

cause while in the line and discharge of duty and are not able to support themselves, may be admitted to the home under such rules and regulations as the board of trustees may adopt, and any soldier of the Minnesota National Guard suffering from illness or injury sustained from any cause in the line and discharge of military duty shall be admitted to the soldiers' home hospital for medical treatment and hospital service until recovery from such illness or injury under such rules and regulations as the board of trustees may adopt."

Approved April 25, 1931.

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CHAPTER 350—S. F. No. 523

*An act amending Mason's Minnesota Statutes of 1927, Section 6635, relating to the powers and duties of the 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 Mason's Minnesota Statutes of 1927, Section 6635, be amended to read as follows:

"6635. *Subd. (a).* 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 *his* satisfaction that the drainage of any territory may be made more effective by the con-

struction 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 freeholders, 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.

*Subd. (b).* 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 the horsepower 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.

*Subd. (c).* 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 failure 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.

*Subd. (d).* All drain tile to be used in the construction of drains established in public drainage proceedings within the state shall comply with the requirements of the American Society for Testing Materials Standard Specifications For Drain Tile except where the depths to which the drains are to be laid or conditions of the soil, in the opinion of the engineer, requires tile of a special and higher quality. The commissioner shall cause said specifications to be published and made available to officials, contractors and manufacturers concerned with public drainage proceedings for their information and guidance. It shall be the duty of the commissioner to make inspection and tests of materials used in the manufacture of drain tile and of the manufactured product in any or all of the drain tile manufacturing plants located within the state where drain tile is made and/or sold to the general public, at such time or times and at such intervals as in the opinion of the commissioner may be found advisable; to keep a record of and publish reports of the results of such tests for the information of officials concerned in public drainage proceedings, tile manufacturers and others within the state who may be concerned with land drainage. For the purpose of making said inspection and tests, the commissioner or his duly authorized representatives, shall have free access to materials, manufacturing plants and appurtenances and to the manufactured drain tile at all times, and samples on which to make tests and inspection shall be furnished by the manufacturers without cost to the state.

*Subd. (e).* It shall be the duty of all manufacturers of drain tile within the state who sell their products to the general public, to equip and install as a part of each manufacturing plant a first-class and up-to-date testing machine on which tests to determine the bearing strength of drain tile may be made by the commissioner, or his duly authorized representatives, the general design and capacity of which testing machine shall be approved by the commissioner and shall be erected and completed by the manufacturers ready for use within 90 days of the passage of this act, provided, however, that the original cost to any one manufacturer of drain tile by reason of the installation of the testing machine herein provided, shall in no instance be made to exceed the sum of \$250.00.

*Subd. (f).* 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 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 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.

*Subd. (g).* Said commissioner is hereby authorized to cooperate 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 cooperation is advisable for the purposes mentioned in this act.

Approved April 25, 1931.

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#### CHAPTER 351—S. F. No. 568

*An act relating to the State Employees' Retirement Fund and amending Laws 1929, Chapter 191.*

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

Section 1. Law amended.—That the sections and subdivisions of Laws 1929, Chapter 191, as hereinafter specified be and the same hereby are amended so as to read as follows:

“Section 1. **Words and phrases defined.**—That the following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meanings:

“1. ‘State Employee’ shall mean any person holding a state office or regularly employed by the state in any capacity whatever and whose salary is paid either by warrant of the state auditor or from the fees or income of any department or agency of the state, excepting court commissioners, district judges, and the president, deans, professors, and instructors in the state university and in the state teachers’ colleges, but shall not include temporary employes or those employed for a definite period of less than six months.”