and the interest thereon may be levied without being included within the per capita or any other limitations applicable to the city of Cloquet.

Sec. 5. The city of Cloquet by resolution adopted by a majority vote of the members of its governing body may adopt rules and regulations relating to the operation and maintenance of such water supply system, and shall establish, maintain, and enforce, and may alter rates, charges, or rentals for the services supplied by such water system.

Sec. 6. The city of Cloquet or its duly authorized representatives shall give due and prompt consideration to an application from a city, village, borough, town, corporation, partnership, or individual within or without the state for permission to obtain water from such water supply system, and if the granting of such application will be deemed in the public interest, the city or its duly authorized representatives may approve such application upon such terms and conditions as shall be fair, just, and reasonable.
The city of Cloquet may contract for the supply of water to a public body, corporation, partnership, or individual, enumerated in this section, for a period not exceeding 50 years, with renewal for additional periods not exceeding 50 years, upon such terms and conditions, consistent with this section, as may be deemed in the public interest.

Sec. 7. The provisions of this act are severable and subject to the provisions of Minnesota Statutes, Section 645.20.

Sec. 8. This act shall become effective after its approval by a majority of the members of the governing body of the city of Cloquet, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 20, 1965.

CHAPTER 662—H. F. No. 2135

[Not Coded]

An act relating to maintenance, repair or replacement of private bridges or culverts across county ditches in Pennington county.

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

Section 1. Pennington county; bridges and culverts across county ditch. When a county ditch established by proceedings instituted prior to March 25, 1947, has been constructed in Pennington county, and private bridges or culverts were constructed across that ditch at the same time the ditch was constructed, the county board of Pennington county may, at its option, maintain, repair, or replace these private bridges or culverts as part of the ditch.

Sec. 2. This act is effective only after its approval by the members of the board of county commissioners of Pennington county and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 22, 1965.

CHAPTER 708—S. F. No. 2066

[Not Coded]

An act relating to the city of Saint Paul, providing therefor and authorizing the issuance of bonds to cover the costs of city prevention, rehabilitation, and restoration projects resulting from flood damages.

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

Section 1. St. Paul, city of; flood damage; bonds. For the purpose of providing funds for the net costs of city projects arising out of expenses incurred by prevention, rehabilitation, and restoration of property necessitated as a result of the Mississippi River flooding during the spring of 1965, the city council of the city of Saint Paul is authorized to provide by resolution for the issuance and sale of general obligation bonds of the city of Saint Paul in accordance with the provisions of Minnesota Statutes 1961, Chapter 475, as amended, except that said bonds shall not be issued for a period of more than ten years, in an amount not to exceed $1,000,000. Such bonds, may be issued and sold without a vote of the electorate and shall not be included in the net debt of the city for the purpose of any charter or statutory debt limitation, and taxes for the payment of the bonds and interest thereon shall not be subject to any statutory or charter limitation of rate or amount.

Sec. 2. This act shall become effective only after its approval by a majority of the governing body of the city of Saint Paul and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 25, 1965.

CHAPTER 753—S. F. No. 1566

[Not Coded]

An act creating the Carey Lake recreation district, defining its powers and duties.

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

Section 1. Carey Lake recreation district. Subdivision 1. Creation. There is hereby created the Carey Lake recreation district for the combined territory of the cities of Buhl and Chisholm, the village of Hibbing, and the town of Stuntz for the purpose of developing and operating recreation facilities within or without the territory of the participating governmental units.

Subd. 2. Governing body. The governing body shall consist of a board of trustees consisting of two representatives of each of the participating governmental units. Such trustees shall be appointed by their respective governing bodies, and shall hold office at the pleasure of the appointing authority. In the case of the town of Stuntz, the town board is the governing body. A majority of the trustees shall be a quorum. The trustees shall select a chairman and such other officers as they shall deem necessary. They shall meet at times and places to be determined by the board of trustees. The board of trustees may employ such persons as it deems necessary to serve at its pleasure. The board shall prescribe the duties of its employees and fix their compensation.

Subd. 3. Expenses and compensation. Each trustee shall be reimbursed for the actual and necessary expenses incurred in the performance of his duties and shall receive as compensation for his services the sum of $25 for each day or fraction thereof spent in attending meetings or performing other services authorized by the board in connection with its duties.

Sec. 2. Subdivision 1. Governmental subdivision. The Carey Lake recreation district shall be a public corporation and a governmental subdivision of the state.

Subd. 2. General power. The district may sue and be sued and may enter into any contract necessary or proper to provide recreational facilities of all sorts to people of the state.
Subd. 3. **May acquire and hold property.** The district may acquire by purchase, gift, or condemnation or may lease or rent any real or personal property within or without the district which may be necessary for the exercise of its powers or the accomplishment of its purposes, may hold such property for such purposes and may lease or rent out or sell or otherwise dispose of any property not needed for such purposes.

Subd. 4. **Gifts.** The district may accept gifts, grants or loans of money or other property from the United States, the state, or any person, corporation or other entity for district purposes.

Sec. 3. **Tax levies.** The board may levy an annual tax of not to exceed one mill on all the taxable property in the participating governmental units. Such tax shall be certified to the county auditor on or before October 10 of each year. The auditor shall levy and extend such amount as a tax, and the tax shall be collected in the same manner as the general taxes of the participating governmental units. The proceeds of such tax, when collected shall be paid by the county treasurer to the district.

Sec. 4. **This act is effective upon its approval by the governing bodies of the cities of Chisholm and Buhl, the village of Hibbing, and the town board of the town of Stuntz and upon compliance with Minnesota Statutes, Section 645.021.**

Approved May 25, 1965.

CHAPTER 793—S.F. No. 2027

[Not Coded]

**An act relating to the city of Saint Paul and authorizing the governing body of said city to make emergency appropriations.**

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

Section 1. **St. Paul, city of; emergency appropriations.** Notwithstanding any provision of the charter of the city of Saint Paul to the contrary, in the event of destruction of or injury to public buildings or structures by fire, flood, tornadoes, or other elemental causes, or of the invasion or threatened invasion of the city by epidemic or contagious diseases, wherein the funds appropriated for any of the purposes above provided for become inadequate properly to protect the public interests, the council, when duly advised, during the absence of one of its members from Ramsey county or when one of the members of the council is physically or mentally incapacitated for any reason to properly discharge the duties of his office, may, by an affirmative vote of six members thereof, have the power to authorize the mayor and comptroller to borrow temporarily and upon such terms as the council may prescribe such sum or sums of money as the council may determine to be necessary to meet such emergency, and to execute and deliver to the party or parties making such loan such notes, bonds, or other evidence of indebtedness as the council may prescribe. The payment of such temporary loans shall be provided for either by issuing bonds therefor or by tax levy within one year from the date of such loan. All acts of the council under this section must be approved by the mayor and the comptroller by signing and countersigning the resolution or resolutions by which such action is taken, and if such resolution or resolutions are not so signed and countersigned, they shall be void and of no effect.

Sec. 2. **The authority and powers herein conferred shall be in addition to the powers and authority conferred upon the council by the charter of the city.**

Sec. 3. **This act shall become effective only after its approval by a majority of the governing body of the city of Saint Paul and upon compliance with the provisions of Minnesota Statutes, Section 645.021.**

Approved May 25, 1965.

CHAPTER 809—H.F. No. 2188

[Not Coded]

**An act relating to the organization and operations of state government; appropriating moneys with certain conditions for education and related purposes, including the University of Minnesota and its hospitals, state colleges, aids to libraries, junior colleges, payment of agricultural agents, and limiting and regulating the use thereof; establishing a commission for liaison and higher education facilities, providing aid to school districts including those affected by gross earnings taxation and authorizing the power of eminent domain with certain of the funds provided hereby; transferring moneys between accounts and funds in the state treasury; creating a supplemental retirement account; controlling certain treasury receipts; imposing conditions relative to the expenditure of public moneys, and providing for certain temporary borrowing; repealing Minnesota Statutes 1961, Section 33.17, Subdivision 3 as added by Laws 1963, Chapter 832, Section 4.**

Sec. 10. **FOR VARIOUS EXPERIMENTS AND INVESTIGATIONS TO BE CARRIED ON UNDER THE DIRECT SUPERVISION OF THE UNIVERSITY OF MINNESOTA:**

Subd. 4. **Agricultural Research and Extension:**

i. **Geological Survey** ........................................ 60,000 60,000

CHAPTER 860—S.F. No. 1929

[Not Coded]

**An act relating to certain municipalities located in the county of Wright, authorizing such municipalities to acquire property and enter into agreements with the United States for flood control and to issue bonds to pay for such property.**

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

Section 1. **Wright county; flood control.** Any of the following municipalities may exercise the powers granted in this act, subject to the conditions stated herein: the villages of Rockford, Delano, Monticello and Hanover, in Wright county.
Sec. 2. Each municipality may enter into an agreement with the United States, through its secretary of the army, or other authorized officer, for the improvement of the Crow or Mississippi river at and in the vicinity of the municipalities for flood control, by the construction of a diversion channel and appurtenant works, including improvement of the approach channel of said river.

Sec. 3. Each municipality may acquire by purchase, gift, devise, or condemnation all lands, easements, and rights of way, either within or without its corporate limits, deemed necessary by the government body of the municipality for flood control. In acquiring property for such purpose by exercising the power of eminent domain, the municipality may proceed under Minnesota Statutes 1961, Chapter 117, and acts amendatory thereof, and at any time after the bonds provided for in section 3 have been authorized in accordance with that section shall have all rights of possession and entry conferred in other cases of condemnation by Minnesota Statutes 1961, Section 117.20, Subdivision 7, and acts amendatory thereof.

Sec. 4. Each municipality may issue its general obligation bonds, payable from general ad valorem taxes levied on all taxable property in the municipality, for the purpose of financing its share of the cost of any flood control improvement, and may also expend any moneys of the municipality for such purpose. The issuance of such bonds shall be subject to approval by the voters of the municipality. Such bonds shall not be included in the “net debt” of the municipality for the purpose of any limitations thereon set forth in Minnesota Statutes 1961, Chapter 475, and acts amendatory thereof. Except as herein provided, the issuance of such bonds shall be governed by said chapter 475 and acts amendatory thereof.

Sec. 5. This act shall become effective as to each of said municipalities only after it has been approved by a resolution adopted by the favorable vote of a majority of the members of the governing body of such municipality and upon compliance with the provisions of Minnesota Statutes 1961, Section 645.021.

Approved May 26, 1965.

CHAPTER 865—S. F. No. 2049

An act pertaining to the city of Saint Paul, the village of Maplewood and Ramsey county; authorizing the governing bodies of said governmental units to enter into a cooperative agreement or agreements with each other for the purpose of constructing storm water sewer facilities which will serve and be mutually advantageous to said governmental units; providing for the financing of such storm water sewer facilities; authorizing the issuance of certain bonds in connection with such project to be borne by each of said governmental units, and the proportionate share of each shall be determined by the respective governing body of each of such governmental units and as provided in the aforesaid agreement or agreements between said governmental units. The city of Saint Paul, the village of Maplewood and Ramsey county are hereby authorized to expend such amounts as provided in such agreement or agreements for the purpose of constructing the storm water sewer facilities contemplated by this act. Such agreement or agreements shall also provide, among other things, the time or times when payments for the aforesaid project shall be made by said governmental units and may also provide that one or more of such governmental units may be charged with the responsibility for construction to be carried out in connection with said project or with the responsibility for letting a contract or contracts for construction of such project. Such agreement or agreements may also provide approximate areas of the respective governmental units to be served by such storm water sewer facilities.

Subd. 2. At any time after an agreement or agreements have been executed by and between the city of Saint Paul, the village of Maplewood, and Ramsey county, said governmental units may proceed to undertake the project contemplated by this act.

Sec. 2. Subdivision 1. For the purposes of carrying out the provisions of this act, the city of Saint Paul may use any moneys in the city treasury not otherwise appropriated.

Subd. 2. In addition to the powers heretofore granted by this act, the city of Saint Paul is hereby authorized and empowered to borrow a sum not to exceed $175,000 and therefor to issue and sell, from time to time and without submission of the question of issuance or sale of the same to a vote of the electorate of said city, the general obligation bonds of said city in the aforesaid sum and amount of not to exceed $175,000, and to secure the payment of such general obligation bonds by the pledge of the full faith and credit of said city therefor.

Subd. 3. The aforesaid hereby authorized general obligation bonds of said city, for said purposes, in said sum and amount not to exceed $175,000, shall be issued and sold in accordance with Minnesota Statutes 1961, Chapter 475, as amended, except, as aforesaid, that no election nor vote of the electors of said city thereon shall be required for the authorization of the issuance or sale of such bonds or for the issuance or sale of any of the same. Such bonds shall be in such form and bear interest at such rate, not to exceed...
six percent per annum, as the council of said city may prescribe, and shall be sold by the council of said city to the highest bidder therefor at least ten days' published notice of the time and place for receiving bids. Said bonds shall be issued to mature serially, the first installment of which shall become due and payable in not more than three years and the last of which shall become due and payable in not more than thirty years from the date of their issue. The proceeds received from the sale of such bonds shall be deposited by the city in a fund to be designated as "Joint Storm Water Sewer Construction Fund" and the moneys shall be disbursed therefrom for the purposes aforesaid in the same manner as other funds of the city are disbursed, but only for said purposes herein expressed. The amount of such bonds from time to time outstanding shall not be considered in determining the net indebtedness of said city for the purpose of borrowing money or other purposes and the amount of such bonds or certificates of indebtedness shall be excluded in determining the debt limit of the city.

Subd. 4. Neither the sale of such hereby authorized bonds nor the receipt of the proceeds thereof, nor the expenditure of the same hereunder, nor any tax levy required for the payment of such bonds, shall be included within the definition thereof or subject to any statutory or charter limitation otherwise imposed on said city's net indebtedness, expenditures, appropriations or taxing authority, and hereby shall be deemed effectively excepted from the same.

Sec. 3. Subdivision 1. For the purposes of carrying out the provisions of this act, the village of Maplewood is hereby authorized and empowered to use any moneys in the village treasury not otherwise appropriated.

Subd. 2. In addition to the powers hereofore granted by this act, the village of Maplewood is hereby authorized and empowered to borrow a sum not to exceed $450,000 and therefor to sell, from time to time and without the submission of the question of issuance or sale of the same to a vote of the electorate of said village, the general obligation bonds of said village in the aforesaid sum and amount of not to exceed $450,000, and to secure the payment of such general obligation bonds by the pledge of the full faith and credit of said village therefor.

Subd. 3. The aforesaid hereby authorized general obligation bonds of said village, for said purposes, in said sum and amount not to exceed $450,000, shall be issued and sold in accordance with Minnesota Statutes 1961, Chapter 475, as amended, except, as aforesaid, that no election nor vote of the electors of said village thereon shall be required for the authorization of the issuance or sale of such bonds or for the issuance or sale of any of the same. Such bonds shall be in such form and bear interest at such rate, not to exceed six percent per annum, as the council of said village may prescribe, and shall be sold by the governing body of said village to the highest bidder therefor after at least two weeks' published notice of the time and place for receiving bids. Said bonds shall be issued to mature serially, the first installment of which shall become due and payable in not more than three years and the last of which shall become due and payable in not more than thirty years from the date of their issue. The proceeds received from the sale of such bonds shall be deposited by the village in a fund to be designated as "Joint Storm Water Sewer Construction Fund" and the moneys shall be disbursed therefrom for the purposes aforesaid in the same manner as other funds of the village are disbursed, but only for said purposes herein expressed. The amount of such bonds from time to time outstanding shall not be considered in determining the net indebtedness of said village for the purpose of borrowing money or other purposes and the amount of such bonds or certificates of indebtedness shall be excluded in determining the debt limit of the village.

Subd. 4. Neither the sale of such hereby authorized bonds nor the receipt of the proceeds thereof, nor the expenditure of the same hereunder, nor any tax levy required for the payment of such bonds, shall be included within the definition thereof or subject to any statutory or charter limitation otherwise imposed on said village's net indebtedness, expenditures, appropriations or taxing authority, and hereby shall be deemed effectively excepted from the same.

Sec. 4. Subdivision 1. Ramsey county is hereby authorized and empowered, for the purposes of carrying out the provisions of this act, to expend a sum not to exceed $100,000.

Subd. 2. For the purposes of this act, the board of county commissioners of Ramsey county may use any moneys in the county treasury not otherwise appropriated.

Sec. 5. Subdivision 1. The city of Saint Paul is hereby authorized to establish a drainage district encompassing land within said city to be benefited by the aforesaid storm water sewer facilities and to assess benefited properties within such district in accordance with assessment procedures established by the charter of said city.

Subd. 2. The village of Maplewood is hereby authorized to establish a drainage district encompassing land within said village to be benefited by the aforesaid storm water sewer facilities and to assess benefited properties within such district in accordance with and pursuant to the provisions of Minnesota Statutes 1961, Chapter 429, as amended.

Subd. 3. The governing body of the city of Saint Paul, pursuant to the charter of said city, and the governing body of the village of Maplewood, pursuant to the provisions of Minnesota Statutes 1961, Chapter 429, as amended, shall determine what proportion of the total cost of such project to be borne by said city and said village respectively shall be raised by assessment of benefited properties within its boundaries as hereinabove provided.

Subd. 4. Property owned by Ramsey county in any such storm water sewer facility district established by the village of Maplewood or the city of Saint Paul shall be exempt from assessment by said city or said city by virtue of payments made by said county pursuant to the provisions of any agreement or agreements provided for by section 1 of this act.

Sec. 6. This act shall become effective only after its approval by a majority of the governing bodies of the city of Saint Paul, the village of Maplewood, and the county of Ramsey, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 26, 1965.
An act relating to state disaster areas in Washington county, providing for the exercise of emergency powers, and authorizing the issuance of certificates of indebtedness; amending Laws 1965, Chapter 252.

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

Section 1. Laws 1965, Chapter 252, is amended to read:

Section 1. Washington county: disaster areas. The governor is hereby authorized to designate and declare areas of Washington county as state disaster areas when any community therein suffers or is threatened by flood, fire, storm, or other catastrophe of such severity and magnitude as to endanger the public health, safety, and welfare.

Sec. 2. Subdivision 1. The governing body of Washington county, of the city of Stillwater, or of any other city, village, borough, or town in Washington county, however organized, each of which are hereinafter referred to as a political subdivision, when situated in whole or in part in a state disaster area may by resolution approved by unanimous vote of the members thereof exercise any of the following emergency powers:

1) purchase, lease or otherwise obtain such assistance in equipment, supplies, materials, facilities, personnel, and other things as may be necessary to prevent or contain such disaster, mitigate the damage thereby caused, and to immediately repair and rehabilitate public property damaged by such disaster.

2) enter into agreements with other political subdivisions whether or not situated within a state disaster area to obtain such assistance in equipment, supplies, materials, facilities, personnel, and other things as may be deemed necessary to combat the disaster. For the purpose of this authority any political subdivision whether or not situated within a state disaster area is authorized to provide such assistance, with or without compensation therefor.

3) apply for, accept and utilize such funds as may become available under the provisions of the Federal Disaster Act (Public Law 81-875) and any amendments thereto, or as may become available by reason of any other federal or state law the purpose of which is to provide aid and assistance in case of common disaster.

4) issue and sell certificates of indebtedness as hereinafter provided in such amounts as may be deemed necessary to pay for emergency expenditures authorized above and to pay for the immediate repair and rehabilitation of public property damaged by such disaster.

Subd. 2. Each political subdivision is authorized to exercise the above emergency powers in the light of the exigencies of the disaster without compliance with procedures and formalities prescribed by law pertaining to the negotiation of contracts, rental of equipment, purchase of supplies and materials, appropriation of public funds, publication of ordinances and resolutions, call for bids, provisions relating to low bids, requirements for budgets, and notwithstanding limitations upon tax levies and per capita expenditures.

Sec. 3. The certificates of indebtedness authorized by this act may be issued without voter approval and may be sold at public or private sale at not less than par plus accrued interest to date of delivery. Such certificates shall constitute general obligations of the political subdivision issuing the same. The total amount of certificates issued by a single political subdivision following each designation and declaration of an area as a state disaster area by the governor shall not exceed $300,000. The certificates of indebtedness may be issued in such total amount notwithstanding any statutory or charter limitations upon tax levies, per capita expenditures, or indebtedness to the contrary. The total amount of certificates issued by a single political subdivision following each designation and declaration of an area as a state disaster area by the governor shall not exceed $300,000. Certificates in this amount may be issued notwithstanding any other statutory or charter limitation of indebtedness, by resolution of the governing body of the political subdivision, without an election, and at public or private sale for not less than par plus accrued interest to the date of delivery. The certificates shall mature within three years from their date of issue. Prior to their issuance the governing body shall levy a tax upon all taxable property within the corporate limits of the municipality for the years and in the amounts required to produce sums not less than five percent in excess of the interest on the certificates when due. The municipality shall not be required initially to levy a tax for the payment of the certificates. Preliminary payments may be made by the principal of the certificates, but when all emergency expenditures authorized in this act have been paid, all remaining funds derived from the sale of the certificates and grants received from any source for the purpose of such expenditures shall be credited to the sinking fund for the payment of the certificates. Prior to the maturity of the certificates, the governing body shall issue and sell definitive bonds of the municipality in the amount required to refund such portion of the certificates as cannot be fully paid and redeemed from the money then on hand in the sinking fund. The bonds shall bear interest at the most favorable rate or rates obtainable upon public sale, which may be higher than the rates payable on the certificates of indebtedness. The full faith and credit of the municipality shall be pledged for the payment of the certificates and bonds, and except as herein otherwise provided, all provisions for the issuance and the security thereof shall be made in accordance with Minnesota Statutes, Chapter 475.

Sec. 4. Except as herein otherwise provided the provisions of this act shall be governed by Minnesota Statutes, Chapter 475.

Sec. 5. This act is effective as to each political subdivision upon its approval by the governing body of such political subdivision, and upon compliance with Minnesota Statutes, Section 645.021. For the purposes of this act the governing body of a town is the town board of supervisors.

Sec. 2. This act is effective as to each political subdivision upon its approval by the governing body of such political subdivision, and upon compliance with Minnesota Statutes, Section 645.021.
An act relating to the city of Minneapolis, authorizing the use of lands, rights, and easements conveyed by the state for the purposes of public terminals and port and industrial facilities and the making of agreements for the operation or leasing thereof, and the taxation and financing of such facilities; and authorizing the city to exercise statutory port authority powers.

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

Section 1. Minneapolis, city of; terminals; industrial facilities. In the exercise of the powers granted in Minnesota Statutes, Section 458.25, and in addition to those powers, the city of Minneapolis may take any or all of the actions enumerated in this act.

Sec. 2. The city may use for the purposes contemplated in section 458.25 and in this act any and all lands, rights, and easements heretofore acquired by it from the state, without limitation by any provision in any conveyance or law restricting the use thereof to public harbor purposes or to any other purpose. All such conveyances heretofore made are legalized and validated.

Sec. 3. The city may accept a conveyance of any land, right, or easement from the state under the provisions of Minnesota Statutes, Section 282.01 or any other law, for any and all uses contemplated by section 458.25 and by this act.

Sec. 4. The acquisition, establishment, construction, and maintenance of lands, rights, easements, and facilities for the purposes contemplated in section 458.25 and in this act, and the operation of the same as public terminal facilities of the kinds described in section 458.25, are declared to be public, governmental, and municipal functions exercised for a public purpose, and matters of public necessity, and all real and personal property acquired by the city for said purposes, prior to any leasing thereof as contemplated herein, and all real and personal property exclusively devoted to the public terminal uses described in section 458.25, under an operating agreement or otherwise, shall be exempt from taxation as public property. Any port or industrial facilities leased to others under the laws referred to in section 6, shall be regarded for the purpose of taxation as the property of the lessee.

Sec. 5. The city may contract with and employ any person, firm, or corporation to operate any public terminal facilities owned by it, under an agreement granting to the operator the exclusive right of occupying and using the same to provide terminal services to the public, at rates and charges applying indiscriminately to those who desire to use the facilities and services, and in such manner that the public will not be deprived of its rightful, equal, and uniform use thereof, and subject to rules and regulations prescribed by the city in accordance with section 458.25. Any such agreement shall extend for such term not exceeding or subject to extension in excess of 30 years, shall reserve to the city such portion of the rates and charges received, shall contain such guaranties by the operator of payment of operating and maintenance costs and of a minimum return to the city, and shall include such other provisions, as the city shall determine to be necessary and expedient.

Sec. 6. The city may exercise any or all of the powers of a port authority (other than a seaway port authority) granted in Minnesota Statutes, Sections 458.16, 458.17, and 458.191 to 458.196.

Sec. 7. All powers granted in this act may be exercised by resolution adopted by the city council, unless action by ordinance or by another commission, board, or officer is required by the city charter.

Sec. 8. This act shall become effective upon approval by resolution adopted by a majority of all members of the city council of the city of Minneapolis and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 27, 1965.

CHAPTER 901—H. F. No. 2177

[Coded in Part]

An act relating to the organization and administration of state government; appropriations therefore and limiting the use thereof; providing for the transfer of certain moneys in the state treasury; adjusting the salaries of certain state officers and employees; designating certain state park areas; authorizing land acquisition in certain cases; authorizing the governor to designate state agencies for federal funds in certain cases; fixing and limiting the amount of certain fees to be collected for deposit in the state treasury; providing penalties for misusing funds appropriated hereby; providing for the investment of moneys in the state bond fund; and repealing Laws 1963, Chapter 840, Section 43, and Minnesota Statutes 1961, Section 85.22, Subdivisions 2 and 4.

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

Section 1. State government; appropriations. Except as herein otherwise specifically provided, the sums hereinafter set forth in the columns designated "APPROPRIATIONS", or so much thereof as may be necessary, are hereby appropriated out of the general revenue fund in the state treasury, or any other fund herein designated, for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1965", "1966", and "1967". wherever used in this act, shall mean that the appropriation or appropriations listed thereunder shall be available for the year ending June 30, 1965, June 30, 1966, and June 30, 1967, respectively.

| Subd. 12. Water Pollution Control Commission Contingency Fund | 200,000 |

This item shall not be expended until the commission has consulted with the
legislative advisory committee in the manner provided by Minnesota Statutes, Section 3.30.

Any balance remaining on June 30, 1966, shall not cancel but be carried forward to the following year.

Subd. 14. Game and Fish Contingent

The amount appropriated by subdivision 14 is transferred and reappropriated from the game and fish fund for the purpose of supplementing any requirements of the division of game and fish, for salaries, supplies and expense, to be administered by the legislative advisory committee as provided by Minnesota Statutes, Section 3.30, the balance to be carried forward the second year.

Sec. 31. DEPARTMENT OF BUSINESS DEVELOPMENT

Subdivision 1. Salaries .......... 192,860 197,660
Approved Complement—27

Subd. 2. Supplies and expense .... 436,425 493,840
Subd. 3. Port Authority of Duluth ..

The amounts appropriated by subdivision 3 are appropriated to the port authority of Duluth, organized under Minnesota Statutes, Section 458.09 to 458.19, inclusive, and shall be used for the promotion of seaway trade. Any balance remaining on June 30, 1966, shall not cancel but shall be available in the fiscal year ending June 30, 1967. The port authority of Duluth shall file a report of activities financed by this appropriation with the legislature on or before January 15, 1967.

Sec. 35. DEPARTMENT OF CONSERVATION

There is hereby appropriated to the commissioner of conservation, the following amounts for the following purposes, said amounts to be under the control of and to be expended by direction of the commissioner of conservation.

Subdivision 1. Conservation—Administration

a. Salaries ............... 636,259 647,862
Approved Complement—89

Provided that of the amount appropriated in subdivision 1a, $477,194 for the fiscal year 1966 and $485,897 for the fiscal year 1967 shall be transferred and reappropriated from the fund known as the game and fish fund on the books of the state auditor and the records of the game and fish division.

b. Supplies and expense .......... 173,744 157,735
Provided that of the amount appropriated in subdivision 1b, $130,308 for the fiscal year 1966 and $101,801 for the fiscal year 1967 shall be transferred and reappropriated from the fund known as game and fish on the books of the state auditor and the records of the game and fish division.

Included in item 1b is sufficient money for the publication of five issues of the Conservation Volunteer during each fiscal year. An additional issue during each fiscal year may be published with funds provided by the standing appropriation contained in the boat and water safety act.

c. Notwithstanding the date limitations specified in Minnesota Statutes, Section 361.27, Subdivision 1, all of the moneys credited to the boat and water safety account established thereunder are appropriated for the purposes and in the manner specified therein for use during the biennium ending June 30, 1967.

Subd. 2. Division of Waters

a. Salaries ............... 195,382 197,063
Approved Complement—24

b. Supplies and expense .......... 17,880 15,370
This item includes money for the repair or modification of facilities constructed for lake or stream improvement projects.

c. Carp control structures .......... 30,000
For the construction of carp control structures at the following locations at Douglas county: Maple Lake, and between Lakes Mina and Brophy.

Provided any balance remaining on June 30, 1966, shall not cancel but shall be available for expenditure until the project is completed.

The amount appropriated by item c is appropriated from the game and fish fund.

d. Thief River snag removal .......... 12,000
For the removal of snags from the Thief River. The commissioner of conservation is empowered to enter into contracts with the United States of America, or any agency thereof, and with any agency or governmental subdivision of the state of Minnesota for the removal of such snags, or for cooperation with any thereof in such removal. All moneys received under any such contract are reappropriated to the commissioner of conservation for the
purposes of this item. The amounts appropriated by item d are transferred and reappropriated from the consolidated conservation areas fund and shall not cancel but shall remain available for expenditure until the project is completed.

e. Channel improvement
For dredging, marking, removing snags, and improving the channel and principal tributaries. Any balance remaining on June 30, 1966, shall not cancel but be available for the second year.

f. Hydrologic studies
The above amounts include provisions for the items of stream gauging, lake level control, and ground and underground waters survey, and quality of water survey. Provided any balance remaining on June 30, 1966, shall not cancel but be available for the second year. The balance remaining from the amount appropriated by Laws 1963, Chapter 873, Section 35, Subdivision 2, Item f, shall not cancel on June 30, 1965, but be available until June 30, 1967.

g. Water Control Study
For continuation of study in Nicollet County on Emily Lake as initially authorized in Laws 1963. Any balance remaining unexpended on June 30, 1966, shall not cancel but shall remain available until the project is completed.

h. Channel Improvement—Bois du Sioux River
For cleaning and deepening the channel of the Bois du Sioux River from the dam between Traverse and Mud Lakes to the south end of Mud Lake, all in Traverse County.

The amount appropriated by item h is appropriated from the consolidated conservation area fund.

i. Water Level—Emily Lake—Pope County
For continuation of project in Pope County on Emily Lake as initially authorized in Laws 1963, Chapter 823.

Any balance remaining unexpended on June 30, 1966, shall not cancel but shall remain available until the project is completed.

The amount appropriated by item i is appropriated from the game and fish fund.

j. Water Level—Currant Lake
For continuation of project of maintaining the water level in Currant Lake, Murray County, as initially authorized by Laws 1963, Chapter 392.

In addition, the sum of $15,000 as originally authorized by Laws 1963, Chapter 392, is hereby reappropriated for the same use and purposes as therein set forth.

Any balance remaining unexpended on June 30, 1966, shall not cancel but shall remain available until the project is completed.

The amounts appropriated in item i are appropriated from the game and fish fund.

k. Zippel Watershed and Flood Prevention Project
To the commissioner of conservation for the purpose of paying the county of Lake of the Woods for state owned land in the Zippel Watershed and Flood Prevention Project, County Ditch No. 1, described as southeast quarter of northeast quarter, section 9, township 161, range 33.

The amount appropriated in item i is appropriated from the consolidated conservation area fund.

l. Zippel Watershed and Flood Prevention Project
To the commissioner of conservation for the purpose of paying the county of Lake of the Woods for state owned lands in the Zippel Watershed and Flood Prevention Project, County Ditch No. 1.

The amount appropriated in item l is appropriated from the consolidated conservation area fund.

m. For the purchase from the owner or owners the following described tracts:

Lot 6, in Section 24, and the SE1/4 of SE1/4 of Section 12, in Township 136 North of Range 27 West;

The NW1/4 of Section 29 in Township 137 North of Range 28 West;

The S1/2 of the SW1/4 of Section 3, the SE1/4 of Section 15, the NE1/4 of SE1/4 of Section 23, and

NE1/4 of SW1/4 of Section 24, in Township 41 North of Range 25 West.
Subd. 3. Division of Forestry

a. Salaries .........................
Approved Complement—286

Provided that of the amounts appropriated by subdivision 3a $75,000 for the year ending June 30, 1967, is transferred and reapportioned from the account known as the consolidated conservation areas account, Minnesota Statutes, Section 84A.55.

b. Supplies and expense ............
All receipts from rents of buildings under custodianship of the division of forestry are hereby reapportioned to subdivision 3b hereof.

c. Fire fighting ....................
The balance remaining in the amount provided in item c for the year ending June 30, 1966, shall not cancel but shall be available for the purpose of fire prevention for the year ending June 30, 1967. Any balance remaining on June 30, 1967, may be used for the purchase of fire fighting equipment.

Subd. 4. Division of Lands and Minerals

a. Salaries .........................
Approved Complement—63

Subd. 5. Division of Game and Fish

a. The Pittman-Robertson revolving account in the state treasury is abolished on July 1, 1963, and any balances therein are transferred to the game and fish receipts account in the state treasury. Federal aid reimbursements received on and after July 1, 1963, and due the Pittman-Robertson account shall be deposited to the credit of the game and fish receipts account in the state treasury. The Dingell-Johnson revolving account in the state treasury is abolished on July 1, 1963, and any balances therein are transferred to the game and fish receipts account in the state treasury. Federal aid reimbursements received on and after July 1, 1963, and due the Dingell-Johnson account shall be deposited to the credit of the game and fish receipts account in the state treasury.

b. Administration and Warden Service

1. Salaries ........................
Approved Complement—168

No overtime shall be paid to either game wardens or game warden pilots.

2. Supplies and expense ............

3. Fisheries Section ................

4. Game Section ...................

5. Firearms Safety .................

6. Acquisition of Wetlands for Wildlife Habitat ................

7. Public Access .........................

1,927,885 1,950,373
325,789 325,464
81,100 81,100
464,673 474,105
51,000 49,000
1,168,821 1,180,536
600,000 451,870
1,623,280 1,587,818
7,500 7,500
975,000 950,000
50,494 32,467
342,000 342,000

Receipts from rough fish removal shall be deposited to the credit of the game and fish receipts account.

None of the moneys provided for in this item shall be expended for acquiring lands or interests therein by eminent domain proceedings.

Provided that funds in this item may be expended for experimental early teal season in 1966.

Approved Complement—61

Except as herein otherwise specifically provided, all amounts appropriated in this subdivision are to be charged against the game and fish fund and not against the general revenue fund. All receipts credited to the game and fish fund not herein authorized to be used or otherwise transferred shall be retained in the game and fish fund as a surplus.

All of the income, receipts, and fees collected by the division of game and fish, not appropriated or transferred to other divisions or departments of state government by the provisions of this act, except attributable costs provided by Minnesota Statutes, Section 16.20, shall be deposited in the state treasury to and for the benefit of the division of game and fish.

The above amount shall be appropriated from the wildlife acquisition account. This appropriation includes an amount sufficient to cover all necessary costs of land acquisition, care, improvements; and payments to local subdivisions of government in lieu of taxes.

For acquisition, improvement, development and maintenance of sites for public access to public waters and for lake improvement.
All moneys credited to the game and fish fund under Minnesota Statutes, Section 296.421, Subdivision 4, are hereby appropriated to the commissioner of conservation for the foregoing purposes. Any balance remaining on June 30, 1966, shall not cancel but shall be available for the following year.

Subd. 6. Division of Parks

a. Operations

1. Salaries .......................... 1,008,761 1,024,235

Approved Complement—83

This appropriation includes moneys and certain positions formerly budgeted in the maintenance and operations of parks account and in the state parks working capital account.

2. Supplies and expense .............. 336,870 308,510

This appropriation includes money formerly budgeted in the maintenance and operations of parks account and the state parks working capital account.

Sec. 36. SURVEYOR GENERAL

OF LOGS AND LUMBER

Subdivision 1. Salaries .......................... 1,300 81,412 83,113

Approved Complement—8

Subd. 2. Supplies and expense ......... 16,343 16,300

Sec. 37. MINNESOTA WATER RESOURCES BOARD

Subdivision 1. Salaries, supplies and expense .......................... 19,522 20,495

All hearings of the water resources board shall be solely in the performance of expressed statutory duties.

Sec. 38. STATE SOIL CONSERVATION COMMISSION

Subdivision 1. Salaries .......................... 30,160 30,847

Approved Complement—4

Subdivision 1 includes moneys for a watershed conservationist.

Subd. 2. Supplies and expense ...... 12,750 12,600

Subd. 3. Soil Conservation Districts

The amounts appropriated under subdivision 3 shall be expended under the direction of the state soil conservation committee through the soil conservation districts in aid of all conservation practices, as requested by cooperators, including technical assistance for all practices requiring the same on any land within the respective districts. The state committee shall inform each district governing body of the foregoing provisions annually or more often as may be necessary to secure compliance therewith.

Subd. 4. Watershed Planning Team

The amounts appropriated shall be available for watershed protection activities of the state, and shall be used for surveys, investigations, planning (the assembling of preliminary engineering, economic, and related watershed data into a reasonable watershed plan), and advanced engineering study (the preparation of detailed designs, specifications, and engineering cost estimates of works of improvements) of watershed projects.

No moneys shall be approved for construction or installation of any works of improvement, or for soil surveys, or for any costs that local groups of people in a watershed are responsible for in any watershed project.

Funds shall be controlled by the state soil conservation committee; and can be used to reimburse the United States soil conservation service upon agreement between the state soil conservation committee and the United States soil conservation service state conservationist in Minnesota. Cooperation with the United States soil conservation service in Minnesota in employment of personnel and in determining work schedules to accelerate the study, planning and detailed design function of watershed protection activities in Minnesota is authorized.

A report of the state participation and progress in a watershed planning team shall be filed with the governor and the legislature by January, 1967.

Sec. 39. BOARD OF HEALTH

Subdivision 1. Administration

a. Salaries .......................... 897,671 903,945

Approved Complement—199

The amounts appropriated for salaries by the above item include salaries for items 1, 3, 4, 5, 6, 7, 9, 10, and 12 of Laws 1945, Chapter 609, Section 37, and for hospital licenses and blood banks.

b. Supplies and expenses .............. 131,504 131,504

The amounts appropriated for supplies and expense by the above item include supplies and expense for items 2, 4, 5, 6, 7, 8, 9, 10, and 12 of Laws 1945, Chapter 609, Section 37, and for hospital licenses and blood banks. Any amounts received from the city of Duluth and from St. Louis county are hereby reappropriated for supplies and expense. Grants in aid now or hereafter received from the federal government
for any health assistance or health program or for administration under the jurisdiction of the department of health shall in the first instance be credited to a federal grant fund and shall be transferred therefrom to the credit to the proper account of the department of health upon certification of the executive secretary that the amounts so requested to be transferred have been earned or are required for the purposes and program intended. Moneys received by such federal grant fund need not be budgeted as such, provided the transfers from such fund are budgeted for allotment purposes in the appropriate appropriations. All receipts received from the National Office of Vital Statistics for microfilmed transcripts of vital statistics records shall be deposited in and for the benefit of the general revenue fund.

Subd. 2. Water Pollution Control

Approved Complement—35

Sec. 57. Transfer of funds, state auditor. The state auditor is hereby authorized and directed to transfer to the general revenue fund in the state treasury, all moneys credited to any fund established in connection with the payment of certificates of indebtedness when the purposes for which the act authorizing such certificates have been accomplished.

Subd. 4. There is hereby transferred to the general revenue fund the following sums, or so much as may be necessary, to reimburse the general revenue fund for occupancy charges in the centennial building which have not been paid for the following departments for the following years:

a. From the game and fish fund for the department of conservation for the year ended June 30, 1963 1,788.87
b. From the game and fish fund for the department of conservation for the year ended June 30, 1964 10,713.77
c. From the natural resources account for the natural resources commission for the year ended June 30, 1964 7,322.26
d. From the game and fish fund for the department of conservation for the year ending June 30, 1965 13,036.26
e. From the income tax school fund for the department of taxation for the year ending June 30, 1965 2,579.24
f. From the natural resources account for the natural resources commission for the year ending June 30, 1965 8,172.88

Sec. 78. Notwithstanding the provisions of any other law, any moneys appropriated to the commissioner of administration for the acquisition of wildlife land under Minnesota Statutes, Sections 97.48, Subdivision 13, and 97.481, from the natural resources fund in the state treasury, shall be expended in the same manner as similar expenditures are made by the commissioner of conservation under such statutory provisions. In order to qualify for federal Pittman-Robertson funds, the commissioner of administration may transfer any of these moneys to the commissioner of conservation for expenditure for wildlife land acquisition, and any such transfers are hereby reappropriated for such purpose.

Sec. 79. Subdivision 1. Moneys appropriated from the natural resources fund in the state treasury and the state parks development account in the state treasury to the commissioner of conservation by any other law enacted at the 1965 session of the legislature for the purposes of making capital improvements in certain state parks, may be expended in conformity with this section, notwithstanding the provisions of such other law.

Subd. 2. Moneys which by such appropriation have been designated in stated specific amounts for a specific state park may be transferred for expenditure in another state park which is also designated by such appropriation, notwithstanding that the transferred amount, when added to the stated specific amount, exceeds the limitation of the stated specific amount for such latter state park, providing the commissioner of conservation first consults the building commission in regard to such transfer and receives its recommendation in connection therewith. But the recommendation of such building commission shall be advisory only.

Sec. 80. Lake Bronson state park is enlarged by extending the boundaries thereof to include those parts of Sections 33 and 34, not now within the park, the West 1/2 of Section 27 and the East 1/2 of Section 26, all in Township 161 North, Range 46 West, in the county of Kittson.

Sec. 81. Notwithstanding the provisions of any law enacted by the 1965 session of the legislature to the contrary, the appropriation made in Laws 1963, Chapter 840, Section 31 (3), for Lac Qui Parle state park for a swimming pool in the amount of $25,000 is hereby reappropriated for capital improvements in said park, including campground development.

Sec. 82. There is hereby appropriated from the game and fish fund to the county of Kandiyohi the sum of $65,000 to construct a ditch or channel from Wagonga Lake to Big Kandiyohi Lake in said county for the purpose of raising, restoring and maintaining the water level in Big Kandiyohi Lake.

The amount appropriated by this section shall be reduced by the amount of any federal funds received for this project and such reduction shall cancel into the game and fish fund in the state treasury. Any federal funds received as reimbursement for expenditures made for this project shall be deposited to the credit of the game and fish fund in the state treasury.
CHAPTER 902—S. F. No. 2016
[Not Coded]

An act to appropriate money for the conservation and development of the state's natural resources; providing for maintenance of the Minnesota Historical Society; for county and district agricultural societies; for various stockbreeders', dairymen's, horticultural and poultry associations and societies; for sheriffs' per diem and mileage in certain cases; for vessel tonnage tax; for maintenance of the Sibley House; for maintenance of various semi-state activities; for aids to local subdivisions of government and school districts; for payment of certain animal bounties; for maintenance of the uniform laws commission; and for other purposes.

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

Section I. Conservation and natural resources; appropriations. The sums hereinafter named, or so much thereof as may be necessary, are hereby appropriated out of the general revenue fund in the state treasury not otherwise appropriated, or any other fund herein designated for the purposes specified in the following sections of this act, to be available for the fiscal years ending June 30, 1965, June 30, 1966, and June 30, 1967.

APPROPRIATIONS
Available for the Year Ending June 30

<table>
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<tr>
<th>Section</th>
<th>Appropriation</th>
<th>Year Ending June 30</th>
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<tbody>
<tr>
<td>The Great Lakes Commission</td>
<td>11,000</td>
<td>11,000</td>
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</table>

Sec. 10. Vessel tonnage tax: The state treasurer is hereby authorized to set aside in a separate account the counties' share of the vessel tonnage tax and to distribute the same to the counties entitled thereto at the end of each fiscal year, as provided by Minnesota Statutes 289.01.

1965

REGULAR SESSION

RESOLUTIONS

RESOLUTION No. 2—H. F. No. 1196

A resolution memorializing the Congress of the United States to provide for technical and financial assistance for soil and water conservation.

WHEREAS, the conservation of soil and water is of vital importance to the maintenance of a strong economy in Minnesota; and

WHEREAS, ten million acres of cropland in Minnesota has been damaged by the loss of from one fourth to three fourths of the top soil through soil erosion; and

WHEREAS, many thousands of landowners are clearly showing by individual and community action that these losses can be greatly reduced through proper land use and the application of needed soil and water conservation practices; and

WHEREAS, it has been further demonstrated that the application of these soil and water conservation practices require technical and financial assistance to insure widespread results; and

WHEREAS, any curtailment in the availability of such technical and financial assistance from federal sources would cause irreparable damage to the state and nation's soil and water conservation work; now, therefore;

BE IT RESOLVED by the Legislature of the State of Minnesota that the Congress of the United States is urged to enact legislation to provide sufficient technical and financial assistance for soil and water conservation measures to continue to be made available to landowners.

BE IT FURTHER RESOLVED that the Secretary of State send a copy of this resolution to each Minnesota Senator and Congressman in the United States Congress.

Approved April 9, 1965.

RESOLUTION No. 3—S. F. No. 587

A resolution memorializing the Congress of the United States to provide for development of the Wild Rice River watershed and construction of a dam on the Wild Rice River.

WHEREAS, the Wild Rice River periodically is the source of floods that inundate the low, flat, fertile lands in the western reaches of the river, thereby endangering lives and damaging farm property, crops, highways, bridges, railroads and other property; and

WHEREAS, control of the Wild Rice River would conserve the
water available in the river, would provide for industrial development, recreational needs, and would provide a habitat for wildlife; now, therefore,

BE IT RESOLVED by the Legislature of the State of Minnesota that the Congress of the United States provide for development of the Wild Rice River watershed and for construction of a dam on the Wild Rice River near Twin Valley.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the President and Vice President of the United States, to all members of the United States Congress from the State of Minnesota, to the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Department of Health, Education, and Welfare and to the United States Army Corps of Engineers.

Approved May 3, 1965.
An act relating to public health nuisances and the abatement thereof in cities of the first class now or hereafter having a population of 450,000, or over.

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

Section 1. Minneapolis; abate public health nuisances. The governing body of any city of the first class now or hereafter having a population of 450,000, or over, is hereby authorized and empowered to abate public health nuisances arising out of the neglect or failure to comply with local health ordinances requiring the making of sewer and water house connections to privately owned premises within such city, such abatement to be carried out under the terms and conditions hereinafter provided.

Sec. 2. Unsanitary cesspools or septic tanks drained or filled; installation of water and sewer. When any such premises, by reason of unsanitary or unsafe cesspools or septic tanks and the failure to be provided with public sewer and water house connections, constitutes or will constitute a public health nuisance and menace, the said cesspools or septic tanks shall be drained and filled with sand and the use of the said premises prohibited until proper public sewer and water connections are made in compliance with local health ordinances. Upon the written request of the owner, however, and upon proper showing that he is not financially able to comply with the requirements of the ordinances regarding sewer and water connection, the governing body of said city is authorized and empowered to abate the nuisance existing, by installing proper sewer and water connections from the mains in the street to the premises, in addition to caring for the cesspools and septic tanks as provided for in this section. Before said sewer and water connections are made, written notice shall be given to any mortgagees or lien holders of record. All of the costs for the abatement of the nuisance may be assessed against the premises as hereinafter provided.

Sec. 3. Assessment of cost of installation. The said governing body, upon the completion of any such connection work, may assess and levy, and cause to be collected, the amount of the actual cost thereof, plus an overhead charge of ten percent to cover administration expense, as a special assessment upon and against such benefited premises.

Sec. 4. Installment payment. The said governing body, at the time of the making of said levy and special assessment, may take further action to extend the time for the payment thereof over such period of years as it may determine, payable in equal annual installments not exceeding 20, as authorized by Minnesota Statutes of 1955, Section 435.17, with interest at the rate of five percent per annum on deferred payments, and provide for the re-payment, through the collection of such assessments, of advances made by the said city for such installation, and for the crediting of the said interest and overhead charges herein provided for to the proper city accounts.

Sec. 5. Not subject to certain limitations. The abatement of public health nuisance and menace provisions of this act shall not be subject to the $100 limitation of Minnesota Statutes of 1953, Section 145.22.

Sec. 6. Amount of assessment limited. In carrying out the provisions of this act no debt or claim against any one individual property shall exceed the sum of $1,000, including overhead, but not including the specified interest rate of five percent per annum on deferred payments.

Approved March 18, 1955.
at the expiration of said first terms, members shall be appoint-
enced for three year terms thereafter. The appointment of said
members shall be made by the chairman of the board of super-
visors, subject to approval by a two-thirds vote of the board of
supervisors.

Sec. 3. Duties of commission. The duties of said water and sewer commission shall be as follows:
1. To operate, manage and maintain the water and sewer system and plant of said town.
2. To appoint a superintendent who shall supervise and administer the said water and sewer system under the direction of said commission; and employ the necessary employees for the conduct and operation of said water and sewer system.
3. To appoint a treasurer who shall be charged with the duties of collecting water and sewer bills, pay all bills at the order of said commission and deposit all funds of said commission in a depository duly designated for such purpose.
4. The said commission shall fix rates for water consumption, as are reasonable and required to operate and maintain said system.
5. The said commission shall pay all charges and debts against said commission and shall be the custodian of its own funds.
6. Said commission shall make rules and regulations as may be necessary for the operation and maintenance of said sewer and water system.
7. The commission shall be authorized to enter into contracts binding said commission in amounts not exceeding $500. Contracts involving the expenditure of over $500 shall be subject to approval by the town board of supervisors.
8. The said commission may make such purchases and contracts for the operation and maintenance of said water and sewer system subject to the laws of the state of Minnesota and provisions herein set forth.
9. Salaries of employees shall be set by said commission.
10. The said commission shall appoint from its members, a chairman, vice-chairman, clerk and a treasurer. The chairman shall preside at all meetings and shall have such other duties as the commission shall designate. The clerk shall keep a record of the proceedings of said commission and shall keep and maintain all of its records. The vice-chairman shall act in place of the chairman having all powers and duties of the chairman in the event of his disability or absence. All orders for the payment of funds of said commission shall be signed by the chairman and treasurer.

Sec. 4. Contracts with municipalities, corporations, school districts. The said water and sewer commission shall be authorized to make and enter into contracts with any adjoin-

ing municipality, private corporation or school district for the furnishing of water and sewer service for the same. Any such contracts shall be subject to approval by the town board of supervisors.

Sec. 5. Legalization of acts and proceedings. The acts and proceedings of any town as hereinbefore described, which shall have acquired such water and sewer system by gift be and hereby are fully legalized and the creation of any water and sewer system conforming to provisions herein set forth and all acts and proceedings thereof be and hereby are fully legalized.

Sec. 6. Population change not to affect. If any such town within this state comes within the classification herein described, it shall not thereafter cease to be governed by the provisions of this section, notwithstanding any change in population.

Approved April 19, 1955.

CHAPTER 801—S. F. No. 172

An act appropriating money to Aitkin drainage and conservancy district for benefits to state land.

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

Section 1. Aitkin drainage and conservancy district, appropriation. There is hereby appropriated out of any money in the Consolidated Conservation Areas Fund not otherwise appropriated, the sum of $6,367 to the Aitkin Drainage and Conservancy District for benefits accruing to state lands from drainage activities of the district.

Approved April 23, 1955.
Laws 1949, Chapter 245, is amended to read:

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

having more than 300,000 and less than 450,000 inhabitants is authorized to appropriate and expend not exceeding $75,000 in each year, for the improvement of navigable lakes lying wholly or partly within such county, for any public recreational purpose, and may acquire, improve, equip and maintain the vicinity of such lake or lakes, for any public recreational grounds.

Approved March 30, 1957.

CHAPTER 644—S. F. No. 877

An act authorizing acquisition by the commissioner of conservation in the name of the state of lands and the development thereof for wildlife habitat purposes, and providing payments to counties in lieu of taxes on lands so acquired.

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

Section 1. Acquisition of wildlife lands by Commissioner of Conservation. The Commissioner of Conservation is hereby authorized and empowered to acquire, in the name of the state, by gift, lease, purchase and transfer of state lands, any such wildlife lands, such as marsh or wetlands, and the margins thereof, including ponds, small lakes and stream bottom lands, which he finds desirable to acquire in the interests of water conservation relating to wildlife development programs, and, he may also acquire for this purpose from any state agency, itself included, lands now in state ownership or tax-forfeited which are suitable for wildlife purposes, and when such lands are so acquired, he is authorized to develop the same in the interest of wildlife, recreational or public hunting areas, as he shall deem desirable. No such lands shall be acquired until first approved for such purchase, or lease, by a majority of the members of the Board of County Commissioners in the counties where the land to be purchased, or leased, is located. In the counties in which a Soil Conservation District is organized the supervisors will act as counselors to the Board of County Commissioners regarding the best utilization and capability of the land proposed for purchase, including the questions of drainage and flood control. The Commissioner in the purchase of such wetlands must recognize that when a majority of land owners, or owners of a majority of the land in the watershed, petition for a drainage outlet, that the state should not interfere, or unnecessarily delay such drainage proceedings when such proceedings are conducted according to the Minnesota Drainage Code. In no case should state lands, so purchased, or leased, be used to produce crops which are in a surplus as defined by the Federal Government unless such crops are needed to sustain wildlife. No lands described herein shall be acquired simultaneously therewith a right-of-way or easement from said lands to a public road so as to make entry upon said lands available to the public.

Sec. 2. Surcharges on small game hunting licenses appropriated. To provide funds for the purpose of carrying out the provisions of this act, there is hereby imposed upon all small game hunting licenses a surcharge of $1, which shall be added to such license fee, and which surcharge shall be free from any commissions and so stated on the back of the small game hunting license. This $1 surcharge is being paid by sportsmen for the acquisition and development of wildlife lands.

Sec. 3. Wildlife acquisition fund, established. There shall be established in the state treasury a separate fund known as the “Wildlife Acquisition Fund” into which the proceeds derived from the surcharge shall be deposited and all monies so deposited shall be used by the Commissioner of Conservation for the purposes of this act, in accordance with appropriations made by the legislature.

Sec. 4. Assessments to be paid from fund. Any assessments against the State of Minnesota under the provisions of Minnesota Statutes, Section 106.381, or Laws 1955, Chapter
681, shall be paid from moneys in the Wildlife Acquisition Fund herein created on all such lands or properties heretofore or hereafter acquired for wildlife habitat.

Sec. 5. Effective date and expiration. This act shall be effective upon its passage, and continue in effect until December 31, 1962.

Approved April 25, 1957.

CHAPTER 685—H. F. No. 1846

[Not Coded]

An act granting to cities of the first class certain powers relative to bonding for flood control.

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

Section 1. Flood control, bonds, indebtedness. Any city of the first class is authorized and empowered to borrow a sum not to exceed $700,000 for the purpose of matching funds allocated by the United States Government for the purpose of flood control in such city, and for that purpose to issue and sell, from time to time, and without submitting the question of the issuance of the same to a vote of the people, the bonds of said city in the sum and amount of $700,000, or such part thereof as shall be deemed necessary; to secure the payment of such bonds by pledging the full faith and credit of such city therefor. Such bonds shall be in such form and bear interest at such rate as the council of such city may prescribe, and shall be sold by the council of such city to the highest bidder therefor after at least two weeks published notice of the time and place for receiving bids. Said bonds shall be issued to mature serially, the first installment of which shall become due and payable in not more than three years and the last of which shall become due and payable in not more than thirty years from the date of their issue. The proceeds received from the sale of such bonds shall be deposited by the city in a fund to be designated as "Flood Control Project Fund" and the moneys shall be disbursed therefrom for the purpose of borrowing money or other purposes and the amount of such bonds or certificates of indebtedness shall be excluded from the debt limit of the city.

Sec. 2. Receipts and expenditures. The receipt and expenditure of any moneys hereunder shall not be included within the definition of any limitation imposed on taxing or spending by the charter of such city.

Approved April 26, 1957.
CHAPTER 862—S. F. No. 1863
[Not Coded]

An act for the establishment of an interim commission on the upper Mississippi reservoirs.

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

Section 1. Upper Mississippi reservoirs. The large reservoirs at and near the head waters of the Mississippi River comprise a part of the public and navigable waters of the State of Minnesota. They are of great importance to the health and welfare of the people of this State and to the maintenance of the tourist industry in this State. The proper control and regulation of the reservoirs in the interest of the people of this State is a matter affected with the public interest.

Sec. 2. Interim commission, creation. A Commission is hereby created to consist of three (3) members of the House of Representatives, to be appointed by the Speaker, and three (3) members of the Senate, to be appointed by the Committee on Committees in the Senate, for the purpose of studying the problems created by the method of operation of the control structures affecting these reservoirs by federal agencies, ascertaining more effective methods of control, promoting cooperation between State and federal agencies and devising such means of cooperation as may be effectuated.

Sec. 3. Duties. The Commission is authorized and directed to study the legal factors involved in control or joint control by the State, to recommend legislation found by it to be desirable and to contact and secure the cooperation of Minnesota members in the Congress of the United States and federal agencies exercising control.

Sec. 4. Cooperation. The facilities of the legislative research committee are hereby made available to the Commission, and the Commissioner of Conservation is authorized and directed to extend to the Commission full cooperation.

Sec. 5. Expenses. Members of the Commission shall be allowed and paid their actual traveling and other expenses necessarily incurred in the performance of their duties and may retain legal assistance.

Sec. 6. Report. The Commission shall make its report to the Governor and to the 1959 session of the Legislature not later than the opening day thereof.

Sec. 7. Appropriation. There is hereby appropriated, out of money in the State treasury not otherwise appropriated, the sum of Five Thousand Dollars ($5,000.00), or so much thereof as may be necessary to pay the expenses incurred by the Commission. For the payment of such expenses, the Commission shall draw its warrants upon the State treasury, which warrant shall be signed by the chairman and at least two (2) of its members. The State auditor shall then approve and the State treasurer shall pay such warrants as and when presented. A general summary or statement of the expenses incurred and paid by the Commission shall be included with its report.

Approved April 29, 1957.
SESSION LAWS

of the

STATE OF MINNESOTA

ENACTED AT THE
SESSION OF THE STATE LEGISLATURE
COMMENCING JANUARY 6, 1959

CHAPTER 168—S. F. No. 479
[Not Coded]

An act authorizing the sale of wetlands stamps by the Commissioner of Conservation.

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

Section 1. Wetlands stamps, sale. The commissioner of conservation may sell unissued 1957 wetlands stamps at a price of $1 per stamp. The receipts from such sales shall be credited by the state treasurer to the Wildlife Acquisition Fund.

Approved April 3, 1959.

CHAPTER 190—H. F. No. 1281
[Not Coded]

An act authorizing the commissioner of conservation to sell certain swamp lands.

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

Section 1. Sale of certain swamp lands. The commissioner of conservation is hereby authorized to sell Lot 8, Section 26, Township 53, Range 25, in Itasca county, in the same manner as provided by law for the sale of other state swamp lands, notwithstanding the fact that such lands border the waters of a meandered river.

Approved April 10, 1959.
sistent with the needs and interests of the state;

(b) to make a comprehensive, detailed, and complete investigation, analysis, and study of the flood, irrigation, recreational, economic, and development problems in the Minnesota River Valley.

(c) The commissioner of conservation may enter into agreements with the United States Corps of Army Engineers and any other appropriate federal agency so as to effectuate control and regulation of the Upper Mississippi reservoirs to meet state and local needs and interests after first seeking and obtaining the guidance and advice of the Upper Mississippi Reservoir and Minnesota River Valley Development Interim Commission. Any agreement so entered into shall be limited in duration and shall not extend beyond the final adjournment of the 1961 regular session of the legislature unless confirmed by the legislature.

(18) A Commission Relating to Problems in connection with the Harbors at Duluth and Superior to confer with a similar commission from the state of Wisconsin for the purpose of investigating and studying the problems in connection with navigation and harbor facilities in the harbors of Duluth, Minnesota, and Superior, Wisconsin.

The commission shall consist of three members of the senate, to be appointed by the committee on committees, and four members of the house of representatives, to be appointed by the speaker, upon the passage of this act.

Subd. 3. Each of the foregoing commissions, except as otherwise provided herein, and except the Iron Ore Taxation Commission which shall be appointed and have the powers assigned to it pursuant to the Laws of 1951, Chapter 714, as amended, shall consist of five members of the senate to be appointed by the committee on committees and five members of the house of representatives to be appointed by the speaker. Vacancies in the membership shall be filled by the appointing authority.

Subd. 4. Each of the foregoing commissions may hold meetings at such times and places as it may designate and shall select a chairman and such other officers from its membership as it may deem advisable.

Subd. 5. Each of the foregoing commissions may subpoena witnesses and records and employ such assistance by a favorable majority vote of the entire commission as it deems necessary and convenient to accomplish its purposes, and the members and staff shall be reimbursed for all expenses actually and necessarily incurred in the performance of their duties.

Subd. 6. All state agencies shall cooperate with each of the foregoing commissions in assisting them in effectively accomplishing their purposes. The facilities of the legislative research committee and the revisor of statutes shall be utilized by each of the foregoing commissions to as great an extent as possible.

Subd. 7. Each of the foregoing commissions shall make a report to the legislature convening in January, 1961, as early in the legislative session as possible and may make additional reports thereafter to the extent that availability of funds permits. Each of such interim commissions shall cease to exist upon final adjournment of the 1961 regular session of the legislature, except as the law otherwise provides.

Sec. 2. Subdivision 1. The sums of money hereinafter set forth or so much thereof as may be necessary are hereby appropriated from the general revenue fund in the state treasury or from such other funds in the state treasury as are designated in this subdivision, to the interim commissions named in section 1 and to the state officer herein named, to be available for expenditure until fully expended notwithstanding the provisions of any law to the contrary.

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<tr>
<th>Name of Commission</th>
<th>Amount</th>
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<tr>
<td>Seaway Port Authority Interim Commission</td>
<td>$13,000</td>
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<tr>
<td>Upper Mississippi Reservoir and Minnesota River</td>
<td>$15,000</td>
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<tr>
<td>Valley Development Interim Commission</td>
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<tr>
<td>Commission Relating to Problems in Connection with</td>
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<td>the Harbors at Duluth and Superior</td>
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Subd. 2. Expenses of each of the interim commissions shall be approved by its chairman or such other members of the commission as it may provide and such expenses shall then be paid in the same manner as other state expenses are paid.

Sec. 3. None of the provisions of this act shall in any way affect any commission or committee of the legislature or any branch thereof now existing or hereafter established under any other law.

Sec. 4. This act is in effect upon its final enactment.

Approved July 2, 1959.
SESSION LAWS
of the
STATE OF MINNESOTA
ENACTED AT THE
SESSION OF THE STATE LEGISLATURE
COMMENCING JANUARY 3, 1961

CHAPTER 236—S. F. No. 330
[Not Coded]

An act relating to the cession by the state of Minnesota to the state of North Dakota of certain parcels of real property located in Clay county, Minnesota.

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

Section 1. Finding. By reason of flood control work upon the Red River of the north an avulsion has occurred leaving two parcels of land described as:

(1) That portion of Government Lot 2 in the northeast quarter (NE 1/4) of Section 29, Township 140 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, bounded by the thread of the Red River of the North as it existed prior to January 1, 1959, and the new thread of the Red River of the North as established by the United States Army Corps of Engineers under Project CIVENG-21-018-59-22, containing 9.78 acres more or less; and

(2) That portion of Government Lot 2 in the northeast quarter (NE 1/4) of Section 7, Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, bounded by the thread of the Red River of the North as it existed prior to January 1, 1959, and the new thread of the Red River of the North as established by the United States Army Corps of Engineers under Project CIVENG-21-018-59-22, containing 12.76 acres more or less,

physically detached from the state of Minnesota and attached to the state of North Dakota.

Sec. 2. Cession of lands. The state of Minnesota upon passage by the legislature of the state of North Dakota of the necessary enabling legislation accepting jurisdiction over the property described in section 1, so that said property shall be a part of the state of North Dakota, hereby agrees to the cession of said lands so that the same will no longer be a part of Minnesota.

Sec. 3. Lands, titles, records. Nothing contained in the provisions of this act shall be construed in such manner as to prejudice the title, right, or claim of any person to any of the lands herein involved. The register of deeds of Clay county, Minnesota shall cooperate with the register of deeds of Cass county, North Dakota in furnishing him such records of the title, or copies thereof, to the land described in section 1, recorded in Clay county, Minnesota, as may be necessary. The register of deeds may make the usual charge for certified copies of records and documents if the same are required by the register of deeds of Cass county.

Sec. 4. Agreement, consent of congress. The act of the legislature of the state of North Dakota referred to in Section 2 of this act, together with his act, shall constitute the agreement between the states of Minnesota and North Dakota. The Congress of the United States, upon passage of such acts by the respective legislatures of the states of Minnesota and North Dakota, is petitioned, pursuant to Article I, Section 10, Clause 3 of the United States Constitution, to give its consent to this agreement and to amend the enabling acts of such states accordingly. The secretary of state of Minnesota shall transmit copies of this act to the presiding officers of the senate and house of representatives of the United States and to the several senators and representatives of the states of Minnesota and North Dakota in the Congress of the United States who are petitioned to take such action as they deem proper to procure the consent of the Congress of the United States to this agreement between the states of Minnesota and North Dakota.

Approved April 10, 1961.

CHAPTER 277—S. F. No. 84
[Not Coded]

An act relating to game and fish; providing for management of muskellunge fishing in certain lakes by the commissioner of conservation.

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

Section 1. Muskellunge; designation of lakes as habitat. The Commissioner of Conservation, after notice and hearing, may designate not more than ten lakes in the state, each of which is known to be the habitat of muskellunge, and provide special rules and regulations applicable only to these lakes for the management of fishing therein. Such special rules and regulations may include among other things prohibition of darkhouse spearing or angling or both in any one or more of these designated lakes, but must be designed and promulgated solely to further experiment and research in the problems of conservation and propagation of muskellunge in the state.
Sec. 2. The lakes so designated may not exceed in aggregate area 15,000 acres. The authority granted hereby, including rules or regulations promulgated thereunder, shall expire February 15, 1965.

Approved April 11, 1961.

CHAPTER 280—S. F. No. 639
[Not Coded]

An act authorizing and directing the commissioner of conservation to construct a fishway at the dam between Mud Lake and Traverse Lake.

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

Section 1. Traverse; Mud lake fishway. The commissioner of conservation is authorized and directed to construct a fishway at the dam between Mud Lake and Traverse Lake, both being in Traverse county, provided such work is done by voluntary help and without cost to the state of Minnesota.

Approved April 11, 1961.

CHAPTER 402—H. F. No. 1770
[Not Coded]

An act relating to water conservation in Lake Minnewaska in Pope county; authorizing the commissioner of conservation to issue permits for the exercise of riparian rights in said lake in certain cases.

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

Section 1. Pope county; Lake Minnewaska; riparian right permits. On application to the commissioner of conservation by any owner of land abutting on the shore of Lake Minnewaska in Pope county within section 15, township 125, range 38, under Minnesota Statutes 1957, Section 105.42, and other applicable statutes, as now in force or hereafter amended, for a permit to fill in or otherwise occupy or use any part of said lake or the bed thereof adjacent to said lake, and upon submission by the applicant of such proof as the commissioner may require of the applicant's title to the land and the riparian rights in said lake appurtenant thereto, the commissioner shall grant the application and issue a permit thereon insofar as he finds and determines that the proposed fill or other occupancy or use of said lake or the bed thereof is within the lawful riparian rights of the applicant and will not substantially encroach upon, impair, or interfere with the lawful use of said lake or the bed thereof by the public for navigation or other beneficial public purposes. Such permit may be made subject to such conditions as the commissioner deems necessary for protection of the public interest in said lake and the bed thereof. Such permit shall not vest in the permittee any right or title to any part of said lake or the bed thereof except for the exercise therein of his lawful riparian rights as specified in the permit, and shall not abrogate or abridge any authority or right of the state or the public relating to said lake or the bed thereof.

Sec. 2. This act shall become effective only after its approval by a majority of the county board of the county of Pope and upon compliance with the provisions of Laws 1950, Chapter 368.

Approved April 14, 1961.

CHAPTER 408—S. F. No. 978
[Not Coded]

An act relating to Lake Traverse and Mud Lake on the boundary between this state and the state of South Dakota; authorizing the commissioner of conservation to promote, join in, and undertake operation of the dams controlling the water levels of said lakes by agreement with federal authority or otherwise.

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

Section 1. Lake Traverse and Mud Lake water level. In furtherance of maximum public benefit from the use of Lake Traverse and Mud Lake on the boundary between this state and the state of South Dakota, the commissioner of conservation is authorized and directed to formulate a plan for the operation of the dams controlling the water levels of said lakes in such manner as to maintain the most desirable levels for boating, fishing, hunting, and other forms of recreation and beneficial public use, and for the protection, propagation, and maintenance of desirable species of fish, waterfowl, and other wild life, and to seek the effectuation of such plan by compliance therewith by the United States Corps of Engineers or other federal authority in charge of said dams, or by agreement with such authority for joint operation and control thereof by such authority and the commissioner of conservation, or for operation and control thereof by the commissioner, or by such other means as may be appropriate and feasible.

Approved April 17, 1961.

CHAPTER 472—S. F. No. 726
[Not Coded]

An act appropriating monies for the purchase of certain federally owned Volstead lands.

WHEREAS, the congress of the United States of America has enacted Public Law 85-387 on May 1, 1958, 72 Stat. 99, whereby the state of Minnesota was granted the option of purchasing certain federally owned lands in Minnesota which lands are subject to Volstead liens for drainage projects; and

WHEREAS, the said Public Law 85-387 provided that the purchase price of said lands shall be the appraised value thereof according to the appraisal of the secretary of the interior, less the amount of drainage liens assessed against
said lands pursuant to the provisions of the Volstead act of May 20, 1908; 35 Stat. 169; and

WHEREAS, the commissioner of conservation has selected 33,220.97 acres of said lands which have been appraised by the secretary of the interior at $341,288.77; and

WHEREAS, the amount of drainage liens assessed against said lands pursuant to the Volstead act has been determined by the secretary of the interior to be $193,107.84; and

WHEREAS, the Public Law 85-387 provides that the said amount so determined shall be paid within two years from the time it is determined, and the secretary of the interior determined on December 19, 1960 that the amount of money required to purchase said lands is $148,180.93.

NOW THEREFORE:

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

Section 1. Volstead lands; purchase; appropriation. There is hereby appropriated from the general revenue fund the sum of $148,180.93 to be paid by the state treasurer to the United States of America for the purposes aforesaid but said sum shall be paid not sooner than November 1, 1962.

Sec. 2. The lands so acquired shall be under the jurisdiction of the commissioner of conservation, and may be leased, exchanged, and sold in the same manner as trust fund lands.

Sec. 3. All income derived from the sale, leasing or other use of this land or its products shall be credited to the fund provided in Minnesota Statutes H157, Section 89.035.

Approved April 20, 1961.

CHAPTER 495—S. F. No. 1148

[Not Coded]

An act granting to cities of the first class certain powers relative to bonding for flood control; amending Laws 1957, Chapter 685.

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

Section 1. Laws 1957, Chapter 685, is amended to read:

Section 1. Flood control, bonds, indebtedness. Any city of the first class is authorized and empowered to borrow a sum not to exceed $700,000 $1,100,000 for the purpose of matching funds allocated by the United States Government for the purpose of flood control in such city; and for that purpose to issue and sell, from time to time, and without submitting the question of the issuance of the same to a vote of the people, the bonds of said city in the sum and amount of $700,000 $1,100,000, or such part thereof as shall be deemed necessary; and to secure the payment of such bonds by pledging the full faith and credit of such city therefor. Such bonds shall be in such form and bear interest at such rate as the council of such city may prescribe, and shall be sold by the council of such city to the highest bidder therefor after at least two weeks published notice of the time and place for receiving bids. Said bonds shall be issued to mature serially, the first installment of which shall become due and payable in not more than three years and the last of which shall become due and payable in not more than thirty years from the date of their issue. The proceeds received from the sale of such bonds shall be deposited by the city in a fund to be designated as "Flood Control Project Fund" and the moneys shall be disbursed therefrom for the purpose aforesaid in the same manner as other funds of the city are disbursed, but only for the purpose herein expressed. The amount of such bonds from time to time outstanding shall not be considered in determining the net indebtedness of said city for the purpose of borrowing money or other purposes and the amount of such bonds or certificates of indebtedness shall be excluded in determining the debt limit of the city.

Sec. 2. Receipts and expenditures. The receipt and expenditure of any moneys hereunder shall not be included within the definition of any limitation imposed on taxing or spending by the charter of such city.

CHAPTER 628—H. F. No. 1226

[Not Coded]

An act relating to the Great Lakes diversion cases in the United States supreme court and appropriating money therefor.

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

Section 1. Great Lakes diversion cases. The attorney general is directed to consult with the Minnesota representatives on the Great Lakes Commission and work with the attorneys general of the states of Wisconsin, Ohio, Pennsylvania, Michigan and New York, with respect to the position to be taken by the state of Minnesota as a plaintiff and as a defendant in the following cases presently before the United States Supreme Court: States of Wisconsin, Minnesota, Ohio, Pennsylvania, Michigan and New York v State of Illinois and the Sanitary District of Chicago; and State of Illinois v States of Michigan, Ohio, Pennsylvania, Minnesota, New York and Wisconsin.

