

*When local school districts desire but cannot provide vocational instruction for the related training required by apprentices and other learners in the trade, industrial, and distributive fields, the state board for vocational education is empowered upon request of such local school district or districts to employ itinerant vocational teachers to provide this service and pay the salary and necessary travel expense from authorized federal and state vocational aid funds under such rules as it may adopt. An itinerant vocational teacher in this section is defined as a vocational teacher employed to give part-time or periodic vocational instruction in one or more school districts.*

Approved April 25, 1949.

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CHAPTER 714—S. F. No. 858

[Not Coded]

*An act authorizing certain village councils to conduct hearings and order removal or changes of railroad grades, spur tracks or sidings of railroads used exclusively for hauling of ore or logs where the same constitutes a nuisance injurious to health, safety or general welfare of the inhabitants of said village.*

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

**Section 1. Certain villages may petition the railroad and warehouse commission to abate railroads engaged in mining or logging operations.** Upon the filing with the Railroad and Warehouse Commission by the governing body of any village having not less than 1,850 nor more than 2,200 inhabitants and an assessed valuation of real and personal property of not less than \$1,000,000 nor more than \$1,150,000, more than 70% of which assessed valuation consists of iron ore, in the state of a petition to remove from the platted portion thereof any spur track, siding or railroad used in mining or logging operations on the ground that the same constitutes a continuing nuisance dangerous to health, safety and the general welfare of the inhabitants, the Railroad and Warehouse Commission shall fix a time and place for a hearing on such petition and cause written notice to be served on the owners or operators of such railroad of said hearing in the same manner as

service of summons in civil actions. Public notice of said hearing shall also be posted for not less than three weeks prior to said hearing in a manner required by law for posting public notices by villages.

**Sec. 2. Findings; determination; cost of removal.** Upon the evidence produced at such hearing and upon all the facts in the case, the Railroad and Warehouse Commission shall make its findings, and if said commission shall determine that a dangerous nuisance exists by reason of the maintenance of such track or siding within the corporate limits of said village and that an adequate and practicable alternative location exists and can be obtained, it may order the owners or operators to relocate such track or make such changes as the order may direct, such cost of removal or change to be borne by the owners or operators of such railroad.

**Sec. 3. Repeal.** Within 30 days from such order, either party may appeal from said order to the district court of the county in which such village is located, by serving written notice of such appeal on the Railroad and Warehouse Commission. The village clerk shall within ten days thereafter certify to the clerk of the District Court of the district in which said village is located the record of the proceedings, including all documents, testimony and minutes. The case shall then be at issue and shall be placed on the calendar by the clerk to be tried before the court at the next general term thereof to be held in the county where said village is located at the place nearest said village. The question to be determined by the court shall be: "Upon the evidence, was the order of the village council reasonable?" After trial in District Court, an appeal may be taken from the decision thereof to the Supreme Court in the same manner as provided for other court cases.

Approved April 25, 1949.

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#### CHAPTER 715—S. F. No. 943

*An act relating to gift taxes; amending Minnesota Statutes 1945, Section 292.08, Subdivision 1.*

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