

that in any county containing more than 500,000 inhabitants, a consolidated district may contain not less than 12 sections of land, provided there is located within such consolidated district a village containing not less than 6,000 nor more than 7,000 inhabitants according to the 1940 federal census. Before any steps are taken to organize a consolidated school district, the superintendent of the county in which the major portion of territory is situated, from which it is proposed to form a consolidated school district, shall cause a plat to be made showing the size and boundaries of the proposed district, the location of schoolhouses in the several districts, the location of other adjoining school districts and of schoolhouses therein, and the assessed valuation of property in the proposed district, together with such other information as may be required, and submit the same to the state commissioner of education, who shall approve, modify or reject the plan so proposed, and certify his conclusions to the county superintendent of schools."

Approved March 9, 1945.

CHAPTER 81—S. F. No. 407

An act relating to drainage, flood control and the control of the use of drainage systems in the interests of sanitation and public health; amending Minnesota Statutes 1941, Sections 111.02, 111.03, 111.08 and 111.29.

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

Section 1. Minnesota Statutes 1941, Section 111.02, is amended to read as follows :

"111.02. Declaration; citation. Drainage, flood control and the control of the use of drainage systems in the interests of sanitation and public health are clearly within the functions of governmental action and the exercise of the right or authority to authorize or direct drainage carries with it the right to care for and control the waters thus gathered and turned into natural or artificial channels.

Sections 111.02 to 111.42 may be known and cited as the "Drainage and Conservancy Act of Minnesota" and any districts organized thereunder shall be known as drainage and conservancy districts and such additional name as the order of the court may designate.

Nothing contained in sections 111.02 to 111.42 shall be construed to abrogate the title of the state in the public waters, but the use and control of certain waters within the limitations and for the purpose therein specified may be granted to the district."

Sec. 2. Minnesota Statutes 1941, Section 111.03, is amended to read as follows:

"111.03. **Powers granted to courts.** The district court of any county in this state or any judge thereof in vacation is hereby vested with jurisdiction, power, and authority, upon the filing of a petition as specified in section 111.04, and the conditions stated therein are found to exist to establish a drainage and conservancy district and define and fix boundaries thereof, which may be entirely within or partly within and partly without any county and include the whole or any part of one or more counties, including the county in which the petition is filed, for all or any of the following purposes:

(1) For regulating streams, channels or watercourses, and the flow of water therein, by changing, widening, deepening, straightening the same or otherwise improving the use and capacity thereof;

(2) For reclaiming by drainage, or filling, diking or otherwise protecting lands subject to overflow;

(3) For providing for irrigation where it may be needed;

(4) For the prevention of fires in areas of agricultural lands or in peat areas subject to destruction and damage by fire and for the irrigation of agricultural lands needing the same by regulating, controlling, conserving, and applying the waters in any ditch or drain which has heretofore been or shall hereafter be established and constructed under any law of this state and in streams or watercourses connecting therewith;

(5) For regulation and control of flood waters and the prevention of floods, by deepening, widening, straightening, or diking the channels of any stream or watercourse, and by the construction of reservoirs or other means to hold and control such waters;

(6) For diverting, in whole or in part, streams or watercourses and regulating the use thereof; streams so diverted shall follow the natural course of drainage and terminate in the same natural outlet;

(7) *For providing for sanitation and public health and regulating the use of streams, ditches or watercourses for purposes of disposing of waste materials; and*

(8) As incident to and for the purpose of accomplishing and effectuating all the purposes of sections 111.02 to 111.42 may, under the conditions specified herein, straighten, widen, deepen, or change the course or terminus of any natural or artificial watercourse and build, construct, and maintain all necessary dikes, ditches, canals, levees, wall embankments, bridges, dams, sluiceways, locks, and other structures that may be found necessary and advisable to create, establish, and maintain the necessary reservoirs or other structures, to hold, control, and regulate any and all waters within the district, and to acquire title in the name of the district to all necessary lands and other property, to construct and maintain reservoirs, dikes, or other structures, including dams for power purposes, and conserve and utilize such waters for any purpose consistent with the purposes of sections 111.02 to 111.42.

The provisions of sections 111.02 to 111.42 shall not be construed to authorize the diverting of the waters of one general watershed to another general watershed and no river or any tributary of any river or stream in this state shall be diverted from its natural outlet by any diversion channel or flood control work, or by any other work authorized by or mentioned in sections 111.02 to 111.42 at any point in its course distant more than two miles from such natural outlet."

Sec. 3. Minnesota Statutes 1941, Section 111.08, is amended to read as follows:

"111.08. Authority of board. 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 severally subscribe the oath provided by statute to be taken by public officials, and file with the clerk a bond in the sum of \$1,000, furnished by a proper surety company, 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 shall be a county-seat, the board shall have the authority to elect the clerk of the district court of such county as clerk of the board, 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 shall be designated and required by the board, who shall have authority to fix his compensation.

The board shall meet at least semi-annually and at such other times as it may designate or as occasion may require and at all meetings a majority of the members thereof shall constitute a quorum and a legal meeting thereof may at any time be called upon eight days' notice by mail given by the clerk or any member of the board, and the compensation of the members shall be such as the board shall fix, not to exceed \$10.00 per day and expenses."

Sec. 4. Minnesota Statutes 1941, Section 111.29, is amended to read as follows:

"111.29. Preliminary expense fund established. As soon as the district shall have been organized under the provisions of sections 111.02 to 111.42, and a board of directors shall have been appointed and has qualified and a petition and bond have been filed with the clerk of the board, as provided in section 111.11, the board may file a petition with the district court in the county where the original petition was filed, asking that an order be made creating a preliminary fund for the district, at least ten days' notice of which shall be given to the auditor of each county affected by the proposed improvement, which fund shall be of a size in proportion to the size of the district. In the event the district shall include the whole or portions of five or more counties, the funds shall not exceed the sum of \$20,000 and may be of such less amount as the court may order; and the court, upon the hearing, may designate the amount of the fund and fix the proportionate amount that each county affected by the improvement shall pay, in proportion to the area within the county affected by the proposed improvement, and thereupon the court shall order the auditor of each county to draw his warrant upon the treasurer of the county for the payment of the amount specified in the court's order, payable to the treasurer of the district, and the sum so advanced by the county shall be charged to the district, and shall be repaid with interest to each county as soon as the district has funds for that purpose, and the funds so provided shall be used by the board of the district for preliminary work, and when the board shall incur expense for surveys or other preliminary work on any proposed improvement, all expense, including time, salaries, or other expense connected with such work, shall be kept track of and figured in as the cost of construction in any such proposed improvement, and upon the im-

provement being ordered by the court and funds being provided for the construction thereof, as therein specified, all sums advanced out of the preliminary funds shall be repaid and the funds replaced for further similar use on other improvements. The board of directors for any such district is authorized to include in its petition to the court asking the creation of a preliminary fund, or by separate petition at a subsequent date, a request that the court shall, in addition to the creation of the fund, make a further order authorizing the board of the district to levy upon the lands affected by the proposed improvement, *or in the event a municipal corporation, however organized, is benefited, against the municipality as a whole*, an assessment of such sum as may be found necessary to reimburse any county for the sum advanced to create the preliminary fund, not to exceed, however, the sum of 10 cents per acre *on agricultural lands*, and the court is hereby authorized to make such order; provided, that in all cases where the district includes the main stream of a basin draining more than 10,000 square miles, such application shall be accompanied by a plat, describing thereon, according to government survey, the lands that it is claimed will be benefited by the proposed improvement, and the order of the court in such cases shall designate the land in each county subject to such assessment. Upon the receipt of the order the board of directors of such district shall cause to be levied upon such benefited lands *and municipalities* such assessments as the court shall authorize and shall file with the auditor of each county a list of lands within the county affected by the assessment and, upon the filing thereof, or as soon thereafter as may be necessary, it shall be the duty of the auditor to levy such assessment upon the lands *and municipalities* specified and spread the same upon the assessment roll as in the case of other taxes; and it shall be the duty of the county treasurer to collect and receive such assessment and credit the same to the district and deduct from such assessment any sum, if any there is due, to the county and account to the district for all sums remaining. *All municipal corporations, however organized, are authorized to appropriate such sums as may be required of them to pay their proportionate share of the preliminary expenses, as shall be determined by the board of directors according to the probable benefits that will derive to the corporation from contemplated improvements.*"

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