

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

**Section 1. Winona, city of; library tax levy.** Notwithstanding any provisions in Minnesota Statutes, Section 134.07, or in any other law to the contrary, the city of Winona may level an annual tax of not more than eight mills on the dollar on all taxable property therein for the benefit of its library fund as established under Minnesota Statutes, Section 134.07.

**Sec. 2.** This act shall become effective only after its approval by a majority of the governing body of the city of Winona and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved March 6, 1963.

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CHAPTER 57—H. F. No. 521

*An act relating to highways, the relocation and reimbursement of utilities located on the interstate system; amending Minnesota Statutes 1961, Section 161.46.*

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

**Section 1.** Minnesota Statutes 1961, Section 161.46, is amended to read:

**161.46 Reimbursement of utilities.** Subdivision 1. **Definitions.** For the purposes of this section the following terms shall have the meanings ascribed to them:

(1) "Utility" means all publicly, privately, and cooperatively owned systems for supplying power, light, gas, telegraph, telephone, water, pipeline, or sewer service if such systems be authorized by law to use public highways for the location of its facilities.

(2) "Cost of relocation" means the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

**Subd. 2. Relocation of facilities; reimbursement.** Whenever the commissioner shall determine that the relocation of any utility facility is necessitated by the construction of a project on the routes of federally-aided state trunk highways, including urban extensions thereof, which routes are included within the National System of Interstate Highways, the owner or operator of such utility facility

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

shall relocate the same in accordance with the order of the commissioner. After the completion of such relocation the cost thereof shall be ascertained and paid by the state out of trunk highway funds; provided, however, the amount to be paid by the state for such reimbursement shall not exceed the amount on which the federal government bases its reimbursement for said interstate system.

*Subd. 3. Lump sum settlements. The commissioner may enter into agreements with a utility for the relocation of utility facilities providing for the payment by the state of a lump sum based on the estimated cost of relocation when the lump sum so agreed upon does not exceed \$2,500.*

*Subd. 4. Acquisition of relocated facilities for utility. When the project requires a utility to relinquish lands or interests in lands owned by the utility and the utility is unable to acquire lands or interests in lands necessary to enable it to relocate its facilities, or if the acquisition of such lands or interests in lands by the utility would result in undue delay thereby delaying the interstate highway project, the commissioner, by purchase, gift, or eminent domain proceedings, may acquire the lands or interests in lands necessary for the relocation if the commissioner deems that such acquisition would reduce the cost to the state of the project. The lands necessary for the relocation to be acquired by the commissioner shall be designated in an agreement between the utility and the commissioner. The agreement shall also provide that without cost to either party thereto the utility will relinquish to the state its interests in the lands required for the interstate project in consideration of the conveyance by the state to the utility of the substitute lands designated in the agreement to be acquired by the state. The interest or estate acquired by the commissioner shall be substantially similar to the interest or estate that the utility owned in the lands to be relinquished by it to the state. Upon recommendation of the commissioner, the governor may convey such lands or interests in lands to the utility.*

~~Subd. 3.~~ *Subd. 5. Inclusion of relocation work within construction project.* The relocation work may be made a part of a state highway construction contract under applicable federal laws, rules, and regulations if the owner or operator of the utility facility requests the commissioner to act as its agent for the purpose of relocating such facilities.

Approved March 6, 1963.

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