

2. That it has exceeded its jurisdiction.

3. That its action is against the best interests of the territory affected.

Such appeal shall be taken by serving upon the county auditor within 30 days from the making of the order a notice of appeal specifying the grounds thereof. The appellant shall also execute and deliver to the auditor a bond to the county in the sum of \$100.00, to be approved by the county auditor, conditioned for the payments of all costs taxed against the appellant on such appeal. Such further proceedings shall be had upon such appeal as upon other appeals from the county board.

Sec. 2. Not to release lands for liabilities for outstanding indebtedness.—Such separation from said village shall not release any such tract of land from liability on account of any outstanding indebtedness of such village existing at the time of its separation therefrom. The county auditor of the county in which such detached lands are situated shall spread against the territory so detached such levies of taxes as are necessary to enforce the liability for indebtedness herein provided. Such levies shall be made each year at a rate equal to the rate which is levied by the village upon the property remaining within the village for the purpose of paying off such indebtedness. The county auditor may require the village clerk to certify to him statements of the amount of indebtedness outstanding at the time of such separation and such other information as may be necessary to spread such levy and may also require that the village separate in its tax levies the money levied for the purpose of paying off such indebtedness. The moneys raised from such levies, both upon territory within such village and upon the territory detached therefrom, shall be paid to the village to be held in a special fund available only for the purpose of paying off such indebtedness.

Approved April 20, 1939.

CHAPTER 327—H. F. No. 1238

An act relating to the control of water levels and a water resource conservation program for the state, amending the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 6602-57, and adding new provisions to the 1938 Supplement to Mason's Minnesota Statutes of 1927, Chapter 42.

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

Section 1. **Law amended.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 6602-57, is hereby amended so as to read as follows :

“6602-57. **Public hearings upon application.**—*Subdivision (a)* As soon as convenient after the filing with the commissioner of any application for a permit to appropriate or use any waters of the state, or to construct or reconstruct or remove or abandon any reservoir, dam or waterway obstruction, in any waters of the state under the provisions of this act, or upon his own initiative for any of the above reasons in the interests of conserving, utilizing or protecting the water resources of the state, the commissioner shall set a day for a public hearing upon said application. The applicant shall give notice to the public of such application and hearing, either in the manner prescribed by the commissioner, or by the publication once in each week for two successive weeks prior to said hearing in a legal newspaper published within the county within which a part or all of the proposed appropriation or use, or construction, reconstruction, removal or abandonment is located ; provided, nothing in this Act shall apply to ordinary or usual repairs or replacements or any necessary emergency repairs or replacements. The county commissioners of each such county, the mayor or chief executive officials of each such city and the proper officials or any interested agency of the state, or political subdivision thereof, designated by the Commissioner, shall also be notified by the applicant by mail and satisfactory evidence of such notices filed with the commissioner. The published notice of such application shall recite the date, place and time fixed by the commissioner for the public hearing on said application, *and shall recite the levels sought to be established by said application, any control structures requiring modification, change, or construction, and any proposed plan of operation to effectuate the purpose of the application.* At such public hearing, the applicant and all other affected persons or corporations, municipal or private, shall be given an opportunity to be heard for or against the granting of said application.

Subdivision (b) *Hearings herein provided for shall be so conducted as to afford all affected persons a full and complete opportunity to be heard. All testimony shall be taken under oath and the right of cross-examination shall be accorded. A record of all testimony shall be preserved together with all exhibits entered, and all objections to evidence shall be recorded in the record together with rulings thereon. The com-*

missioner shall make findings of fact upon all issues necessary for determination of the matters before him. He shall not be bound by common law or statutory rules of evidence or by technical or formal rules of pleadings or procedure, except as herein provided, but shall make his investigation and inquiries and conduct his hearings so as to ascertain the substantial rights of all parties. All orders of the commissioner shall be based upon findings of fact made only upon competent evidence. Notice of any orders made after any hearing hereunder shall be given by publication of such order once each week for two consecutive weeks in a legal newspaper in the county where the hearing was held."

Sec. 2. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Chapter 42, is hereby amended by creating a new section to be numbered and to read as follows:

"6602-57 A. All papers to be filed.—*All applications or petitions, all orders, proof of publication or service of notices or orders and all other papers and documents required to be made and kept hereunder shall be filed by the commissioner and shall be open for inspection by any interested person or his attorney."*

Sec. 3. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Chapter 42, is hereby amended by creating a new section to be numbered and to read as follows:

"6602-57 B. Powers of Commissioner.—*The commissioner shall have power to subpoena and compel the attendance of witnesses and to examine them under oath, to be administered by him, to subpoena and compel the production of all books, papers, and documents, whether in official or private custody, material to the purposes of the hearing or investigation being conducted. Disobedience of any 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 upon proceedings instituted by the attorney general on complaint of the commissioner before the district court of the county where such disobedience or refusal occurred."*

Sec. 4. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Chapter 42, is hereby amended by creating a new section to be numbered and to read as follows:

“6602-57 C. Commissioner to keep complete record.—*The commissioner shall cause a complete record of all proceedings on said hearings to be made and shall provide a stenographer to take the testimony and record of proceedings at said hearings and said stenographer shall furnish a transcript of such testimony or proceedings to any person requesting it upon payment to him of a reasonable charge therefor to be fixed by the commissioner.”*

Sec. 5. Owners to cap artesian wells.—*For the conservation of the underground water supplies of the state, the Department of Conservation is hereby authorized to require the owners to cap artesian wells not in continuous use.*

Approved April 20, 1939.

CHAPTER 328—H. F. No. 1239

An act relating to land forfeited to the state for taxes; amending the 1938 Supplement to Mason's Minnesota Statutes of 1927, Sections 2139-15, 2139-16, 2139-18, 2139-21, 2139-22, 2139-23, 5620-13½ (b), 5620-13½ (d); and adding new provisions.

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

Section 1. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2139-15, is hereby amended so as to read as follows:

“2139-15. Classification of tax-forfeited lands.—(a) All parcels of land becoming 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 non-conservation*. 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 forest or other growth, accessibility of lands to establish roads, schools, and other public services, and their peculiar suitability or desirability for particular uses. Such classification, furthermore, shall aim: 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 de-