

contained shall be construed to exempt any such county from fully complying with all the provisions of Section 3 herein for any subsequent years."

"Section 5. **Certain counties exempted.**—Any distressed county in which 50 per cent or more of the area therein is within a federal or state forest area shall not be required to certify to the State Agency that within such county there was levied an amount of money, which, if collected, would have been sufficient to pay old age assistance therein, but such county shall otherwise fully comply with the provisions of Section 3 herein."

Approved July 15, 1937.

CHAPTER 56—H. F. No. 99

An act to amend Chapter 386, Laws 1937, relating to drainage ditches heretofore or hereafter established by the county board of certain counties, and providing that in cases where portions of such ditch have been constructed and other portions cannot be constructed by reason of physical conditions of the soil, the county board, may upon the petition of an interested party and a due hearing re-assess the benefits and damages, and abandon the portions of such ditch that cannot be constructed, and modify or abandon the contract or contracts for the construction of such portions, and providing further that in case such re-assessment shall reduce the amount realized from such assessments below the amounts expended or to be expended in such proceeding, the county board, may order the deficiency to be paid out of the general revenue fund of the county.

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

Section 1. **Title amended.**—The title of Chapter 386, Laws 1937, is hereby amended so as to read as follows:

"An act relating to drainage ditches heretofore or hereafter established by the county board of any county of this State having an assessed valuation of not less than \$9,000,000 nor more than \$11,000,000, exclusive of monies and credits, and having a population, according to the 1930 federal census, of not less than 27,000 nor more than 28,000 inhabitants, and containing not less than 27 and not more than 28 full and fractional congressional townships, and providing that in cases where portions of such ditch have been constructed and other portions cannot be constructed by reason of physical conditions of the soil, the county board, may upon the petition of an interested party and a due hearing re-assess the benefits and damages, and abandon

the portions of such ditch that cannot be constructed, and modify or abandon the contract or contracts for the construction of such portions, and providing further that in case such re-assessment shall reduce the amount realized from such assessments below the amounts expended or to be expended in such proceeding, the county board, *may* order the deficiency to be paid out of the general revenue fund of the county."

Section 2. Reassessment of drainage assessments in certain towns—hearing.—Chapter 386, Laws 1937, Section 1, is hereby amended so as to read as follows:

"Section 1. Whenever any person whose lands have been assessed for the construction of a county ditch in any county of the state having an assessed valuation of not less than \$9,000,000 nor more than \$11,000,000, *exclusive of monies and credits*, and having a population, according to the 1930 federal census, of not less than 27,000 nor more than 28,000 inhabitants, and containing not less than 27 and not more than 28 full and fractional congressional townships, or any contractor for the construction of the same or of any part thereof, shall file a petition with the county auditor of any county, setting forth that certain portions of a county ditch which has been duly established in said county and the contracts for construction thereof duly let, and the construction of a part thereof has been completed, are practically impossible of construction because of certain physical conditions to be specified in said petition, encountered, or which will be encountered in the course of construction thereof, and specifying by station numbers such said parts, and separately, such further parts likewise specifically designated, the utility of which will be impaired or destroyed by an abandonment of construction of any parts, and praying that the construction of such said parts practically impossible of construction shall be abandoned, and the construction of the parts the utility of which will be impaired or destroyed by such said abandonment of construction, be also abandoned or the plans and specifications and contracts for the construction thereof be modified, and that the contract for all such parts as shall be abandoned shall be cancelled and compensation thereunder be adjusted, and assessments of benefits and damages of all lands affected by said ditch and said abandonments and modifications be re-assessed; the county auditor of such county shall thereupon designate a day for hearing on said petition before the county board of such county, and give like notice of such meeting as on the final hearing for the establishment of a county ditch."

Approved July 15, 1937.