Sec. 2. There is hereby appropriated out of any moneys not otherwise appropriated and available therefor the sum of $82,316.95 to defray the expenses of the state of Minnesota in connection with the Great Lakes Diversion cases, including but not limited to the expenses of expert witnesses, salary of assistant attorney general assigned to the case, expense of Special Master, and court reporting, transcript and other expenses incurred by reason of the litigation.

Approved April 20, 1961.
An act providing for the establishment and administration of a water control and sanitary district comprising the city of Thief River Falls and the towns of North, Rocksbury, and Smiley in Pennington county.

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

Section 1. Definitions. Subdivision 1. The definitions in this section shall obtain for the purposes of sections 1 to 8 except as otherwise expressly provided or indicated by the context.

Subd. 2. "District" means a water control and sanitary district created under the provisions of sections 1 to 8.

Subd. 3. "District court" or "court" means the district court of the judicial district in which the territory of the district proposed or established hereunder is situated.

Subd. 4. "Board" means the board of directors of a district.

Subd. 5. "Municipality" means the city of Thief River Falls, the town of North, the town of Rocksbury, or the town of Smiley in Pennington county.

Subd. 6. "Improvement" means:

(a) Dredging or other improvement of a river channel for water supply, sanitation, sewage disposal, or any other public purpose;

(b) Constructing, restoring, improving, enlarging, developing, operating, or managing facilities for the storage, control, or conservation of water or the flow or use thereof;

(c) Reclamation, filling, or other improvement of wet or overflowed lands;

(d) The doing of any other work or the construction of any other thing or device for the accomplishment of any purpose of this district.

Subd. 7. "Watershed district" means a watershed district established under the provisions of Minnesota Statutes 1957, Chapter 112, known as the Minnesota Watershed Act, and acts amendatory thereof or supplementary thereto as now in force or hereafter enacted.

Sec. 2. Territory; purposes. A district may be established under the provisions of sections 1 to 8 for the territory comprising the city of Thief River Falls and the towns of North, Rocksbury, and Smiley in Pennington county for the purposes stated in said provisions. Such a district may be established notwithstanding the inclusion of said territory or any part thereof within the area embraced by a watershed district, a conservancy district, a drainage district, or other public corporation, governmental subdivision, or project; provided, that the establishment, maintenance, and operation of a district hereunder shall not affect the establishment, maintenance, operation, extent, or authority of any such watershed district, conservancy district, drainage district, or other public corporation, governmental subdivision, or project, except so far as may be necessary to give effect to the provisions of sections 1 to 8.

Sec. 3. Establishment of district. Subdivision 1. Petition to district court. A proceeding for the establishment of a district may be initiated by petition to the district court, signed by the authorized officer or officers of all the municipalities embraced by the proposed district pursuant to resolutions of their governing bodies, respectively, and filed with the clerk of the court. The petition shall set forth the following:

(a) The name proposed for the district to include the words "water control and sanitary district";

(b) A statement of the facts and circumstances showing the necessity for the district and the establishment and maintenance thereof would be conducive to the public health and welfare;

(c) The names of the persons proposed as the first members of the board of directors of the district, subject to the provisions of section 5;

(d) A request for the establishment of the proposed district.

Subd. 2. Procedure on petition. Upon and after the filing of the petition further proceedings shall be had and action taken as now provided by Minnesota Statutes 1957, Sections 111.04 to 111.07, Section 111.08, Subdivisions 1 and 2, Section 111.09, Subdivision 1, Section 111.10, and Section 111.42, with respect to the establishment of the district and the appointment, organization, and officers of the board of directors, and all of said provisions, so far as they relate to said matters and so far as applicable, shall apply to and govern the corresponding matters with respect to the establishment of a district hereunder, except as otherwise expressly provided.

Subd. 3. Initial procedural expenses. No bond for expenses connected with the proceedings shall be required of the petitioners. All expenses incident to the preparation and filing of the petition, the hearing and other proceedings thereon, and the organization of the board shall be paid by the city of Thief River Falls, subject to reimbursement therefor out of any available funds of the district, if established.

Sec. 4. Purposes and powers of district. Subdivision 1. General status, purposes and powers. A district shall be a public corporation and a governmental subdivision of the state. Except as otherwise expressly provided, a district shall have all the purposes and powers now or hereafter prescribed by law for a watershed district and such other powers and purposes as may be prescribed by sections 1 to 8 or otherwise prescribed by law. Except as other-
wise expressly provided, all the provisions of law applying to watershed districts as now in force or hereafter enacted shall, so far as applicable, apply to and govern a district established hereunder and all the activities, operations, funds, property, and other affairs thereof. Except as otherwise expressly provided, a power or duty vested in or imposed upon a district or any of its officers, agents, or employees shall not be deemed exclusive and shall not supersede or abridge any power or duty vested in or imposed upon any other agency of the state or any governmental subdivision thereof, but shall be supplementary thereto.

Subd. 2. **Authority to sue and contract.** A district may sue and be sued and may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

Subd. 3. ** Acquisition and disposal of property.** A district may acquire by purchase, gift, or lease, any real or personal property within or without the territory of the district and may acquire by condemnation as provided by law any real or personal property within the confines of the city of Thief River Falls and the towns of North, Rocksbury and Smiley in Pennington County which may be necessary for any authorized district purpose, and may lease or rent out or sell or otherwise dispose of any such property so far as not needed for such purposes.

Subd. 4. **Acceptance of gifts, grants, and loans.** A district may accept gifts, grants, or loans of money or other property from the United States, the state, or any person, corporation, or other entity for any authorized district purpose, and may enter into any agreement required in connection therewith, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan, or agreement relating thereto.

Subd. 5. **Cooperation with other agencies.** A district may be a party to a joint cooperative project, undertaking, or other enterprise with any one or more other governmental subdivisions or other public agencies for any authorized district purpose, and may enter into any agreement entered into in connection therewith, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan, or agreement relating thereto.

Sec. 5. **Board of directors.** Subdivision 1. Membership; appointment. The governing body of a district shall be a board of directors of five members appointed by the district court as provided by the laws referred to in section 3, subdivision 2. Two members of the board shall be voters and residents of the city of Thief River Falls, one shall be a voter and resident of the town of North, one shall be a voter and resident of the town of Rocksbury, and one shall be a voter and resident of the town of Smiley in Pennington County. Whenever a board member is to be appointed for a new term or to fill a vacancy, the governing body of the municipality of which he is to be a resident may submit to the court nominations for the appointment, and the court shall consider the same but shall not be bound thereby.

Subd. 2. **Powers of board.** Except as otherwise expressly provided, all the powers of a district shall be exercised by its board. Except as otherwise expressly provided, the board, with respect to the purposes and powers of the district, shall have like powers as are now or hereafter vested by law in the board of managers of a watershed district, and all the provisions of law applying to such a board of managers as now in force or hereafter enacted shall, so far as applicable, and not inconsistent herewith, apply to and govern the board of a district established hereunder. The board shall have power to do and perform all acts and things necessary or proper for the accomplishment of the purposes of the district.

Sec. 6. **Improvement projects.** Subdivision 1. **Initiation by petition.** A project for an improvement to be undertaken by the district may be initiated by petition to the board signed by the authorized officer or officers of any municipality embraced in the district pursuant to resolution of the governing body thereof or otherwise signed as provided by Minnesota Statutes 1957, Section 112.48 as amended. No bond shall be required if the petition is signed in behalf of any such municipality. Except as otherwise expressly provided, further proceedings shall be had and initiated on the petition as prescribed by the provisions of Minnesota Statutes 1957, Chapter 112 as amended, relating to projects or improvements, as now in force or hereafter enacted.

Subd. 2. **Initiation by the board.** The board may, without a petition or proceedings thereon, initiate and undertake any improvement or project for any authorized district purpose for which funds are or may be made available and may thereupon proceed as provided by Minnesota Statutes 1957, Section 429.041, as now in force or hereafter amended, or as otherwise authorized or permitted by law.

Subd. 3. **Assessments.** Except as otherwise expressly provided, the board may cause benefits and damages to property resulting from any improvement project initiated by petition to be assessed as provided by the applicable provisions of Minnesota Statutes 1957, Chapter 112 as amended, as now in force or hereafter amended, or as provided by the applicable provisions of Minnesota Statutes 1957, Section 429.051 as amended by Laws 1959, Chapter 490, to Section 429.081, as now in force or hereafter amended.

Subd. 4. **Suits.** The board may sue and be sued and may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.
property actually affected by an improvement whether the property abuts thereon or not.

Subd. 4. Assessments may be made as provided by subdivision 3 against any municipality or governmental subdivision on account of benefits to its property; works, installations, facilities, or utilities resulting from an improvement, or on account of public benefits otherwise resulting from any improvement. In case of any such assessment, the governing body of the municipality or governmental subdivision affected shall, if other funds are not available for payment of the assessment, levy a tax against all taxable property within its jurisdiction sufficient to make timely payment of such assessment or the installments thereof, which tax shall be in addition to all other taxes levied authorized by law and shall not be subject to any limitation prescribed by law.

Sec. 7. Funds. Subdivision 1. General provisions. The district shall be subject to and shall have the benefit of all the provisions of law relating to the funds of a watershed district, so far as applicable, except as otherwise expressly provided. All powers and duties vested in or imposed upon the board of managers or the officers of a watershed district by said provisions shall be exercised and performed by the board or the corresponding officers of the district established hereunder, as the case may require.

Subd. 2. Contributions from constituent municipalities; tax. The board may at any time prepare a budget or other statement showing the cost of administration or maintenance of the district for any period or the cost of any district operation, project, or improvement, or the cost of acquisition of any real or personal property required for any authorized district purpose, may make a proposal for apportionment of such cost among the municipalities embraced within the district upon such basis in relation to benefits derived therefrom as the board deems just and equitable, and may, so far as payment thereof is not otherwise provided for, request payment according to such proposal from the respective municipalities concerned. Thereupon the governing body of each such municipality may provide for payment of the amount requested or such part thereof as it deems fair and reasonable. Such payments may be made out of the general revenue funds or any other available funds of the respective municipalities, and the governing body thereof may levy taxes to provide funds therefor, subject to applicable limits.

Subd. 3. Status of district for borrowing purposes. A district shall be deemed to be a municipality for the purpose of borrowing money and issuing bonds or other obligations under the provisions of Minnesota Statutes 1957, Sections 429.091 and 429.101 and Chapter 475, as now in force or hereafter amended, and a district shall be subject to and have the benefit of all of said provisions except as otherwise expressly provided. All powers and duties vested in or imposed upon the governing body or the officers of a municipality by said provisions shall be exercised and performed by the board or the corresponding officers of a district, as the case may require.

Subd. 4. General borrowing power. The board may authorize the borrowing of money for any district purpose and provide for the repayment thereof so far as funds may lawfully be made available therefor, subject to the limitations of net debt prescribed by Minnesota Statutes 1957, Section 475.53, as now in force or hereafter amended.

Subd. 5. Bonds. The board may authorize the issuance of bonds or obligations of the district to provide funds for any improvement project or for the acquisition of any real property for any district purpose, or for refunding any prior bonds or obligations issued for any such purpose, and may pledge the proceeds of any assessments or any other available funds or income of the district to the payment of such bonds or obligations and interest thereon or expenses incident thereto. Except as otherwise expressly provided, all the provisions of Minnesota Statutes 1957, Sections 429.091 and 429.101, and Chapter 475, as now in force or hereafter amended, so far as applicable, shall apply to and govern the issuance and repayment of bonds or other obligations of the district and all matters relating thereto, as the case may require.

Sec. 8. Appeals. An appeal from any assessment made in connection with any district improvement project may be taken as provided by the laws governing the assessment procedure followed in the case. An appeal from any other order or decision of the board may be taken as provided by the laws governing appeals from orders of the board of managers of a watershed district in like cases.

Sec. 9. Approval. This action shall become effective only after its approval by majority vote of the governing body of the city of Thief River Falls and a majority vote of the board of supervisors of North, Rocksbury and Smiley in Pennington County and upon compliance with the provisions of Laws 1959, Chapter 368.

Approved April 20, 1961.

CHAPTER 712—H. F. No. 1838

[Not Coded]

An act relating to wild animals; authorizing the commissioner of conservation to construct, maintain, and operate a fish rearing pond in Lac Qui Parle or Chippewa county; appropriating moneys therefor from the game and fish fund.

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

Section 1. Fish rearing pond; construction and operation. The commissioner of conservation is authorized to construct, maintain, and operate a rearing pond for wall-eyed pike and other suitable species of fish at such suitable site as he may select near Lac Qui Parle Lake in Lac Qui Parle or Chippewa county, to construct, maintain, and op-
An act authorizing the commissioner of conservation to enter into an agreement with the Minnesota Power and Light Company for the use of certain lands as a northern pike spawning area, and to indemnify the company against all flood damage claims arising out of this use.

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

Section 1. Conservation; spawning area. The commissioner of conservation is authorized to enter into an agreement with the Minnesota Power and Light Company, a Minnesota corporation, for the use as a spawning area of the following lands under the control of the company in St. Louis county, Minnesota: The northwest quarter of the northwest quarter; the southwest quarter of the northwest quarter; the northeast quarter of the northwest quarter in section 8, township 52 north, range 14 west. The southwest quarter of the northwest quarter; the northeast quarter of the northwest quarter; the southeast quarter of the southwest quarter lying southeasterly of county road 238 being in section 5, township 52 north, range 14 west.

Sec. 2. The spawning area will be known as Island Lake spawning area and will be operated from March 15 to June 30 or as near to that period as the weather permits. Notice shall be given by the commissioner to the Minnesota Power and Light Company at the beginning and termination of the project each year.

Sec. 3. Any flood damage claim which arises out of and due to the negligence of the department of conservation during the period that the spawning area is operated by the department that the Minnesota Power and Light Company is legally obligated to pay and does pay, will be reimbursed from the game and fish fund in the state treasury.

Approved May 11, 1961.
An act authorizing the issuance of general obligation bonds and the levy of special assessments by Red Lake, Polk, and Clearwater counties to pay costs of an improvement to be constructed by the Red Lake Drainage and Conservancy District and the Corps of Engineers, United States Army.

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

Section 1. Red Lake drainage and conservancy district. The counties of Red Lake, Polk, and Clearwater are authorized, by resolutions of their respective boards of county commissioners, to issue their general obligation bonds in the amounts required to provide the necessary funds to pay their respective proportionate shares of the cost of the improvement to be constructed within their boundaries by the Red Lake Drainage and Conservancy District, in cooperation with the corps of engineers, United States army, in accordance with the orders of the district court of the ninth judicial district dated February 8, 1962 and May 14, 1962, establishing this improvement and apportioning the costs thereof, and in accordance with such further orders as the court may make and enter in the matter of the petition by the Red Lake Drainage and Conservancy District for the improvement, enlargement, and rectification of the channel of the Lost River.

Sec. 2. The bonds shall be secured as provided in Minnesota Statutes 1961, Section 106.411, and shall be issued and sold in accordance with that statute, except that they may be sold and delivered to the purchasers before the improvement is contracted for or constructed, and without advertisement or award of any construction contract by the counties or the district. The proceeds of the bonds shall be paid over by the respective county treasurers to the treasurer of the Red Lake Drainage and Conservancy District and by him credited to the construction and maintenance fund of the district, to be used solely to pay costs of the improvement, including sums required to be paid to or deposited with the corps of engineers in accordance with its agreement with the district. After the letting of the contract or contracts for the construction of the improvement, tabular lien statements shall be prepared and special assessments shall be levied upon property benefited by the construction of the improvement and collected by the county auditor and treasurer of each county in accordance with Minnesota Statutes 1961, Sections 111.30 and 111.31, but all such special assessments shall be deposited by each county treasurer in a debt redemption fund and applied to pay the bonds issued by the county, in accordance with section 106.411. If such redemption fund is at any time, whether before or after the award of construction contracts, insufficient to pay principal or interest due on the bonds, such payment may nevertheless be made from any available funds in the county treasury, subject to reimbursement, as provided in section 106.411, subdivision 7 and in section 475.61. Nothing herein shall affect the obligation of each county to levy, collect, and pay over to the district special assessments for its preliminary expense fund or for the upkeep and repair of the improvement, as provided in sections 111.29, 111.30, and 111.31.

Sec. 3. This act applies solely to the contiguous counties of Red Lake, Polk, and Clearwater and to the Red Lake Drainage and Conservancy District. This act shall become effective upon approval by resolution adopted by a majority of the governing board of each of said counties and by a resolution adopted by a majority of the board of directors of said drainage and conservancy district, and upon compliance with Minnesota Statutes 1961, Section 645.021.

Approved February 19, 1963.
thereby in Dry Sand lake, unless the commissioner shall have first obtained an easement therefrom from the owners of lands affected.

Sec. 4. The district court having jurisdiction over judicial ditch no. 7 is hereby fully empowered to make all orders necessary to effectuate the purposes of this act.

Sec. 5. Before commencement of the construction of the water control structure authorized by this act the commissioner of conservation shall file a petition for modification of the ditch by such construction with the clerk of the district court having jurisdiction over judicial ditch no. 7, and therein set forth in detail plans and specifications for the proposed control structure. The clerk of court shall promptly notify the judge thereof who shall order a hearing to be held upon the petition at such time and place as shall be agreed upon by the commissioner.

Sec. 6. Subdivision 1. Notice of the hearing shall state the pendency of the petition and the time and place set for the hearing. The notice shall contain a brief description of ditch modifications petitioned for and the general location thereof, together with the description of the properties theretofore determined to be benefited or damaged by judicial ditch no. 7, and the names of the owners thereof as shown on the current tax rolls, and the municipal and other corporations affected thereby. It shall be sufficient if such names be listed in narrative form and if the lands affected be separately listed in narrative form by governmental sections or otherwise. Separate notices may be prepared for use and published, posted and mailed in each county affected, containing only the names of persons and corporations and descriptions of the properties affected in the county.

Subd. 2. The clerk of court shall cause such notice to be given to all persons interested by publication and by mail as defined in Minnesota Statutes 1961, Section 106.011, Subdivisions 2 and 3. Printed copies of the notices, so made for each county, shall be posted at least three weeks before the date of hearing in three public places in each township in each county where properties affected by judicial ditch no. 7 are situated and one at the front door of the courthouse in each county. Within one week after the beginning of publication, the clerk shall mail a printed copy of the notice to all persons, corporations and public bodies named therein.

Sec. 7. Upon due publication, posting and mailing of notice of hearing provided in section 6, the court shall have jurisdiction of all lands and properties described therein, and of all persons and corporations, municipal or otherwise, named therein, and all persons or corporations having any interest in any mortgage, lien or encumbrance against any of the lands or properties described therein.

Sec. 8. At the time and place specified in the notice, or at any adjournment thereof, the court shall consider the petition for the modification of judicial ditch no. 7. The court shall hear and consider the testimony presented in behalf of all parties interested. The engineer who prepared the plans and specifications, or his assistant therein, shall be present. The hearing may be adjourned from time to time as may be found necessary.

Sec. 9. If the court shall find that the modification of the ditch as petitioned for is in compliance with the provisions of this act, and will be in the best public interest and will provide substantial benefit to the public for boating, hunting and other recreational purposes, the court shall make findings accordingly and shall order the ditch system to be so modified. Such order modifying the ditch system shall have the same force and effect as the order originally establishing the ditch system.

Sec. 10. The order of the court modifying the ditch system shall provide that all construction and subsequent maintenance and repairs of the ditch modification shall be done and performed by the commissioner of conservation without any cost to the owners of lands and properties previously within the drainage system of judicial ditch no. 7.

Sec. 11. The commissioner of conservation, or any party aggrieved thereby shall have the same right of appeal to the district court or the supreme court from any orders issued by the court proceeding under this act as from a similar order made in a proceeding to establish a ditch system as provided in Minnesota Statutes 1961, Chapter 106; and on like grounds and with similar procedure.

Sec. 12. Laws 1961, Chapter 396 is hereby repealed.

Approved April 10, 1963.

CHAPTER 254—H. F. No. 1088

[Not Coded]

An act relating to the jurisdiction and powers of the port authority of the city of Saint Paul with reference to recreation and recreation facilities.

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

Section 1. St. Paul port authority; recreation facilities. The port authority of the city of Saint Paul shall have jurisdiction over the use of the Mississippi River for recreation purposes within its port district and may acquire and may expend port authority moneys for lands abutting upon said river within said port district for the purpose of constructing, operating directly, by lease or otherwise, and maintaining recreation facilities and shall establish regulations controlling the use of said river and abutting lands, either individually as such port authority, or in cooperation with the United States Government or its agencies, the city of Saint Paul, the state of Minnesota and any of said state's agencies or political subdivisions. The port authority shall not have any police power by virtue of this act, nor shall it take lands owned, controlled, or used by the city of Saint Paul without consent of the council of the city of Saint Paul.

Sec. 2. This act is passed in lieu of and substitution for those provisions on the same subject contained in Minnesota Statutes 1961, Section 458.16, in the paragraph numbered (8).

Sec. 3. This act shall become effective upon approval by a majority of the members of the board of commissioners of the
An act relating to tax levies by certain counties for the purpose of the development of the natural resources throughout the Red River Basin of Minnesota: amending Laws 1959, Chapter 556, Section 1.

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

Section 1. Red River Valley development. The board of county commissioners of the counties of Kittson, Roseau, Marshall, Polk, Red Lake, Norman, Becker, Clay, Lake of the Woods, Mahnomen, Wilkin, and Clearwater may annually levy a tax of not to exceed one-fourth of one mill, in excess of existing limitations, for the sole purpose of maintaining and operating the Red River Valley Winter Shower and its buildings, facilities, or equipment existing and new programs which develop and promote the natural resources of the counties of the Red River Basin of Minnesota. These tax moneys shall be provided to the "Minnesota Red River Valley Development Association" for allotment as appropriate.

Sec. 2. This act shall become effective as to any county named in section 1 only after its approval by the board of county commissioners of the county, and upon compliance with Minnesota Statutes, Section 645.021.

CHAPTER 468—S. F. No. 1407

An act authorizing Koochiching county to form districts for the construction of water or sewer facilities or both and to acquire land and easements, impose service charges, levy special assessments, and issue bonds for that purpose.

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

Section 1. Koochiching county; water and sewer facilities. The board of county commissioners of Koochiching county, upon receipt of a petition for the formation of a water or sewer district or combined water and sewer district within any area of the county not organized into cities, villages, or towns, and after determining the sufficiency of the petition as provided in section 2 and making such investigations and surveys as its considers necessary to ascertain whether it should be granted, may by resolutions form such a district; cause plans and specifications to be prepared for facilities adequate to obtain, store, treat, and distribute water for domestic, commercial, and industrial use therein, or facilities adequate to collect, treat, and dispose of sewage and waste in a sanitary manner, or both such types of facilities; contract for the construction of such facilities; acquire land and easements for the purpose within or outside the district by purchase, gift, condemnation, or other lawful means; establish, collect, and revise charges for the use and availability of water or sewer service or both to all premises within the district to which service is furnished or made reasonably available, and for connection to the facilities, in the manner provided in Minnesota Statutes, Section 444.075; levy special assessments upon properties specially benefited by the construction of the facilities, in the manner provided in Minnesota Statutes, Chapter 429; and issue bonds of the county to finance such construction as provided in section 3 of this act.

Sec. 2. Subdivision 1. Any petition for the formation of such a district shall describe in a general way the proposed boundary of the district and the types of facilities which the petitioners believe should be constructed, and shall have attached to it a list of all lands and lots subject to taxation within the proposed boundary, showing the names of the owners and the number of acres and lots or parts of lots or blocks included in each description of property, so far as such information appears in the most recent assessment book prepared by the county auditor in accordance with Minnesota Statutes, Section 273.03; the area and the name of the owner or reputed owner of any tract as to which such information is not shown in the assessment book, so far as known to the petitioners; and the most recent assessed valuation, as finally equalized, of each tract and lot appearing on the list, including all improvements and structures thereon, according to the official records of the county auditor.

Subd. 2. The petition shall be signed by persons shown on the list as owners of 50 percent or more of the total area of lands appearing thereon, except that one joint tenant, tenant in common, life tenant under a trust or otherwise, or parent or guardian of the estate of any owner of any tract may sign the petition with like effect as if it were signed by all owners of the tract named on the list.

Subd. 3. The petition may consist of any number of pages, and when completed shall be filed with the county auditor, accompanied by an affidavit or affidavits executed by one or more of the petitioners, stating that the affiant or one of the affiants personally witnessed each signature on the petition, that each such signature is known to the affiant to be that of a person appearing on the attached list, whose signature it purports to be, and that such person examined the text of the petition and the attached list before signing, and was not induced or compelled to sign by fraud or duress.

Subd. 4. The board of county commissioners shall consider the petition at its next regular meeting after such filing, or at a special meeting called for the purpose. No errors in legal descriptions or other information contained in the petition and attached list shall divest the board of jurisdiction to consider it, and the board may cause such errors to be corrected at any time. If in the judgment of the board the petition has been signed by owners of the required area, so far as can reasonably be ascertained, and there appears to be need for the construction of water or sewer facilities, or both, to maintain the health and welfare of the residents of the proposed district, the board may adopt a resolution creating the district and directing the preparation of a preliminary report by the county en-
Subd. 5. Any area which might have been included within a district formed pursuant to this section may be annexed thereto by petition filed and approved as provided herein. Any facilities of the types described in section 1 may be improved, extended, or added if so ordered by the board of county commissioners after hearing and notice in accordance with Minnesota Statutes, Section 429.031.

Sec. 3. At any time after a contract for the construction of all or part of an improvement ordered pursuant to section 2 has been entered into, the board of county commissioners may issue general obligation bonds of the county in such amount as it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred in making the improvement, including every item of cost from inception to completion and all fees and expenses incurred in connection with the improvement or the financing thereof. Such bonds may be issued when authorized by a majority of the electors of the county voting on the proposition at a general or special county election. Alternatively, the bonds may be issued and sold by resolutions of the board of county commissioners if, before they are delivered to the purchaser, special assessments have been levied and appropriated to the bond sinking fund in a principal amount, payable in such installments, and bearing interest at such rate, that, if collected in full, they will produce at least five percent in excess of the amounts needed to meet when due principal and interest payments on the bonds; or if, before the bonds are delivered to the purchaser, the board shall by resolution determine the principal amount, the number and times of collection of installments, and the interest rate of the special assessments to be levied upon properties within the district with respect to the facilities financed by the bonds, and shall establish charges for all use and availability of the facilities and all connections thereto, according to a schedule calculated by the board to be sufficient to pay all current, reasonable, and necessary costs of the operation and maintenance of the facilities and to produce net revenues which, with the collections of such special assessments from time to time, will exceed by at least five percent the amounts needed to meet when due the principal and interest payments on the bonds, and shall irrevocably appropriate all collections of such assessments and revenues to the bond sinking fund. All bonds herein authorized shall be issued, sold, and secured otherwise as provided in Minnesota Statutes, Chapter 475.
The bonds herein authorized, or any portion thereof, may be issued and sold by the city of Cloquet notwithstanding any limitation contained in chapter 475 or any other law prescribing or fixing any limit upon the bonded indebtedness of such city. Any taxes that may be levied to pay the principal of such bonds and the interest thereon may be levied without being included within the per capita or any other limitations applicable to the city of Cloquet.

Nothing in this section shall authorize the governing body of the city of Duluth to issue any bonds pledging the full faith, credit and taxing power of the city except upon a majority vote of the electorate of the city of Duluth as provided in Minnesota Statutes, Chapter 475.

Sec. 4. By and through their respective governing bodies, acting by a resolution adopted by a majority vote of the members of each of the governing bodies, the city of Duluth and the city of Cloquet may adopt administrative rules and regulations relating to the operation and maintenance of such water supply system, and shall establish, maintain, enforce, and may alter, rates, charges, or rentals for the services supplied by such water system.

Sec. 5. The governing bodies of the city of Duluth and the city of Cloquet, or their duly authorized representatives, shall give due and prompt consideration to an application from any city, village, town, corporation, partnership, or individual in St. Louis county or in Carlton county, for permission to obtain water from such water supply system, and if the granting of such application will be deemed to be in the public interest, the city of Duluth and the city of Cloquet, or their duly authorized representatives, may approve such application upon such terms and conditions as shall be fair, just, and reasonable.

Sec. 6. The city of Duluth and the city of Cloquet, either jointly or severally, may contract for the supply of water to any city, village, town, corporation, partnership, or individual in St. Louis county or in Carlton county, for a period not exceeding 50 years, with renewal for additional periods not exceeding 50 years upon such terms and conditions as the city of Duluth and the city of Cloquet, jointly or severally, consistent with this section, shall at that time deem in the public interest.

Sec. 7. This act shall become effective only after its approval by a majority of the governing body of the city of Duluth and its approval by a majority of the governing body of the city of Cloquet, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 3, 1963.

CHAPTER 671—S. F. No. 1570
[Not Coded]

An act authorizing the commissioner of conservation to replace the dam and perform related construction work at the site of the dam located at the outlet of Kansas Lake in Watonwan county; appropriating money therefor.

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

Section 1. Kansas Lake; replacement of dam. In order to control the water level on Kansas Lake, in Watonwan county, the commissioner of conservation is authorized and directed to replace the dam at the outlet of Kansas Lake and make such other related repairs as may be necessary at the site of the dam, which is located in Government Lot 1 (N.E. 1/4—N.E. 1/4), Section 9, Township 105 North (Long Lake), Range 32 West of the 5th P.M.

Sec. 2. Construction authorized in section 1 shall not be undertaken until the county board of Watonwan county has indicated, by resolution properly certified, their intention of maintaining and operating the project when completed, and saving the state harmless from any claims of any nature arising therefrom.

Sec. 3. The sum of $5,000, or so much thereof as may be necessary, is appropriated to the commissioner of conservation for the purposes of this act from any moneys in the state treasury credited to the game and fish fund to be used to defray the cost and expense of the department of conservation in the acquisition, improvement, development and maintenance of sites for public access to public waters and for lake improvement. None of the money so appropriated shall be expended until the county board authorizes and makes available before June 30, 1965, the sum of $1,500 for the project, which sum shall be paid to the department of conservation and deposited in the state treasury. The county board may accept gifts or contributions for this purpose or may appropriate public money from funds of the county which are available for such purposes. Any public money so paid to the department of conservation shall be hereby appropriated to the commissioner for the purposes of this act. All money appropriated by this act shall not lapse but shall remain available until expended.

Approved May 13, 1963.

CHAPTER 761—H. F. No. 1433
[Not Coded]

An act authorizing the commissioner of conservation to acquire certain land in Itasca county from Severt S. Christenson, and appropriating money therefor.

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

Section 1. Acquisition of land by state; public access. The commissioner of conservation is authorized to acquire from Severt S. Christenson, for the consideration of $1,500, by warranty deed to the state the following described real estate situated in Itasca county, Minnesota:

TRACT 1

An act authorizing the commissioner of conservation to replace the dam and perform related construction work at the site of the dam located at the outlet of Kansas Lake in Watonwan county; appropriating money therefor.

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

Chapter 761—H. F. No. 1433

An act authorizing the commissioner of conservation to acquire certain land in Itasca county from Severt S. Christenson, and appropriating money therefor.

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

Section 1. Acquisition of land by state; public access. The commissioner of conservation is authorized to acquire from Severt S. Christenson, for the consideration of $1,500, by warranty deed to the state the following described real estate situated in Itasca county, Minnesota:

TRACT 1

All that part of the northwest quarter of the northeast quarter of section 12, T. 60 N., R. 22 W. of the 4th P.M., bounded by the water's edge of Beatrice Lake and the following described lines: Beginning at a point on the north line of said section 12, 668.0 ft. east of the north quarter corner thereof, and from which the north quarter corner of said section 12 bears N. 88°-54' W. from the point of beginning;

Thence S. 42°-36' W.—61.2 ft.
Thence S. 47°-24' E.—50.0 ft.

Thence S. 87°-15' E.—255.0 ft. more or less to the water's edge of Beatrice Lake and there terminating; And from the point of beginning S. 88°-54' E.—303.2 ft. more or less along the north line of said section 12 to the water's edge of Beatrice Lake and there terminating; Including all riparian rights to the contained 0.6 acres more or less and subject to existing road easements.

Sec. 2. There is appropriated from the moneys in the state treasury credited to the game and fish fund to be used to defray the cost and expenses of the department of conservation in the acquisition, improvement, development and maintenance of sites for public access to public waters and for lake improvement, the sum of $1,500 for the purposes of this act.

Approved May 17, 1963.

CHAPTER 882—H. F. No. 1825

[Not Coded]

An act requiring the board of trustees of the Minneapolis-St. Paul sanitary district to adopt a comprehensive plan for construction and financing of facilities required by entire area served or to be served by said district.

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

Section 1. Minneapolis-St. Paul sanitary district: plans. The board of trustees of the Minneapolis-St. Paul sanitary district shall adopt a comprehensive plan which shall include plans prepared and approved by the governing bodies of Minneapolis and St. Paul for the collection, treatment, and disposal of sewage for the entire area likely to be served by the sewage treatment facilities of such district. The comprehensive plan shall include a plan of facilities required to serve the area, the proposed schedule of construction, the estimate of the total cost of the construction. The cities providing the service shall propose a plan to finance the construction and the proposed method of dividing the operating and construction costs among the towns and municipalities affected, including the formula to be used in determining the cost to each affected town and municipality. The comprehensive plan need not include plans for sewer facilities to be constructed and used exclusively by one municipality within the area, but shall include plans for all other necessary sewerage facilities and appurtenances. The plan may be modified by the board of trustees from time to time. The cost of preparing such comprehensive plan shall be apportioned to the users of the system regardless of location.

Sec. 2. On or before October 1, 1964, the proposed comprehensive plan shall be submitted to the water pollution control commission unless an extension of time is granted by the water pollution control commission. The water pollution control commission shall hold a public hearing on the proposed comprehensive plan, including the cities' proposed finance plans in accordance with the provisions of Minnesota Statutes 1961, Sections 115.03 to 115.05 at which affected towns, municipalities and persons may submit their views with respect to such plans.

On or before January 2, 1965, the water pollution control commission shall issue a written report approving or rejecting the proposed comprehensive plan or recommending modification thereof. In the report, the water pollution control commission shall state its reasons for approving, rejecting or recommending modifications in the plan. If the water pollution control commission either rejects the plan or recommends modification thereof, the board of trustees of the Minneapolis-St. Paul sanitary district shall modify and resubmit the proposed comprehensive plan to the water pollution control commission within such time as the water pollution control commission may require.

Sec. 3. The board of trustees of the Minneapolis-St. Paul sanitary district shall submit a copy of its proposed comprehensive plan, as defined in section 1 of this act, to the Twin Cities metropolitan planning commission on the same date such plan is submitted to the water pollution control commission.

Sec. 4. Nothing in this act shall be interpreted as imposing upon the Minneapolis-St. Paul sanitary district the responsibility for financing sewage disposal outside the limits of its present boundaries.

Sec. 5. Nothing in this act shall deter or abrogate negotiations between municipalities relating to sewage disposal facilities already undertaken or stop new negotiations between municipalities relating to sewage disposal facilities during the preparation of the plan to be adopted by the Minneapolis-St. Paul sanitary district or otherwise affect planning and construction as is being or may be accomplished by any municipality or other authority.

Sec. 6. This act shall become effective when approved by a resolution adopted by a majority of the members of the board of trustees of the Minneapolis-St. Paul sanitary district and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 27, 1963.
CHAPTER 254—H. F. No. 1772

An act relating to the river basin water and related land resources commission for the Red River of the North, the Souris River, and the Rainy River; appropriating money therefor.

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

Section 1. Red River of North, Souris River, Rainy River; appropriation. There is hereby appropriated to the governor out of the general revenue fund in the state treasury the sum of $95,000, or so much thereof as may be necessary, for the purposes of the river basin and related land resources commission established for the Red River of the North, the Souris River, and the Rainy River under the Act of Congress, Public Law 89-80, 89th Congress, Approved July 22, 1965, so far as such purposes are of interest to this state. This appropriation shall be immediately available and shall remain available until June 30, 1969. With the approval of the governor, expenditures may be made therefrom for payment of the expenses necessarily incurred by the member of the commission from this state in the performance of his duties, for payment of the state's proper share of the expenses of the commission, and for grants to the commission for operations or activities of interest to this state in such amounts as the governor shall determine to be reasonable and commensurate with the benefits derived by this state therefrom.

Sec. 2. This act is in effect from and after its final enactment.

Approved April 28, 1967.

CHAPTER 534—H. F. No. 1868

An act relating to the county of Ramsey; authorizing certain improvements to lakes in the county, and the assessing of benefits therefor.

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

Section 1. Ramsey county; Lake Owasso. Subdivision 1.

The county board of Ramsey county may improve Lake Owasso in the county by dredging, improving the shore line, and controlling or destroying harmful or undesirable aquatic vegetation or organisms. No such improvement shall be made without obtaining a permit therefor from the commissioner of conservation as provided by law.

