

CHAPTER 279—S. F. No. 352

[Coded]

An act relating to watershed districts; amending Laws 1955, Chapter 799, Sections 3, 5, and 44.

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

Section 1. Laws 1955, Chapter 799, Section 3, is amended to read:

Sec. 3. [112.36] **Water resources board to establish watershed districts.** The board is hereby vested with jurisdiction, power, and authority, upon filing of a nominating petition, to establish a watershed district and define and fix the boundaries thereof, which may be entirely within or partly without any county, and *may include the whole or any part of any watershed within the discretion of the board and may include the whole or any part of one or more counties, and to appoint the first board of managers thereof, as herein provided.*

The territory embraced within a watershed district shall be contiguous, and when feasible it *may* include all territory within the affected watershed or drainage basin, or all territory from which the water from natural or artificial channels finds its outlet through a main stream or channel. A watershed district may be established for any or all of the following conservation purposes:

- (1) Control or alleviation of damage by flood waters;
- (2) Improvement of stream channels *for drainage, navigation, and any other public purpose;*
- (3) Reclaiming or filling wet and overflowed lands;
- (4) Providing water supply for irrigation;
- (5) Regulating the flow of streams and conserving the waters thereof;
- (6) Diverting or changing watercourses in whole or in part;
- (7) Providing and conserving water supply for domestic, industrial, recreational, and other public use;
- (8) Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the purpose of disposing of waste;
- (9) Repair, improve, relocate, modify, consolidate, and

abandon, in whole or in part, drainage systems within a watershed district;

(10) Imposition of preventive or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby;

(11) Regulating improvements by riparian landowners of the beds, banks, and shores of lakes, streams, and marshes by permit or otherwise in order to preserve the same for beneficial use.

Nothing in this act shall authorize the board or managers to establish and operate a commercial venture or enterprise.

Sec. 2. Laws 1955, Chapter 799, Section 5, is amended as follows:

Sec. 5. [112.38] **Hearing.** When it has been made to appear to the board that a sufficient nominating petition has been filed, the board shall, within ten days thereafter, by its order, fix a time and place, within the limits of the proposed district, for a hearing thereon. Notice of such hearing shall be given by the board by *publication published once each week for two successive weeks prior to the date of hearing in a legal newspaper, published in the county or counties in which a part or all of the affected waters and lands are located: the last publication shall occur at least ten days before the hearing. Notice shall also be mailed by the board to the county auditor and to the chief executive official of any municipality affected, which notice shall contain the following:*

(1) That a nominating petition has been filed with the board, and a copy thereof with the county auditor of the county or counties affected;

(2) A general description of the purpose of the contemplated improvement, and the territory to be included in the proposed district;

(3) The date, time, and place of hearing, and

(4) That all persons affected thereby or interested therein may appear and be heard.

Sec. 3. Laws 1955, Chapter 799, Section 44, is amended as follows:

Sec. 44. [112.77] **Assessments are based upon benefits, classifications.** In all proceedings under this act, assessments for benefits against lands or corporations shall be made upon the basis of benefits to such lands or corporations by reason of the project or improvement affecting the same, and

for the purpose of such assessment may be divided into three classes:

Class No. 1, includes all lands or corporations receiving direct benefits such as drainage, *commercial navigation*, or protection from overflow by flood control improvements or prevention of siltation or control of erosion.

Class No. 2, includes all lands or corporations to which are furnished a drainage outlet by the construction or improvement of any artificial or natural drain or watercourse;

Class No. 3, includes all lands that are not receiving, but need drainage and that are furnishing waters that will be handled or controlled by the proposed improvement.

Classes Nos. 1 and 2 shall be treated as direct assessments.

Class No. 3 shall be treated as secondary assessments on account of the control of the waters furnished by these lands. All lands within or without the limits of the district falling within Classes 1 and 2 are hereby declared assessable for the construction of such improvements under the provisions of this act as lands directly benefited, and all lands falling within the provisions designated as Class 3 are subject to assessment as lands receiving benefit from the improvement.

Sec. 4. [112.771] **Pending litigation not affected.**
Nothing contained herein shall affect any litigation pending when this act becomes effective.

Approved April 3, 1957.

CHAPTER 280—S. F. No. 578

An act relating to compensation of clerks of district court and amending Minnesota Statutes 1953, Section 144.203, Subdivision 3.

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

Section 1. Minnesota Statutes 1953, Section 144.203, Subdivision 3 is amended to read:

Subd. 3. **Clerk's fees.** The county auditor, upon certification to him by the clerk of district court of the number of birth and death certificates and transcripts received during the preceding month, shall issue his warrant in the sum of \$1.00 to said clerk of district court for each certificate and