

CHAPTER 497—H. F. No. 1694

[Not Coded]

An act relating to the issuing of bonds by certain villages operating municipal liquor stores.

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

Section 1. Electors of certain villages may issue bonds pledging municipal liquor store profits. Subdivision 1. The governing body of any village in which is located a municipal liquor store, which is located in a county having an assessed valuation of less than \$2,000,000, exclusive of moneys and credits, and having more than 10,000 inhabitants according to the 1940 federal census, and having at least 30 and less than 50 full and fractional congressional townships, may submit to the electors of the village at any general or special election the question as to whether or not the village may issue its bonds in an amount not to exceed \$25,000, to the payment of which the full faith and credit of the village shall be pledged but which shall be payable from the profits from the municipal liquor store.

Subd. 2. If the electors approve such a bond issue, the proceeds from the sale thereof may be used by the village to assist in the completion of any hospital which is under construction in the village, and which is owned and operated by a memorial hospital association of the county in which the village is located.

Approved April 18, 1949.

CHAPTER 498—S. F. No. 1131

[Coded as Sections 84A.50 to 84A.55, and Section 106.471]

An act relating to any game preserve, area, or project established pursuant to Minnesota Statutes 1945, Sections 84A.01, 84A.20, or 84A.31, appropriating money therefor, prescribing penalties for violations, amending Laws 1947, Chapter 148, Section 47, Subdivision 2, and repealing Minnesota Statutes 1945, Sections 84A.05, 84A.06, 84A.24, 84A.25, 84A.34

and 84A.35, and other acts and parts of acts inconsistent herewith.

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

[84A.50] **Section 1. Certain certificates accepted as correct and validated.** All certificates relating to bonds issued to finance or refinance public drainage ditches, the principal and interest thereof, 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 Minnesota Statutes 1945, Sections 84A.04, 84A.23 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] **Sec. 2. 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 1945, Sections 84A.03, 84A.22 or 84A.32, Subd. 2, are transferred to the Consolidated Fund. The moneys in the Consolidated Fund, or so much thereof as may be necessary, are hereby appropriated for the purposes of Sections 3 and 4 of this act.

[84A.52] **Sec. 3. Accounting between the state and several counties; 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 disbursement 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 proportionate 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-for-

feited 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 thereby 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.

[84A.53] **Sec. 4. Certain funds credited to general revenue fund.** All moneys heretofore or hereafter collected from tax levies heretofore 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 3 hereof, the state auditor shall make the appropriate entries. None of the moneys referred to in this section shall be used for the payments provided for in Section 3 until all other moneys in the Consolidated Fund have been expended.

[84A.54] **Sec. 5. Certain collections deposited in consolidated fund.** Except as provided in Section 4 hereof, all moneys hereafter 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.07, 84A.26 or 84A.36 shall be deposited in the Consolidated Fund.

[84A.55] **Sec. 6. Certain game preserves, areas, and projects under control of commissioner of conservation.** Subdivision 1. All game preserves, areas and projects established 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. 2. The commissioner shall care for, preserve, protect and develop the forests therein, shall prevent forest fires therein so far as means are available, and may experiment in and practically advance afforestation and reforestation therein.

Subd. 3. The commissioner may sell in like manner to the sale of timber on other state lands the merchantable timber

on lands which are held by the state pursuant to Minnesota Statutes 1945, Sections 84A.07, 84A.26, or 84A.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 this act, the breeding, propagation and disposition of wild life therein by any person as may be necessary to execute Subd. 5 hereof.

Subd. 7. The commissioner may issue, subject to revocation for violation of any law of this state relating to wild animals or of this act, special licenses or permits for hunting, fishing, camping or other uses not inconsistent with this 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 approve and pay for repairs to ditches as provided in Section 7 hereof, and may initiate or join in any petition or other proceedings therefor.

Subd. 10. The commissioner may construct and maintain roads and airplane landing fields or strips which are necessary for the execution of this section.

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 Subd. 7 hereof 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 hereof, 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 of this section, 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 moneys appropriated from the Consolidated Fund or such other fund as may be designated, as may be designated in the applicable appropriation act.

Sec. 7. Laws 1947, Chapter 143, Section 47, Subdivision 2, is amended to read as follows:

[106.471] **Repairs.** Subd. 2. **Authority of board.** (a) After the construction of a state, county or judicial drainage system has been completed, the county board is empowered to maintain the same or such part thereof as lies within the county and provide the repairs required to render it efficient to answer its purpose. The board shall cause such drainage system to be annually inspected, either by a committee thereof, or a ditch inspector appointed by the board, and, if the committee or inspector shall report to the board that repairs are necessary on any ditch system and such report is approved by the board, it shall cause such repairs to be made within the

limits hereinafter set forth. The ditch inspector may be the county highway engineer.

(b) If the board finds that the estimated cost of such repairs will be less than \$1,000, it may have such work done by day labor without advertising for bids or entering into a contract therefor. The county board is limited in the expenditure of money therefor as herein provided. In one calendar year the board shall not spend or contract to be spent for repairs or maintenance on one ditch system a sum greater than ten per cent of the cost of construction thereof in that county, except as provided in subdivision 4 of this section. In case there are sufficient funds to the credit of the drainage system to make such repairs, such funds may be expended by the county board for such purpose without further assessment.

(c) Before ordering the levy of an assessment for repairs, the county board, in its discretion, may give such notice of hearing thereon as it may deem necessary.

(d) Notwithstanding any other provision of law, the county board shall not order the repair of a drainage system if a portion of the lands assessed for benefit at the time of the establishment of the drainage system lies within a game preserve, area, or project established pursuant to Minnesota Statutes 1945, Sections 84A.01, 84A.20, or 84A.31 unless the commissioner of conservation shall have theretofore consented in writing to the repair, nor shall any lands to which the state has title in any such game preserve, area, or project be assessed for benefits in any proceedings for repair of any such drainage system instituted by petition unless the commissioner of conservation has joined in the petition.

Sec. 8. Repeal. Minnesota Statutes 1945, Sections 84A.05, 84A.06, 84A.24, 84A.25, 84A.34 and 84A.35 are hereby repealed, but any taxes heretofore levied thereunder or certificates of indebtedness issued and sold thereunder shall not be affected thereby. All other acts and parts of acts now in effect inconsistent with the provisions of this act are hereby repealed, superseded, modified, or amended so far as necessary to conform to and give full effect to the provisions of this act.

Note: Bill repassed notwithstanding the objections of the Governor, April 18, 1949, and filed with the Secretary of State, April 19, 1949.