Subd. 2. The county board may assess benefits for the cost of such improvement, or any part thereof, upon property, both private and public, benefited thereby.

Subd. 3. The procedure for assessing benefits shall be as prescribed by Minnesota Statutes, Chapter 429, insofar as the provisions thereof are applicable.

Sec. 2. This act takes effect upon its approval by the county board of Ramsey county, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 17, 1967.

CHAPTER 541—H. F. No. 2120

An act relating to the city of Winona; authorizing the city to establish a port authority and a commission thereof, with the powers and duties granted port authorities established under the provisions of Minnesota Statutes, Sections 458.09 to 458.19.

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

Section 1. Winona, city of; port authority. The city council of the city of Winona by resolution may establish a port authority and a commission thereof to be known as the “Port Authority of Winona”. The applicable provisions of Minnesota Statutes, Sections 458.09 to 458.19 with all the powers and duties therein granted, shall apply to such port authority and the city of Winona.

Sec. 2. This act takes effect when approved by the governing body of the city of Winona and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 17, 1967.

CHAPTER 556—S. F. No. 2121

An act relating to the use of water from Birch Lake and the South Kawishiwi River in connection with the mining, production and beneficiation or concentration of copper, copper-nickel or nickel ores; limitations; permits, licenses, and leases authorized.

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

Section 1. Copper and nickel mining; use of state waters; Birch Lake and the South Kawishiwi River; limitations; permits, licenses, and leases authorized. Pursuant to Minnesota Statutes 1965, Section 110.13, any company or association engaged in or about to engage in the mining, production and beneficiation or con-
concentration of copper, copper-nickel or nickel ores is authorized to use water from Birch Lake situated in township 61, range 13, township 60, range 12, and township 61, range 12, in St. Louis county and in township 61, range 11, and in township 62, range 11, in Lake county, and to use water from the South Kawishiwi river, a tributary of said lake, in connection with any such operations and, so far as may be necessary for such purposes, to flood or otherwise affect lands of the state adjacent to said lake and river, all subject to the conditions and restrictions that:

(1) A permit or permits for the use of such waters be first obtained from commissioner of conservation under Minnesota Statutes 1965, Chapter 105, so far as applicable, and under any other applicable laws;

(2) All water withdrawn from said lake and said river in connection with said operations except such as may be lost by evaporation or as is contained in the concentrates produced shall be returned to the drainage basin from which taken in conformity with the water quality standards for the affected water systems which shall have been established by the water pollution control commission or other properly constituted state pollution control agency having jurisdiction thereof;

(3) A permit shall have first been obtained from the water pollution control commission under Minnesota Statutes 1965, Chapter 115, insofar as applicable and under other applicable laws for the construction, operation and maintenance of disposal systems in connection with such operations; and

(4) No lands owned by the state shall be flooded or otherwise affected thereby without permit, license, or lease for such purpose having first been obtained from the commissioner. The granting of such permits, licenses, and leases is hereby authorized.

Approved May 17, 1967.

CHAPTER 891—S. F. No. 1820

An act relating to the Great Lakes Basin Commission for joint inter-state and federal planning of water and related land resources, appropriating money therefor.

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

Section 1. Great Lakes Basin Commission; appropriation. There is hereby appropriated to the governor out of the general revenue fund in the state treasury the sum of $50,000, or so much thereof as may be necessary, for the purposes of the water basin and related land resources commission established for the Great Lakes under the Act of Congress, Public Law 89-80, 89th Congress, Approved July 22, 1965, so far as such purposes are of interest to this state. This appropriation shall be immediately available and shall remain available until June 30, 1969. With the approval of the governor, expenditures may be made therefrom for payment of the expenses necessarily incurred by the member of the commission from this state in the performance of his duties, for payment of the state's proper share of the expenses of the commission, and for grants to the commission for operations or activities of interest to this state in such amounts as the governor shall determine to be reasonable and commensurate with the benefits derived by this state therefrom.

Sec. 2. This act is in effect from and after its final enactment.

Approved May 25, 1967.

CHAPTER 907—H. F. No. 2017

An act relating to lakes, permitting the creation of lake conservation districts with certain powers.

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

Section 1. Lake Minnetonka conservation district. For the purposes of this act the term "municipality" includes cities, villages and towns.

Sec. 2. Subdivision 1. When the governing bodies of two-thirds of the municipalities bordering on Lake Minnetonka, a meandered lake lying within Hennepin and Carver counties, after public hearings thereon, determine that a lake conservation district shall be established under this Act, all the municipalities bordering the lake shall establish such a lake conservation district. The decision of a town shall be made by the board of supervisors of the town.

Subd. 2. The lake conservation district shall be governed by a board composed of members elected by the governing bodies of the municipalities included in the district. Each municipality shall elect at least one member and additional members as provided in this subdivision. The population of each municipality shall be divided by one-tenth of the total population of the district. Fractions of one-half or greater shall be raised to a whole number. Fractions smaller than one-half shall be disregarded. Each municipality shall elect a number of additional members equal to the product of that calculation less one. The term of office of each member shall be three years.

Sec. 3. Subject to the provisions of Minnesota Statutes, Chapters 98, 105, 106, 110, 112 and 115 and the rules and regulations of the respective agencies and governing bodies vested with jurisdiction and authority thereunder, the lake conservation district shall have the following powers:

(a) To regulate the types of boats permitted to use the lake and set service fees;

(b) To regulate, maintain and police public beaches, public docks and other public facilities for access to the lake within the territory of the municipalities;

(c) To limit by rule the use of the lake at various times and the use of various parts of the lake;

(d) To regulate the speed of boats on the lake and the conduct of other activities on the lake to secure the safety of the public and the most general public use;

(e) To contract with other law enforcement agencies to police the lake and its shore;
(f) To regulate the construction, installation and maintenance of permanent and temporary docks and moorings consistent with federal and state law;

(g) To regulate the construction and use of mechanical and chemical means of de-icing the lake;

(h) To regulate the construction, configuration, size, location and maintenance of commercial marinas and their related facilities including parking areas and sanitary facilities. The regulation shall be consistent with the applicable municipal building codes and zoning ordinances.

(i) To contract with other governmental bodies to perform any of the functions of the district;

(j) To undertake research to determine the condition and development of the lake and the water entering it and to transmit their studies to the water pollution control commission and other interested authorities; and to develop a comprehensive program to eliminate pollution;

(k) To receive financial assistance from and join in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and demonstration programs related to them;

(l) To construct and operate water control structures as approved by the commissioner of conservation.

Sec. 4. The duties of the district may be executed by employees of the municipalities and the expenses of the district shall be borne by the municipalities. The portion of the expenses of the district borne by each municipality shall be in proportion to its assessed valuation.

Sec. 5. The board of directors of the district shall, on or before July 1 each year, prepare a detailed budget of its needs for the next calendar year and certify the budget on that date to the governing board of each municipality in the district together with a statement of the proportion of the budget to be provided by each municipality. The governing board of each municipality in the district shall review the budget, and the directors, upon notice from any municipality shall hear objections to the budget and may, after the hearing, modify or amend the budget, and then give notice to the municipalities of modifications or amendments. It shall be the duty of the governing board or board of supervisors of each municipality in the district to provide the funds necessary to meet its proportion of the total cost to be borne by the municipalities as finally certified by the directors, the funds to be raised by any means within the authority of the municipalities and to pay the funds into the treasury of the district in amounts and at times the treasurer of the district may require. The municipalities may each levy a tax not to exceed 1/10th of a mill on the taxable property located therein, to provide the said funds. Said levy shall be within all other limitations provided by law.

Sec. 6. The municipalities included in a lake conservation district shall immediately file a notice with the secretary of state, the commissioner of conservation and the water resources board. The notice shall set an effective date for the organization of the district and a name for the district. The district shall be a body corporate and politic from that effective date, may sue and be sued, enter into contracts and hold real and personal property for its purposes.

Sec. 7. The members of the governing board of the district shall, at the organization meeting of the board, adopt a seal, bylaws for the regulation of the affairs of the district and rules of procedure to govern their actions, that shall not be inconsistent with law.

Sec. 8. Subdivision 1. The governing board of the district shall, at its organization meeting, elect from its membership a chairman to serve for a period of one year from the first meeting of the corporation, and shall also elect a secretary and a treasurer. They shall hold office at the pleasure of the corporation, and shall receive compensation as fixed by the corporation.

Subd. 2. The treasurer shall receive and be responsible for all moneys of the district, from whatever source derived, and they shall be considered public funds. Before taking office the treasurer shall give bond to the district in an amount to be determined by the governing board of the district. He shall disburse the moneys of the district in accordance with rules set by the governing board of the district. Whenver there are moneys in the possession of the treasurer not currently needed, the treasurer may invest the amount or any part thereof in treasury bonds, certificates of indebtedness, bonds or notes of the United States of America, or bonds, notes or certificates of indebtedness of the state of Minnesota, all of which must mature not later than three years from the date of purchase. Whenever it shall appear to the governing board that any invested funds are needed for current purposes before the maturity dates of the securities held, they shall certify the fact to the treasurer and it shall then be the duty of the treasurer to order the sale or conversion into cash of the securities in the amount certified. All interest and profit on investments shall be credited to and constitute a part of the funds of the district. The treasurer shall keep an account of all moneys received and disbursed by him, and at least once a year, at times to be designated by the district, file with the municipalities forming the district a financial statement of the district showing in appropriate and identifiable groupings the receipts and disbursements since the last approved statements; moneys on hand and the purposes for which the same are appropriated; and shall keep an account of all securities purchased, the funds from which purchased and the interest and profit which may have accrued thereon, and shall accompany the financial statement with a statement setting forth the account. The district may pay to the treasurer compensation in an amount it may determine to cover clerk hire to enable the treasurer to carry out the duties imposed upon him.

Subd. 3. The governing board of the district may, as soon after the organization meeting as is practical, appoint an executive director, who shall be the executive and operating officer of the district, shall serve at the pleasure of the governing board of the district, and shall receive compensation as may be fixed by it. Under the supervision of the governing board of the district, he shall be responsible for the operation, management, and promotion of all activities with which the district is charged, together with any other duties prescribed by the governing board of the district.
have the powers necessarily incident to the performance of his duties and others as granted by the district, but without authority to incur liability or make expenditures on behalf of the district without general or specific directions by the governing body of the district, as shown by the bylaws or minutes of its meetings.

Subd. 4. The district shall have the power to appoint other officers, agents, and employees who shall perform duties and receive compensation as the district determines and be removable at the pleasure of the district.

Sec. 9. A district established pursuant to this act is an employer within the definition of Minnesota Statutes, Section 176.011, Subdivision 10, and is included in the provisions of Minnesota Statutes, Chapter 176.

Sec. 10. A district established pursuant to this act is a public corporation within the definition of Minnesota Statutes, Section 466.01, and is included in the provisions of Minnesota Statutes, Chapter 466.

Sec. 11. A lake conservation district may be dissolved by the decision of the governing bodies of three-quarters of the municipalities in the district. The decision of a town shall be made by the board of supervisors of the town.

Sec. 12. This act shall be effective either (1) upon the approval of the governing bodies of Minnetrista, Mound, Spring Park, Orono, Minnetonka Beach, Wayzata, Minnetonka, Woodland, Deephaven, Shorewood, Greenwood, Excelsior, and Tonka Bay and the town boards of Laketown and Chanhassen and upon compliance with Minnesota Statutes, Section 645.021, or (2) upon the passage of a general law under the terms of which this act might have been made effective without the approval of the affected local government units.

Approved May 25, 1967.
RESOLUTION No. 1—H. F. No. 227

A concurrent resolution memorializing the President of the United States, the Federal Maritime Board, and the Congress of the United States to support measures to restore package freight service on the Great Lakes.

WHEREAS, the Congress of the United States under Public Law 856 enacted by the 81st Congress, provided that certain surplus vessels could be reconverted for use as package freighters on the Great Lakes.

WHEREAS, the vessels which were so reconverted were not used for the purpose intended because of the outbreak of the Korean War, but were assigned to the carrying of ore.

WHEREAS, prior to World War II package freight was a major Minnesota industry. In excess of 700,000 tons of freight were shipped to and from the Port of Duluth during the last year that package freighters operated on the Great Lakes. Included in said shipments from the State of Minnesota were approximately 64,000 tons of butter; 6,000 tons of butter milk; 12,000 tons of cheese; 28,000 tons of cream; 6,000 tons of eggs; 45,000 tons of dressed poultry; 170,000 tons of flour; 107,000 tons of mill products; in excess of 18,000 tons of wool; 19,000 tons of lumber; 3,000 tons of paper products and in excess of 40,000 tons of manufactured metal products.

WHEREAS, this trade benefited every segment of the Minnesota economy including the great agriculture and manufacturing industries.

WHEREAS, the discontinuance of this trade not only has adversely affected our agriculture and manufacturing industries, but has caused substantial unemployment in the maritime industries at the head of the Great Lakes.

WHEREAS, the restoration of package freight service on the Great Lakes not only will substantially contribute to the well being and growth of Minnesota industry, provide a market for products grown and manufactured in Minnesota, both at home and abroad, but will also help reduce unemployment and more importantly will provide a stepping stone to the maximum use of the facilities of the Port of Duluth for international trade when the St. Lawrence Seaway has been completed.

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives, the Senate concurring, that the President of the United States, the Federal Maritime Board, and the Congress of the United States be memorialized to effect the restoration of package freight service on the Great Lakes.

BE IT FURTHER RESOLVED, that the Secretary of State be instructed to transmit copies of this resolution to the President of the United States, the Federal Maritime Board, and to each member of Congress from the State of Minnesota.

Approved February 18, 1955.

RESOLUTION No. 3—H. F. No. 257

A concurrent resolution memorializing the President and the Congress of the United States to support measures authorizing the deepening of all Great Lakes connecting channels to a depth of thirty-six feet.

WHEREAS, the Congress of the United States authorized the construction of a portion of the St. Lawrence Seaway.

WHEREAS, the legislation enacted by Congress would not provide for the deepening of the connecting channels leading into Lake Superior.

WHEREAS, if Minnesota is to realize the full benefit of the St. Lawrence Seaway it is necessary that the connecting channels be deepened to thirty-six feet.

WHEREAS, deepening of the channel will result in annual transportation savings to shippers in Minnesota and the upper Northwest and will enable Minnesota to share fully in an expanded world trade.

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives, the Senate concurring, that the President of the United States and the Congress of the United States be memorialized to enact the necessary legislation to secure the immediate deepening of the connecting channels to a depth of thirty-six feet and to appropriate immediately the funds necessary for the completion of this work by the date of the completion of the remainder of the St. Lawrence Seaway.

BE IT FURTHER RESOLVED, that the Secretary of the State be instructed to transmit copies of this resolution to the President of the United States and to each member of Congress from the State of Minnesota.

Approved March 7, 1955.
RESOLUTION No. 5—H. F. No. 1008

A joint resolution memorializing the President and the Congress of the United States to support measures for the lamprey control program of the Great Lakes.

WHEREAS, the lamprey is propagating rapidly in the great lakes and is depleting the lake trout and other game and edible fish therein, and

WHEREAS, the influx of the lamprey in the great lakes is a menace to sportsmen and commercial fishermen, and

WHEREAS, this fact has been recognized by the federal government and certain legislation has been enacted by Congress to control the evil.

NOW, THEREFORE, BE IT RESOLVED, by the Legislature of the State of Minnesota, that the President of the United States and the Congress urge the enactment of legislation to control the lamprey in the great lakes.

BE IT FURTHER RESOLVED, that the secretary of state transmit copies of this resolution to the President of the United States and to each member of Congress from the State of Minnesota.

Approved February 28, 1957.

RESOLUTION No. 5—H. F. No. 593

A resolution memorializing the Congress of the United States to adopt the Blatnik Amendment to the Federal Water Pollution Control Act.

WHEREAS, the Congress of the United States has recognized the benefits resulting to the public health and welfare by the prevention and control of water pollution;

WHEREAS, it is the declared policy of the President of the United States to recognize, preserve, and protect the primary responsibilities and rights of the states in preventing and controlling water pollution, to support and encourage research relating to the prevention and control of water pollution, and to provide financial aid to state, and to state agencies and to municipalities in connection with the prevention and control of water pollution; and

WHEREAS, the Honorable John A. Blatnik, a member of Congress from the State of Minnesota, has proposed an amendment, H.R. 3610, to the Federal Water Pollution Control Act, which amendment provides for more effective control and prevention of water pollution, and for increased financial aid to states and municipalities for such purpose, and is known as the “Blatnik Amendment” to the Federal Water Pollution Control Act; and

WHEREAS, the President has named a nine-man advisory board to study the water pollution situation and make recommendations, which board has filed its report and recommendations, which recommendations are incorporated in H.R. 3610;

NOW, THEREFORE, BE IT RESOLVED, by the Legislature of the State of Minnesota, that Congress of the United States enact H.R. 3610, an amendment to the Federal Water Pollution Control Act.

BE IT FURTHER RESOLVED, that the Secretary of the State of Minnesota be instructed to transmit copies of this resolution to the President of the Senate and the Speaker of the House of Representatives of the United States, and to each member of Congress from the State of Minnesota.

Approved March 25, 1959.
EXTRA SESSION
RESOLUTION NO. 2—S. F. No. 169

A resolution memorializing Congress, the President and
the Secretary of Agriculture to enact legislation enabling
producers of agricultural products to benefit from the Great
Lakes-St. Lawrence Seaway.

WHEREAS, the Great Lakes-St. Lawrence Seaway has
opened a vast area of shipping and commerce to the Northern
and Western States,

WHEREAS, the Great Lakes-St. Lawrence Seaway is
providing low cost efficient shipping of agricultural products,

WHEREAS, the low shipping cost should inure to the
benefit of the producer of agricultural products in the form
of higher selling prices for the producer of agricultural
products.

NOW, THEREFORE, BE IT RESOLVED by the Legisla­
ture of the State of Minnesota that the Congress of the United
States, the President, and the Secretary of Agriculture
be requested to study and explore and to enact suitable legisla­
tion to enable the producers of agricultural products in the
Northern and Western areas of the United States to share in
the savings of shipping costs by reason of the use of the Great
Lakes-St. Lawrence Seaway.

BE IT FURTHER RESOLVED that the Secretary
of State be instructed to send a copy of this resolution to each
member of Congress from the states of Minnesota, Iowa, North
Dakota, South Dakota, Nebraska, Montana, and Wyoming, to
the President, and to the Secretary of Agriculture.

Approved July 2, 1959.

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REGULAR SESSION
RESOLUTIONS

RESOLUTION No. 4—S. F. No. 395

A resolution memorializing the Congress of the United
States to provide adequate funds to the appropriate federal
agency for the purpose of conducting an up-to-date survey of
the Minnesota river within the state of Minnesota, and bring­
ing up to date the report of the chief of engineers, United
States Army, dated June 6, 1935, relative to the utility of
the river for navigation, flood control and related purposes
and the justification of federal fund participation therein.

WHEREAS, under the Flood Control Act, approved by
Congress May 15, 1928, a survey of the Minnesota River in
Minnesota was conducted, and pursuant thereto the report
of the Chief of Engineers, United States Army, dated June
6, 1935, was submitted to Congress, together with accompany­
ing papers and illustrations for the purpose of determining
prospective uses of said river for navigation, existing de­
velopment of its water power, control of floods and the needs
of irrigation; and

WHEREAS, certain improvements and works were
found to be economically justifiable, but federal participation
in the cost thereof was not recommended; and

WHEREAS, there have been great changes in the eco­
nomic development of the area served by said river, and
greatly augmented potentials for use and need of improve­
ments; and

WHEREAS, since the making of the report above re­
ferred to certain reservoirs and other improvements have
been created in and along said river, in some of which feder­
al agencies have participated or dominated;

NOW, THEREFORE, BE IT RESOLVED by the Legisla­
ture of the State of Minnesota that the Congress of the United
States be memorialized to provide adequate funds to the
appropriate agency of the United States Government for
the purpose of conducting an up-to-date survey and reporting
to Congress upon the feasibility of various projects within
the scope and function of federal agencies and upon the de­
sirability of and justification for federal participation in the
development of such projects.

BE IT FURTHER RESOLVED, that the Secretary
of State be instructed to transmit copies of this resolution to
the President of the United States and each member of Con­
A resolution memorializing the Congress of the United States to enact legislation authorizing and directing the Department of the Army, acting through the district engineer, U.S. Army Engineers, Saint Paul, Minnesota, to enter into an agreement with the State of Minnesota for the regulation, utilization, and control of water levels in the headwater lakes of the Mississippi River, for the purpose of controlling such water elevations and the discharge from the reservoirs involved to preserve and protect, in accordance with the plans of the State of Minnesota, the full utilization and control of such waters in the interests of the people of the state.

WHEREAS, the Federal Government has constructed dams suitable for controlling the headwater lakes of the Mississippi consisting primarily of Leech Lake, Winnibigoshish Lake, Pokegama Lake, Pine River (the Whitefish Chain), Sandy Lake, and Gull Lake under authority of acts of Congress in the aid of navigation in the Mississippi River and incidentally for flood control purposes, and

WHEREAS, the need of these lakes for aid in navigation has been greatly diminished by virtue of subsequent improvements and control structures in the downstream areas of the Mississippi River, and

WHEREAS, the economic uses of the headwater lakes by the people of the State for recreational purposes, as well as State water needs and uses downstream from the reservoirs themselves, have increased and are increasing tremendously, and

WHEREAS, it has been the declared purpose of the Congress ever since the Act of December 22, 1944, Chapter 665, 58 Stat. 887, to recognize the interests and rights of the States in water utilization and control so as to preserve and protect to the fullest possible extent the established and potential uses, and to limit the control of navigation works so as to effectuate only those purposes from which a substantial benefit to navigation will be realized, and

WHEREAS, the U.S. Corps of Army Engineers have expressed doubt as to any specific authority vested in them by the Congress to formalize agreements with the State of Minnesota relating to the control and utilization of reservoirs,

NOW, THEREFORE, BE IT RESOLVED by the Legislature of the State of Minnesota that the Congress of the United States be memorialized to authorize and direct the Department of the Army to enter into appropriate agreements with the State of Minnesota so as to recognize the rights and interests of that State in determining the development of the water sheds within the State and in preserving and protecting to the fullest possible extent the established and potential water uses by the State for all purposes. Such agreements should recognize and accede to the plan of operation and the control of the water stages in said headwater lakes as promulgated by the State of Minnesota, subject only to the needs which may develop from time to time for water withdrawal which may constitute a reasonable and substantial benefit to navigation, and subject to the judgment of the Army Engineers with respect to creating needed reservoir capacity to prevent imminent flooding downstream from the reservoirs.

BE IT FURTHER RESOLVED, that the Secretary of State be instructed to transmit copies of this resolution to the President of the United States and each member of Congress from the State of Minnesota.

Approved April 20, 1961.
RESOLUTION No. 2—H. F. No. 16

A resolution memorializing Congress to establish a great river road as an interstate system from Canada to the Gulf of Mexico.

WHEREAS, the Mississippi River has its source in the state of Minnesota, and is a matter of pride and interest to the citizens of the state of Minnesota; and

WHEREAS, many citizens of the states of Minnesota, Arkansas, Illinois, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Tennessee, and Wisconsin, being the states bordering the Mississippi River, have sought and worked toward the planning of the ultimate construction and maintenance of a National Scenic Route extending along the route of the Mississippi River and leading from Canada to the Gulf of Mexico. In furtherance of this goal the citizens of the said states have coordinated their efforts by the organization and support of the Mississippi River Parkway Commission; and,

WHEREAS, these citizens and this organization dedicated to the final construction and maintenance of such National Scenic Route are firm in their belief that such National Scenic Route could be of great economical and recreational benefit to a large segment of the population of North America; and would materially aid the conservation of the natural treasures of this nation, protect the wildlife, natural beauty, and natural shore lines, and would further aid and bring relief to the highway authorities of the various aforesaid states; and,

WHEREAS, it is the belief of the Legislature of the state of Minnesota that the most feasible and effective way to bring about completion of the aforementioned National Scenic Route is for the Congress of the United States of America to designate and create an interstate system of parkways and scenic routes comparable in principle to the interstate highway system; now, therefore,

BE IT RESOLVED by the Legislature of the state of Minnesota that the Congress of the United States be urged to enact legislation establishing an interstate system of parkways and scenic routes in the United States along the Mississippi River extending from Canada to the Gulf of Mexico.

BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota be instructed to forward copies of this resolution to each member of the Minnesota congressional delegation.

Approved March 1, 1963.
COOPERATIVE AGREEMENTS BETWEEN MUNICIPALITIES FOR WATER SUPPLY SYSTEM

AGREEMENT FOR WATER SUPPLY AND DISTRIBUTION SYSTEM: CRYSTAL, GOLDEN VALLEY, AND NEW HOPE.

THIS AGREEMENT, made this 12th day of November 1963, by and between the City of Crystal, hereinafter called "Crystal", the Village of Golden Valley, hereinafter called "Golden Valley", and the Village of New Hope, hereinafter called "New Hope", all municipal corporations of the State of Minnesota located in the County of Hennepin, sometimes hereinafter collectively referred to as "the parties",

WITNESSETH:

WHEREAS, a water supply and distribution system for the furnishing of water for fire protection and other municipal purposes, and for household, industrial and commercial uses, to be constructed, owned and operated jointly by Crystal, Golden Valley and New Hope is practical and feasible, and

WHEREAS, Golden Valley has a contract with the City of Minneapolis, Minnesota, hereinafter called "Minneapolis", date July 18, 1961, for the furnishing by Minneapolis to Golden Valley all water needed for water service to users within its corporate limits, and Minneapolis has also by addendum dated January 12, 1962, agreed that Golden Valley may furnish water bought by it under said contract to Crystal and New Hope, and

WHEREAS, substantial savings will be realized by Crystal, Golden Valley, and New Hope through the construction of a joint water supply, storage, and distribution system, using as the source of the water supply water to be furnished by Minneapolis, and through the joint operation thereof, and

WHEREAS, such a jointly constructed and operated water system will also benefit each of the parties hereto by making available to each community an emergency water supply whenever any breakdown equipment or natural disaster interferes with or blocks the regular sources of water supply of the community,

NOW THEREFORE, the above parties have entered into this agreement under authority conferred by Minnesota Statutes, Section 471.59, for the purpose of constructing, owning in the proportions hereinafter provided, and operating all facilities necessary and desirable for transporting water from sources of supply and delivery in Minneapolis to convenient points within the municipal limits of each of the parties and for storing such water in the amounts needed to maintain an adequate supply for each of the parties, and have covenanted and agreed as follows:

Article I. Description of Facilities.

1.01 The facilities constructed, to be constructed or acquired and to be operated hereunder (sometimes hereinafter referred to as the
'Joint water supply and trunk main system' or as the 'Joint facilities' shall consist of a complete water supply, storage and distribution system utilizing water purchased by Golden Valley from Minneapolis, designed to provide and capable of providing a supply of water to all areas within the corporate limits of Crystal, Golden Valley and New Hope, but shall not include any water mains or pipes having a diameter of less than 12", together with appurtenances thereto. Any water distribution facilities consisting of mains or pipes having a diameter of less than 14", together with appurtenances thereto (sometimes hereinafter referred to as the 'water lateral system' or the 'water lateral systems') shall be constructed and operated by the respective parties within whose boundaries they are located, or as may otherwise be agreed between any of the parties. The Joint facilities hereunder included in additions thereof heretofore constructed or now under construction by any party, insofar as they are included within the plans referred to in paragraph 1,02 below.

1.02 Arrangement, location and other physical features of the joint facilities shall be substantially as shown by studies, plans, maps and specifications prepared by Orr-Schelen-Mayeron & Associates, Inc., including the appended system maps bearing date of March 5, 1962. However, substantial changes in the physical features of the construction of such facilities may be made if consent thereto is filed with Orr-Schelen-Mayeron & Associates, Inc., or with such other professional engineers as may be employed hereunder for the construction of such facilities, by the City or Village engineers of the parties hereto.

Article 2. Ownership of Facilities.

1.01 It is agreed that all physical properties, real, personal or mixed, acquired under this agreement shall from time to time be held and owned by the parties hereto in undivided interests proportioned to the amount of construction cost which has been borne by each party.


3.01 For the convenient and efficient supervision and management of the Joint facilities, there is hereby established a Commission to be known as the "Golden Valley, Crystal and New Hope Joint Water Commission."

3.02 Until otherwise provided by law or by unanimous agreement of the parties, said Commission shall have three members, one of whom shall be appointed by the City Council of Crystal, another by the Village Council of Golden Valley, and the third by the Village Council of New Hope, in each case by the majority vote of all members of the Council at a meeting, duly called and held. Each person so appointed shall be a citizen of the State of Minnesota and a resident of the municipality by whose Council he is appointed.

3.03 The term of office of each member shall be three years and until his successor is appointed and qualified, except that the first member appointed by the Golden Valley Council shall be appointed for a term of one year and the first member appointed by the Crystal Council shall be appointed for a term of two years. If any member shall resign or cease to be a citizen of Minnesota or a resident of the municipality by whose Council he was appointed, or shall die, or shall fail, during any calendar year, to attend one-half of the regular meetings or duly called special meetings of the Commission without being excused in accordance with the by-laws of the Commission, his office shall be deemed vacated and a successor shall be appointed for his unexpired term by the Council which appointed him. The Council of each party hereto may also at any time discharge the member appointed by it and appoint a successor, and prompt notice of any such action shall be given to the Secretary of the Commission. Each person so appointed shall qualify by filing an acceptance of the appointment in the Office of the Clerk of the municipality appointing him and a copy thereof with the Secretary of the Commission. Pending selection of the Secretary, such copies shall be filed with the Village Manager of Golden Valley.

3.04 Each member of the Commission may be paid for attending meetings of the Commission, regular or special, to be determined by the individual Council bodies they represent.

3.05 Said Commission shall choose from its members a Chairman and a Vice-Chairman, and shall also appoint a Secretary and a Treasurer, who need not be members of the Commission. The offices of Secretary and Treasurer may be combined and held by the same person. Their terms as such officers shall be fixed by the by-laws.

3.06 The three persons initially appointed as provided above shall meet within three days after their appointment at the Golden Valley Village Hall, at a time fixed in a notice given to the others by the Golden Valley appointee. As soon as may be, they shall elect their officers and adopt rules and by-laws for the conduct of their affairs. Such by-laws shall fix the place or places of meeting of the Commission until a suitable permanent office can be established. All records and official documents of the Commission shall be kept in the Golden Valley Village Hall until such office is available. After establishment of its permanent office, all records and official documents of the Commission shall be kept there and all official meetings of the Commission shall be held there.

3.07 The Chairman, or in his absence the Vice-Chairman, shall preside at all meetings of the commission. The Secretary shall act as Clerk of such meetings, shall give notice thereof, and shall be custodian of all books and records of the Commission. The Treasurer shall be the custodian of all moneys received by the Commission, shall keep accounts thereof, shall pay out money on orders signed by the Chairman, and shall submit to the Commission such reports as it may request regarding the financial affairs of the Commission.

3.08 The Commission may define its own procedure by the adoption of by-laws, the procedure for auditing and allowing claims, the date, time and place of regular meetings, and the manner of calling special meetings.

3.09 The Commission and its members (regardless of the municipality by which the members are respectively appointed) shall be and are hereby constituted as agents and representatives of each and all of the participating municipalities for the purpose of exercising, in behalf of all such municipalities, the powers hereby conferred, and performing the duties hereby imposed on them. No member shall be deemed a partisan representative of the municipality by which he was appointed. Neither the Commission nor any member or officer thereof shall have any power or authority except as conferred by this agreement, or an amendment thereto,
or a statute hereafter enacted, or which is reasonable to be implied as both suitable and necessary to the exercise of a power so expressed and is not inconsistent with any limitations therein or prohibitions expressed herein.

3.10 In addition to any other powers, duties and functions given to the Commission by the other provisions of this agreement, the Commission shall:

A. Operate, maintain, repair and replace joint facilities.
B. Allocate construction, operation, maintenance, repair and replacement costs and expenses of joint facilities among the parties.
C. Render and collect bills from the parties for construction, operation, maintenance, repair and replacement costs and expenses.
D. Pay costs of operation, maintenance, repair and replacement of joint facilities.
E. Safeguard the water supply against interconnections with private water supply systems, and other potential hazards to the water service to any portion of the water system where the water supply is endangered.
F. Determine the amount of and allocate unaccounted for water to the parties.
G. Assign to the parties responsibility for the work of the Commission and for the discharging of its accounts, books, vouchers and funds by competent certified public accountants, the cost of such audits to be considered as a cost of operation and maintenance of the joint facilities.
H. Require reports from the parties as to any facilities comprising a part of or connected to the joint water facilities.
I. Prepare or cause to be prepared all necessary maps and records necessary for the operation, maintenance, repair and replacement of the joint facilities.
J. Engage such personnel as may be necessary to provide for the operation, maintenance, repair and replacement of the joint facilities and the conduct of the work of the Commission.
K. Adopt, and from time to time revise, rules and regulations for the conduct of the affairs of the Commission and for the discharging of the powers, duties and responsibilities of the Commission.
L. Notwithstanding the foregoing provisions, responsibility for and costs and expenses of operation, maintenance, repair and replacement of the following described facilities shall be discharged by the respective parties within whose boundaries the facilities are located:

Watermains and pipes having a diameter of less than 14", together with appurtenances thereto, and services, fire hydrants and fire hydrant leads appurtenant to mains or pipes having a diameter of 14" or larger.

3.11 The Commission shall cause an annual audit to be made of all its accounts, books, vouchers and funds by competent certified public accountants, the cost of such audits to be considered as a cost of operation and maintenance of the joint facilities.

3.12 The water supplied by and distributed through the joint facilities shall be furnished to premises situated within the corporate limits of the parties, except that such water may be furnished to premises situated outside such corporate limits if the premises abut on a public street or highway which coincides with the municipal boundary of any party, and if the Commission has approved the furnishing of water to the premises. In granting such approval, the Commission may prescribe such conditions or restrictions as it deems advisable or necessary.


4.01 The contracts for the construction of the joint facilities shall be awarded by the parties hereto in full compliance with the applicable laws of this state.

4.02 Each party shall be responsible for the construction of those portions of the facilities which are included within its corporate limits, except that upon recommendation of the engineers designated by the Commission, approved by the Commission, a contract to be awarded by a party for any part of such facilities within its corporate limits shall include facilities outside such limits to the extent deemed necessary or expedient or to effect a saving of construction cost for all the parties. All portions of the facilities to be constructed within the corporate limits of the City of Robbinsdale and all extensions thereof required to connect with the Minneapolis water system shall be contracted for by Crystal.

4.03 The supervision of the proper construction of the facilities shall be the responsibility of the party which has awarded the contract therefor, but each of the other parties and the Commission shall have the right to enter upon the place or places where the construction of facilities hereunder is in progress for the purpose of making reasonable tests and inspections.

4.04 A party which has awarded or is about to award a contract for any work hereunder shall have the power to condemn any necessary easement, right-of-way, or any whole or partial interest in land for the purpose of constructing such work, in accordance with Minnesota Statutes, Chapter 117, which powers may be exercised to the extent necessary outside the corporate limits of such party. Such party may also require any necessary relocation of utilities or lines or equipment placed in a public right-of-way under a franchise, within or without its corporate limits.

4.05 All portions of the joint facilities shall be completed before December 31, 1965, except the following, hereinafter referred to as "deferred facilities":

10,000,000 gallons of ground storage capacity in Crystal,
4,500,000 gallons of ground storage capacity in Golden Valley,
1,500,000 gallons of elevated storage capacity in New Hope,
Pumps and piping appurtenant thereto.

The deferred facilities shall be constructed within two years after the consumption of water furnished by the system reaches 10,000,000 gallons on a day of maximum demand, as shown by master meters of Minneapolis, provided that a day on which water flow is increased because of a break in the system causing unusual water loss, shall not be deemed a day of maximum demand. In any case, the deferred facilities shall be completed not later than December 31, 1975.

5.01 It is hereby determined that the estimated cost of the joint facilities constructed, to be constructed or otherwise acquired hereunder is in the amount of $7,033,800. Such cost includes, besides amounts paid or to be paid for work and materials under a contract award the following: cost of acquisition of land, including rights-of-way, except streets, and easements, cost of relocation of utilities or other property located in a public street or highway under a franchise, engineering fees up to a maximum of 10% of the amount of the contract to which they relate, and legal fees. Such cost does not include cost of street repair and restoration except as it is required within the City of Robbinsdale. Costs incurred by any party which are not included in the estimated cost of the joint facilities above defined shall be borne solely by such party, and shall not be included within the cost of the facilities to be divided among the parties as provided in paragraph 5.02 below.

