

Section 8. **State Auditor to issue certificates of indebtedness.**—Pending the levy and collection of the taxes hereinbefore authorized, the state auditor is hereby authorized and empowered to issue and sell at not less than par, as funds are needed for the purpose of this act, certificates of indebtedness of the state in the aggregate of \$1,215,000 to be known as the University and Teachers' Colleges Building Fund certificates, which certificates shall mature at such time not exceeding 10 years from the date thereof, and shall bear interest at a rate not exceeding three per cent per annum, payable semi-annually, and shall be in such form as the state auditor may determine. Such certificates shall be signed in behalf of the state by the state treasurer and shall be attested by the state auditor under their respective seals, and the auditor and the treasurer shall keep due record thereof. The proceeds of the sale of said certificates shall be appropriated to the Minnesota State Building Fund, and the principal and interest thereof shall be paid from said fund, provided that such interest as may become due on said certificates, until said taxes have been collected to meet the same, shall be paid out of the revenue fund, and the amount necessary therefor for such purpose is hereby appropriated.

Section 9. **Disposition of proceeds of sale.**—The amounts obtained from the sale of the certificates authorized by this act are hereby appropriated for the use of the Board of Regents and the Commission of Administration and Finance in the respective amounts allocated to each item as hereinbefore specified and provided.

Section 10. **State board of investments may purchase certificates.**—The State Board of Investments is hereby authorized to invest the state trust funds in the tax levy certificates authorized by this act, and is hereby authorized to purchase said certificates at the rate of interest specified herein as from time to time the board has available funds for such purpose.

Approved April 24, 1937.

CHAPTER 386—H. F. No. 1722

An act relating to drainage ditches heretofore or hereafter established by the county board of any county of this state having an assessed valuation of not less than \$9,000,000 nor more than \$11,000,000, and having a population, according to the 1930 federal census, of not less than 27,000 nor more than 28,000 inhabitants, and containing not less than 27 and not more than 28 full and fractional congress-

sional townships, and providing that in cases where portions of such ditch have been constructed and other portions cannot be constructed by reason of physical conditions of the soil, the county board, may upon the petition of an interested party and a due hearing re-assess the benefits and damages, and abandon the portions of such ditch that cannot be constructed, and modify or abandon the contract or contracts for the construction of such portions, and providing further that in case such re-assessment shall reduce the amount realized from such assessments below the amounts expended or to be expended in such proceeding, the county board, shall order the deficiency to be paid out of the general revenue fund of the county.

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

Section 1. **Re-assessment of drainage assessments in certain towns—hearing.**—Whenever any person whose lands have been assessed for the construction of a county ditch in any county of the state having an assessed valuation of not less than \$9,000,000 nor more than \$11,000,000, and having a population, according to the 1930 federal census, of not less than 27,000 nor more than 28,000 inhabitants, and containing not less than 27 and not more than 28 full and fractional congressional townships, or any contractor for the construction of the same or of any part thereof, shall file a petition with the county auditor of any county, setting forth that certain portions of a county ditch which has been duly established in said county and the contracts for construction thereof duly let, and the construction of a part thereof has been completed, are practically impossible of construction because of certain physical conditions to be specified in said petition, encountered, or which will be encountered in the course of construction thereof, and specifying by station numbers such said parts, and separately, such further parts likewise specifically designated, the utility of which will be impaired or destroyed by an abandonment of construction of any parts, and praying that the construction of such said parts practically impossible of construction shall be abandoned, and the construction of the parts the utility of which will be impaired or destroyed by such said abandonment of construction, be also abandoned or the plans and specifications and contracts for the construction thereof be modified, and that the contract for all such parts as shall be abandoned shall be cancelled and compensation thereunder be adjusted, and assessments of benefits and damages of all lands affected by said ditch and said abandonments and modifications be re-assessed; the county auditor of such county shall thereupon designate a day for hearing on said petition before the county board of such county, and give like notice of such meeting as on the final hearing for the establishment of a county ditch.

Sec. 2. **May abandon part of ditches.**—Upon such hearing, if the county board shall find that such county ditch has been in part constructed, that certain parts are practically impossible of construc-

tion because of physical conditions encountered or which will be encountered in the course of further construction thereof, and that the construction of such parts should be abandoned; and if the board shall further find that such abandonment of such said parts will impair or destroy the utility of other parts not constructed, and if the contractor for the construction of the parts so found advisable to be abandoned shall file with said board a consent to such abandonment and the board and such contractor shall agree upon the further abandonment or modification of the contract as to such parts the utility of which will be impaired or destroyed as aforesaid, and shall agree upon terms of adjusted compensation with said contractor for such abandonment and modification, if any, the board may make its formal findings as aforesaid, and its order, particularly specifying such parts so to be abandoned or the construction thereof modified and embodying the plans and specifications as modified, and if the contractor shall file his acceptance thereof, then such abandonment, adjusted compensation, and the plans and specifications for such modification, if any, shall be effective, provided that the cost of construction of such ditch shall not thereby be increased.

Sec. 3. Hearing on benefits and damages.—Upon the making of such order and its acceptance as aforesaid, or at such further time to which the board may adjourn, the board shall hear all interested parties whose lands are affected upon the re-assessment of benefits and damages to lands previously assessed or for which damages were allowed in said ditch proceeding, and upon such hearing shall re-assess the benefits and damages previously assessed or allowed and modify the same in as far as the same are affected by such abandonment, and modification, if any, in accordance with the principles of assessments in the original proceedings; and if such re-assessment shall reduce the amounts realized or to be realized from such assessments below the amounts expended or to be expended in such ditch proceeding, the board may order the deficiency to be paid out of the general revenue fund of the county.

Sec. 4. Original assessments shall be credited as payment.—All original assessments actually paid shall be credited as payments on the benefits as re-assessed hereunder. Where the payments upon the original assessments exceed the amount of benefits as fixed in such re-assessments made hereunder, the county board shall authorize the county auditor to issue his warrants on the general revenue fund for the amount of such excess payments to the persons entitled thereto.

Sec. 5. Auditor shall file revised lien statement.—Within 30 days after the adoption of such re-assessment, the county auditor shall file with the register of deeds his revised lien statement in accordance with such re-assessment.

Sec. 6. **Appeal.**—From such re-assessment of benefits or damages an appeal may be taken to the district court in like manner and with like effect as on the original assessments.

Sec. 7. **Act construed.**—The provisions of this act shall not be construed as exclusive, but as providing additional and cumulative remedies.

Sec. 8. **Not to affect pending actions.**—The provisions of this act shall not affect any pending actions or proceedings.

Sec. 9. **Proceedings must be started before August 1, 1937.**—No proceedings under this act shall be instituted after August 1, 1937.

Approved April 24, 1937.

CHAPTER 387—H. F. No. 1715

An act to amend Extra Session Laws of 1933-34, Chapter 46, Section 5, as amended by Laws of 1935, Chapter 303, relating to the sale of intoxicating liquors, by increasing "on sale" licenses in certain cases.

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

Section 1. **Law amended.**—That Extra Session Laws of 1933-34, Chapter 46, Section 5, as amended by Laws of 1935, Chapter 303, be amended so as to read as follows:

"Sec. 5. **Sale of intoxicating liquors.**—That it shall be unlawful for any person, directly or indirectly, upon any pretense or by any device, to manufacture, import, sell, exchange, barter, dispose of or keep for sale, any intoxicating liquor, without first having obtained a license therefor, as herein provided. Nothing herein shall prohibit the natural fermentation of fruit juices in the home for family use. All manufacturer's and wholesaler's licenses shall include the right to import and shall be granted by the Liquor Control Commissioner. The business of manufacturer and wholesaler may be combined and carried on under one license issued therefor. All licenses for retail 'Off sale' shall be granted by the local governing body subject to the approval of the Liquor Control Commissioner and shall not become effective until so approved.

The Liquor Control Commissioner may issue a license or permit to any railroad company, dining car company, or sleeping car com-