

**Sec. 8. Assessments to be split by county auditor.**—That Section 23, Chapter 442 of the General Laws of 1917 be and the same is hereby amended so as to read as follows:

Section 23. Upon the filing by the board of directors of a drainage and flood control district, with the county auditor of any county, of a statement, as provided in section 22 of this act, 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 county auditor to assess, the amount specified in such list against the municipalities or other corporations, as therein specified, in accordance with the provisions of section 5551 of the General Statutes of 1913 *and amendments thereto*; and said county auditors respectively shall proceed to levy and collect the sums specified in said list against the several corporations in accordance with the provisions of said section, and in the event that any improvement reported in said list shall be for improvements or benefits to any county or state road, then, in that event, the sum so reported shall become a direct charge against said county and may be paid by said county out of its road and bridge fund or otherwise, as its board of county commissioners may direct, and may be paid in whole or in installments, as may be specified by the board of county commissioners of each county. Provided, that no assessment shall be levied against any property or corporation benefited under the provisions of this act in excess of the amount of benefit received, as fixed by the order of court directing the construction of said improvement, or as subsequently determined on appeal.

**Sec. 9. Other laws to apply.**—That there be added to said Chapter 442 of the General Laws of 1917 a new section to be known as Section 33a.

Section 33a. In all cases where reference is made in this act to sections of the General Statutes of 1913 or to other drainage laws of this state and sections thereof are referred to, such 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 this act are concerned, as though herein set forth.

**Sec. 10.** This act shall take effect and be in force from and after its passage.

Approved April 18, 1921.

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#### CHAPTER 327—H. F. No. 694.

*An act to amend Section 5481, General Statutes 1913, relating to powers and duties of commissioner of drainage and waters.*

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

**Section 1. Powers of commissioner of drainage and waters.**—That section 5481 General Statutes Minnesota 1913, as amended by Chapter 273, Laws 1915, and Chapter 471, Laws 1919, be and the same is hereby amended so as to read as follows:

5481. The commissioner of drainage and waters established by this act, shall have power to construct as hereinafter provided, any ditch, drain or other watercourse within the state of Minnesota, and such ditch, drain or other watercourse may in whole or in part follow and consist of the bed of any creek, stream or river, whether meandered or not, and he may widen, deepen, straighten, change, lower or drain the channel or bed of any creek, river, lake or other natural watercourse, whether navigable or whether meandered or not, and may construct new and additional outlets to any marshy, shallow or meandered lake, for the purpose of draining the same, and may follow and extend the same into or through any city or village within the state far enough to secure a sufficient fall and flow of water to reasonably effectuate the purpose for which the work is extended, and may confine any such creek, river or other natural watercourse by means of dykes, levees and embankments to its natural or artificial bed, as laid out, and shall also, whenever it shall appear to its satisfaction that the drainage of any territory may be made more effective by the construction and maintenance of dams, or other works, for retaining and controlling the flood waters tributary to such territory, have the power to construct or acquire such dams or other work, and flowage rights therefor, and to maintain and operate the same;

Provided, that when in any such proceedings, the waters of any creek, river or other watercourse are diverted from their natural bed by such artificial ditch or drain, such ditch or drain shall as nearly as practicable, follow the general direction of such creek, river or watercourse, and terminate therein.

And, provided, further, that no meandered lake shall be drained under the authority of this act, except in case such lake is normally shallow and grassy and of a marshy character or except in case such meandered lake is no longer of sufficient depth and volume to be capable of any beneficial public use of a substantial character for fishing, boating or public water supply.

Provided, further, that no meandered lake shall be drained or lowered under the authority of this act unless petitioned for by at least sixty per cent of the legal voters residing within four miles of such lake, who are free-holders, whose lands are affected as shown by the viewers' report and filed in the office of the clerk of the district court of the county in which such proceedings are had.

Said commissioner of drainage and waters in addition to

the authorities now granted under the provisions of said chapter 44 of the General Statutes of 1913, is hereby authorized to make all necessary investigations to ascertain and determine the topographical features of the various watersheds of the state, viz; the several tributaries of the Minnesota and Mississippi rivers and other rivers in the state, and ascertain and determine the works necessary to secure proper drainage outlet for the lands in each basin and the construction of the necessary works to improve such outlet and control flood waters therein, including as near as can be ascertained the probable run-off waters of each of said basins and the important streams entering therein and shall ascertain and secure the necessary facts to determine what streams have natural facilities adapted to the creation of water power and the extent of horse-power that can be secured, or other information that said commissioner shall deem necessary and essential to the proper planning of the work of each basin to supply proper drainage outlet and control of flood waters, including the conservation and use of such waters.

*Said commissioner is also authorized to investigate into the methods employed in the manufacture of drain tile, to make research and experimentation with a view to improving the quality of drain tile; to make investigations into the cause or causes of failures that may occur in tile drains after construction, and whenever requested by the Courts, County Boards or engineers in public drainage proceedings, said commissioner shall make tests for the presence of elements in the soil and soil waters destructive to drain-tile and such other tests and investigations as may be requested by the said courts, county boards or engineers, said tests to be requested, made and reported in accordance with regulations to be furnished by said commissioner.*

Said commissioner shall also ascertain and secure the necessary information from the various parts of the state to enable him to make and furnish to the engineers of the state all necessary information as to the proper size of tile and the discharge thereof under various conditions, including information as to the proper size of tile and the discharge thereof under various conditions, including information as to the proper size and discharge of open ditch construction and such information shall be included in the rules to be furnished and followed as provided in section 1, chapter 441, of the Laws of 1917.

*Said commissioner is hereby authorized to co-operate and enter into agreement with the Minnesota State Agricultural Experiment Station and the United States government or any department thereof whenever in the opinion of said commissioner such co-operation is advisable for the purposes mentioned in this act.*

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 18, 1921.

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CHAPTER 328—H. F. No. 706.

*An act creating county boards of education for unorganized territory within the State, defining their scope and powers, authorizing the levy of taxes and issuance of bonds, repealing inconsistent laws and laws expressly mentioned.*

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

Section 1. **County board of education for unorganized territory created.**—The power of providing for the education of children of school age residing in any unorganized territory within the state of Minnesota shall be vested in the county board of education for unorganized territory of the county where such unorganized territory is situated.

Sec. 2. **Members.**—The chairman of the board of county commissioners, the county superintendent of schools, and the county treasurer shall, ex-officio, compose the county board of education for unorganized territory in each county within the state.

Sec. 3. **Officers—Clerical help.**—The chairman of the county board of commissioners shall be the chairman of the county board of education; the county treasurer shall be treasurer of said board; the county superintendent of schools shall be the clerk of said board of education. The county board of education may also employ such clerical and stenographic and supervisory help as may be needed who shall perform such other services as the board may direct.

Sec. 4. **Compensation and expense.**—For their services performed under the provisions of this act, the chairman of said board of education shall be paid three dollars (\$3.00) per day for the time actually employed by him as such chairman and ten cents (10c) per mile for distance actually traveled by him in performance of his said duties not exceeding the total sum of four hundred dollars (\$400.) in any one year for such mileage and per diem; the treasurer of said board shall be paid one per cent (1%) and the clerk one per cent (1%) of the cash disbursements for the year, but only after all reports required by law have been made in conformity thereto; provided, that this section shall not apply to counties having a population of more than 225,000.

Sec. 5. **Meetings.**—The county board of education for unorganized territory shall meet once each month at the county seat at a time to be fixed by the board, for the purpose of