5.02 The proportion of the cost of the facilities to be paid by each party is hereby fixed and established in accordance with the following percentages of each section of such facilities, as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Estimated Cost</th>
<th>Percentages to be paid by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minneapolis through Golden Valley</td>
<td>$ 51,800</td>
<td>100% Golden Valley, none</td>
</tr>
<tr>
<td>Minneapolis through Crystal &amp; Robbinsdale</td>
<td>$ 632,200</td>
<td>none 52.5% Crystal, 47.5% New Hope</td>
</tr>
<tr>
<td>Cost of Necessary 12&quot; Pipe or an Equivalent</td>
<td>$ 1,911,200</td>
<td>Actual Cost Within Each Municipality</td>
</tr>
<tr>
<td>Cost of Oversizing</td>
<td>$ 1,436,300</td>
<td>41.5% 31% 27.5%</td>
</tr>
<tr>
<td>Storage Cost (Including Pumps and Piping)</td>
<td>$ 3,002,300</td>
<td>37% 33% 30%</td>
</tr>
<tr>
<td></td>
<td>$ 7,033,800</td>
<td></td>
</tr>
</tbody>
</table>

The figures above stated as the estimated cost for portions of the facilities shall not be used as the basis for computation of the respective shares of cost, which shall be computed upon actual costs determined under paragraph 5.01 above.

5.03 Each party shall be responsible for financing construction costs arising under contracts awarded by it; provided, however, that if a party proposes to award a contract which includes an oversizing of pipe (beyond a diameter of 12"), storage facilities or connection to the source of water supply in Minneapolis, such party may notify either or both of the other parties of their estimated share of the cost, and the party or parties so notified shall then be obligated to furnish their respective shares of the cost within 90 days thereafter or such later time as may be received by party contracting for such construction.

5.04 Upon completion of the construction of the entire joint facilities, exclusive of the deferred facilities, the Commission shall determine the amount of the cost of such construction which has been contributed by each party. Adjustment in such cash shall then be made between the parties of the amounts contributed by each of them, so that the total contribution made by each party shall be in accordance with the provisions of paragraphs 5.01 and 5.02.

5.05 The amounts billed every month to the parties for water consumed and for pumping costs shall be proportional to the amount of water used by each municipality during the period of service for which the bills are rendered. The amount of water used by each party shall be determined by reference to bills rendered by its water department. The parties agree to make available for inspection during normal business hours all of their records pertaining to amounts of water used by all municipal water users served by them.

5.06 Until January 1, 1969, all costs of operation, maintenance, repair and replacement of original capital facilities (except those excluded under the provisions of paragraph 3.10-L of this agreement) shall be apportioned to and paid by each party in the same proportion that such a party was apportioned the cost of all the original joint facilities under the provisions of Section 5.02 of this agreement. Thereafter, all costs of operation, maintenance, repair and replacement of original capital facilities (except those excluded under paragraph 3.10-L) shall be apportioned to and paid by each party on the basis of water used by such party. For the purposes of this section, unaccounted for water assigned to a party by the Commission and water sold by a party in an area outside the corporate limits of any of the parties shall be included as "water used" by that party.

During any year, apportionments shall be made monthly on a tentative basis; but final apportionments shall not be made annually on an annual basis at the close of each calendar year.

5.07 There may be added to the capital cost referred to in Section 5.02 a proportionate amount of capital necessary to provide initial operating capital for the operation, maintenance, repair and replacement of the facilities financed hereunder, including payments to Minneapolis for water furnished under said contract with Golden Valley. Upon organization of the Commission hereunder, it may also require each party to pay three months' estimated bills in advance, the amounts of such advance payments to be credited against amounts due on bills for water service rendered within three years thereafter. If any bill rendered under paragraphs 5.07, 5.05, or 5.06 remains unpaid fifteen days after it has been rendered to a party, it shall thereupon commence to draw interest at the rate of 5% per annum on the amount thereof.

5.08 Each party hereby pledges its full faith, credit and taxing powers for the prompt payment of all bills rendered under the provisions of paragraphs 5.05, 5.06 and 5.07 and of all adjustments of construction cost required to be made under the provisions of paragraph 5.03.


6.01 It is hereby agreed that Golden Valley, in consideration of the benefits to be conferred upon it by the joint construction and operation of water facilities under this agreement, agrees to furnish water to the other parties, in such amounts as they may require to provide service to users connected to their respective municipal waterworks systems, such
water to be procured by Golden Valley under the contract and addendum thereto between it and the City of Minneapolis hereinafore mentioned. The water furnished by Minneapolis under said contract shall be resold by Golden Valley to the parties hereto at no advance in price.

Article 7. Arbitration of Questions Pertaining to Sharing of Costs.

7.01 Whenever there is disagreement between any two or more of the parties hereto as to the proportionate amounts of capital cost contribution payable by any municipality upon any adjustment thereof under Article 5 hereof, or as to amounts billed for water consumed and other costs of operation under said Article 5, any party may apply to the District Court in Hennepin County for appointment of one or more arbitrators under Minnesota Statutes, Chapter 572, and the disagreement shall thereupon be arbitrated in accordance with said Chapter 572. Pending conclusion of arbitration under said Chapter 572, any amounts declared or determined by the Commission to be due and owing between the parties shall be paid in full, and such payment shall not be deemed to prejudice or to act as a waiver of any rights or claims asserted or held by the parties.

Article 8. Term of Agreement.

8.01 This agreement shall remain in force and effect throughout the period of useful life of the joint facilities, or any renewals or replacements thereof, and as long as water is supplied to the facilities under the above-mentioned contract between Minneapolis and Golden Valley, but it may be amended, modified or added to by mutual consent of the parties.
Subd. 6. Adjust Curb Box. For raising or lowering stop boxes to conform with ground level changes made by the property owner, a service charge of $10.00 will be made, payable in advance.

Section 275:08. Time for Connection. If, for any cause, the plumber laying the service pipe should fail to have the connection made or the excavation ready for tapping the main at the time specified in his application, notice must be given to the Water & Sewer Department fixing another day on which he wishes to make the connection. The notice must be given at least two days previous to the excavation for laying the service pipe or making a tap and must be given before 4:00 p.m.

Section 275:09. Excavation for Tapping. Excavations made for the purpose of making a tap from the Village water mains shall be so ordered by the Water and Sewer Superintendent. Ample clear space shall be allowed around the main in all cases to insert the tapping machine. All excavations for tapping shall be safely curved to the satisfaction of the Village Engineer. In case the excavation is not properly made, sufficient clear space is not provided, or the excavation is improperly curved, the tap shall not be made until the excavation, clear space, and curbing are proper and safe. A safe ladder shall be furnished by the Plumber for the use of the inspector for the purpose of inspecting the connection to the Village main.

Section 275:12. Property Assessments. No permit shall be issued to tap or connect with any water main either directly or indirectly, from any lot or tract of land unless:

Subd. 1. such tract or lot to be served by such connection has been assessed for the cost of construction of the watermain with which the connection is to be made, or

Subd. 2. if no assessment has been levied for such construction cost, that proceedings for levying such assessment have been made or will be commenced in due course, or

Subd. 3. if no assessment has been levied, and no assessment proceedings will be completed in due course, but a sum equal to the portion of cost of constructing said water main which would be assessable against said lot or tract has been paid to the Village.

Section 275:15. Accounts, How Kept. All accounts shall be kept on the books of the Utility Fund by the house and street number, and under the account number assigned thereto and the name of the owner. All bills and notices shall be sent to the house and street number of the property. If non-resident owners or agents desire personal notice sent to a different address, they shall file an application therefor with the Finance Department. Any error in address shall be promptly reported to the Finance Department. Responsibility for notice of change of ownership shall rest with the owner.


Subd. 1. The rate due and payable to the Village by each water user within the Village for water taken shall be forty-five cents ($.45) per one thousand (1,000) gallons, payable quarterly, subject, however, to a minimum charge to each water user for each quarter year period during which water service is furnished, in the amount of $4.50 per quarter.

Subd. 2. In case the meter is operating in a faulty manner, the amount of water used will be estimated on the basis of the amount used in the same quarter in the previous year. Where service is for less than a quarterly period, this charge will be pro-rated on a monthly basis.

Subd. 3. Water bills shall be rendered quarterly, shall specify the water used and the charge in accordance with the foregoing rates and shall be due when rendered. A penalty of ten (10) per cent shall be added to the entire balance due if not paid within ten (10) days thereafter. Payments received by mail, postmarked on or before the tenth day, shall be deemed to be paid within said period. Delinquent accounts may be certified with penalties to the County Auditor with the taxes against such property and shall be collected with other taxes on such property.

Subd. 4. Where a connection is made to an automatic sprinkler system for a standby service only, a charge for such service shall be made on an annual basis as follows:

<table>
<thead>
<tr>
<th>Pipe Diameter</th>
<th>Rate ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 inch pipe connection</td>
<td>$30.00</td>
</tr>
<tr>
<td>3 inch pipe connection</td>
<td>$40.00</td>
</tr>
<tr>
<td>4 inch pipe connection</td>
<td>$60.00</td>
</tr>
<tr>
<td>6 inch pipe connection</td>
<td>$80.00</td>
</tr>
<tr>
<td>8 inch pipe connection</td>
<td>$100.00</td>
</tr>
<tr>
<td>10 inch pipe connection</td>
<td>$120.00</td>
</tr>
<tr>
<td>12 inch pipe connection</td>
<td>$140.00</td>
</tr>
</tbody>
</table>

These rates shall apply in all cases where automatic sprinklers are installed and where fire gates and other outlets are sealed. No charge will be made for water used in extinguishing fires.

Meters or detector check valves shall be installed on such services as required.

Subd. 5. Should it be found that water not metered is used through a fire connection for any purpose other than the extinguishing of fire upon the premises, the owner and occupant will be notified, and if such improper conditions are not corrected within ten (10) days, the water will be shut off until proper adjustments are made, and the owner shall be subject to the penalties provided in this ordinance.

Section 275:21. Discontinuance of Service for Ordinance Violations. Water service may be shut off at any stop box connection whenever:

Subd. 1. the owner or occupant of the premises served, or any persons working on any pipes or equipment thereon which are connected with the Village Water Supply System, has intentionally violated any of the requirements of the Ordinance of the Village relative to the Water Supply System or connections therewith.

Subd. 2. the owner or occupant to the premises served violates, threatens to violate or cause to be violated, any of the provisions of this Code.

Subd. 3. Any charge for water, service, meter, or any other financial obligations imposed on the present or any former owner or occupant of the premises served, by the provisions of this Code is unpaid.

Subd. 4. There is fraud or misrepresentation by the owner or occupant in connection with an application for service.

Section 275:24. Deficiency of Water and Shutting off Water. The Village shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting off the water for
the purpose of making repairs or connections, or by any other cause what­
ever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting, or, in making repairs or construction of new works, water may be shut off at any time and kept shut off so long as may be necessary.

Section 275:27. Turning on Water. No person, except an authorized Village agent or employee, shall turn on any water supply at the stop box. No permit will be issued unless the house number as given by the Building Department is prominently displayed, and no such permit shall be given anyone but a licensed plumber.

Section 275:30. Supply From One Service. No more than one house or building shall be supplied from one service connection except by special permission of the Village Engineer. Whenever two or more parties are supplied from one pipe, connecting with the distribution main, each building, or part of a building must have a separate stop box and a separate meter.

Section 275:33. Tapping of Mains Prohibited. No person except au­thorized agents or employees of the Village shall tap any distributing main or pipe of the Village Water Supply System, or insert stop-cocks or ferrules therein.

Section 275:36. Repair of Leaks. It shall be the responsibility of the consumer or owner to maintain the service pipe from the curb box into the house or building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his service pipe within twenty-four hours after oral or written notice has been given the owner or occupant of the premises the water will be shut off and will not be turned on until the sum of Five Dollars (5.00 dollars) has been paid. When the waste of water is great, or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immedi­ately upon the giving of such notice.

Section 275:39. Abandoned Services; Penalties. All service installa­tions connected to the water system, that have been abandoned or have not been used for three years or, for any reason, have become useless for further service, shall be disconnected at the main by the Village, and all pipe and appurtenances removed shall become the property of the Vil­lage. When new buildings are erected on the site of old ones, and it is desired to increase or change the old water service, no connections with the mains shall be made until all of the old service shall have been re­moved and the main plugged. If any contractor, workman or employee upon such building shall cause or allow any service pipe to be hammer­ed together at the ends to stop the flow of water, or to save expense in re­moving such pipe from the main, the owner of such building, such workman and contractor shall, upon conviction thereof be guilty of a misdemeanor, and shall remove said service piping from the main. If he shall fail to do so on twenty-four hours notice he shall be obligated to the Village for the cost incurred by it for such removal.

Section 275:42. Service Pipes. Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe must be placed not less than 7½ feet below the surface and in all cases so arranged as to prevent rupture by freezing.

Service pipes must extend from the curb box to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which they are intended to supply. A shut-off or other stop-cock, of a size and strength required, shall be placed close to the inside wall of the building well protected from freezing. Type "K" Copper tubing shall be used up to and including two-inch services. Joints on copper tubing shall be kept to a minimum, with not more than one joint used for a service up to 70 feet in length. All joints shall be left uncovered until inspected. All services of more than two inches shall be cast iron. Connections with the mains for domestic supply shall be at least one inch in diameter.

Section 275:45. Water Meters and Outside Registers. Except for ex­tinguishment of fires, no person except authorized Village agents or em­ployees shall use water from the water supply system of the Village or permit water to be drawn therefrom, unless the same be metered by pass­ing through a meter supplied or approved by the Village. No person un­less authorized by the Water and Sewer Department shall connect, dis­connect, or in any manner change or cause to be changed or interfere with said meter and outside register, or the action thereof.

The Village shall maintain and repair all meters when rendered unservice­able through ordinary wear and shall replace them if necessary. However, where replacement, repair or adjustment of any meter or outside register is rendered necessary by the act, neglect or carelessness of the owner or occupant of any premises, any expense incurred by the Water and Sewer Department thereby shall be charged against and collected from the water consumer, and water service may be discontinued until the cause is correc­ted and the amount charged collected. In the event a consumer makes a complaint that the meter reading appears excessive, a meter will, on written request, be re-read. If the consumer remains dissatisfied he may, on written request and deposit of the appropriate sum designated below, request that the meter be tested by the Village. The consumer may, if he so desires be present when such test is made.

<table>
<thead>
<tr>
<th>Size of Meter</th>
<th>Deposit required for test</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8&quot; to 2&quot; meter</td>
<td>$ 5.00</td>
</tr>
<tr>
<td>3&quot; meter</td>
<td>$10.00</td>
</tr>
<tr>
<td>4&quot; meter</td>
<td>$20.00</td>
</tr>
<tr>
<td>6&quot; meter</td>
<td>$30.00</td>
</tr>
</tbody>
</table>

When the test shows an accurate measurement of water, or an error in fa­vor of the consumer, the amount deposited shall be retained by the Vil­lage to cover part of the expense of making such test. In the event the test should show an error of over five (5%) percent in favor of the Vil­lage, the deposit will be refunded to the consumer, a correctly register­ing meter will be installed and the bill will be adjusted accordingly. Said adjustment shall not extend back more than one quarter from the date of the written request for the test and the minimum charge shall not be affected.

All water meters and outside registers shall be and remain the property of the Village and may be removed or replaced or changed by the Village whenever deemed necessary.

Village agents and employees delegated for that purpose shall have free access at reasonable hours of the day to all parts of every building and premises connected to the Village Water System for reading of meters and inspections. The Village Manager shall be authorized to make adjustments in water charges where the amount billed is erroneous due to meter defi­ciency or other mistake.

Section 275:48. Water Meter and Outside Register Setting. All wa­ter meters and outside reading registers shall be installed in accordance with the following regulations:
Subd. 1. The service pipe from the Village water main to the meter, where the same enters the building, shall be brought through the floor in a vertical position. The gate valve shall be installed about twelve (12) inches above the floor.

Subd. 2. The meter shall be so located that the bottom is from six (6) to twelve (12) inches above the finished floor line. Deviation from these standards may be made only with written permission of the Plumbing Inspector. A suitable yoke shall be provided to support the meter in the proper vertical position. Meters larger than one-inch meter shall be set on a pedestal.

Subd. 3. All meter installations shall have a gate valve on the street side of the meter. In no case shall there be more than twelve (12) inches of pipe exposed between the point of entrance through the floor and the stop and waste valve. A valve shall also be installed on the house side of the meter.

Subd. 4. The water service connecting with the main shall not be run under any basement floor for a distance of more than two (2) feet, measured from the inside basement wall, before being connected to the water meter, except by specific written permit of the Plumbing Inspector.

Subd. 5. Outside reading register shall be installed not less than three (3) and not more than five (5) feet above ground level. All outside and inside wiring shall be in accordance with the manufacturer's recommendations.

Section 275:51. Use of Fire Hydrants. No person other than an agent, employee or member of the Water and Sewer, Street or Fire Department shall operate fire hydrants or interfere in any way with the Village Water System. When contractors or individuals wish to use water from hydrants for construction, they shall make application to the Water and Sewer Department which may, upon receipt of application and deposit, install a hydrant meter.

Section 275:52. Private Water Supplies. No water pipe of the Village Water Supply shall be connected with any pump, well or tank that is connected with any other source of water supply and when such are found, the Building Department shall notify the owner to disconnect the same and, if not done immediately, the water supply shall be turned off. Before any new connections to the Village system is permitted, the Building Department shall ascertain that no cross-connections will exist when the new connection is made.

Section 275:57. Use Confined to Premises. No person shall permit water from the Village Water Supply System to be used for any purpose except upon his own premises.

Section 275:60. Restricted Hours for Sprinkling. Whenever the Village Council shall determine that a shortage of water supply threatens the Village, it may by resolution limit the times and hours during which water may be used from the Village Water Supply System for lawn and garden sprinkling, irrigation, car washing, air conditioning and other uses.

Section 275:61. Use of Fire Hydrants. No person other than an agent, employee or member of the Water and Sewer, Street or Fire Department shall operate fire hydrants or interfere in any way with the Village Water System. When contractors or individuals wish to use water from hydrants for construction, they shall make application to the Water and Sewer Department which may, upon receipt of application and deposit, install a hydrant meter.

Section 275:60. Restricted Hours for Sprinkling. Whenever the Village Council shall determine that a shortage of water supply threatens the Village, it may by resolution limit the times and hours during which water may be used from the Village Water Supply System for lawn and garden sprinkling, irrigation, car washing, air conditioning and other uses specified therein; a copy of said resolution shall thereupon be mailed or otherwise delivered to each water consumer. Two days after the mailing or delivery of such resolution, any water customer or other person who shall cause or permit water to be used in violation of said resolution shall, in addition to being subject to prosecution for a misdemeanor, be charged Five Dollars ($5.00) for each day of such violation, which charge shall be added to his next water bill; continued violation is hereby prohibited and shall be cause for discontinuance of water service.
ORDINANCES PROVIDING FOR REGULATION OF PRIVATELY OWNED WATER SUPPLY SYSTEMS

AN ORDINANCE, NO. 56 OF THE VILLAGE OF ARDEN HILLS REGULATING THE INSTALLATION, CONSTRUCTION, EXTENSION, AND REPAIR OF INDIVIDUAL WATER SUPPLY SYSTEMS.

Section 2. Definitions. The following terms used in this ordinance are hereby defined as follows, to-wit:

2-1 Drawdown - The change in surface elevation of a body of water as the result of the withdrawal of water therefrom.

2-2 Glacial Drift - An assemblage of deposits left by the melting of an ice sheet of glacier. It is composed of an accumulation of unstratified material of all sizes which formed at the margin of the ice.

2-2 Grout - A thin mortar consisting of Portland cement and water of Portland cement, sand and water in the following proportions:
(1) One sack cement to 4-1/2 to 5-1/2 gallons of water.
(2) One part cement, one part clean sand and 4-1/2 to 6 gallons of water. The sand grout shall be used only where abnormal loss of grout to crevices or faults occurs.

2-4 Log - A chronological record of the soil and rock formations encountered in the operation of drilling a well, with either their thickness, or the elevation of the top and bottom of each formation given. It also includes statements as to the composition and water bearing characteristics of each formation.

2-5 Turbidity - A condition of a liquid due to fine visible material in suspension, which may not be of sufficient size to be seen as individual particles by the naked eye but which prevents the passage of light through the liquid.

2-7 Yield - The quantity of water flow (gallon per minute or per hour) which can be collected (pumped) from the well.

Section 3. Permits.

3-1 A permit shall be required for the construction of a new well or for any major reconstruction of an existing well in Arden Hills. The owner of the subject property or his agent shall obtain a permit therefor from the Village Clerk, and shall pay a fee of $7.50 before the issuance of such permit.

3-2 Applications for such permits shall be made in writing upon such printed forms furnished by the Village Clerk for such purposes.

3-3 Any deepening of an existing well to at least the next deeper stratum shall constitute a "major reconstruction" within the meaning of this Ordinance.

3-4 Permits shall be valid for a period of ninety days from the date of issuance.

Section 4. Location and Construction of Wells.

4-1. Each individual water supply system or well shall be located and constructed in such manner, consistent with the provisions of this Ordinance as to prevent contamination of its water supply by any existing sewage disposal system or sewage disposal systems that may reasonably be anticipated in the future, and to minimize as far as possible the possible contamination of the well from all possible external sources within the geological strata surrounding the well.

4-2. Wells shall be located in such a manner as to minimize as far as possible the possibility of flooding. The top of the well shall be constructed and located in such manner as to place it above all possible sources of pollution. No well shall be constructed or located within three (3) feet of the outside basement wall of a dwelling nor shall a well be constructed or located within fifteen (15) feet of a property line. The outside basement footing shall be continuous across the opening of the well alcove. In all cases a well shall be located in such a manner as to provide the following minimum distances between the well and possible sources of contamination, to-wit:

(1) Buried or concealed extra heavy cast iron sewer or drain lines with lead caulked, air tested joints - 20 feet.
(2) Vitrified - clay or concrete sewers (or cast iron sewers not of construction described above) septic tanks or drain fields - 50 feet.
(3) Dry well, seepage pits, cesspools - 75 feet.

4-3. No well shall hereafter be installed in a pit below the surface of the ground unless such well pit is an alcove opening directly into the main basement area of the building being served by the well. The well pit floor shall be constructed according to the requirements of pump floor outlined in this Ordinance.

4-4. No well construction in Arden Hills shall terminate in the Dolomite Shale, Platteville Limestone or Shakopee-Anoka Dolomite. No existing well shall be increased in depth to terminate in those formations.

4-5. The minimum diameter of any finished well casing shall be four (4) inches. Well casings shall be constructed of welded or coupled steel or wrought iron and shall conform to the following specifications for weight and thickness:

<table>
<thead>
<tr>
<th>Diameter</th>
<th>Wall Thickness</th>
<th>Weight per lineal foot with threads &amp; couplings</th>
</tr>
</thead>
<tbody>
<tr>
<td>4&quot;</td>
<td>.373 inches</td>
<td>10.98 lbs.</td>
</tr>
<tr>
<td>5&quot;</td>
<td>.258 inches</td>
<td>14.8 lbs.</td>
</tr>
<tr>
<td>6&quot;</td>
<td>.280 inches</td>
<td>19.45 lbs.</td>
</tr>
<tr>
<td>8&quot;</td>
<td>.222 inches</td>
<td>29.33 lbs.</td>
</tr>
<tr>
<td>10&quot;</td>
<td>.365 inches</td>
<td>41.85 lbs.</td>
</tr>
</tbody>
</table>

The casing of any well constructed entirely in unconsolidated earth formations shall extend to a depth of at least 100 feet below established ground level or through the first impervious soil formation encountered, whichever is shallower, but in no event less than 75 feet deep, and at least 20 feet below expected pumping level (level below ground level to which the water surface is lowered in the well during pumping). Where a water-bearing formation is encountered during well construction at a depth which satisfied these minimum requirements, the acceptability of the formation for well development shall be based on the satisfactory results of analysis of the water by a competent laboratory. Any water-bearing formation yielding water which is contaminated, as evidenced by the presence of chemicals or bacteria of sewage origin, shall be regarded as unsatisfactory for well development.
Where a well is drilled to terminate in the St. Peter Sandstone of the Jordan Sandstone, the overlying formations shall be sealed off.

In the case of a well finished at a diameter of 4" and extending through the Platteville Limestone, this shall be accomplished by installing a minimum 5 inch diameter casing from the surface through the glacial drift and into the Platteville Limestone. A nominal 5 inch (minimum) open hole shall then be drilled through the undesirable formations and at least 20 feet into the continuous nonfaulty consolidated St. Peter Sandstone and/or at least 20 feet below the pumping water level whichever is lower. A minimum 4 inch liner shall then be installed from the surface to the bottom of the 5 inch hole, the bottom 10 feet shall be grouted in place. The nominal 4 inch open hole shall be continued into the water bearing formation such distance as is necessary to provide the required water supply. In case of wells larger than 4 inches, all other component parts of the well shall be constructed proportionally.

4-6. All wells for domestic use hereafter constructed in the Village of Arden Hills shall be constructed in such manner as to produce a minimum initial supply of 900 gallons of sand free water per hour.

4-7. The pump and other equipment installed on wells in Arden Hills shall conform to the following minimum standards, to wit:
   (1) Pump and equipment shall be designed to assure a pollution-proof and frost-proof installation.
   (2) The pump base shall be constructed as to permit installation of a water-tight mounting.
   (3) A well seal shall be used. Such well seal shall be of simple construction, easily installed, removed and re-installable should it become necessary to remove the drop pipe for repair.
   (4) The top of the well casing shall be a minimum of 18 inches above the basement floor level and the seal shall be so constructed and installed as to maintain its water-tight feature, should flooding occur. The pump room floor shall be at least 6 inches above the surrounding grade and the concrete platform shall be minimum of 4 inches above grade at the edge.
   (5) Suction lines installed through the well casing, or where otherwise installed less than 10 feet below grade, shall be provided with an outer protective casing. Such protective casing shall be act as a watertight into the well casing. The suction line shall be caulked into the protective casing to provide a watertight joint which will permit easy removal. The suction line shall slope upward toward the pump. Where a suction line is brought into a basement, from a well located at least 18 inches above the basement floor.
   (6) Provisions shall be made in the well seal for future measurements of static and pumping levels.

4-8. After final installation of the pumping equipment, the well shall be pumped continuously until the water is free of turbidity, then chlorinated heavily in accordance with the following procedure:
   (1) Introduce into the well one pound of high test (70% or equivalent) calcium hypochlorite (chlorinated lime) by scattering same over the surface of the water in the well so that the powder will sink to the bottom, thereby permeating the supply.
   (2) If powder cannot be introduced directly, then mix one pound of calcium hypochlorite high test (70% or equivalent) with five gallons of water and pour the mixture into the well.
   (3) Allow the chemicals to remain in the well for at least twelve hours until the odor and taste of the chemical have practically disappeared.
   (4) Where calcium hypochlorite tablets meeting the above requirements are used, they shall remain in the well for a minimum period of 48 hours before it is pumped to waste as described above.
   (5) Wells larger than four inches in diameter require proportionately larger doses of the chemical for chlorination, but shall not have a concentration of applied solution less than 150 parts per million for twelve hours.

4-9. All commercial wells shall comply with the requirements of the Minnesota Department of Health for public water supplies.

4-10. Upon completion of drilling a well a pumping test of sufficient duration to determine the yield and maximum drawdown shall be conducted. Within fifteen days after inspection of the well, the permit holder shall file an affidavit with the Village Clerk setting forth the results of the pumping test, the capacity of the well, the pumping level, the depth of casing from grade and length and size of screen if one is used. A geological log of the formations encountered in drilling each well shall be kept by the driller. A copy of said log typed on 8-1/2 x 11" paper shall be filed along with the well affidavit and such log shall to provide such a log or affidavit or willful failure to provide accurate information with respect thereto shall constitute a violation of this Ordinance. In addition thereto, the driller of the well shall file with said log and affidavit a report indicating the daily record of the water level in the well during the course of the drilling.

4-11. The construction of a well for the purpose of disposing of any liquid, including surface water, air conditioning, or commercial wastes shall be prohibited in the Village of Arden Hills, unless a plan of disposal prepared by a registered engineer and approved by the State Board of Health is first presented to the Plumbing Inspector.

Section 5. Inspection.

5-1. The Plumbing Inspector of the Village of Arden Hills is charged with the responsibility of conducting regular inspections upon the construction of major reconstruction of all the wells within the Village of Arden Hills. Such inspections shall be made as frequently as possible, and as extensively as, in his opinion, are necessary to obtain strict compliance with the provisions of this Ordinance. In any situation where the Plumbing Inspector has a serious doubt as to the proposed location of a well or the type of construction of a well, he shall prohibit all further work of such proposed well for a period of not to exceed thirty (30) days, and within said thirty day period the Plumbing Inspector shall make appropriate inquiry with the Minnesota Department of Health - to determine whether the proposed construction or location constitutes a health menace. Within said thirty day period the Plumbing Inspector shall take final action with reference to said proposed well,
either by withdrawing the temporary suspension or by requesting that the Council revoke the permit.

5-2. In the event that the Plumbing Inspector determines that strict application of the provisions of this Ordinance would constitute a hardship to the particular property owner, and that the provisions of this Ordinance could be relaxed in the particular case presented without endangering the public health and without permitting the creation of an unsafe water supply, then the Plumbing Inspector shall so report to the Village Council, and request Council action to relax the appropriate requirements for the individual case. Upon such application and report, after such further inquiry and investigation as the Council deems advisable, the Council may waive any requirements of this Ordinance in a particular case, upon the standards and further reasons hereinbefore set forth.

Section 6. Purpose of the Ordinance.

This Ordinance and each of the separate provisions hereof have been enacted for the benefit and protection of property owners as well as the public. Each and every contract for the performance of work of a type regulated by this Ordinance shall be impounded include a covenant on the part of the one who is to perform the work that, except to the extent that compliance with this Ordinance has been modified or waived, the work shall be performed strictly in accordance with the applicable provisions of this Ordinance.

Section 7. Penalties.

Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not to exceed $100.00 or imprisoned for not to exceed 10 days. Each day that any violation is continued shall constitute a separate offense.

AN ORDINANCE NO. 37 OF THE VILLAGE OF CHANHASSEN GRANTING TO THE CHANHASSEN WATERWORKS, INC. THE RIGHT AND FRANCHISE TO CONSTRUCT AND OPERATE A PUBLIC WATER SUPPLY SYSTEM.

Article I.

1:01 The Village of Chanhassen, hereinafter called the "Village", hereby grants to the Chanhassen Waterworks, Inc., hereinafter referred to as the "Grantee", a non-exclusive right and franchise to construct, maintain and operate a system for the supply of water for domestic, public and other purposes, hereinafter referred to as the "system", within the following described territory:

Schoeller's Second Addition to Chanhassen.

1:02 The Grantee shall be under no obligation to extend the system beyond the above described limits except upon its acceptance of an ordinance providing therefor.

Article II.

2:01 The Grantee shall submit to the village council prior to construction of the system or any additions thereto, complete plans and specifications therefor, for approval of the village council. The system, when completed, shall meet the requirements of and be approved by the Minnesota State Department of Health.

2:02 The Grantee shall commence construction of the system not later than the first day of June, 1961, but not before the approval of the plans and specifications by the village council. It shall thereafter prosecute construction to completion with all possible dispatch.

2:03 The Grantee shall indemnify, keep and hold the Village of Chanhassen, its officers, agents and employees free and harmless from liability on account of injury or death of persons or damage to property, in any way arising from the construction, maintenance or operation of the system. Prior to the commencement of the construction of the system, the Grantee shall procure and keep in force at all times during the life of this franchise, public liability insurance with personal injury limits of not less than One Hundred Thousand Dollars each person, Three Hundred Thousand Dollars each accident, and property damage limits of not less than Ten Thousand Dollars. A certificate evidencing such insurance shall be kept on file with the Village clerk.

2:04 The Grantee shall at all times keep the insurable portions of the system insured against loss by fire, windstorm and other perils set out in the standard extended coverage endorsement, to the extent of 80% of the replacement cost thereof, and shall maintain on file with the village clerk a certificate of such insurance. The Grantee shall be obligated to use the proceeds of such insurance solely for the repair or replacement of damaged portions of the system.

2:05 Prior to the beginning of operation of the system, the Grantee shall procure and keep in force at all times during the life of this franchise a corporate surety performance bond in favor of the Village of Chanhassen in an amount of not less than Twenty-five Thousand Dollars conditioned upon:

1. The continuing supply of water to the users of the system.
2. The proper maintenance, operation and upkeep of the system.
3. Complying with all the requirements of this ordinance.

Said bond may be furnished for successive five-year periods.

2:06 The Grantee shall install and maintain sufficient Fire Hydrants within the system to meet the requirements of the National Board of Fire Underwriters Inspection Bureau; and shall furnish to the Village of Chanhassen or the Excelsior Volunteer Fire Department water for fire protection without charge.

2:07 In the event of the necessity for repair of any part of the system located in a street or other public place, the Grantee shall prosecute such repair with all possible dispatch so as to cause the least possible interference with the convenience of the public. All streets and other public places in which repairs are made shall be returned to their original condition by the Grantee.

2:08 It is the obligation of the Grantee to maintain the system during the life of this franchise in good operating condition, and to furnish an adequate supply of water meeting the standards of the Minnesota State Board of Health to the users of the system.

Article III.

3:01 The Grantee shall be entitled to charge the users of water
from the system such rates as shall produce a reasonable return on its investment. It may depreciate the properties of the system at the rate of 4% per year and such depreciation shall be a proper expense for purposes of determining the Grantee's return on its investment.

3:02. The rates to be charged upon the beginning of the system's operation shall not exceed the following:
1. For each single family unit, a minimum charge of $9.00 per quarter plus .60¢ per 1,000 gallons after the first 12,000 gallons.

3:03. The Grantee annually shall file with the village council upon the first day of the month nearest the anniversary date of the beginning of the system's operation a schedule of the maximum rates proposed for the ensuing year. Such schedule of rates shall become effective the first day of the following month unless disapproved by the village council in the interim. If such schedule of rates be disapproved, the rates in effect the preceding year shall continue in effect.

3:04. For the purpose of enabling the Village council to determine that the Grantee is receiving a reasonable return upon its investment, the Grantee shall file with the village clerk:
1. At the time of the completion of the system, but not later than six months after the system becomes operative, a statement of the cost of the system as capitalized for Federal Income Tax purposes, excluding however, those items for which the Grantee has received deposits from water users and those items for which the Grantee has outstanding accounts receivable. Such statement shall follow usual and normal accounting practices for the Grantee's type of business.
2. Annually and not later than one hundred days after the close of the Grantee's fiscal year, a profit and loss statement accurately reflecting the preceding fiscal year's income and expenses; a balance sheet as of the close of the fiscal year; and a statement of the cost of the system adjusted to reflect capital additions during the previous fiscal year.

The statements of the cost of the system required in (1) and (2) above shall show the annual rates of depreciation being used for each class of property.

3:05. The Grantee may require any user of water from the system, except the Village, to pay an amount calculated to reasonable reimburse the Grantee for the cost of connecting a service line from the water main to the structure to be served.

3:06. The Grantee may require each user of water from the system, except the Village, to make an initial deposit not to exceed the cost of the meter installed on the user's premises. Failure by the user to pay for water consumed within 60 days after the bill has been rendered, shall be cause for the suspension of water service to the user.

Article IV.

4:01. In the event the Grantee fails to comply with any of the terms or conditions of this ordinance, and if such default continues for more than thirty days after notice of said default by the Village, the Village may terminate this franchise.

4:02. Upon termination of this franchise in the manner provided in Section 4:01, the Grantee shall convey without cost all of the property comprising the system to the village or, if the Village refuses to accept the conveyance, to the Scholer's Second Addition Home Owner's Association, or a similarly named corporation owned by the owners of lands in Scholer's Second Addition to Chanhassen.

4:03. Failure of the Grantee to provide water service caused by acts of God, or forces beyond Grantee's control, shall not constitute a default herein; provided that Grantee restores the operation of the system with all possible dispatch.

Article V.

5:01. The term of this franchise shall be for a period of twenty-five years from the date of the adoption and publication thereof, subject to the right of the Village to terminate the franchise as herein provided, and subject to the right of the Village to acquire the system by the right of eminent domain.

5:02. This franchise shall be accepted in all its terms by the Grantee by an instrument in writing filed with the Village clerk not later than 30 days following the adoption and publication hereof. In the event the Grantee fails to so accept, all rights of the Grantee hereunder shall cease.

5:03. The Grantee shall pay the expense of the official publication of this ordinance and any amendments thereto.

5:04. If any section of this ordinance shall be declared invalid by a court of competent jurisdiction, such holding shall not affect nor invalidate any other section of this ordinance.

5:05. This ordinance shall take effect upon its adoption and publication.
AND THE FACILITIES CONNECTED THEREWITH AND DETERMINING THE BASIS THEREOF.

THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A Sewage" and "Industrial Wastes" are defined as follows:

THE VIOLATION THEREOF.

drains, bars, soda fountains, cuspidors, refrigerator drips and drinking processes.

lavatories, Sinks, bathtubs, showers, household laundries, cellar floor drains, bars, soda fountains, cuspidors, refrigerator drips and drinking fountains.

"Industrial Wastes" are hereby defined as being the liquid waste resulting from any commercial manufacturing or industrial operations or processes.

Section 2. For the purpose of providing funds to meet the cost of construction, operation and maintenance of the Sewage Treatment Plant and the facilities connected therewith and the payment of capital charges represented by bonds, certificates of indebtedness, or otherwise, and to the payment of reasonable requirements for replacement and obsolescence, there is hereby levied and assessed upon each lot, parcel of land, building, or premises having any connection with the public sewer system of the City of St. Cloud, or otherwise discharging sewage, industrial wastes, water or other liquids, directly or indirectly into the public sewer system of the City, a sewage service charge payable as hereinafter provided and in an amount determinable as follows:

A. For any lot, parcel of land, building, or premises having connection with the sewer system of the City, or otherwise discharging sanitary sewage either directly or indirectly into the sewer system, the charge will be based upon the quantity of water used thereon or therein as the same is measured by the city water meter thereon or therein.

B. In the event that any lot, parcel of land, building, premises, Federal or State Institutions, or municipality discharging sanitary sewage, industrial wastes, water, or other liquids into the sewer system of the City either directly or indirectly, is not supplied with the water from the water works of said City, and the water used thereon or therein is not measured by a city meter or by a meter provided by the Superintendent of Water Works or Superintendent of Sewage Treatment Plant, then in each such case the sewer service charge shall be fixed and determined by the City Commission in such manner and by such method as they may find just, equitable, and practicable in the light of conditions and attendant circumstances of the case.

C. If a portion of the water furnished to any premises is not discharged into the sewage system, the amount of such water will be deducted in computing the sewage service charge, provided a separate meter is installed. The property owner desiring to install such separate meter shall make application and payment for the meter to the Water Works Superintendent or Sewage Treatment Plant Superintendent and engage a plumber to make the necessary piping changes and install the couplings so that the meter can be set.

D. The City Commission shall have the power to classify the Industrial Wastes from any lot, parcel of land, building or premises discharged into the sewage system, taking into consideration the volume, biological oxygen demand, the suspended solids content of the industrial wastes, the cost of disposal, and the nature of the use made of the sewage system, and fix just and reasonable rates and charges for its disposal according to such classification and said commission shall have the power to increase or decrease the rates and charges in this ordinance provided for as the same may reasonably be required.

E. No sewage, including industrial wastes, shall contain any substance which is deemed deleterious by the Superintendent of Water Works or Superintendent of Sewage Treatment Plant to the operation of the sewage system. If a user of the sewage system discharges any deleterious substance therein, he shall be required to discontinue the discharge of such substance into the sewage system. If, after ten days written notice, such user continues to discharge such deleterious substance into the sewage system, he shall be subject upon conviction to a fine of not less than $5.00 nor more than $50.00. Each day of which such violation continues to exist after notice to discontinue, such discharge shall be deemed a separate violation.

ORDINANCE CODE OF THE VILLAGE OF GOLDEN VALLEY

Section 250 - Sewer Code; Generally.

Section 250:10. Definitions. Unless the context specifically indicates otherwise, the meaning of terms in the Sewer Code shall be as follows:

Subd. 1. Sewage Work shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Subd. 2. Superintendent shall mean the Superintendent of Sewers of the Village of Golden Valley, or his authorized deputy agent, or representative.

Subd. 3. Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Subd. 4. Sewer shall mean a pipe or conduit for carrying sewage.

Subd. 5. Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Subd. 6. Combined Sewer shall mean a sewer receiving both surface runoff and sewage.
Subd. 7. Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Subd. 8. Storm Sewer or Storm Drain shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Subd. 9. Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.

Subd. 10. Industrial Wastes shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

Subd. 11. Garbage shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

Subd. 12. Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 3/8 inch in any dimension.

Subd. 13. Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

Subd. 14. Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

Subd. 15. B.O.D. (Denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the bio-chemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in parts per million by weight.

Subd. 16. pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Subd. 17. Suspended Solids shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

Subd. 18. Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Subd. 19. Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Subd. 20. Person shall mean any individual, firm, company, association, society, corporation, or group.

Subd. 21. Shall is mandatory; May is permissive.

Section 250:20. Protection from Damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be guilty of a disorderly conduct.

Section 250:30. Powers of Inspection. The Village Engineer and other fully authorized employees of the Village bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of the Sewer Code.

Section 250:40. Violations. Any person violating any provision of the Sewer Code shall be guilty of a misdemeanor. Each day that violation shall continue shall constitute a separate offense.

Section 250:50. Loss to Village. Any person violating any of the provisions of the Sewer Code shall become liable to the Village for any expense, loss, or damage occasioned the Village by reason of such violation.

Section 251 - Use of Public Sewers Required.

Section 251:00. Objectionable Waste. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Village of Golden Valley, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste.

Section 251:10. Sewage Treatment. It shall be unlawful to discharge into a natural outlet within the Village of Golden Valley, or in any area under the jurisdiction of said Village, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of the Sewer Code.

Section 251:20. Use of Public Sewer Required. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Section 251:30. Toilet Facilities. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the Sewer Code, within 90 days after date of official notice to do so, provided that said public sewer is located in the street or alley of abutting property.

Section 251:40. Discontinue Septic Tanks and Cesspools. The owner of all houses, buildings or properties where cesspools and septic tanks have been in existence prior to the construction of the sanitary sewer, shall connect with the public sewer when such septic tanks and cesspools are in need of repairs, reconstruction, or pumping. No septic tank or cesspool shall be permitted to discharge into any public sewer or natural outlet.

Section 253 - Permits for Public Sewer Connections.

Section 253:00. Permit Required. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the office of the Building Inspector and otherwise complying with the terms of this chapter.

Section 253:10. Supervision. No plumbing shall be done except under direct supervision of a Master Plumber when connecting with a public sewer.
Connections or doing any other work on the public sewer system, and said bond shall satisfy the requirements of this section and of Ordinances of this Village relating to the licensing of plumbers and be conditioned as required hereby.

Section 253:30. Insurance. Prior to the commencement of construction work such Master Plumber shall take out and maintain insurance against damages to property or injury or death to persons, which policies shall indemnify and save harmless the Village and all of its officers and personnel against any claim, demand, damages, actions, or cause of action arising out of or by reason of the doing of the work or activities related or incident thereto, and from any costs disbursements, or expenses of defending the same. The property damage insurance coverage shall be in the amount of $25,000.00 or more, and the public liability insurance for injury or death to persons shall be in the amounts of $50,000.00 and $100,000.00. Proof of such insurance shall be filed with the Village prior to commencement of construction work, and such policy shall provide, that the Village shall be notified immediately of any termination or modification of such insurance.

Should the insurance coverage hereinafter provided be inadequate in amount then such Master Plumber shall himself indemnify and save harmless the Village and all of its officers and personnel in like manner.

Section 253:40. Permits. There shall be two classes of building sewer permits:

(1) For residential and commercial service and
(2) For service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information which the Village Engineer may reasonably require.

Section 253:50. Fees. A permit and inspection fee of $15.00 for a sewer permit shall be paid to the Village Treasurer at the time the application is filed.

Section 253:60. Permit Card. The Village shall furnish a Red Permit Card with permit number which shall prominently displayed on property where sewer connection is being made; said card shall be displayed for the duration of the work.

Section 254 - Building Sewers and Connections.

Section 254:00. Expense on Owner. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 254:05. Separate Sewers. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer except for rate purposes.

Section 254:10. Old Sewers. Where any pipe of material other than extra heavy duty cast iron pipe, asbestos cement pipe or vitrified clay pipe is encountered in the existing building sewer it shall be replaced with pipe meeting the requirements of this ordinance. Where any pipe other than extra heavy duty cast iron pipe or vitrified clay pipe is encountered in the building drain it shall be replaced with pipe meeting the requirements of the Village of Golden Valley Plumbing Code.

Section 254:15. Crossing Cesspools and Septic Tanks. Building sewer pipe may be laid across existing cesspools and septic tanks providing pipe rests on a steel reinforced concrete slab which ends rests directly on the concrete block walls. The two center sections of a regular cesspool cover laid parallel with each other may be used.

Section 254:20. Elevation. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible.

Section 254:25. Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building.

Section 254:30. Excavations. All excavating required for the installation of a building sewer shall be open trench work unless otherwise approved by the Village Engineer. Pipe laying and backfill shall be performed in accordance with rules and regulations of the Village of Golden Valley. No backfill shall be placed until the work has been inspected and approved. Tunneling may be permitted but no tunnel shall exceed six feet in length and the pipe shall be installed so as to permit inspection of all joints.

Section 254:35. Joints. All joints and connections shall be made gas-tight and water-tight. Lead shall be run in one pouring and caulked tight. No paint, varnish, or other coating shall be permitted on the joining material until after the joint has been tested and approved.

All joints in vitrified clay pipe or between such pipe and metals shall be made with approved hot-poured jointing material as specified below. Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of one hundred sixty (160 degrees F.) degrees Fahrenheit, nor be soluble in any of the wastes carried by the drainage system. The joint shall first be caulked tight with jute, hemp, or similar approved material.

Section 254:40. Connections, "Y" Branch. The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly located "Y" branch is available, the owner shall, at his expense, install a "Y" branch in the public sewer at the location specified by the Village Engineer. Where the public sewer is greater than 12 inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut into the
Section 254:45. Connections, Where Sewers Provided. Building sewers or house sewers have been provided for each separate structure and all connections to the public sanitary sewer shall be made where the building sewers and house sewers have been installed. Connections with the public sanitary sewer at any other location must be approved by the Village Engineer prior to starting of any construction. In the event the building sewer or house sewer which has been installed cannot be used, then the property owner shall pay the full cost of making the connection elsewhere.

Section 254:50. Inspection. The applicant for the building sewer permit shall notify the Building Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Building Inspector or his representative.

Section 254:55. Guards, etc. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

Section 255 - Use of Public Sewers

Section 255:00. Surface Waters. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

Section 255:05. Storm Sewers. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or to a natural outlet approved by the Village Council. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Village Council, to a storm sewer, or natural outlet.

Section 255:10. Prohibited Wastes. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- Subd. 1. Any liquid or vapor having a temperature higher than 150 degrees F.
- Subd. 2. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, or grease.
- Subd. 3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- Subd. 4. Any garbage that has not been properly shredded.
- Subd. 5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

Subd. 6. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

Subd. 7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant.

Subd. 8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

Subd. 9. Any noxious or malodorous gas or substance capable of creating a public nuisance.

Section 255:15. Grease, etc. Grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All such interceptors shall be of a type and capacity approved by the Village Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place shall be gastight and watertight.

Section 255:20. Where installed, all grease, oil and sand interceptors shall be maintained by the owner at his expense, in continuously efficient operation at all times.

Section 255:25. Restricted Wastes. The admission into the public sewers of any waters or wastes having (a) a 5 day Biochemical Oxygen Demand greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) containing any quantity of substances having the characteristics described in Section 255:10 or (d) having an average daily flow greater than 2% of the average daily sewage flow of the Village shall be subject to the review and approval of the Village Engineer.

The owner shall provide at his expense, such preliminary treatment as may be necessary to, (a) reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or (b) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 255:10, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Village Engineer, and of the Water Pollution Control Commission of the State of Minnesota, and no construction of such facilities shall be commenced until said approvals are obtained in writing.
Section 255:30. Preliminary Treatment. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

Section 255:35. Manholes. The owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Village Engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 255:40. Tests. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Sections 255:10 and 255:25 shall be determined in accordance with methods employed by the Mnipotha Department of Health, and shall be determined at the control manhole provided for in Section 255:35 or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Section 255:45. Agreement with Village. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment subject to payment therefor by the industrial concern.

Section 256 - Rules and Rates for Sewer Service.

Section 256:00. Definitions. Unless the language clearly indicates that a different meaning is intended, the following terms and phrases shall be given the meaning set out below for the purposes of this ordinance:

Subd. 1. "Normal Sewage" is water-carried waste products from residences, public buildings, business or industrial establishments, schools, or any other building or structures, including the excrementitious or other discharge from human beings or animals, together with such ground-water infiltration as may be present.

Subd. 2. "Industrial Waste" is any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing, trade, business, the development of any natural resource or any similar activity.

Section 256:05. Rates. The following rates and charges for use and service of the sanitary sewer system are hereby established, such charges and rates to be made against each lot, parcel of land, unit or premises which may have a connection directly or indirectly into the village sanitary sewer system and which discharges only normal sewage into such system.

Section 256:10. Minimum Charges. The minimum quarterly charge, whether use of water is metered out or not, shall be as follows:

<table>
<thead>
<tr>
<th>Subd.</th>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>For each business, plant, institution, or similar unit</td>
<td>$ 6.00</td>
</tr>
<tr>
<td>2</td>
<td>For each grade school</td>
<td>$ 6.25</td>
</tr>
<tr>
<td>3</td>
<td>For each junior high school or high school</td>
<td>$15.00</td>
</tr>
</tbody>
</table>

Subd. 4. For each residence, residence unit, or other unit

Section 256:15. Flat Charges. Where the rate is not based upon the metered use of water the following quarterly flat charges shall be made:

<table>
<thead>
<tr>
<th>Subd.</th>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
</table>
| 1       | For each business, institution, or similar unit (excluding schools) in the conduct of which persons are regularly engaged on the premises, as employees or otherwise the said flat charge shall be as follows:
| 2       | For the equivalent of 10 persons or less                 | $ 6.00|
| 3       | For the equivalent of more than 10, but less than 26 persons | $12.00|
| 4       | For the equivalent of more than 25, but less than 51 persons | $24.00|
| 5       | For the equivalent of more than 50, but less than 76 persons | $35.00|
| 6       | For the equivalent of more than 75, but less than 101 persons | $45.00|
| 7       | For the equivalent of more than 100 persons - per 25 persons or a fraction thereof | $10.00|

Section 256:20. Metered Flow Charges. For all premises where the rate is to be based on the metered flow of water, the rate shall be that established and charged the Village by the City of Minneapolis for sewage treatment plus a charge in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Subd.</th>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>For the first 2,500,000 gallons per quarter, Minneapolis charge plus 60%</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>For the next 2,500,000 gallons per quarter, Minneapolis charge plus 50%</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>For the next 2,500,000 gallons per quarter, Minneapolis charge plus 40%</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>For the next 2,500,000 gallons per quarter, Minneapolis charge plus 30%</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>For the next 2,500,000 gallons per quarter, Minneapolis charge plus 20%</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>For the next 2,500,000 gallons per quarter, Minneapolis charge plus 10%</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>For the next 2,500,000 gallons per quarter, Minneapolis charge plus 5%</td>
<td></td>
</tr>
</tbody>
</table>

Section 256:25. Rate-Industrial Waste and Large Units. On each lot, parcel, premises, or unit not enumerated in Sections 256:10, 256:15 and 256:20, the use of water shall be metered and the rate shall be the same as that provided in Section 256:20.

Section 256:30. Metering Water Supply in Lieu of Flat Charge. A meter recording the use of water may be installed on any non-residential lot, parcel, premises or unit not metered out or not, for all or any portion thereof, and the charge for such meter shall be the same as provided for in the ordinance of 1964 for the similar lot, parcel, premises or unit where it shall be determined that the above-mentioned flat charges are impractical to apply, or result in inequitable charges be-
Section 256:35. Installation of Meter. Any water meter installed for use or used as a basis for the computation of sewer rates shall be installed and maintained in good operating condition at all times, such installation and maintenance to be without expense to the Village. Any such meter shall be of a type approved by the Village Council, and shall accurately measure all water received on the premises. Installation of and maintenance of such meter shall be made in accordance with the plumbing regulations of this village.

Section 256:40. Water Used Not Entering Sewer System. If the lot, parcel of land, or premises discharges normal sewage or industrial waste into the sanitary sewerage system, either directly or indirectly, and it can be shown to the satisfaction of the Village Council that a portion of the water measured by the water meter does not and cannot enter the sanitary sewerage system, then, and in that event, the Village Council may permit or require the installation of other or additional meters in such a manner that the quantity of water which actually could enter the sewer system may be determined. In such case the charges or rates shall be based upon the amount of water which can enter the sanitary sewerage system.

Section 256:45. Supplying Information. The owner, occupant, or person in charge of any premises shall supply the Village with such information as the Village may reasonably require related to use of water, use of sewer, or sewer rates. Willful failure to provide such information or willful falsification of such information shall constitute a violation of this ordinance, as shall willful failure to comply with any requirement or order issued pursuant to this ordinance.

Section 256:50. Estimated Bills. If the owner, occupant, or person in charge of any premises shall fail or refuse to provide information as provided in Section 256:45 hereof, or shall fail or refuse to comply with any requirement of this ordinance, the proper charge for such premises shall be estimated and billed in accordance with such estimate.

Section 256:55. Beginning Service. For a fraction of a quarter the charges and rates for non-metered units shall be based upon the amount of the established flat charge, provided however, that the actual month of beginning shall be considered as having begun on the first or the fifteenth of the month, whichever is closer.

Section 256:60. Accounts, How Kept. All accounts shall be kept on the books of the Utility Fund by the house and street number assigned thereto and the name of the owner. All bills and notices shall be sent to the house and street number of the property. If non-resident owners or agents desire personal notice sent to a different address, they shall file an application therefor with the Finance Department. Any error in address shall be promptly reported to the Finance Department. Responsibility for notice of change of ownership shall rest with the owner.

Section 256:65. Collections. All bills shall be rendered quarterly and shall be due when rendered. A penalty of ten (10) percent shall be added to the entire balance due if not paid within ten days thereafter. Payments received by mail, postmarked on or before the tenth day, shall be deemed to be paid within said period. Delinquent accounts may be certified with penalties to the County Auditor with the taxes against such property and shall be collected with other taxes on such property.

Section 257 - Sewer Districts.
ORDINANCES PROVIDING FOR OPERATION AND REGULATION OF PRIVATELY OWNED WASTEWATER DISPOSAL SYSTEMS

ORDINANCE CODE OF THE VILLAGE OF GOLDEN VALLEY

Section 252 - Private Sewage Disposal Systems.

Section 252:00. Public Sewer Availability. At such time as a public sewer becomes available to the property served by a private sewage disposal system, as provided in Section 251:30, a direct connection shall be made to the public sewer in compliance with this ordinance, any any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Section 252:02. Draining Private Systems. Contents of septic tanks or cesspools may be pumped into the sewer or may be emptied by flowing the contents thereof into a building sewer pipe at the property line provided that a screen is placed at the inlet to said pipe or at the point of suction to prevent obstructions from entering the system. After such draining into the sewer system the line shall be flushed with clean water for a period of two hours. No solids shall be permitted to enter the sewer system. Written permission must be obtained before pumping or dumping the contents of any septic tank or cesspool into the Village Sanitary Sewer system, as required by the Sewer Code.

Section 252:04. Backfilling. Backfilling above the cover level of any cesspool, septic tank or similar tanks or any building sewer shall not commence until permission has been granted by the Inspection Office.

Section 252:06. Private Systems. Where a public sanitary sewer is not available under the provisions of Section 251:30, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

Section 252:08. Permit. No person shall dig or commence a private sewage disposal system, whether for residential, commercial or other use, without first submitting plans and specifications for said system, paying the proper fee and securing a permit from the Building Inspector or his duly authorized representative. The application for such permit shall be made on a form furnished by the Village, containing such information as the Village Engineer reasonably may require.

Section 252:10. System Approved. Upon examination of the plans and specifications so submitted, the Building Inspector shall determine whether or not the sewage disposal system shall be constructed as set forth in said plans and specifications or otherwise, and shall determine the type of system most suitable for the proposed residential or commercial use, taking into account the terrain upon which the said system is to be located, the density of population in the surrounding area, and the health and welfare of the community.

Section 252:12. Issuance of Permit. The Building Inspector, when issuing his permit, shall specify therein the type of sewage disposal system most suitable for the location involved and the manner in which it is to be constructed and the sewage disposal system shall be constructed in accordance with said permit and the plans and specifications as submitted or as corrected by the Building Inspector, and not otherwise.

Section 252:14. Correction of Defects. If upon examination the Building Inspector shall determine that any sewage disposal system, whether for residential, commercial or other use, is insufficient or improperly constructed or operated, or that it constituted a menace to the health and welfare of the community or that effluent therefrom is being discharged upon the ground or into a stream or open ditch, he shall forthwith order the owners and users of said sewage disposal system to cease operating and using it and thereupon said owners and users shall immediately cease operating and using it and shall not again operate or use it until such time as it has been corrected in accordance with the recommendations of the Building Inspector and until the Building Inspector certifies that it is then a suitable and proper sewage disposal system, does not constitute a menace to the health and welfare of the community, and effluent therefrom is not discharged upon the ground or into a stream or open ditch.

Section 252:16. Change of Plans. If at any time during the construction of any sewage disposal system the Building Inspector shall determine that a change in plans and specifications or type of sewage disposal system to be installed is necessary, he shall forthwith notify the person to whom a permit for said construction has been issued and that person shall forthwith cease the construction of said sewage disposal system and shall resume construction only when informed by the Building Inspector that he may do so and in accordance with plans and specifications having approval of the Building Inspector and in accordance with such recommendations as the Building Inspector may make.

Section 252:18. Inspection. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Building Inspector. He shall be allowed to inspect the work at any stage of construction and in any event the applicant for the permit shall notify the office of the Building Inspector when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Building Inspector. In addition:

Subd. 1. When any work is started without a permit, a double fee will be charged.

Subd. 2. Any work covered without inspection must be reopened for the inspector.

Subd. 3. Any work rejected by the Building Inspector must be changed to the satisfaction of the inspector and another inspection called for final approval. Any work that is rejected by the Building Inspector must be corrected within 48 hours after rejection.

Subd. 4. All sewer systems must be closed within 24 hours after approval by the Building Inspector.

Section 252:20. Department of Health Recommendations. Type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Minnesota except where the Village Engineer shall authorized in writing deviations therefrom.

Section 252:22. Discharge. The effluent from a septic tank or other sewage disposal system must discharge into an approved absorption field or sewer line. It shall never be discharged upon the ground or into a stream or open ditch, nor into any public sewer.
Section 252:24. Clogged soil. When the soil around any cesspool or tile disposal field becomes so clogged that it will no longer absorb the liquids placed therein, additional soil absorption facilities shall be provided.

Section 252:26. Standards. In addition the standards set forth in the following sections are hereby established for the locations, construction and repair of cesspools, septic tanks, tile drain fields, sewage disposal systems, and plumbing systems:

LOCATION OF CESSPOOLS, SEPTIC TANKS & DRAIN FIELDS

Subd. 1. No septic tank, cesspool or drain field shall be closer than 50 feet from any well.

Subd. 2. All septic tanks, cesspools and drain fields must be at least 15 feet from the building they serve.

Subd. 3. Septic tanks and cesspools must be at least 10 feet apart. Where more than one cesspool is used, they must be at least 10 feet apart.

Subd. 4. Septic tanks, cesspools and drain fields must be at least 5 feet inside property line when ground is level. If drain fields are on hillsides or slopes, they must be at least 15 feet inside property line.

Subd. 5. No drain field tile is to be closer to the surface than 18 inches nor deeper than 24 inches.

Subd. 6. 8 to 10 inches of field drain stone must be placed under pipe and 2 inches of field drain stone must be placed over pipe. Sand, gravel, large stone or pea rock are not to be used in place of drain field stone.

Subd. 7. Where extra fine sand is found, at least 2 inches of clay or black dirt must be put on top of drain field stone before filling in ditch with fine sand.

Subd. 8. No part of drain field may be installed under cement work or driveways.

Subd. 9. Excavating and grading of lot must be done so as to obtain permanent ground level before field drain is installed.

SEPTIC TANKS

Subd. 1. Septic tanks must be five hundred gallon capacity and must be of all concrete construction. If 4 foot rings are used, there shall be 6 rings below the outlet.

Subd. 2. All septic tanks must have a cement bottom. All connecting pipe and baffles must be cemented in.

Subd. 3. All septic tank covers must be within five feet of ground level.

CESSPOOLS

Section 252:30. Cesspools.

Subd. 1. All cesspools must be of 1,000 gallons capacity and must be of concrete block construction only. All cesspool covers must be within 5 feet of ground level. If 4 foot rings are used there must be 12 rings below the inlet. All joints around pipe shall be cemented in.

Subd. 2. All cesspools must be at least 3 feet in good drainage to the satisfaction of the plumbing inspector.

DRAIN FIELDS

Section 252:32. Drain Fields.

Subd. 1. A drain field must have at least 100 feet of ditch not less than 2 feet wide. No ditch shall have more than 6 inches of slope from one end to the other and the pipe must be as nearly level as possible.

Subd. 2. Field drain pipe must be drain tile only.

Subd. 3. No pipe is to be less than 4 inches inside diameter. 12 inch lengths must be used.

Subd. 4. All drain tile must be ½ inch apart with joints covered with tar paper. No drain field is to be covered with any kind of paper.

Subd. 5. No drain field tile is to be closer to the surface than 18 inches nor deeper than 24 inches.

Subd. 6. 8 to 10 inches of field drain stone must be placed under pipe and 2 inches of field drain stone must be placed over pipe. Sand, gravel, large stone or pea rock are not to be used in place of drain field stone.

Subd. 7. Where extra fine sand is found, at least 2 inches of clay or black dirt must be put on top of drain field stone before filling in ditch with fine sand.

Subd. 8. No part of drain field may be installed under cement work or driveways.

Subd. 9. Excavating and grading of lot must be done so as to obtain permanent ground level before field drain is installed.

SUMP PUMPS

Section 252:34. Sump Pumps.

Subd. 1. Where small sump pumps are used, such pumps must be of good quality. Further, the discharge pipe line from pump to sewer must have a check valve in pipe line.

Subd. 2. Sump pump wells must have tight-fitting covers.

Subd. 3. Where sump pump is used for pumping laundry water or floor drain water only, no vent is necessary from sump pump well.

Subd. 4. If kitchen sink or any sewage is being pumped, sump pump well must be vented with a ½ inch galvanized pipe increased to 2 inch galvanized pipe going through the roof. All sump pump well vents must be independent vents.

Section 252:36. Digging Cesspool Holes, etc. All septic tank and cesspool holes dug by machine must be dug crosswise of the ditch so that all pipe joining tanks will be on solid ground. At any time, the plumbing inspector may request digging to be done by hand labor and not by machine.

Section 252:38. Pipes. All pipes joining septic tanks and cesspools which are being installed on fill must be supported underneath with not less than a 2x6 on edge, with 2x4's driven into the ground and spiked to the side of the 2x6 at sufficient intervals to prevent settling.

Section 252:40. Abandoned Cesspools, etc. Any abandoned cesspool or septic tank not properly filled is hereby declared a public nuisance and shall be proceeded against as such.

Section 252:42. Sanitation. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.

Section 252:44. Health Requirements. No statement contained in this chapter shall be construed to interfere with any additional health requirements that may be imposed.
475. Individual Sewer Systems.

475.010. Objectives. The objectives of this chapter are to provide adequate and safe methods of sewage disposal and to prevent the contamination of any existing or future water supply by any existing or future sewage disposal system. Any system of special, unusual or new design which will satisfy the stated objectives may be accepted as complying with this chapter and any permit granted for the construction, installation, alteration or repair of any such special system shall be subject to such conditions and guarantees as may be stated in the permit.

475.020. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

Sewage. Any water carried domestic waste, exclusive of footing and roof drainage, of any residence, industry or commercial establishment, whether treated or untreated and includes the liquid wastes produced by bathing, laundry and culinary operations and from toilets and floor drains. Raw sewage is sewage which has not been subjected to any treatment process.

Individual Sewage Disposal System. A sewage disposal system other than a public or community system which receives sewage from an individual establishment. Unless otherwise indicated the word "system" as it appears in this chapter means "individual sewage disposal system".

Building Drain. That part of the horizontal piping of a building drainage system which receives discharge from all other soil, waste and drainage pipes inside the walls of building and conveys it to the building sewer.

Building Sewer. That part of the horizontal portion of the building drainage system extending from the building drain to its connection with the septic tank and carrying the sewage of but one building.

Inspector. The person employed or engaged by the council and assigned responsibility for administration of this chapter.

Licensing. No person, firm or corporation shall engage in the business of installing and constructing sewage disposal systems within the municipality without first obtaining a license to carry on such business. Such license shall be renewable annually on or before January 1 and may be revoked or refused by the council for cause. Any installation, construction, alteration, or repair of a sewage disposal system by a licensee in violation of the provisions of this chapter or refusal on the part of a licensee to correct such defective work performed by him shall be cause for revocation of or refusal to renew a license. Before any license issued under the provisions of this section may be revoked or its renewal refused, the license shall be given a hearing to show cause why such license should not be revoked or refused. Notice of the time, place and purpose of such hearing shall be in writing. The annual license fee shall be $12.00. Application for a license shall be made annually on a form furnished by the council.

475.030. Permits. No person shall install, alter, repair or extend any individual sewage disposal system in the municipality without first obtaining a permit therefor from the council. At the time of applying for said permit, the applicant shall pay a fee therefor of $5.00. Such permits shall be valid for a period of six months from date of issue.

475.040. Permits: Application. Applications for permits shall be made in writing upon forms furnished by the council and shall be signed by the applicant. Each application for a permit shall have thereon the correct legal description of the property on which the proposed installation, construction, alteration, repair, or extension is to take place, and the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this chapter. A complete plan shall include the location, size and design of all parts of the system to be installed, altered, repaired or extended. The application shall also show the present or proposed location of water supply facilities and water supply piping, and the name of the person who is to install the system and shall provide such further information as may be required by the council.

475.050. Inspector. The council shall assign responsibility for administration of this chapter to a qualified inspector.

475.060. Construction: Scope. All individual sewage disposal systems installed subsequent to the adoption of this Code and all alterations, extensions and repairs to individual sewage disposal systems irrespective of the date of original installation shall be regulated in accordance with all of the requirements of this section. Any individual sewage disposal system or pertinent part thereof, irrespective of the date of original installation, which is not located, constructed or installed in accordance with 475.060 shall be relocated, reconstructed or reinstalled so as to comply with the requirements of said items.

475.070. Construction: General.

1. Location. Location and installation of the individual sewage disposal system and each part thereof shall be such that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance nor endanger the safety of any domestic water supply. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, depth of groundwater, geology, proximity to existing or future water supplies, accessibility for maintenance, and possible expansion of the system. No part of the system shall be located so that it is nearer to any water supply than outlined hereinafter or so that surface drainage from its location may reach any domestic water supply.

2. Discharge. Raw sewage, septic tank effluent, or seepage from a soil absorption system shall not be discharged to the ground surface, abandoned wells, or bodies of surface water, or into any rock formation the structure of which is not conducive to purification of water by filtration.

3. Lot Size. The lot size shall be sufficient to permit installation of the individual sewage disposal system in accordance with all the requirements pertaining thereto.

4. Location: Low Areas. Installations of individual sewage disposal systems shall not be made in low swampy areas or areas which may be subject to flooding.

5. Tile Field Required. In areas with a high groundwater table or where limestone or any geological formation similarly faulty is covered by less than 50 feet of earth, the final disposal unit shall be a tile field. The bottom of the tile laterals shall not be less than 2 feet a-
above the highest known or calculated water table and the bottom of the trenches shall be above the water table and at least 2 feet above the surface of the faulty rock formation.

6. Heavy Machinery. Bulldozers, trucks or other heavy machinery shall not be driven over the system after installation.

7. Design. The system or systems shall be designed to receive all sewage from the dwelling, building or other establishment served including laundry waste and basement floor drainage. Footing or roof drainage shall not enter any part of the system. Where the construction of additional bedrooms, the installation of mechanical equipment, or other factors likely to affect the operation of the system can be reasonably anticipated, the installation of a system adequate for such anticipated need shall be required.

8. Elements Required. The system shall consist of a building sewer, a septic tank and a soil absorption unit. The soil absorption unit shall consist of a subsurface disposal field or one or more seepage pits, or a combination of the two. All sewage shall be treated in the septic tank and the septic tank effluent shall be discharged to the disposal field or seepage pits. Where unusual conditions exist other systems of disposal may be employed provided that they comply with all other provisions of this Code.

475.080. Sewer Construction. No buried or concealed portion of the building sewer or building drain or branch thereof serving any establishment shall be located less than 30 feet from any watersupply well. The buried or concealed portions of any building sewer, building drain or branches thereof located less than 50 feet from any well shall be constructed of extraheavy castiron soil pipe with lead-lined, airtested joints. The joints of such sewer, drain or branch located less than 40 feet from a well shall be further protected against leakage by means of belljoint clamps or 6 inch concrete encasement or by other equally effective means. The air test shall be made by attaching an air compressor to a suitable opening and closing all other inlets and outlets to the sewer and/or drain under test by means of proper testing plugs. Air shall be forced into the system until there is a uniform pressure of 5 pounds per square inch in the section being tested. The system shall be considered satisfactorily air tested if the pressure therein remains constant for 15 minutes without the addition of air. The portions of any buried sewer more than 50 feet from a well or buried suction line shall be of adequate size and constructed of castiron, vitrified clay, cementasbestos or bituminized-fiber pipe. Clay pipe and clay pipe fittings shall conform to ASTM specifications for standard strength or extra strength clay pipe and clay pipe fittings. Any building drain or building sewer constructed of castiron or cement and asbestos shall be not less than 4 inches in diameter and any building sewer constructed of material other than castiron or cementasbestos shall be not less than 6 inches dia. The space between the bell and spigot of vitrified-clay pipe shall be packed with oakum, hemp or jute or otherwise prepared so as to form a concentric opening uniform in width around the pipe, which opening shall be filled with Portland cement mortar or other acceptable sewer-joint compound. Poured joints are recommended. Where cement joints are used they shall be water-tight and root-tight and shall provide a grade of not less than 1/8 inch per foot. The 10 feet of sewer immediately preceding the septic tank shall not slope more than 1/4 inch per foot. No 90 degree ell's shall be permitted and where the direction of the sewer is changed in excess of 22 1/2 degrees, accessible cleanouts shall be provided.

475.090. Septic Tanks: Location. The location of the septic tank shall be such as to provide not less than the stated distances from the following:

1. Property lines, buried pipe distributing water under pressure and occupied buildings

2. Any source of domestic water supply or buried water suction line

475.100. Septic Tanks: Capacity. The liquid Capacity of a septic tank serving a dwelling shall be based on the number of bedrooms contemplated in the dwelling served and shall conform to capacities given in Table 1 which follows. The liquid capacity of a septic tank serving an establishment other than a dwelling shall be sufficient to provide a sewage detention period of not less than 24 hours in the tank but in no instance shall it be less than 500 gallons.

### Table 1

<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Recommended Minimum Tank Capacity</th>
<th>Equivalent Capacity per Bedroom</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 or less</td>
<td>900</td>
<td>300</td>
</tr>
<tr>
<td>4/1</td>
<td>1000</td>
<td>250</td>
</tr>
<tr>
<td></td>
<td>1/1 For each additional bedroom add 250 gallons.</td>
<td></td>
</tr>
</tbody>
</table>

475.110. Septic Tanks: Depth. The liquid depth of any septic tank or compartment thereof shall not be less than 30 inches. A liquid depth greater than 65 feet shall not be considered in determining tank capacity.

475.120. Septic Tanks: Horizontal Dimensions. No tank or compartment thereof shall have an inside horizontal dimension less than 24 in.

475.130. Septic Tanks: Connections. Inlet and outlet connections of the tank and of each compartment thereof shall be submerged by means of vented tees or baffles so as to obtain effective retention of scum and sludge.

475.140. Septic Tanks: Baffles. The space in the tank between the liquid surface and the top of the inlet and outlet baffles or submerged pipes shall be not less than 20 percent of the total required liquid capacity except that in horizontal cylindrical tanks this space shall be not less than 15 percent of the total required liquid capacity. The inlet baffle or submerged pipe shall extend at least 6 in. but not more than 20 percent of the liquid depth to the nearest inch below the liquid surface and at least one inch above the crown of the inlet sewer. The outlet baffle or submerged pipe and the baffles or submerged pipes between compartments shall extend below the liquid surface a distance equal to 40 percent to the nearest inch of the liquid depth except that

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the penetration of the indicated baffles or submerged pipes for horizontal cylindrical tanks shall be 35 percent, to the nearest inch, of the total liquid depth. They also shall extend above the liquid surface to provide for scum storage as required above. In no case shall they extend less than 6 inches above the liquid surface.

475.150. Septic Tanks: Ventilation. There shall be at least one inch between the underside of the top of the tank and the highest point of the inlet and outlet devices and partitions so as to provide the required ventilation of the system through the main building stack.

475.160. Septic Tanks: Inverts. The inlet invert shall be not less than 3 inches above the outlet invert.

475.170. Septic Tanks: Water-Tight. Construction of the tank shall be such as to assure its being water-tight and to prevent the entrance of rainwater, surface drainage, or ground water.

