

of the panel shall be compensated equally by the parties involved at the rate of \$50 for each day or part of a day the hearing is held, and all other necessary expenses except as may be otherwise agreed to by the parties.

Subd. 4. The panel shall meet within 8 days after the appointment of a third member. The parties shall attempt to provide agreement of matters relating to conditions of professional service through informal conferences. If agreement can be found through conferences between the parties with the aid and assistance of the adjustment panel prior to April 1 of each school year, it shall be so adjusted and the school board shall implement the agreement in the form of a resolution. If the results of the conferences are not satisfactory to all parties concerned, the panel, upon request of either party, shall afford the parties a full hearing, after which the panel shall make their findings, a copy of which shall be sent within 15 days to each of the parties involved and to the commissioner of education.

Sec. 8. [125.26] **School board authority and duties, limitations.** Subdivision 1. Nothing in this act shall be construed to diminish or enlarge the authority of school boards as expressly granted to the school boards by the legislature in Minnesota Statutes 1965, Chapters 120 to 129 inclusive.

Subd. 2. Only those duties of the school board as expressly stated in sections 5, 6, and 7 are hereby conferred upon the school boards by this act and nothing in this act shall be construed so as to require school boards to do other than expressly stated in said sections.

Sec. 9. **Non-severability.** If any provision of this act is found to be unconstitutional and void, the remaining provisions of the act shall be void.

Approved May 22, 1967.

CHAPTER 634—H. F. No. 1220

An act relating to the Minnesota Watershed Act; amending Minnesota Statutes 1965, Sections 112.34, Subdivision 1; 112.35, Subdivision 3; 112.37, Subdivisions 1 and 5; 112.39, Subdivisions 3 and 4; 112.42, Subdivision 5; 112.46, 112.49, Subdivision 6; 112.61, Subdivisions 2, 3, and 7; 112.64, Subdivisions 2 and 3; 112.65, Subdivisions 1 and 2; repealing Minnesota Statutes 1965, Section 112.37, Subdivision 4.

Changes or additions indicated by italics, deletions by strikeout.

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

Section 1. Minnesota Statutes 1965, Section 112.34, Subdivision 1, is amended to read:

112.34 Watershed act; declaration of policy, citation. Subdivision 1. In order to carry out conservation of the natural resources of the state through land utilization, flood control and other needs upon sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources, the ~~creation~~ *establishment of a public corporation, as an agency of the state for the aforesaid purposes, has been is provided in this chapter of Minnesota Statutes.* This chapter shall be construed and administered so as to make effective these purposes.

Sec. 2. Minnesota Statutes 1965, Section 112.35, Subdivision 3, is amended to read:

Subd. 3. "Public corporation" means a county, town, school district, or a political division or subdivision of the state; ~~other than. Public corporation, except where the context clearly indicates otherwise, does not mean~~ a watershed district.

Sec. 3. Minnesota Statutes 1965, Section 112.37, Subdivision 1, is amended to read:

112.37 Procedure for establishment. Subdivision 1. Proceedings for the establishment of a watershed district shall be initiated only by the filing of a nominating petition with the secretary of the board, which nominating petition shall be signed ~~either by not less than 25 percent of the resident freeholders of the proposed district, exclusive of the resident freeholders within the corporate limits of any city, village or borough on whose behalf the authorized officials have signed the petition, or by the authorized officials of any county, city, village, and borough authorized by resolution duly passed by the governing body thereof, however, if signed by at least one-half of the counties within the proposed district or by a county or counties having at least 50 percent of the area within the proposed district; or by a majority of the cities, villages or boroughs within the proposed district; the same need not be signed by freeholders. by any one of the following groups: either by~~

(1) *at least one-half of the counties within the proposed district;*

(2) *or by a county or counties having at least 50 percent of the area within the proposed district;*

Changes or additions indicated by italics, deletions by strikeout.

