

CHAPTER 207—H. F. No. 741

An act relating to public drainage systems; amending Minnesota Statutes 1957, Sections 106.151, 106.171, Subdivision 3, and 106.431, Subdivision 1.

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

Section 1. Minnesota Statutes 1957, Section 106.151 is amended to read:

106.151 Viewers, duties. The viewers, with or without the engineer, shall ~~view determine the benefits or damages to~~ all lands and properties ~~benefited or damaged affected~~ by the proposed drainage system and shall make their report thereon.

Such report shall show in tabular form the description of each lot and forty-acre tract, or fraction thereof, under separate ownership, benefited or damaged, the names of the owners as the same appear on the current tax duplicate of the county, the number of acres in each tract benefited or damaged, the number of acres added to any tract by the drainage of meandered lakes and the value thereof, the damage, if any, to riparian rights, and the amount that each tract will be benefited or damaged.

Benefits and damages shall be reported on all lands owned by the state the same as upon taxable lands.

The viewers shall report all benefits and damages that will result to all railways and other utilities, including lands and property used for railway or other utility purposes.

They shall report the benefits and damages resulting to the State of Minnesota and all counties and other municipal corporations resulting from the proposed drainage system. When any public road or street shall be found to be benefited or damaged, the state or the county, or other corporation, which is by law charged with the duty of keeping such road or street in repair, shall be assessed or allowed the amount of benefits or damages accruing to such road or street; except that benefits and damages assessed and allowed for bridges or culverts shall be assessed and allowed to the state, county or other municipal corporation which is by law charged with the duty of constructing and maintaining such bridge or culvert as required by Minnesota Statutes, Section 106.271.

The viewers shall find and report the benefits accruing

Changes or additions indicated by italics, deletions by ~~strikeout~~.

to all lands and properties affected and benefited, whether the same accrue immediately from the construction of the system, or as the same affords an outlet for drainage, makes an outlet more accessible, or otherwise directly benefits such lands or properties.

If the proposed drainage system furnishes outlet to any existing county or judicial ditch and it appears that such outlet will benefit the existing ditch and the lands drained thereby, the viewers may determine and report the benefits from the proposed drainage system to each tract drained by the existing ditch, or, in a lump sum as outlet benefits to such existing ditch, as may appear just and equitable. In case of a lump sum found for outlet benefits, the lien therefor shall be pro-rated upon all lands and properties benefited by the existing ditch in proportion to the benefits determined in such existing ditch proceeding. All assessments heretofore made in conformity herewith are hereby validated.

In case the viewers are unable to agree, each viewer shall state separately his findings on any matter disagreed upon. A majority of the viewers shall be competent to perform the duties required of them by this chapter.

Sec. 2. Minnesota Statutes 1957, Section 106.171, Subdivision 3, is amended to read:

Subd. 3. **Giving of notice.** The auditor or clerk shall cause notice of the time and place of such hearing to be given to all ~~person~~ *persons* interested by publication, posting and mailing. ~~A Printed copies~~ *printed copy* of the notice so made for each county, shall be posted at least three weeks before the date of hearing ~~in three public places in each township in each county where affected properties are situated and one~~ at the front door of the courthouse in each county. Within one week after the beginning of publication, the auditor or clerk shall ~~mail a printed copy of the notice~~ *give notice by mail of the time and place of hearing* to the commissioner of conservation and to all persons, corporations and public bodies affected by the proposed system as shown by the engineer's and viewers' reports.

Sec. 3. Minnesota Statutes 1957, Section 106.431, Subdivision 1, is amended to read:

106.431. **Fees and expenses; payment.** Subdivision 1. **Fees and expenses.** The following fees and expenses shall be allowed and paid for services rendered under this chapter:

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

(1) The compensation of the engineer and his assistants and other employees shall be on a per diem basis and shall be fixed by order of the board or court. The order fixing compensation shall provide for payment of the actual and necessary expenses of the engineer and his assistants and other employees, including the cost of the engineer's bond.

(2) Each viewer shall be paid on a per diem basis for every day necessarily engaged and his actual and necessary expenses. The compensation shall be fixed by the board or court.

(3) Each member of the county board shall be paid the sum of \$10 per day for each day actually employed in drainage proceedings and for each day employed in the inspection of any drainage system, if appointed as a committee for that purpose, and in addition thereto, his actual and necessary expenses incurred therein. Such per diem shall be in addition to all sums and fees allowed by law.

(4) The county auditor, the attorney for the petitioners and the clerk of the district court, shall each be paid such reasonable compensation for services actually rendered as may be fixed by the board or court; and the fees and compensation of all county officials in drainage proceedings shall be in addition to all sums and fees allowed by law.

(5) *The cost of petitioners' bond.*

Approved April 5, 1961.

CHAPTER 208—H. F. No. 911

[Not Coded]

An act authorizing the conveyance by the state of certain lands in Olmsted county to the city of Rochester.

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

Section 1. State land, conveyance to Rochester. The governor, upon the recommendation of the commissioner of administration, shall transfer and convey by quitclaim deed, in such form as the attorney general shall approve, in the name of the state of Minnesota, to the city of Rochester, the following described property located in Olmsted county, Minnesota, to wit:

Changes or additions indicated by italics, deletions by strikeout.