

CHAPTER 681—S. F. No. 561

[Coded]

An act relating to drainage, providing for consideration of conservation of soil, water, forests, wild animals, and related natural resources and other public interests affected thereby, and for procedure in cases where state-owned land or water areas held or used for such conservation purposes and related purposes are affected by drainage projects or proceedings.

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

Section 1. [106.671] Public drainage systems, construction. In any proceeding for the establishment or construction of a public drainage system or ditch or for the repair, improvement, extension, or other work affecting such system or ditch under Minnesota Statutes 1953, Chapters 106, 111, 112, or any other law now in force or hereafter enacted, the authority having jurisdiction of the proceeding, in determining whether or not the project will be in furtherance of present or future public utility, benefit, or welfare, shall give due consideration to conservation of soil, water, forests, wild animals, and related natural resources, and to other public interests affected, together with other material matters as provided by law.

Sec. 2. [106.672] Proceedings, where project affects state land used for conservation purposes. Subdivision 1. In any case where a land or water area owned by the state and held or used for the purpose of protecting or propagating wild animals, providing hunting or fishing for the public, or for any other purpose relating to the conservation, development, or use of soil, water, forests, wild animals, or related natural resources will be affected by any project or proceeding specified in section 1, all proceedings relating thereto shall be subject to the following provisions, so far as applicable.

Subd. 2. Any such area or part thereof may be taken or damaged for the purposes of any such project upon payment of just compensation therefor as provided by law and upon the following conditions:

(1) The authority having jurisdiction of the proceeding shall first find and determine that there is public necessity for such taking or damage paramount to the public interest in the purposes for which the premises are held or used by the state;

(2) In determining the compensation to be paid for such taking or damage, due consideration shall be given to the value of the premises for the purposes for which the same are

held or used by the state, together with other material elements of value;

(3) No public waters shall be taken, damaged, or impaired except as otherwise expressly authorized by law, and no provision of any other law for the protection or conservation of such waters shall be abridged or superseded by the provisions hereof.

Subd. 3. In determining benefits to any such land or water area in any such proceeding for the purpose of levying assessments therefor or offsetting the same against damages, due consideration shall be given to the value of the premises for the purposes for which the same are held or used by the state, together with other material elements of value.

Subd. 4. Any sums paid to the state on account of taking or damaging any such land or water area in any such proceeding shall be credited to the proper funds for acquisition, development, or maintenance of such areas, and such sums are hereby appropriated to the commissioner of conservation therefor, to remain available until expended.

Subd. 5. Assessments for benefits made against any such area in any such proceeding shall be paid out of any funds appropriated and available therefor as provided by law.

Approved April 22, 1955.

CHAPTER 682—S. F. No. 638

An act relating to powers of the county board to appropriate money from the county road and bridge fund; amending Minnesota Statutes 1953, Section 162.02.

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

Section 1. Minnesota Statutes 1953, Section 162.02, is amended to read:

162.02 Road and bridge fund, appropriation for bridges. When the council of any village, borough, or city of the third or fourth class, may determine that it is necessary to build or improve any bridge or bridges, including approaches thereto, and any dam or retaining works connected therewith, upon or forming a part of streets or highways either wholly or partly within its limits, the county board shall appropriate *one-half* of such money as may be necessary therefor from the county road and bridge fund, not exceeding during any year *one-half*