475.180. Septic Tanks: Material. The tank shall be constructed of sound and durable material not subject to excessive corrosion or decay. Metal septic tanks shall comply with Commercial Standard 177-51 of the U.S. Dept. of Commerce and have the capacity required by Table 1.

475.190. Septic Tanks: Access. Adequate access to each compartment of the tank for inspection and sludge removal shall be provided by a manhole (not less than standard size) or removable cover and by a clean-out pipe of not less than 4 in. dia., extending through the cover to a point above the tank not more than 6 in. below finished ground level. The point at which the clean-out pipe passes through the cover shall be so located that a downward projection of the pipe clears the outlet device by not more than 4 in. above the ground surface. The clean-out device shall be made accessible by either the removable cover or the manhole or by the addition of properly placed handholes.

475.200. Disposal Fields: Location. Location of the disposal field shall be in an unobstructed and preferably unshaded area, and the distances given below shall be the minimum horizontal separations between the disposal field and the following:

1. Any water supply well, or buried water suction pipe
2. Streams or other bodies of water
3. Occupied buildings
4. Large trees
5. Property lines or buried pipe distributing water under pressure

When coarse soil formations are encountered the 50 ft. distance specified above shall be increased appropriately.

475.210. Disposal Fields: Tile Field. A distribution box with removable cover and of sufficient size to accommodate the necessary tile field lateral lines shall be constructed at the head of each disposal field.

(1) Each tile field lateral line shall be connected separately to the distribution box and shall not be subdivided.

(2) The invert of all outlets shall be at the same elevation and the inlet invert shall be at least one inch above the outlet invert.

(3) The outlet invert shall be at least 4 inches above the distribution box floor for the purpose of securing equal distribution of the septic tank effluent to each tile lateral.

475.220. Disposal Fields: Seeage Area. Minimum seeage area of the disposal field (total flat area of trench bottom exclusive of sidewall area) shall be determined by the following percolation test procedure as applied to Table 2. Such test shall be performed by or under the supervision of the inspector provided for in 475.050.

(1) Number and location of tests. Six or more tests shall be made in separate test holes spaced uniformly over the proposed absorption field site.

(2) Type of test hole. A hole with horizontal dimensions of 4 to 12 in. and vertical sides shall be dug or bored to the depth of the proposed absorption trench. The holes may be bored with an auger of not less than 4 in. diameter.

(3) Preparation of test hole. The bottom and sides of the hole shall be carefully scratched with a knife blade or sharp pointed instrument to remove any smeared soil surfaces and to provide a natural soil interface into which water may percolate. All loose material shall be removed from the hole and 2 in. of coarse sand or fine gravel shall be added to protect the bottom from scouring.

(4) Saturation and swelling of the soil. The hole shall be carefully filled with clear water to a minimum depth of 12 inches over the gravel. Water shall be kept in the hole for at least 4 hours and preferably overnight, by refilling if necessary or by supplying surplus reservoir of water, such as in a automatic siphon. In sandy soils containing little or no clay, the swelling procedure shall not be required and the test may be made as described under 475.220(5) after the water from on filling of the hole has completely seeped away.

(5) Percolation rate measurement. With the exception of sandy soils, percolation rate measurements shall be made on the day following the procedure described under 475.220(4).

(a) If water remains in the test hole after the overnight swelling period, the depth shall be adjusted to approximately 6 inches over the gravel. From a fixed reference point the drop in water level shall be measured over a 30 min. period. This drop shall be used to calculate the percolation rate.

(b) If no water remains in the hole after the overnight swelling period, clear water shall be added to bring the depth of water in the hole to approximately 6 in. over the gravel. From a fixed reference point the drop in water level shall be measured at approximately 30 min. intervals for 4 hours, refilling 6 in. over the gravel if necessary. The drop that occurs during the final 30 min. period shall be used to calculate the percolation rate.

(c) In sandy soils or other soils in which the first 6 in. of water seeps away in less than 30 min. after the overnight swelling period, the time interval between measurements shall be taken at 10 min. and the test shall be run for one hour. The drop that occurs during the final 10 min. shall be used to calculate the percolation rate.
TABLE 2
ABSORPTION AREA REQUIREMENTS FOR PRIVATE RESIDENCES
AND OTHER ESTABLISHMENTS.
(Provides for Garbage Grinder and Automatic Sequence Washing Machines)

<table>
<thead>
<tr>
<th>Percolation rate</th>
<th>Required absorption area</th>
</tr>
</thead>
<tbody>
<tr>
<td>(time required)</td>
<td>(in square feet Standard trench 1 and seepage pits)</td>
</tr>
<tr>
<td>1 in. in minutes)</td>
<td></td>
</tr>
<tr>
<td>1 or less</td>
<td>70</td>
</tr>
<tr>
<td>2</td>
<td>85</td>
</tr>
<tr>
<td>3</td>
<td>100</td>
</tr>
<tr>
<td>4</td>
<td>113</td>
</tr>
<tr>
<td>5</td>
<td>125</td>
</tr>
<tr>
<td>10</td>
<td>165</td>
</tr>
<tr>
<td>15</td>
<td>190</td>
</tr>
<tr>
<td>20</td>
<td>250</td>
</tr>
<tr>
<td>25</td>
<td>300</td>
</tr>
<tr>
<td>30</td>
<td>330</td>
</tr>
</tbody>
</table>

1 Absorption area for standard trenches if figured as trench-bottom area.
2 Absorption area for seepage pits is figured as effective sidewall beneath the inlet.
3 In every case sufficient area should be provided for at least 3 bedrooms.
4 Unsuitable for seepage pits if over 30.
5 Unsuitable for absorption systems if over 60.

Additional criteria for judging soil suitability:
(1) In areas of shallow ground water, the depth of the water table shall be determined. No original installation of a soil absorption system shall be made in an area where the water table is at any time less than 4 ft. below ground level. Soil absorption systems installed in areas where impermeable layers are found at depths of less than 4 ft. shall be considered to be of special design.
(2) A modification of the percolation test may be used where the percolation test procedure has been previously used and knowledge is available on the character and uniformity of the soil.

475.230. Disposal Trenches.
(1) All trenches in a disposal field shall be constructed in accordance with the following standards:
(a) Minimum number of lines per field -- 2.
(b) Maximum length of individual lines -- 100 feet.
(c) Minimum bottom width of trench -- 18 inches.
(d) Minimum depth of cover of tile lines -- 18 inches.
(e) Preferred depth of cover of tile lines -- 24 inches.
(f) Maximum depth of cover of tile lines -- 36 inches.
(g) Maximum uniform grade of tile lines -- 6 inches per 100 feet.
(h) Preferred uniform grade of tile lines -- 2 to 4 inches per 100 ft.
(i) Size and spacing of trenches -- Conform to Table 3.
(j) Minimum filter material under tile -- 6 inches.
(k) Preferred depth of filter material under tile -- 12 to 24 inches.
(m) Minimum filter material over tile -- 2 inches.

TABLE 3
SIZE AND MINIMUM SPACING REQUIREMENTS FOR DISPOSAL TRENCHES

<table>
<thead>
<tr>
<th>Width at bottom in inches</th>
<th>Effective absorption area in sq. ft. per lin. ft.</th>
<th>Minimum spacing of lines in feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>1.5</td>
<td>6.0</td>
</tr>
<tr>
<td>24</td>
<td>2.0</td>
<td>6.5</td>
</tr>
<tr>
<td>30</td>
<td>2.5</td>
<td>7.0</td>
</tr>
<tr>
<td>36</td>
<td>3.0</td>
<td>7.5</td>
</tr>
</tbody>
</table>

2 Pipe used for the line between the septic tank and the distribution box and between the distribution box and tile laterals to the point where the laterals are separated 6 ft. shall be vitrified-clay, cement-asbestos, or cast-iron. Joints in such pipe shall be watertight. Pipe used under driveways or other areas subject to heavy loads shall be bell and spigot cast-iron with leaded caulked joints. Such water-tight sections laid in the disposal field shall not be considered in determining the effective absorption area.
(3) Field tile used in the disposal field shall be 4-inch agricultural drain tile 12 inches in length and shall be laid with 3 in. open joints. Alternate materials may be used if equivalent performance is indicated.
(a) All open joints shall be protected on top by strips of asphalt-treated building paper at least 10 in. long and 3 to 6 in. wide or by other acceptable means.
(b) All bends used in the disposal field shall have tight joints at each end of the bend.
(4) Filter material shall be crushed stone, gravel, or similar insoluble, durable and acceptable material having sufficient voids. This material may vary from 1/2 to 2 1/2 inches in size and shall be free of dust, sand, or clay. The filter materials shall completely encase the tile in accordance with this chapter. In any case, disposal trenches constructed within 10 ft. of large trees or dense shrubbery shall have at least 12 in. of filter materials beneath the tile.
(5) The top of the filter material shall be covered with untreated building paper or a two-inch layer of hay or straw so as to prevent settling of backfill material into the filter material.
(6) Where it is necessary to fill an area for construction of tile laterals, the bottom of tile trenches shall extend not less than one ft. into the original soil.
(7) The trench above the filter material shall be overfilled with 4 to 6 inches of earth. The backfill shall be hand-tamped.
(8) Before filter material is placed all smeared or compacted soil in the trench bottom shall be broken up and removed by raking or other effective means to provide natural soil conditions.

475.240. Seepage Pits.
(1) Seepage pits shall be used for disposal of septic tank effluent only when such use is indicated by favorable conditions of soil, ground water level, or topography and where such use does not reduce the safety of surrounding water supplies. The pit excavation shall terminate at least 4 ft. above the highest known or calculated groundwater table. The depth of the excavation shall not exceed 50 percent of the depth of any well casing the area or 20 feet, whichever is least.
(2) A distribution box which is constructed in accordance with 475.
210 shall be required when two or more seepage pits are connected and used in parallel.

(i) The location of seepage pits in addition to the general provisions under (i) shall be not less than the stated minimum distances from the following:

(a) Any water supply well or buried water suction pipe -- 75 feet.
(b) Occupied buildings -- 20 ft.
(c) Property lines and buried pipe distributing water under pressure -- 10 feet.
(d) Other seepage pits -- 3 times the diameter of the largest pit (edge to edge).

(4) Effective absorption area of a seepage pit shall be calculated as the side wall area below the inlet exclusive of any hardpan, rock, or clay formations.

(a) Required seepage area shall be determined by the percolation test described in Subdivision 5d and from Table 2. A percolation test shall be made in each vertical stratum penetrated by the seepage pit and the weighted average of the results, exclusive of results from soil strata in which the percolation exceeds 30 min. shall be computed and applied to Table 2 as indicated.
(b) A minimum of 4 ft. composite depth of porous formation for each installation shall be provided in one or more of the pits.
(c) All pits shall have a diameter of at least 4 ft.

(5) Construction of all seepage pits shall conform to the following requirements:

(a) To prevent cave-in the pit shall be lined with brick, stone or block at least 4 in. thick, laid in a radial arch to support the pit walls.
(b) The brick, stone or block shall be laid water-tight above the inlet and with open joints below the inlet to provide adequate passage of liquids.
(c) A minimum annular space of 6 in. and preferably 12 in. between the lining and excavation wall shall be filled with crushed rock or gravel.
(d) The seepage pit shall be so constructed at the top as to be capable of supporting the overburden of earth and any reasonable load to which it is subjected. Access to the pit shall be provided by means of a manhole or inspection hole equipped with a water-tight cover. The seepage pit may terminate in a conventional manhole top, frame and cover. The top of the seepage pit shall not be less than 12 in. below the ground surface, where the top is more than 18 in. below the ground surface there shall be provided an inspection pipe of not less than 4 in. dia., extending through the cover to a point above the tank not more than 6 in. below finished ground level. The top of the inspection pipe shall be provided with a readily removable watertight cap and its location shall be marked at the ground surface.

475.250. Temporary Systems. In connection with the construction of buildings needing sewerage service in areas where municipal sanitary sewers are not available but are reasonably expected to be available within 1 year the village sewer inspector is authorized to permit variance from the requirements of this chapter. Any construction authorized hereunder shall conform to requirements specified by such inspector and shall be set forth in a written memorandum agreed to by the person applying for a permit.

ORDINANCES PROVIDING FOR REGULATION OF WATER SUPPLY AND WASTEWATER DISPOSAL SYSTEMS IN THE SUB-DIVISION OF LAND

AN ORDINANCE NO. 42 OF THE VILLAGE OF SPRING LAKE PARK REGULATING THE SUB-DIVISION OF LAND.

Section 7. Required Improvements. Before the Council approves a final plat the subdivider shall give satisfactory assurance of the installation of the following improvements.

D. Water Main. Where connection with the Village water system is feasible, the public water facilities shall be used.

E. Sanitary Sewer. In all cases where trunk line sanitary sewer facilities are available the subdivider shall be required to install sanitary sewers and connect the same to such trunk line sewers. If such facilities are not available, but will become available within a reasonable time, such sewers together with all necessary laterals extending from the main sewer to the street curb shall be installed and capped. In such event, the subdivider may also install on-site disposal units, provided they are so located as to permit easy and the least expensive connection to the sewer when it becomes usable. Where such on-site units are installed the builder shall provide underground plumbing to extend three feet beyond the footing and plugged to the street side of the home. The floor slab around the stack shall be scored so that the septic tank line can be disconnected and connection can be made with the Village's sanitary sewer system.

J. Trunk Facilities. Where a water main, sanitary sewer, or storm drain facility should, according to the Village plan, be constructed at a larger size to serve areas outside the sub-division, the larger facility should be constructed, the additional cost to be borne by the Village.

Section 8. Engineering Standards and Specifications. Conformity of all engineering standards and specifications as described herein shall be required prior to approval of a final plat.

F. Water Main. Watermain of the sizes indicated on the Village over-all plan shall be installed together with the necessary looping, valves, hydrants and water services to the property line.

G. Sanitary Sewer. A sanitary sewer of 9 in. vitrified clay pipe shall be required as minimum size placed at not less than 0.3 percent grade except for a dead-end section where a 0.4 percent minimum grade shall be required. House service wyes shall be four inches. Root repellent joint material and yarns are required.

H. House Services. Each house service shall be run from the main to the property line where a cap of plug shall be placed until the service is extended to the house. A three-fourth inch Type K copper water service, corporation cock and curb box and stop and 4 in. extra heavy cast iron soil pipe sewer service shall be minimum requirements and may be placed in a common trench.

I. Individual Wells. (These should be authorized by the Council only on Special Application.)
Any well for domestic usages should have not less than 80' of 4" or larger casing. The property owner should still be required to pay for his water main assessment and hookup charge. Any well to be used only for lawn watering could be a shallow sand point well but must be inspected to insure it does not get used for other purposes. Any such permit should be given only after they hook-up to Village water for domestic water uses.

J. Individual Sewage Systems. Each individual system shall include a septic tank at least 900 gallons in capacity followed by an absorption system based on Minnesota Dept. of Health recommended code regulating individual sewage disposal systems. All percolation results shall be filed with the Village Clerk showing that a competent soils engineer conducted the field tests.

K. House Plumbing. When individual well and septic tanks are used and the septic tank is placed at the rear of the house it shall be required that plumbing be extended from the vent stack or rear outlet to a point three feet beyond street side of the basement footing and capped. Inside the basement the vent elbow shall be set up to be easily reversed for connection to the capped line. The basement slab shall be scored for easy removal to include an area three feet square.

ORDINANCES PROTECTING WATER SUPPLY AND PROVIDING FOR REGULATION OF WATER USE

ORDINANCE CODE OF ORDINANCES OF THE CITY OF MINNEAPOLIS


608.010. Water Supply. Every building intended for human occupancy or use shall be provided with ample supply of potable water.

608.020. Inspection of Water Supply. The Inspector of Buildings shall inspect the installation of, extension to, or any alterations in all water service, water supply or water distribution piping system in all buildings, structures and premises in the City. The officers and employees of the Department of Buildings and the Water Works Department shall have free entry and access to any building, structure or premises or part thereof, whether complete or in the process of erection, for the purpose of determining whether the provisions of this chapter are complied with.

608.030. Permits. No person shall install in any building or structure any pipe or pipes or system of piping which receive service from the Minneapolis Water Works system, or any private source, nor make any alteration in or addition, replacement or extension to any existing pipe or system of piping in any building or structure until such person shall have made application to the Department of Buildings for permission for such installation, alteration, addition, replacement or extension. Permits will not be required for the repair of leaks or the replacement of less than 10 ft. of piping.

608.040. Application and Fees. Every application for a permit for the installation in any building or structure of water supply or water distribution pipes or system of piping shall be in writing on printed forms furnished by the Dept. of Buildings. The fees for permits shall be computed according to the terms of Chapter 203 of this Code.

608.050. Exception for Refrigeration Installers. No permit shall be required of a person duly licensed by the City as a Master Refrigeration Installer or the holder of a Certificate of Competency as a Journeyman Refrigeration Installer issued by the City for the disconnecting or reconnecting of refrigeration systems or equipment connected to the water distribution system of any building or structure for the repair or service of such refrigeration systems or equipment.

608.060. Must Be Master Plumber. Except as provided in Section 608.070, no permit shall be issued to any person for the installation, alteration, extension or repair of any system of water supply piping in connection with any plumbing system in any building, structure or premises unless such person be duly licensed and bonded by the City as a qualified Master Plumber.

608.070. Permits to Refrigeration Installers and Steam and Hot Water Installers for Limited Purposes. Permits shall also be issued to persons duly licensed and bonded by the City as qualified (a) Master Refrigeration Installers for Installers for the installation, alteration, extension or repair of any condenser or cooling water piping to refrigeration systems or equipment from an existing opening in the water distribution piping system of any building or structure; and (b) Master Steam and Hot Water Heat-
ing Installers for the installation, alteration, extension or repair of water piping to steam or hot water heating systems, steam piping systems or cooling piping and equipment from an existing opening in the water distributing piping system of any building or structure.

608.080. Connection to Another Water System. Wherever a system of water supply whether inside or outside of any building or structure, is supplied with water from any well, cistern, river, lake or any source other than the Minneapolis Water Works system such system shall be kept entirely separate, and no connection of any kind, either direct or indirect, shall be made with any pipe or system of piping which is supplied with water from the City except where the City has a bona fide working agreement with the governmental agency or operators of such system and the connection or provision for connection is made with and maintained under the approval and supervision of the Superintendent of the Water Works.

608.090. Separation from Connected System. Wherever physical connection or cross connection between the City Water Works system and any other water works system is found to exist, the Superintendent of the Water Dept. and the owner shall be notified; and unless the owner removes the connection or cross connection within 10 days, the said Superintendent shall cause the water to be physically disconnected in the street and to remain disconnected until the separation of the system is effected.

608.100. Delivery to Common Tanks. Where the City water supply is delivered to a tank which is also supplied with water from a source other than the Minneapolis Water Works, the tank shall be open to atmospheric pressure and the City water shall be discharged by a separate overhead pipe terminating in an opening at least 6 in., or two times the dia. of the pipe, whichever is greater, above the top or rim of the tank and under any condition shall be sufficiently high to prevent back siphoning. Such tanks shall not be located where they are subject to flooding. Plans and specifications for such an installation shall be approved in writing by the Superintendent of the Water Works and the Department of Buildings before such work begins, and the installation shall be subject to the City Plumbing Inspector's inspection and approval before City water will be connected. All such nonpressure potable water supply tanks shall be properly covered to prevent entrance of foreign material into the water supply. Soil or waste lines shall not be permitted to pass directly over such tanks or over manholes in pressure tanks.

608.110. Direct Connection of System to Various Fixtures and Appliances. No pipe or system of piping which receives its supply from the Minneapolis Water Works system or any other potable water shall be directly connected to any processing tank, vat, mixer, cooker or washer, pump appliance, or equipment used for storing, holding or conveying fluids or materials or for manufacturing or food processing, or washing purpose. Such equipment shall be supplied from the Minneapolis Water system through a separate overhung pipe, or from a tank supplied with City water admitted to such tank through a pipe terminating not less than 6 in. above the top or rim of such tank; or through a pipe protected by an approved vacuum breaker installed at the point of connection; or by any other means acceptable to the Dept. of Bldgs. No pipe or system of piping in any structure or premises which receives its supply from the Minneapolis Water Works system shall be directly connected to any device, appliance, or apparatus in which such water supply is used to provide power through a water jet or other device to create vacuum with which to operate any cellular drain, ejector, cleaner, sweeper, conveyor or washer of any kind or description.

608.120. "Secondary Water". Secondary water is any water from a system of water pipes or piping which receives its water supply from rivers, cistern or any ground water or rain water reservoir; the secondary water system is also water from the mains of the Minneapolis Water Works system which has been discharged from any type of condenser coils or cooling system, hydraulic lifts, boilers, linotype machines, die casting machines, or apparatus which has been stored in such a manner as to expose it to possible contamination. No secondary water shall in any way be piped or conveyed into the water supply system of any building, structure or premises to become a part of or mixed with the fresh or supply from the mains of the Minneapolis Water Works system. No pipe or other conduit which conveys secondary water shall be connected to the potable water system.

608.130. Submerged Water Supply Inlets. No plumbing fixture shall be installed unless the water supply enters said fixture at least 2 inches above flood level rim. All submerged water supply inlet connections are prohibited, and no tanks, vats, utensils or other water supply devices used for other than drinking purposes and having submerged water supply inlets shall be directly connected to the City water supply except any closed water heating device or heated water storage tank or low pressure boiler.

608.140. High Pressure Steam Boilers. No person shall connect the City water supply direct to high pressure steam boilers.

608.150. Drainage. All water distribution lines shall be pitched so that the system may be completely drained. Trapped water lines shall be equipped with a drain cock or union or plugged tee or a nipple and a cap at lowest point in the trapped section.

608.160. Vacuum Breakers. Before acceptance for installation can be secured for any vacuum breaker or other equipment intended to prevent or aid in preventing back-siphonage or back flow of contaminated water, sewage or other substance, a production sample of the device shall be submitted to the Dept. of Buildings for approval.

608.170. Installation Requirements for Vacuum Breakers. Any nonpressure type vacuum breaker shall be installed on the discharge side of the last control valve and shall be above the flood level rim of the device a distance equal to the critical level plus such safety factors as may be specified for any given vacuum breaker by the Department of Buildings.

608.180. Critical Level of Vacuum Breakers. The critical level of vacuum breakers is the maximum distance above the water surface which water can rise in the discharge pipe from a vacuum under test condition.

608.190. Flushometer. Each flushometer shall be equipped with an acceptable vacuum breaker. The vacuum breaker shall be installed on the discharge side of the flushing valve at least 5 in. above the overflow of the bowl.

608.200. Lawn Sprinkler Systems. Lawn sprinkler systems with underground piping shall be equipped with a vacuum breaker on the discharge side of each of the last valves.

608.210. Potable Water Waste. No potable water waste under pressure nor any over-flow from stored potable water tanks shall be connected to any soil, waste or vent pipes. Instead, such piping shall discharge over an open water supplied waste sink or other acceptable receptor with an atmospheric air gap equivalent to twice the dia. of the water pipe. All
plumbing fixtures receiving the discharge of indirect waste pipes shall be of such shape and capacity as to prevent splashing or flooding and be located where they are readily accessible for inspection and cleaning.

No plumbing fixture which is used for domestic or culinary purposes shall be installed in any toilet or in any closet or store room.

No pipe that has been used for other purposes shall be used for water pipe. All water supply pipes, inside of any building, supplying branch runs, and all sill cock supply branches, shall be of not less than 3/4" pipe, and not more than 3 openings shall be taken off any 3" branch run, and no concealed water pipe serving plumbing fixtures shall be less than 3/8" in size. 3/8" pipe may be used for stubbing through wall and for fixture connections. Provided however 3/8" pipe may be used on single drinking fountains and coolers or for circulating lines. All water pipe shall be reamed to full size.

No part of any piping system carrying water for human consumption shall have a direct connection with any wastage pipe. Water supplied to plumbing fixtures or appliances serving a special purpose shall deliver water above the spill line of fixtures or be protected by an approved vacuum breaker. All flushometers for closet bowls later installed in any building in the City of Minneapolis shall be protected by approved vacuum breakers. A separate shut-off valve shall control each water-closet supply.

608.220. Hot Water Relief Valves. All equipment for heating and storage of hot water for domestic or commercial purposes, when installed, repaired, relocated, replaced or reconnected, shall be equipped with a listed and approved relief valve.

Section 2. That the above entitle ordinance be amended by adding immediately following Section 608.220, the following sections:

608.221. Storage Tanks. All direct fired storage water heaters, electric storage water heaters and hot water storage tanks, shall be provided with built-in temperature and pressure relief valve, or a separate pressure relief valve. The temperature relief element shall be of the full automatic restarting type with test lever, be factory adjusted to open for relief of hot water from the system at or before the maximum system temperature reaches 210 degrees F. It shall have a relieving capacity equal to or greater than, the heater B.T.U. input rating.

All combined temperature and pressure relief valves and all temperature only relief valves shall be installed with the temperature sensing element immersed in the hottest water, within the upper six inches of the tank. Valves without extended temperature sensing elements shall only be installed directly in a tank tapping in the upper six inches of the tank.

The pressure relief element shall be of the direct acting spring loaded type with test lever. It shall be set to start opening at a pressure not exceeding the working pressure of the tank or heater and shall have a capacity which will limit the pressure rise to not over 10% of its set pressure. Pressure relief valves may be installed directly in a tank tapping in the top of the tank or heater or may be installed in either the hot or cold water line, as near as possible to the tank or heater.

Relief valves shall have not less than 3/4" in inlet and outlet connections when used with water heating equipment having an input of 15,000 B.T.U. or more.

608.222. Tankless Heaters. All indirect heaters, instantaneous heaters shall be provided with a pressure relief valve. Each pressure relief valve shall have the respective features and be installed as described in Section 608.221.

608.223. Relief Valve Drain. All temperature and pressure relief valves shall have a drain or discharge pipe connected in the same size as the discharge opening. It shall terminate atmospherically with an unthreaded end, not more than 18 in. above the floor in a place that will not harm persons or property.

608.320. Inspection and Tests. The plumber shall notify the Dept. of Buildings whenever the water distribution system for which a permit has been issued shall be ready for inspection and test by registering the number of the permit and the location of the work in the register book. The register book shall keep for that purpose in the office of the Inspector of Buildings. The entire water distribution system shall be tested in the presence of the Plumbing Inspector under a water or air pressure not less than the working pressure under which it is to be used, and found to be perfectly tight and installed in accordance with provisions of this chapter.

609. Private Water Sources

609.010. Registration Required. The owners or occupants of every parcel of land, building or premises situated within the City and discharging domestic sewage, commercial and industrial wastes into the sanitary sewerage system of the City which derive their water in whole or in part from sources independent of the public Water Department, shall register with the Water Department all wells or other private sources of water supply which furnish the water consumed thereon. In such registration the owners or occupants of said lot, parcel of land, building or premises shall furnish the Water Department with such information as may reasonably be requested by it, including the location, size, depth, strata penetrated and stratus from which water is drawn; and shall pay to the Water Department the sum of $1 as a registration fee.

609.020. Metering Required. Within 90 days after notice so to do the owners or occupants of any such lots, parcels of land, building or premises, at the owner's own cost, shall install and continuously maintain a water meter or meters which shall be satisfactory to the Water Department, which water meter shall measure the amount of water consumed on said property which is obtained from such private source. Said water meter after installation shall be under the supervision and control of the Water Dept.

610. Sprinkling During Water Shortages

610.010. Sprinkling Limited During Emergency Period. No Person shall draw or use water from the City water mains or City water works system for the purpose of sprinkling or watering lawns or gardens, or use any connection with the said system to sprinkle or water lawns or gardens between the hours of 3:30 p.m. and 8:30 p.m. during any period of emergency caused by shortage of water supply or lowering of water pressure in the water mains of the city.

610.020. Emergency Water Supply Board. The Emergency Water Supply Board, consisting of the Chief of the Fire Dept., the City Engineer, and the Commissioner of Health, shall declare the existence of such an emergency as and when it may become necessary to enforce the restrictions provided above, shall determine the necessary period of such emergency.
enforcement and the termination thereof, and shall decide upon the pro-
per notification to consumers of such periods of restriction.

610.030. Restriction by Council. In cases of emergency the Water
Works Committee of the City Council may restrict the use of water
sprinkling as the occasion requires; and shall decide the proper noti-
fication to the consumers. For any violation of this chapter the occu-
pers or the owner thereof shall incur a penalty of $1 for
offense. Said penalty shall be paid to the Superintendent of the Water
Works upon demand, and if not paid, the water supply shall be turned
until payment is made together with the regular charge of $1 for turni
the water off.

610.040. Multiple Lawn Sprinklers; Hours. Multiple lawn sprinkler
systems, metered or unmetered, shall be permitted to operate only between
the hours of 11:00 p.m. and 4:00 a.m.

712. Water For Drinking And Domestic Purposes

712.010. Standard of Purity Required. All water furnished for sale or
sold for drinking, household or domestic uses and purposes shall be of
the standard of purity, both chemical and bacteriological, adopted by the
Department of Health, to-wit: All well, spring, distilled and artesian
well water shall be free from the presence of the colon bacillus and all
other pathogenic bacteria; and the composition of all said waters shall
be substantially as follows:

<table>
<thead>
<tr>
<th>Component</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Solid Residue</td>
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</tr>
<tr>
<td>Chlorine</td>
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</tr>
<tr>
<td>Free Ammonia</td>
<td>0.002</td>
</tr>
<tr>
<td>Albuminoid Ammonia</td>
<td>0.002</td>
</tr>
<tr>
<td>Oxygen absorbed in 10 min. at 100° C.</td>
<td>0.10</td>
</tr>
<tr>
<td>Nitrogen as Nitrates</td>
<td>None</td>
</tr>
<tr>
<td>Nitrogen as Nitrates</td>
<td>None</td>
</tr>
</tbody>
</table>

712.020. Prohibition. No person shall furnish for sale or sell any
water or waters for drinking, household or domestic purposes that is not
of the standard of purity, both chemical and bacteriological, hereinabov
required.

712.030. Delivery Containers. All containers in which water is fur-
ished and sold for drinking, household and domestic purpose shall be of
stainless steel, monel metal, glass, plastic, coated paper cartons or
such other container material or lining as may be approved by the Com-
missoner of Health. Surfaces in contact with water shall be of a non-
toxic material and shall not contribute to the adulteration of the wa-
ter itself.

712.040. Cleansing of Containers. All tanks, pails and bottles used
in the sale and delivery of water as aforesaid shall be cleansed at the
place of business of the person using the same, with hot water or steam
each and every time they are used or refilled, and no corks shall be
used a second time in any of such bottles; and all such tanks and bottles
shall be filled and refilled at the spring or central plant of the person
using the same for the purposes aforesaid and no such bottles shall be
filled or refilled from any delivery vehicle or tank thereon until such
bottles have been first cleansed with hot water or steam.

712.050. Bottled Water. All bottle cases used in such delivery of
water shall be covered, and all such cases and bottles shall be marked
with a legible stamp, tag or impression bearing the name of the person
using and distributing the same and his place of business including the
name of street and street number.

712.060. Sanitary Requirements. All persons engaged in the sale and
delivery of water for drinking, household and domestic use shall keep
their respective bottling works, buildings and other places of business
wherein water is bottled or kept for sale, and any and all coolers so-
called furnished to customers, in a clean, wholesome and sanitary condi-
tion; and no person shall use any of the bottles so used in such sale
and delivery of water for any other purpose whatever.

712.070. Inspections. The Commissioner of Health and his assistants
and deputies may stop and inspect or cause to be inspected any vehicle
or tank thereon used by any person in delivering water for drinking,
household or domestic purposes for the purpose of enforcing the provi
sions of this Chapter, and may inspect any and all buildings and plants
where water is prepared, distilled or bottled for the uses and purposes
hereinabove mentioned.

AN ORDINANCE NO. 36 OF THE VILLAGE OF ST. ANTHONY PROVIDING FOR THE RE-
GULATION OF THE USE OF VILLAGE WATER AND PROVIDING PENALTIES FOR VIOLATIONS.

Section I. That to promote and protect the public health, safety and
welfare of the Village and its residents, it is necessary during periods
of great use for the Village Council to declare the existence of an em-
ergency with respect to the use of public water in the Village water sys-
tem and to provide for the restricted use thereof.

Section II. That the Village Council shall sit as an Emergency Water
Supply Board and shall declare the existence of such emergency as and
when it may be necessary to impose and enforce restrictions with respect
to such water and its user.

Section III. That no person shall draw or use water from the Village
water mains or Village water works system for the purpose of sprinkling
or watering lawns or gardens or use any connection with the said system
to sprinkle or water lawns or gardens in the Village between the hours
of 2:00 P.M. and 7:00 P.M. during the month of June and the month of August; andduring any period of emergency as declared above at
no time except the hours prescribed therefor in the notice establishing
the emergency. Such notice shall be given by publication, posting and
mail as deemed appropriate at the time to the needs of the emergency. At
no time shall a hose larger than one inch (1") in dia. be used from any
service pipe without special permission of the Council and except upon
payment of a fee to be fixed by the Council for the water to be used from
such special connection. That during such periods of restricted use such
sprinkling and watering as permitted herein shall be allowed on odd days
of the month only on premises whose street addresses are odd numbered
and on even days of the month, only on premises whose street addresses are
even numbered, and not otherwise. That except as provided herein, such
sprinkling and watering shall not be prohibited.

Section IV. That any person violate this ordinance then the
Council may, at its discretion, cause the water supply used by such per-
son to be promptly stopped and the same shall not be restored except up-
on payment of the expenses incurred in shutting off and turning on the
water, and except upon an understanding between the Council and such per-
ORDINANCE CODE OF ST. PAUL DIRECTING THE USE OF CITY WATER FOR AIR CONDITIONING.

257. Connection of Air Conditioning Equipment to City Water.

257.01. Scope. There shall be included in the water rates a demand charge applicable to all water cooled air conditioning equipment used for human comfort which are connected in any manner to the public water supply system with the following exceptions:

a) Process cooling which is designed to be for 65°F Fahrenheit dry bulb thermometer or lower with the equipment used primarily for other than human comfort.

b) Approved water conserving type air conditioners as hereinafter defined.

257.02. Definitions. "Air conditioning system" shall mean an individual unit, group or collection of units, or any combination of equipment installed to serve one consumer, and connected directly or indirectly to the consumer's service.

"Installed capacity" shall mean the total number of rated tons capacity in each air conditioning system.

"Rate capacity in tons" of each air conditioning system means the greatest tonnage as computed by the following methods:

1. The manufacturer's rating in tons per 24 hours of equivalent ice making capacity.

2. The hourly B.T.U. rating of heat removal capacity divided by 12,000.

3. The horsepower rating of the motor required to drive the refrigerant compressor.

4. Ninety (90) percent of the horsepower rating of the motor driving both the compressor and fan.

5. Where none of these ratings are available, or where a question arises as to the accuracy of any rating, the rating shall be determined by measurement of the power input to the compressor motor, rate of fuel consumption, or other suitable means as determined by the department.

257.03. Conserving and Regulating Devices. All air conditioning systems installed or replaced after the effective date of this ordinance and which are connected directly or indirectly with the public water systems must be equipped with water conserving and water regulating devices as hereinafter provided for.

257.04. Installation Prior to Effective Date. All air conditioning systems installed prior to the effective date of this ordinance and which are connected directly or indirectly with the public water system and which are of the non-conserving type and having the regulating devices as hereinafter provided shall pay a demand charge on each rated ton capacity of the system as follows:

For 1960, no charge
For 1961, $10 per rated ton
For 1962, $15 per rated ton
For 1963 and each subsequent year, $20 per rated ton per year

257.05. Demand Charge. The demand charge shall be in addition to the current charges for water used and shall be billed annually on or about May 1 of each year and shall be due and payable on the due date as indicated on the bill, and shall be subject to all of the rules and regulations of the Department in regard to the collection of Water Bills.

257.05a. Time of Adjustment. Any credit due a consumer by reason of said consumer's permanent discontinuance of nonconserving air conditioning or other authorized adjustment may at the discretion of the Board of Water Commissioners, be made at or prior to the end of the air conditioning season.

257.06. Demand Charge:Disconnected and Converted Systems. Air conditioning systems subject to the demand charge which are permanently disconnected from the public water system or which are converted to the approved water conserving type during the cooling season (from May 1 to October) shall be subject to the demand charge as follows:

Disconnected or converted prior to May 1 -- no charge
Disconnected or converted, between May 1 and July 1 -- 1/3 annual charge.
Disconnected or converted between July 1 and August 1 -- 1/2 annual charge.
Disconnected or converted between August 1 and October 1 -- 3/4 annual charge.
After September 30 -- entire annual charge.

Any system which is temporarily out of service will be credited for such period computed on the per diem ratios to the air conditioning season of 153 days, provided that such credit for such temporary or permanent disconnections or conversions will date from the time that written notices of such are received by the department.

