

weight exceeding the limitations stated in sections 169.80 to 169.88, or otherwise in violation of sections 169.80 to 169.88, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter these limitations except as express authority may be granted in sections 169.80 to 169.88.

When all the axles of a vehicle or combination of vehicles are weighed separately the sum of the weights of the axles so weighed shall be evidence of the total gross weight of the vehicle or combination of vehicles so weighed.

When each of the axles of any group that contains two or more consecutive axles of a vehicle or combination of vehicles have been weighed separately the sum of the weights of the axles so weighed shall be evidence of the total gross weight on the group of axles so weighed.

When, in any group of three or more consecutive axles of a vehicle or combination of vehicles any axles have been weighed separately and two or more axles consecutive to each other in said group have been weighed together, the sum of the weights of the axles weighed separately and the axles weighed together shall be evidence of the total gross weight of the group of axles so weighed.

The provisions of sections 169.80 to 169.88 governing size, weight, and load shall not apply to fire apparatus, or to implements of husbandry temporarily moved upon a highway, or to loads of loose hay or corn stalks if transported by a horse-drawn vehicle or drawn by a farm tractor, or to a vehicle operated under the terms of a special permit issued as herein provided.

Approved April 16, 1951.

CHAPTER 395—H. F. No. 1410

An act relating to the organization of drainage and conservancy districts for the drainage of wet, marshy and overflowing lands and control of floods, appointment of a board of directors with authority to plan and execute plans and im-

provements within said districts authorizing contracts with the United States Government, State of Minnesota, and municipalities in the execution of improvements within the district, determine and compensate for damages which may result from projects constructed within the district by the United States Government and providing funds for the operation of the district, amending Minnesota Statutes 1949, Sections 111.08, 111.09, and 111.21.

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

Section 1. Minnesota Statutes 1949, Section 111.08, is amended to read:

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, take and subscribe the oath provided by statute to be taken by public 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 thereupon organize by electing one of their number as president and one of their number, or a third party, as secretary or clerk of the board, and provide the necessary books and records. If the place designated in the order as general offices of the district is a county seat, the board *may* elect the clerk of the district court of such county as *its* clerk and thereupon and thereafter all papers filed with the clerk shall be and constitute a filing with the board, and it shall be the duty of the clerk to keep and preserve the record of the board in his office and to do and perform such duties as *are* designated and required by the board, *which* shall fix his compensation.

Subd. 2. Meetings The board shall meet at least semi-annually 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 it may approve for further study and may divide the district into subdivisions, each subdivision comprising the lands of a particular water-

shed suitably drained by a common outlet. This plan shall include maps, profiles, field notes, surveys, plats, and other data and descriptions necessary to adequately set forth the location and character of the proposed work or improvement and show the property benefited, taken, or damaged, with estimates of the cost for doing the work.

Subd. 4. Use of former survey If the board of directors finds that a former survey is useful for purposes of the district, it may use such data secured by such survey or other proceedings and may cooperate with the State of Minnesota, or any authorized agency thereof, or with the United States or any authorized agency thereof. It may pay the cost of producing or reproducing this data or surveys for the benefit of the district.

Subd. 5. Submission of plan to Commissioner of Conservation; approval, notice. Upon the completion of the plan for the whole or any subdistrict the board shall file a copy of any such plan with the commissioner of conservation who shall 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 weeks publication in a newspaper in the counties wherein the lands proposed to be affected are situated. This notice shall fix the time and place for a hearing, not less than 20 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 10 days after the last publication of the notice. After the hearing the board of directors shall adopt the plan, with or without modifications, for the making of improvements of said district or subdistrict thereof.

Subd. 6. Objections to plan Any person, public corporation, or agency of the state government 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 modification 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 general official plan from time to 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.

Subd. 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 become a part of the costs of the particular improvement made within the district or subdistrict, as the case may be.

Subd. 8. Petition required. No construction, repair, or improvement shall be made under or by virtue of the establishment of a plan, except upon petition.

Sec. 2. Minnesota Statutes 1949, Section 111.09, is amended to read:

111.09. **Assistants, employees.** *Subdivision 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 at any time 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 care and accounting for such moneys. He shall pay out this money only on proper orders signed by the president and secretary of the board.*

Subd. 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 *such engineer and attorney perform services*, and as far as applicable *shall* be governed by Section 106.66.

Subd. 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.

Subd. 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 at least once each year 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, with the secretary of the district board and with the county auditor of the county or counties affected. The compensation of such ditch inspector shall be charged to and paid for out of the repair fund of each ditch inspected upon the verified statement of the ditch inspector.*

Sec. 3. Minnesota Statutes 1949, Section 111.21, is amended to read:

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 other states, with drainage, conservation, conservancy, 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 in-

vestigations or reports thereon; and may purchase, leave, [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 co-operation with adjoining states, or drainage authorities thereof, and, in the event that for any reason it may be deemed 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, including surveys made and expenses incurred by any board 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 of America, or any department thereof, under a contract between the board of directors of said districts and a governmental agency, wherein the cost of the improvement is paid for by the governmental agency but that the rights-of-way, legal, engineering and general expense, together with the risk of resulting damages arising out of said construction or improvement, are assumed by the district, the board shall upon the completion of said project appoint three disinterested 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 improvement as certified by the chief engineer of the district, and shall make and file with the secretary of 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.

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 these reports the clerk shall immediately notify the judge thereof who shall, within ten days thereafter, by order fix a time and place within the district for a hearing upon the petition and reports, of which due notice shall be given by the clerk, 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 defect 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 to be presented to the board at the office of its secretary, within 30 days after the alleged loss or injury, a written notice stating the time, place and circumstances thereof, and the amount of damages claimed or other relief demanded. No action thereon shall be maintained unless such notice has been given and is commenced within one year after the occurrence of the loss or injury.

Approved April 16, 1951.

CHAPTER 396—H. F. No. 1460

(Not Coded)

An act relating to construction and payment for town halls and office buildings in certain towns; amending Laws 1947, Chapter 230, Section 2.

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

Section 1. Laws 1947, Chapter 230, Section 2, is amended to read: