

84.081. **Divisions of department.** Subdivision 1. **Directors.** The department of conservation shall be organized with the following divisions: a division of forestry, a division of waters, a division of game and fish, a division of lands and minerals, and a division of state parks. Each division shall be under the immediate charge of a director, subject to the general supervision and control of the commissioner. The directors shall be appointed by the commissioner, to serve at his pleasure, and shall be in the unclassified service of the state. They shall be chosen with regard to knowledge, training, experience, and ability in administering the work of their respective divisions.

Sec. 2. Assignment and delegation of duties. Subd. 2. The division of waters shall have all the powers and duties now vested in or imposed upon the division of water resources and engineering, subject to all applicable provisions of law. Wherever the term "division of water resources and engineering" is used in any other law, it shall be deemed to refer to the division of waters.

Sec. 3. Repeal. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 9, 1949.

CHAPTER 357—S. F. No. 1419

[Coded as Section 106.631]

An act relating to appellate procedure in drainage proceedings, amending Laws 1947, Chapter 143, Section 63, Subdivision 4.

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

Section 1. Laws 1947, Chapter 143, Section 63, Subdivision 4, is amended to read as follows:

Subd. 4. Appeal from orders. Any party aggrieved thereby may appeal to the district court of the county where the proceedings are pending from any order made by the county board dismissing the petition for any drainage system

or establishing or refusing to establish any drainage system. The appellant shall serve notice of appeal and give bond as provided in subdivision 2 hereof. *Upon such appeal being perfected, it may be brought on for trial by either party upon ten days notice to the other, and shall then be tried by the court without a jury. The court shall examine the whole matter and receive evidence to determine whether the findings made by the county board can be sustained. At such trial the findings made by the county board shall be prima facie evidence of the matters therein stated, and the order of the county board shall be deemed prima facie reasonable. If the court shall find that the order appealed from is lawful and reasonable, it shall be affirmed. If the court finds that the order appealed from is arbitrary, unlawful, or not supported by the evidence, it shall make such order to take the place of the order appealed from as is justified by the record before it or remand such matter to the county board for further proceeding before the board. After determination of the appeal, the county board shall proceed in conformity therewith.*

If such appeal be from an order establishing a ditch, the trial of any appeals from benefits or damages in the ditch proceeding shall be stayed pending the determination of such appeal; and, if the order establishing be affirmed, any such appeals from benefits or damages shall then stand for trial as provided by this section. If such appeal be from an order refusing to establish a ditch, and if the court thereafter by order establishes the ditch, the county auditor shall give notice by publication of the filing of the order. Such notice shall be sufficient if it refers to the ditch by number or other descriptive designation and recites the purport of the order and the date of filing in the court. Any person aggrieved thereby may appeal to the district court upon the grounds and as provided by subdivisions 1 and 2 of this section, and such appeal shall be made as required by subdivision 2 of this section within 30 days after the completion of publication of notice as herein required.

Approved April 9, 1949.

CHAPTER 358—H. F. No. 930

An act relating to the use or sale of firearms or air guns, and the aiming or discharging thereof; amending Minnesota Statutes 1945, Sections 615.09, 615.10, and 616.42.