257.06a. Minimal Usage. Wherever it appears to the satisfaction of the Board of Water Commissioners as a result of good and sufficient evidence that an air conditioning system of a nonconserving type is being used sporadically or intermittently, that is, for short periods, which periods in total do not exceed one-fifth of the air conditioning season (May through September), the Board of Water Commissioners, at its discretion and upon request therefor, may prorate the annual charge per ton for such minimal usage of non-water conserving units, on an equitable basis which, however, shall not be less than one-fifth of the established annual demand charge, as set forth in Section 257.04, immediately above. Such proration of the demand charge shall be available only for buildings used, owned, or occupied by nonprofit organizations.

257.07. Approved Equipment Election. Users of air conditioning equipment of the approved water conserving type may, if they so elect, use water from the public water system as the cooling medium without recirculation between October 1 and May 1 without causing such equipment to be subject to the demand charge.

257.08. Approved Equipment: Operation and Installation. Approved water conserving type air conditioner shall be operated and installed as follows:
A. With a cooling tower, evaporation condenser, spray pond, or other equipment which shall directly or indirectly cool the refrigerant, and
B. So as to use water from the public water system only for make-up water to replace water lost by evaporation or by flushing the equipment, and
C. So as to have a regulating valve or device which limits the average use of water from the public supply to an average of less than and not to exceed a maximum of two-tenth (0.2) gallons per minute (12 gallons per hour) per ton of cooling capacity when in operation, and
D. Without a piping connection to permit operation of the air conditioner unit by direct use of water from the public supply either in conjunction with or in place of such cooling tower, evaporation condenser, spray pond, or other recirculating and heat exchange equipment during the months of May through September.

257.09. Systems No Subject to This Section. Any air conditioning system with a total rated capacity of three (3) tons or less shall not be subject to the demand charge, provided however that it be equipped with an approved and operative automatic regulating valve or device which will throttle the flow of water to the momentary requirements of the system.

257.10. Maximum Water Use: Regulating Devices. The use of water from the public water system for any non-conserving air conditioning system, regardless of size, shall not exceed a rate of one and one-half (1½) gallons per minute per ton of refrigeration under maximum summer conditions, and a water regulating valve or device limiting the use of water to the above maximum rate shall be installed and be in operation within ninety (90) days after the effective date of this ordinance.

257.11. Permits. Permits shall be required for the installation of all new air conditioning systems as otherwise provided for in the city ordinance. All piping for supplying water from the public water system to any air conditioning system and from the unit to the sewer system shall be valved at the initial point of the air conditioner or ahead of the control device for the system.

ORDINANCES PROVIDING FOR REGULATION OF DISPOSITION OF GARBAGE AND SEPTIC TANKS

AN ORDINANCE NO. 188 OF THE CITY OF EAST GRAND FORKS DEFINING PUBLIC NUISANCES RELATING TO WATER

Section 1. No person shall commit or maintain any public nuisance within the City of East Grand Forks, Minnesota.

Section 2. "Public Nuisance" Defined. A public nuisance is the doing of any act or the maintaining of any condition which shall endanger the health, peace or safety of the public, or which shall be offensive to the public decency, whether or not such act or condition is listed in Section 3 or Section 4 of this Ordinance.

Section 3. Public Nuisance Endangering Health. The following are declared to be nuisance endangering public health:

(a) The effluence from any cesspool, septic tank, drain field or sewage disposal system discharging upon the surface of the ground.
(b) Accumulations of manure, rubbish, tin cans, or other debris.
(c) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substance.
(d) Outdoor toilets.

Section 4. Public Nuisances Endangering Peace and Safety. The following are declared to be nuisances endangering public peace and safety:

(c) The unlawful interference with, obstruction, or tendency to obstruct or render dangerous for passage a lake, stream, lagoon, canal or basin, or a public park, square, street, alley or highway.
(e) To leave any abandoned basement, well, shaft, wall, cesspool, or septic tank, or other excavation unless covered or filled orotherwise protected as to prevent people from accidentally falling into the same or being injured thereby. Or to leave any unused icebox, refrigerator, or other box with a door thereon which will effectively exclude air when shut.

ORDINANCE CODE OF THE CITY OF MANKATO

Chapter II. Disposition of Garbage and Refuse Including Use of "Dike"

Section 2.02. Dumping Garbage in Certain Creeks Prohibited. No person shall, within the limits of the City of Mankato, place, dump, deposit or throw, or cause to be placed, dumped, deposited, or thrown, any dead animal, or fowl, manure, garbage, ground, sand, earth, stone, boulder, ashes, cinders, board, timber, rubbish, or material of any kind in any of the streams, creeks or water courses known as Warren Creek or any branch of said Warren Creek, Gunther Creek or Thompson Ravine Creek; provided nothing herein shall be so construed as to prevent the proper city authorities from making all necessary arrangement to properly manage and dispose of the waters of said creeks.

Section 2.03. Use of the Dike. The City of Mankato has acquired certain easements over property adjacent to the Blue Earth River and adjac-
cent to the Minnesota River, and the so-called Indian Creek, commonly known as "The Dike." Said easements were obtained by the City and are for the purpose of preventing flooding of Mankato property. It is necessary that the said dikes on the Blue Earth River, the Minnesota River and Indian Creek as well as the structures on said dikes or on said Indian Creek be protected and kept in good serviceable condition.

Section 2.04. Dumping Garbage Prohibited in Dike. No person shall place, dump, deposit, or throw, or cause to be placed, dumped, deposited, or thrown any dead animals, or foul, manure, garbage, ground, sand, earth, stones, boulders, ashes, cinders, boards, timber, rubbish, or any material of any kind, in or upon the premises described in Section 2.03 or dig, make holes, excavations, place culverts or in any way interfere or tamper with the premises described in Section 2.03 or in any weaken or prevent said premises described in Section 1 from being used or to be kept in a good serviceable condition.

Section 2.05. Dumping Garbage Prohibited in Dike. Said Section 2.04 shall not prevent any person who is the owner of the property upon which said dike is located from using said dike in such manner not injurious to said dike providing said use by said owner does not interfere with the use of the dike or generally deteriorate or weaken said dike.

AN ORDINANCE NO. 2A OF THE VILLAGE OF ST. ANTHONY REQUIRING THE INSTALLATION OF INSIDE TOILET FACILITIES, CONNECTION WITH THE WATER AND SEWER SYSTEM, AND DECLARING CERTAIN OUTSIDE TOILETS, CESSPOOLS AND SEPTIC TANKS A NUISANCE.

Section 1. Inside Toilet Required. The owner of every residence or business building abutting upon any street or alley in which Village water and sewer mains are maintained shall install a toilet in the building and connect it with the Municipal water and sewer mains within thirty (30) days after written notice to do so has been served by the Village Clerk on order of the Village Council. Service shall be made on the owner or his authorized agent personally or by mail sent to his last known address. If the owner cannot be reached by mail so addressed, service may be made upon the occupant.

Section 4. Certain Outside Toilets, Septic Tanks Declared Nuisances. When a toilet connected with the Village water and sewer system has been installed in any residence or business building on any parcel of land, any outside toilet, cesspool, septic tanks or other sanitation facility on that parcel is declared a nuisance and shall be abandoned and the outside toilet removed by the owner within ten (10) days after the connection to the water and sewer system has been made.

Section 6. Penalty. Any person who shall interfere with the execution of this Ordinance or who shall maintain a nuisance contrary to the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than $25.00 nor more than $100.00 or by imprisonment in the Village jail for not more than ninety (90) days, plus the costs of prosecution in either case. A conviction shall not bar a later conviction for subsequent violation of this Ordinance.

ORDINANCE CODE OF THE VILLAGE OF SHOREVIEW REGULATING THE DISCHARGE INTO LAKES.

604.010. Permit. No person shall permit or maintain on his property any pipe extending into or terminating near any lake or other body of water without first having secured a permit therefor from the village clerk upon approval of the plumbing inspector.

604.020. Application. Application for such permit shall be made in writing and filed with the clerk. It shall contain the name and address of the applicant, the location of the premises on which the pipe is located and the purpose for which the pipe is used. A fee of $5.00 shall accompany such application.

604.030. Metal Tag. Upon the granting of such permit, the applicant shall be given a metal tag which shall securely attach to the pipe in an easily visible place. Failure to have such tag on a pipe shall constitute prima facie evidence of a violation of Chapter 603.
ORDINANCES PROVIDING FOR REGULATION OF BUILDING IN UNDRAINED AREAS AND DRAINAGE

AN ORDINANCE NO. 42 OF THE VILLAGE OF SPRING LAKE PARK REGULATING THE SUB-DIVISION OF LAND, Section V. Design Standards.

B. Easements
1. Utilities. Easements at least 10 feet wide, centered on rear and other lot lines shall be provided for utilities, where necessary. They shall have continuity of alignment from block to block. At deflection points, easements for pole-line anchors shall be provided where necessary.

2. Drainage. Where a sub-division is traversed by a water course, drainage way channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course together with such further width or construction on both, as will be adequate for storm water run-off. The easement shall include not only the stream channel, but also the adjoining areas that have been subject to flooding in years of heavy run-off.

D. Lots.
1. All lots shall abut by their bull frontage on a publically dedicated street.

2. Corner Lots. Corner lots shall be platted at least 15 feet wider than the minimum lot size required, 25 feet wider in the case of corner lots adjacent to a major thoroughfare.

3. Side Lot Lines. Side lot lines shall be substantially at right angles of radial to the street line.

4. Water Courses. Lots abutting upon a water course, drainage way, channel or stream shall have an additional depth or width, as required to assure house sites that are not subject to flooding.

Section VII. Required Improvements. Before the Council approves a final plat, the subdivider shall give satisfactory assurance of the installation of the following improvements.

E. Drainage Facilities. Such facilities and easements shall be installed as will adequately provide for the drainage of surface water.

F. Sanitary Sewer. In all cases where trunk line sanitary sewer facilities are available, the subdivider shall be required to install sanitary sewers and connect the same to such trunk line sewers. If such facilities are not available, but will become available within a reasonable time, such sewers, together with all necessary laterals extending from the main sewer to the street curb shall be installed and capped. In such event, the subdivider may also install on-site disposal units, provided they are so located as to permit easy and the least expensive connection to the sewer when it becomes usable.

Where such on-site units are installed, the builder shall provide underground plumbing to extend three feet beyond the footing and plugged to the street side of the home. The floor slab about the stack shall be scored so that the septic tank line can be disconnected and connection can be made with the Village’s sanitary sewer system.

J. Trunk Facilities. Where a water main, sanitary sewer, or storm drain facility shall, according to the Village plan, be constructed at a larger size to serve areas outside the sub-division, the larger facility shall be constructed, the additional cost to be borne by the Village.

K. Specifications. All of the required improvements shall conform to the engineering standards and specifications of this ordinance.

Section VII. Engineering Standards and Specification. Conformity of all engineering standards and specifications as described herein shall be required prior to approval of a final plat.

G. Sanitary Sewer. A sanitary sewer of 9 inch vitrified clay pipe shall be required as minimum size placed at not less than 0.3 percent grade except for a dead-end section where a 0.4 percent minimum grade shall be required. House service wyes shall be four inches. Root repellent joint material and yarns are required.

L. Individual Wells. (These should be authorized by the Council only on Special Application) Any well for domestic usages should have not less than 80 of 4" or larger casing. The property owner should still be required to pay for his water main assessment and hookup charge. Any well to be used only for lawn watering could be a shallow sand point well but must be inspected to insure it does not get used for other purposes. Any such permit should be a given only after they hook-up to Village water for domestic water usages.

J. Individual Sewage Systems. Each individual system shall include a septic tank at least 900 gallons in capacity followed by an absorption system based on Minnesota Dept. of Health recommended code regulating individual sewage disposal systems. All percolation results shall be filed with the Village clerk showing that a competent soils engineer conducted the field tests.

K. House Plumbing. When individual wells and septic tanks are used and the septic tank is placed at the rear of the house it shall be required that plumbing be extended from the vent stack or rear outlet to a point three feet beyond street side of the basement footing and capped. Inside the basement the vent elbow shall be set up to be easily reversed for connection to the capped line. The basement slab shall be scored for easy removal to include an area three feet square.

L. Drainage Facilities. All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates on the developed property. Where a master plan or storm sewer district has been established the drainage network shall conform to the adopted plan. All piping shall provide complete removal and a permanent solution for the drainage water.

ORDINANCE CODE OF THE CITY OF ST. LOUIS PARK REGULATING BUILDING IN UNDRAINED AREAS.

Section 5:120. Legislative Determination of Purpose. It is hereby determined that the construction of dwellings and residences within the corporate limits of the City of St. Louis Park in areas which are not drained by sanitary or storm sewers, and which areas are low in relation to surrounding lands so as to constitute natural depositories for surface waters, and which contain substantial deposits of clay soil, or under-
Section 5:21. Building Permits to be Denied. It shall be the duty of the Building Inspector, upon receipt of an application for permit to construct any building for residence or dwelling purposes within the corporate limits of the City, to investigate and determine whether the land on which it is proposed to be constructed is low in relation to surrounding lands so as to constitute a natural depository for surface waters; whether or not such land is drained by sanitary and storm sewers of the City; whether such area is known to contain substantial deposits of clay soil which will not properly absorb sewage and waste waters to be drained from the plumbing system provided in said building; whether underground water tables are likely to be within 8 feet or less from the surface, and likely to interfere with proper absorption of such sewage and waste from the building, or which are likely to cause the basement or foundation of said buildings to be unsafe, unsanitary or filled with water from time to time; whether the necessary filling and grading of the lot where such building is to be constructed in connection with the construction thereof, will cause surface water naturally flowing on said land to be diverted, backed up or otherwise cast upon public or private property in the vicinity; and whether the construction of a residence or dwelling upon the premises is likely to cause hardship, financial loss or fraud to any person purchasing or using the same, and whether the construction of the building is likely to create a hazard to the safety, health and welfare of the people of the City because of the impossibility of drainage of subsurface or surface waters therefrom, and impossibility of disposal within the soil surrounding such residence or dwelling of the sewage and waste waters therefrom. If the Building Inspector shall determine that any of the foregoing conditions exist, he shall, before issuing any permit for construction of any building upon said premises, report the results of his investigation and determination to the City Clerk. The City Clerk shall thereupon notify, in writing, the applicant for such permit that the application has been referred to the City Council for consideration at its next regular meeting to be held within 10 days thereafter, the date of which meeting shall be specified in the notice. At such meeting the City Clerk shall report said investigation and determination of the Building Inspector to the Council, and the Council shall hear the applicant, if he so desires, and may adjourn consideration and hearing for such reasonable time as it determines proper. If the City Council shall determine by resolution after investigation that any one or more of the following factors exist, or will result if the building permit is granted, the Council may by such resolution direct the Building Inspector to deny such building permit, and thereafter no such permit shall be granted, provided that application for building permit on said premises may be renewed, and permit granted, after construction of sanitary or storm sewers in the area, or upon determination by the City Council that the factors upon which the denial of the permit was based have been altered, and the reasons for denial of the permit have been removed.

(a) The land upon which the proposed building is to be erected is low in relation to surrounding lands so as to constitute a natural depository for surface waters, or the soil of said land is known to contain substantial deposits of clay, or underground water, so near the surface of the ground, as to interfere with the drainage of sewage and waste waters from the building by known methods of soil absorption and there are no sanitary or storm sewers in the vicinity which will provide drainage for the surface waters, or sewage waste waters, from the premises, or

(b) The grading, or filling, of the premises necessary in order to make use of the building proposed to be erected will cause diversion or backing up of surface waters onto adjoining public or private property under such circumstances as would constitute a cause of action in favor of the City or owner of such property for injunctive relief or damages, or

(c) The construction of the proposed building will result in hardship, financial loss or fraud to persons purchasing or occupying the building proposed to be constructed, or will create hazards to health, safety and welfare of the people of the City of St. Louis Park because of the impossibility of properly disposing of sewage and domestic waters from said building by cesspools or other soil absorption systems, or will make necessary the construction by the City of sanitary and storm sewers which the City Council does not consider necessary or justified for improvement of the general area at that time.

ORDINANCE NO. 392 OF THE CITY OF MOORHEAD ESTABLISHING POLICY IN REFERENCE TO CORRECTING REAR YARD DRAINAGE.

WHEREAS, there are certain areas within the City of Moorhead where the yards have not been adequately graded and proper drainage for surface water has not been established;

WHEREAS, these areas create flooded yards during periods of extended rain and during thaw and runoff;

AND WHEREAS, in certain areas, the property owners have relieved this situation by diverting the storm water into the sanitary sewer system;

NOW BE IT ORDAINED by the City Council of Moorhead, Minnesota:

Section 1. That it shall be unlawful to cause the aforesaid surface water to be diverted into the sanitary sewer system.

Section 2. That the City Engineer shall make a survey and shall prepare a plan and cost estimate for correcting said drainage problem and receipt of a petition from the majority of the property owners affected. After completion of said survey and said cost estimate the Engineer shall submit the cost estimate to the Moorhead City Council for action.

Section 3. That the cost of correcting said drainage problem shall be assessed against the benefited property in accordance with Minnesota State Laws and Regulations of the City of Moorhead.

Section 4.

a. No person shall construct or grade a yard within the City of Moorhead without first submitting his plan to the City Engineer and the City Engineer shall establish the necessary grades so as to provide adequate drainage.
ORDINANCE CODE OF THE VILLAGE OF NEW BRIGHTON REGULATING FOR THE PROTECTION OF THE NATURAL SURFACE WATER DRAINAGE NETWORK.

Section 489. Water and Waterways.

Section 489.00. Definition. As used in this ordinance, the terms waters and/or waterways shall include all public waterways as defined by Minnesota Statutes Section 105.38, subd. 1, and shall also include all bodies of water, natural or artificial, including ponds, streams, lakes, swamps, and ditches which are a part of or contribute to the collection, runoff, or storage of surface waters within the Village of New Brighton, or directly or indirectly affect the collection, transportation, storage, or disposal of the storm and surface waters system in the Village of New Brighton.

Section 489.10. Permit Required.

Subd. 1. No person, firm, or corporation shall cause or permit any waters or waterways as defined herein to be create, dammed, altered, filled, dredged, or eliminated, or cause the water level elevation thereof to be artificially altered without first securing a permit therefrom from the Village Council of New Brighton.

Subd. 2. Applications for permits shall be made in writing upon printed forms furnished by the Village Clerk.

Subd. 3. Applications for permits shall be accompanied with a complete and detailed description of the proposed work together with complete plans and topographical survey map clearly illustrating the proposed work and its effect upon existing waters and water handling facilities.

Subd. 4. A fee of $250.00 shall be paid to the Village and upon the filing of such application to defray the costs of investigation and considering such application.

AN ORDINANCE NO. 63 OF THE VILLAGE OF ORONO REGULATING THE RECLAMATION OF SWAMPIE AREAS.

Chapter 38. Low Lying Lands and Drainage Areas.

38.010. Statement of Purpose. The provisions of this Chapter are to advance the following purposes which are deemed to be for the general welfare of the Village:

a) To protect the public health by regulating low lying lands and drainage areas so as to control and restrict potential areas of stagnant water.

b) To regulate building on low lying lands and drainage areas so as to control and restrict potentially dangerous or unsafe construction.

c) To promote natural drainage of low lying lands, and prevent accumulation of stagnant waters.

d) To conserve watershed areas necessary for the maintenance of surface and subsurface water levels.

38.020. Lands Affected. All land which is frequently under water, or which regularly sustains emergent aquatic vegetation, or which constitutes a regular watercourse for drainage of higher land, is subject to the provisions of this Chapter.

38.030. Excluded from Area Computations. No land subject to this Chapter shall be counted in determining the size of any proposed building lot for purposes of applying the minimum area requirements for a building site.

38.040. Building Restricted. No building permit for any structure to be erected either in whole or in part on or subject to this Chapter shall be issued without the specific approval of the Council.

Applications for such building permits shall be referred first to the Planning Commission, which shall investigate and report the facts and its recommendations to the Council, which shall then direct that the permit
be issued or denied. In making its determination the Council shall have in mind the purposes of this Chapter.

38.050. Filling. No "fill" or material shall be deposited on land subject to this Chapter without first obtaining a permit to do so. Applications for such permits shall be referred first to the Planning Commission, which shall investigate and report the facts and its recommendations to the Council, which shall then direct that the permit be issued or denied. In making its determination the Council shall have in mind the purposes of this Chapter.

ORDINANCES PROVIDING FOR REGULATION OF WATER-BASED RECREATIONAL FACILITIES

A RESOLUTION BY THE CITY OF HASTINGS ENTERING INTO AN AGREEMENT WITH THE UNITED STATES GOVERNMENT FOR A SMALL BOAT HARBOR AT HASTINGS.

Be it resolved by the City Council of the City of Hastings, as follows:

In connection with establishing a small boat harbor at Hastings, Minnesota, in the Mississippi River, the City Council of the City of Hastings, agrees to cooperate with the United States Government in providing the following facilities:

1. To obtain title to land needed for the project.
2. To maintain road approaches.
3. To provide potable water, police and fire protection and necessary street lighting.
4. That the necessary rights of way and disposal areas for new work and subsequent maintenance shall be furnished at no cost to the United States.
5. That the city of Hastings will furnish necessary floating booms, slips, and servicing facilities open to the public on equal terms.
6. That the essential facilities, in connection with the small boat harbor, will be operated without profit and that rental charges will be reasonable and subject to the approval of the Secretary of War.

AN ORDINANCE NO. 54 OF THE VILLAGE OF ORONO DEALING WITH THE JOINT USE OF LAKE FACILITIES.

74.010. License Required. No group or association of persons or families, more than two in number, whether incorporated or not, shall make any arrangement, whether through a common or corporate ownership or otherwise, for the joint use of any lakeshore property for swimming, bathing, fishing, docking or mooring boats, or for any other purpose, without securing an annual license in accordance with this Chapter.

74.020. Application for License. Any person, or group or association of persons or families, whether incorporated or not, desiring such license shall apply therefor to the Village Council. Such application shall be in writing, signed by the applicant and filed with the Village Clerk. It shall set forth the name and residence of the applicant or applicants, including the names and residences of all members of the association, whether incorporated or not, and shall designate which, of said persons shall be regarded as the "licensee" for purposes of this Chapter. It shall be accompanied by a certified copy of the Articles of Incorporation and By-laws of any incorporated association, or by a certified copy of the By-laws or agreement of joint use of any unincorporated association or group of families. It shall also be accompanied by a sketch of the proposed facilities, and a statement outlining the manner, extent, and degree of joint use contemplated. The Clerk shall present the application to the Village Council at its next regular meeting after the filing thereof.
AN ORDINANCE NO. 530 OF THE CITY OF DETROIT LAKES REGULATING AND LICENSING DOCKS.

Section 1. No person, firm, corporation, or group or association of persons or families, whether incorporated or not, shall erect, construct, enlarge or alter any dock, wharf, pier, causeway, building or any other structure under, upon or over any of the waters of Detroit Lakes, unless the City Council shall have provided for the licensing of docks and other structures. All such boat ramps, slips or tanks shall comply so far as may be practicable with the terms and conditions imposed upon the joint use and may require that such ramps or slips shall be transferable upon ten days' notice of transfer of ownership thereof, mailed or delivered to the City Clerk-Treasurer by either Party, which notice shall contain the full name and address of the transferee of any such license, provided that such transfer does not result in the ownership of more than one structure by such transferee and his immediate family as provided in the within Ordinance.

Section 2. Each dock or other structure described in the paragraph above shall require a special license, either private, semi-commercial or commercial. Application for such license shall be obtained at the office of the City Clerk-Treasurer and shall contain, among other things: the full name and address of applicant, and a description of the location or proposed location of the structure, and such other information as may be required by the City Council in the same manner and for the same fee as is herein provided for the licensing of new docks and other structures. All such applications shall be presented to the City Council and licenses issued therefor in the same manner as is herein provided for the licensing of the erection of new docks and other structures.

Section 3. With respect to docks and structures already erected at the time of the passage of this Ordinance, a license to continue the maintenance thereof shall be applied for in the manner hereinafore described for the licensing of new docks and other structures, within 30 days after the within Ordinance takes effect as hereinafter provided, and all such applications shall be presented to the City Council and licenses issued therefor in the same manner as is herein provided for the licensing of the erection of new docks and other structures.

Section 4. Licenses issued under the terms of the within Ordinance shall be transferable upon ten days' notice of transfer of ownership thereof, mailed or delivered to the City Clerk-Treasurer by either Party, which notice shall contain the full name and address of the transferee of any such license, provided that such transfer does not result in the ownership of more than one structure by such transferee and his immediate family as provided in the within Ordinance.

Section 5. Each license issued pursuant to the within Ordinance for the erection or maintenance of a structure shall entitle the holder thereof, in addition to erect and maintain one boat ramp or slip, and in the event any person shall desire to construct and maintain only a boat ramp or slip who is not licensed to erect or maintain a structure, a license to erect and maintain such boat ramp or slip shall first be obtained from the City Council in the same manner and for the same fee as is herein provided for the licensing of docks and other structures. All such boat ramps or slips shall comply so far as may be practicable with the terms of the within Ordinance with respect to docks and other structures.

Section 6. Subd. 1. A commercial dock is defined to include the following: a structure providing space for docking, or otherwise keeping boats, canoes or other watercraft belonging to persons other than the owner of the structure upon which said boat, canoe or watercraft is docked or stored, or space for keeping watercraft which are rented by the dock owner to the public.

Subd. 2. A commercial dock is defined to include any structure provided by a commercial resort owner for keeping watercraft furnished by him to his patrons.

Subd. 3. A private dock is defined to be any structure included under Section 1 of this Ordinance which is not defined by Subd. 1 and Subdivision 2 of this Section 6.

Section 7. Subd. 1. All boat shall be stored in such a manner that they do not create a fire hazard.

Subd. 2. Any gasoline offered for sale or stored on dock premises shall be placed in tanks or containers as may be required by the City Council and such tanks or containers shall be stored underground or such distance from the boat storage facilities so as not to create a danger in the community.

Subd. 3. The location and marking of all buoys shall be subject to the regulation of the City Council.

Subd. 4. Private, semicommercial, and commercial dock premises shall at all times be maintained in a neat and orderly manner.

Subd. 5. No boat or other floating structure tied up or connected in private, semicommercial, or commercial dock facilities shall be used as a permanent, temporary, overnight, or seasonal residence.

Subd. 6. An enclosure of open water created through the construction and design of docks to the exclusion of the open and free enjoyment by
the public of the navigable waters of Detroit Lake is prohibited, nor shall such docks unreasonably interfere or infringe upon the rights of access to all said navigable waters from adjoining properties.

Section 8.

Subd. 1. The City Council shall determine and approve the location of each structure covered by this Ordinance. With respect to structures erected or maintained or proposed to be erected or maintained by owners of land abutting upon any street, road or common intervening between such property and the shore of Detroit Lake, such structures shall be constructed and maintained midway between the intersections of the opposite side lines of the property of such applicant, as extended, with the shore of Detroit Lake; except that variations may be permitted by the City Council where it appears impracticable to so locate such structures and where it further appears that any such structures or proposed structures constructed elsewhere will not interfere unreasonably with the use or enjoyment of said waters of Detroit Lake by the public or other adjoining lot owners, abutting upon any such street or common.

Subd. 2. No more than one structure shall be permitted for each applicant and his immediate family; save and except that the City Council may direct the issuance of a license by the City Clerk-Treasurer for more than one structure for any such applicant where the erection and location thereof will not interfere unreasonably with the public use or enjoyment of the waters, streets and commons of the City, and provided further that the owner of more than one private residence or private lake cottage abutting upon a public street, road or common which intervenes between such property and the shore of Detroit Lake may be permitted one structure for each such residence or cottage.

Subd. 3. No dock, private, semicommercial or commercial shall extend further into the waters of Detroit Lake than is reasonably necessary to accommodate the docking of such craft as is customarily and lawfully used upon the waters of Detroit Lake nor beyond the point of navigation as such point has been or shall be established by lawful authority.

Subd. 4. All such structures shall be constructed and maintained of such materials and of such type of construction as will not render the same unsafe or apt to endanger the public enjoyment of such waters and shall be constructed in such manner as not to be unsightly or offensive to the public use and enjoyment of such waters, and shall be constructed in accordance with any and all provisions of the building code of the City of Detroit Lakes which are applicable thereto.

Subd. 5. The City Council or such officer as may be designated by the City Council for the purpose, may at any reasonable time inspect or cause to be inspected, any structure erected or maintained upon, or abutting upon, any such public streets, road, park, or common, and if it shall appear that any such structure has not been constructed or is not being maintained in accordance with the application therefor or the plans or location thereof as approved by the City Council, or if it shall appear that such structure has in such condition that it no longer complies with the requirements of the within Ordinance the City Council shall forthwith notify the owner thereof in writing specifying the way or ways in which said structure does not comply with the within Ordinance, after which said owner shall have 10 days to remove such structures or make the same comply with the terms of the within Ordinance and the terms of the application and issuance of the license therefor. In the event such owner shall fail, neglect or refuse to remove such structure or make the same comply with the terms of the within Ordinance within such period of 10 days, the license therefor shall be revoked by direction of the City Council and by notice in writing to the owner thereof issued by the City Clerk. The notices herein required shall be given in writing by the City Clerk by mail directed to such structure owner at the address given in the application for the license for the erection of such structure or in the notice of transfer of such license.

Section 9.

The annual fees therefor shall be as follows, to wit:

<table>
<thead>
<tr>
<th>Type of Dock</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Docks</td>
<td>$2.00</td>
</tr>
<tr>
<td>Private Boat Ramps</td>
<td>$5.00</td>
</tr>
<tr>
<td>Semicommercial</td>
<td>$10.00</td>
</tr>
<tr>
<td>Commercial - Base Fee</td>
<td>$15.00</td>
</tr>
<tr>
<td>plus a fee for each boat accommodation as follows:</td>
<td></td>
</tr>
<tr>
<td>First 50 accommodations</td>
<td>$0.35 each</td>
</tr>
<tr>
<td>Next 50 accommodations</td>
<td>$0.25 each</td>
</tr>
<tr>
<td>Additional accommodations</td>
<td>$0.15 each</td>
</tr>
</tbody>
</table>

Section 10.

Subdivision 1. No private dock, for which a license is required by Section 1 hereof, shall exceed 24 feet in length from the shoreline except where necessary to reach a minimum water depth of 36 inches, and 4 feet in width; and no private dock shall be shaped other than as a plain bar, shall have no projections, nor shall any private dock be build or placed except with the longitudinal axis thereof perpendicular to the shoreline.

Subdivision 2. No semicommercial dock, for which a license is required shall exceed 40 feet in length from the shoreline and 8 feet in width. In the event said semicommercial dock has extensions, such extensions shall not exceed 10 ft. in length on each side of the dock portion which is perpendicular to the shoreline.

Subdivision 3. No commercial dock, for which a license is required, shall exceed 250 ft. in length and 50 feet in width, or in the event "T", "L" or "F" extensions are constructed a total of 300 feet overall parallel to the shoreline.

Subdivision 4. No person shall discharge or permit or allow any other person on a vessel under his control or command to discharge, any human or animal excreta from any head, toilet or similar facility on a vessel into the waters of Detroit Lake.

Subd. 2. No person shall throw, discharge, deposit, or leave or cause, suffer or permit to be thrown, discharged, deposited or left either from the shore or from any structure or vessel or from any building or elsewhere, any refuse matter of any description, into the navigable waters of Detroit Lake or on the shore of Detroit Lake or any navigable water within the boundaries of the City where the same may be washed into Detroit Lake or such navigable water, either by flood or otherwise.

Subd. 3. No person shall dump or discharge from any vessel or tank into the waters of Detroit Lake, oil, spirit, or any flammable liquid, or deposit any rubbish, refuse matter or articles of any offensive character therein or upon any dock or street leading to such facility, from any structure or vessel or from any building or elsewhere, any refuse matter of any description, into the navigable waters of Detroit Lake or into the shore of Detroit Lake or the navigable waters within the City.
The words, "motor boat" as used in this ordinance includes every vessel propelled by machinery.

Subdivision 2. The word "channel" as used in this ordinance means any waterway or canal between lakes and includes any so-called lagoon or pond within such waterway.

Section 2.
Subdivision 1. No motor boat shall be operated on any public waters in the Town of Mounds View at a speed greater than is reasonable and proper having due regard to the safety of other boats and persons.

Subdivision 2. Whenever any motor boat passes within three hundred feet (300) of any shoreline upon which any person is fishing or swimming, or approaches within three hundred (300) feet of any other boat, unless such other boat is unoccupied, said motor boat shall be operated at its lowest speed, and the operator of said motor boat shall take adequate precautions to throttle down his speed prior to approaching within said distance to the end that the speed shall be appropriately reduced within the indicated distance.

Subdivision 3. Whenever any motor boat passes within three hundred (300) feet of any other occupied boat at a speed such that the backwash waves created by said motor boat are sufficiently large to upset, capsise, or overturn such other boat, the presence of such waves or backwash shall be deemed prima facie evidence of violation of this ordinance.

Section 3.
No motor boat shall be used for the purpose of water skiing or surfboarding on any lake unless such operation is performed in a manner so that neither the boat nor the skier or surf-board rider comes within three hundred feet (300) of shore line, docks, swimmers, or other boats while such skier or surf-board rider is skimming the surface of the water.

Section 4.
No motor boats shall engage in any form of race, game of tag, game of follow-the-leader or any other stunting or exhibition except in the case of a properly sponsored boat race or water show or exhibition.

Section 5.
Any person or organization wishing to sponsor a motor boat race, show or exhibition on any public waters within the Town shall apply to the Town Clerk for a permit to conduct such race, show or exhibition. Upon application on the form authorized by the Town Board and upon payment of the fee as prescribed by the Town Board, the Clerk shall issue a permit for such race, show or exhibition.

Section 6.
The Fridley Municipal Bathing Beaches shall be attended by lifeguards who shall work at hours and times designated by the Recreation Commission.

The Supervisory Lifeguard or any one of the lifeguards on duty at the beach may close the Bathing Beaches whenever in his judgment the water is too rough or cold for bathing. No person shall be permitted in the water during the periods when the beaches are declared closed by a lifeguard.

77.03. Bathing Beach Rules and Regulations.
(1) No person shall throw, cast, deposit, damage, lay, place or scatter in the water or upon any bathing beach any lighted cigars or cigarettes or any glass, bottles, nails, tackle, wire, crockery, cans or other sharp or cutting substance, or any refuse matter or article or thing of any kind. If any glass is broken, the person responsible for the breakage shall immediately pick up the pieces and place them in a trash container.

(2) No person shall bring into or use in the water artificial floats of any kind or description.

(3) No person shall bring, drive, lead, carry or permit any dog or other animal, whether leashed or unleashed, muzzled or unmuzzled, onto the premises of any bathing beach.

(4) No person shall light or make use of any fire on any municipal beach, except in locations provided for that purpose.

(5) No person shall swim or bathe in the water fronting any bathing beach (a) outside established hours; or (b) outside the designated swimming area at any municipal beach. Persons may swim or bathe in the designated areas after established hours at their own risk.

(6) No swimmer or bather shall enter the water or onto any bathing beach, unless clothed in a suitable bathing dress or suit.

(7) No person shall change clothes on any beach or in vehicles parked at any beach.

(8) No person shall appear in the state of nudity nor shall any person make any indecent exposure of his or her person in any park or upon any bathing beach.

(9) No person shall use profane, offensive, or vulgar language and no person shall conduct himself or herself in a rough, boisterous, suggestive or offensive manner while in the water or upon any beach.

(10) No person shall bring or carry any bicycle upon any bathing beach, except to install such vehicle in racks that are provided by the City of Fridley.

(11) No person shall carry on unnecessary conversation with lifeguards; or falsely call for help or assistance, or stand or sit upon or cling to any lifeguard perches or light towers; or, except in an emergency, to go into or cling to any lifeguard boats.

(12) No person shall conduct himself upon any bathing beach or in the water in such a manner as to jeopardize the safety and health of himself and/or others.

(13) No person having, or apparently having, any infectious disease shall be admitted to a bathing beach.
(14) No person, except children, their parents, custodians or guardians, shall be permitted in any play area on bathing beaches designated for children.

(15) No child under 12 years of age shall be allowed on the beach unless the child is under the supervision of a competent person who shall not be less than 16 years of age.

77.04 Conduct of Lifeguards. All lifeguards shall be subject to rules and regulations prescribed by the Recreation Commission.

77.05 Authority of Lifeguards. The duly appointed lifeguards are hereby authorized and empowered to order swimmers out of the bathing beach waters at such time and under such conditions as they deem necessary for the public welfare and to maintain the peace and safety on the streets, grounds, and waters involved.

77.06 Liquors. It shall be unlawful for any person to have in his possession or to consume intoxicating liquor or non-intoxicating malt liquor on Fridley Municipal Bathing Beaches.