

CHAPTER 800—S. F. No. 592

An act relating to drainage; amending Minnesota Statutes 1953, Sections 106.031, 106.471, Subdivision 2, Sections 106.481 and 106.531.

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

Section 1. Minnesota Statutes 1953, Section 106.031, is amended to read:

106.031 Petition. Subdivision 1. Form. Before any public drainage system or other improvement authorized by sections 106.011 to 106.661, is established, a petition therefor shall be filed with the county auditor, if for a drainage system entirely within one county, or with the clerk of the district court, if for a drainage system within two or more counties. Such petition shall be signed by not less than a majority of the resident owners of the land described in the petition or by the owners of at least 51 percent of the area of such land. The lands described in the petition shall be those over which the proposed ditch passes or upon which the improvement is located, and the petition shall set forth the description of such lands and shall set forth the necessity for the ditch or improvement, and that the same will be of public benefit and utility and will promote the public health, with the description of the starting point, the general course, and terminus or location of the same. The petition shall state that the petitioners will pay all costs and expenses which may be incurred in case the proceeding are dismissed or for any reason no contract for the construction thereof is let. Such petition may be signed by the authorized representative of any municipal corporation or by the commissioner of highways, or the authorized agent of any public institution or any corporation which may be affected by or assessed for the proposed construction; but in such case, the signature of such representatives, commissioner, agent, or corporation shall each count only as one signature on the petition. Each ditch proceeding shall be designated by number assigned by the auditor or clerk.

Subd. 2. Withdrawal. After a petition has been filed, no petitioner may withdraw therefrom except with the written consent of all other petitioners filed with the auditor or clerk.

Sec. 2. Minnesota Statutes 1953, Section 106.471, Subdivision 2, is amended to read:

Subd. 2. Authority of board. (a) After the construction of a state, county or judicial drainage system has

been completed, the county board *shall* maintain the same or such part thereof as lies within the county and provide the repairs required to render it efficient to answer its purpose. The board shall cause such drainage system to be annually inspected, either by a committee thereof, or a ditch inspector appointed by the board, and, if the committee or inspector shall report *in writing* to the board that repairs are necessary on any ditch system and such report is approved by the board, it shall cause such repairs to be made within the limits hereinafter set forth. The ditch inspector may be the county highway engineer.

(b) If the board finds that the estimated cost of such repairs will be less than \$2,000, it may have such work done by day labor without advertising for bids or entering into a contract therefor. The county board is limited in the expenditure of money therefor as herein provided. In one calendar year the board shall not spend or contract to be spent for repairs or maintenance on one ditch system a sum greater than ten percent of the cost of construction thereof in that county, except as provided in subdivision 4. In case there are sufficient funds to the credit of the drainage system to make such repairs, such funds may be expended by the county board for such purpose without further assessment.

(c) Before ordering the levy of an assessment for repairs, the county board, in its discretion, may give such notice of hearing thereon as it may deem necessary.

(d) Notwithstanding any other provision of law, the county board shall not order the repair of a drainage system *under authority of subdivision 4* if a portion of the lands assessed for the benefit at the time of the establishment of the drainage system lies within a game preserve, area, or project established pursuant to Minnesota Statutes 1945, Sections 84A.01, 84A.20, or 84A.31 unless the commissioner of conservation shall have theretofore consented in writing to the repair, nor shall any lands to which the state has title in any such game preserve, area, or project be assessed for benefits in any proceeding for repair of any such drainage system instituted by petition unless the commissioner of conservation has joined in the petition.

Sec. 3. Minnesota Statutes 1953, Section 106.481, is amended to read:

106.481 **Ditch inspectors.** In any county where drainage systems constructed have cost in the aggregate more than \$50,000, the board *shall* appoint a competent person as county ditch inspector. The inspector may be the county highway

engineer. The inspector shall examine all drainage systems within the county as the board shall designate and require. The appointment shall be for such time and for such compensation as the board may specify. The inspector shall report in writing to the county board the result of his examination of any ditch, designating the portion thereof in need of repair, together with the location and nature of the repair needed. The board shall consider such report at its next meeting and is authorized to cause all or any part of such repairs to be made as provided by section 106.471.

Sec. 4. Minnesota Statutes 1953, Section 106.531, is amended to read:

106.531 Drainage system, use as outlet. After the construction of any county or judicial ditch, no public or private ditch or ditch system, either open or tiled, for the drainage of land not assessed for benefits for such ditch, shall be constructed so as to use the ditch as an outlet without having first secured express authority so to do from the county board, in the case of a system lying wholly within one county, or from the district court that originally ordered the construction, in the case of a system extending into two or more counties. Any person desiring to so utilize an existing ditch shall petition the board or court. Upon filing the petition, the auditor, or clerk with the approval of the judge, shall fix a time and place for hearing thereon and shall give notice of the hearing by *mailed notice and* publication. Upon the hearing the board or court shall consider the capacity of the outlet ditch and, if consent be given to construct the ditch or ditch system, shall fix by order the terms and conditions for the use of the ditch as an outlet and shall fix the amount that shall be paid therefor. No private ditch or ditch system shall be constructed using the ditch as an outlet until the sum fixed by the order is paid by the petitioner to the county treasurer of the county wherein petitioner's property is located. The amount so fixed for an outlet charge for any proposed public ditch or ditch system shall be deemed a part of the cost of such proposed ditch or ditch system to be paid by assessment against the lands and properties benefited by the proposed ditch or ditch system, as provided by section 106.341, and credited to the fund of the existing ditch. The order shall also describe the property to be benefited by the ditch or ditch system and shall fix the amount of benefits to such property for the outlet. The property so benefited shall be liable for assessments thereafter levied in such ditch system, on the basis of the benefits so found, the same as though such bene-

fits had been determined in the original order establishing the ditch.

Approved April 23, 1955.

CHAPTER 801—S. F. No. 172
[Not Coded]

An act appropriating money to Aitkin drainage and conservancy district for benefits to state land.

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

Section 1. Aitkin drainage and conservancy district, appropriation. There is hereby appropriated out of any money in the Consolidated Conservation Areas Fund not otherwise appropriated, the sum of \$6,367 to the Aitkin Drainage and Conservancy District for benefits accruing to state lands from drainage activities of the district.

Approved April 23, 1955.

CHAPTER 802—S. F. No. 10

An act relating to speed restrictions of motor vehicles on highways; amending Minnesota Statutes 1953, Section 169.14, Subdivisions 2 and 4.

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

Section 1. Minnesota Statutes 1953, Section 169.14, Subdivision 2, is amended to read:

Subd. 2. Speed limits. Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that *the* speed limit within any municipality shall be an absolute speed limit and any speed in excess thereof shall be unlawful:

- (1) 30 miles per hour in any municipality;
- (2) 60 miles per hour in other locations during the daytime;
- (3) 50 miles per hour in such other locations during the nighttime.

“Daytime” means from a half hour before sunrise to a half