(3) *or by a majority of the cities, villages or boroughs within the proposed district;*

(4) *or a nominating petition also may be filed if signed by at least 50 resident freeholders of the proposed district, exclusive of the resident freeholders within the corporate limits of any city, village or borough on whose behalf the authorized official has signed the petition.*

Said nominating petition shall set forth the following:

(1) The name of the proposed district;

(2) The necessity for the district, and why it would be conducive to public health and public welfare, or accomplish any of the purposes of a watershed district;

(3) A statement in general terms setting forth the purpose of the contemplated improvements, the territory to be included in the district, and all proposed subdivisions thereof, if any, of the district;

(4) The number of managers proposed for the district. The managers shall be not less than three nor more than five and be selected from a list of *at least* ten nominees. They shall be selected as representative of the local units of government affected and none shall be a public officer of the county, state, or federal government;

(5) A map of the proposed district;

(6) A request for the ~~organization~~ *establishment* of the district as proposed.

The petitioners shall cause to be served upon the county auditor or auditors of the counties affected by the proposed district, the commissioner, and the director, a copy of said nominating petition, and proof of service thereof shall be attached to the original petition, to be filed with the secretary of the board.

Sec. 4. Minnesota Statutes 1965, Section 112.37, Subdivision 5, is amended to read:

Subd. 5. No petition containing the requisite number of signatures or petitioners or signed by the requisite number of counties, cities, villages or boroughs shall be void or dismissed on account of any defects therein, but the board shall, at any time prior to the close of hearing, permit the petition to be amended in form and substance to conform to the facts by correcting any errors in the description of the territory or by supplying any other defects therein. Several similar petitions, or duplicate copies of the same petition, for the

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~~organization~~ *establishment* of the same district may be filed and altogether be regarded as one petition. All petitions filed prior to the hearing hereinafter provided shall be considered by the board as part of the original petition.

After a petition has been filed, no petitioner may withdraw therefrom except with the written consent of all other petitioners filed with the water resources board.

Sec. 5. Minnesota Statutes 1965, Section 112.39, Subdivision 3, is amended to read:

Subd. 3. Upon the hearing if it appears to the board that the establishment of a district as prayed for in the nominating petition would be for the public welfare and public interest, and that the purpose of this chapter would be subserved by the ~~creation~~ *establishment* of a watershed district, the board shall, by its findings and order, establish ~~and create~~ a watershed district and give it a corporate name by which, in all proceedings, it shall thereafter be known, and upon filing a certified copy of said findings and order with the secretary of state such watershed district shall become a political subdivision of the state *and a public corporation*, with the authority, power, and duties as prescribed in this chapter.

Sec. 6. Minnesota Statutes 1965, Section 112.39; Subdivision 4, is amended to read:

Subd. 4. The findings and order of the board shall name the first board of managers of the district whose term of office shall be for one year, and until their successors are appointed and qualified, and shall designate the place within the district where the principal place of business of the district shall be located, and define the boundaries of the district, which may be changed upon a petition therefor, signed and provided in section 112.37, subdivision 1 or signed by the board of managers of a watershed district upon resolution duly passed authorizing the same, and a notice and hearing thereon, in the same manner as in the original proceeding. *The principal place of business may be changed within the district by the managers upon resolution duly passed authorizing the same, with a notice and a hearing to be conducted by the managers. Notice of such hearing shall be given by the managers of 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 of hearing shall be mailed to the county auditor of each county affected ten days before the hearing. After the hearing the managers may order the change in place of business which*

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shall be effective upon the filing of a certified copy thereof with the secretary of state and the secretary of the board.

Sec. 7. Minnesota Statutes 1965, Section 112.42, Subdivision 5, is amended to read:

Subd. 5. The compensation of the members of the board of managers shall not exceed ~~\$40~~ \$35 per day, and each member shall be entitled to reimbursement for all traveling and other expenses necessarily incurred in the performance of his official duties.

Sec. 8. Minnesota Statutes 1965, Section 112.46, is amended to read:

112.46 **Overall plan.** The managers shall, within a reasonable time after qualifying, adopt an overall plan for any or all of the purposes for which a district may be established as found in section 112.36. A copy of such plan shall forthwith be transmitted to the county auditor of each county affected, the secretary of the board, the commissioner, the director, the governing bodies of all municipalities and any soil conservation district having territory within the district. Upon receipt of such copy the commissioner and the director shall examine the same and within 30 days thereafter, unless such time is extended by the board, the director shall transmit to the board recommendations in connection therewith, a copy of which shall be transmitted to the managers, the county auditor of each county affected, the governing bodies of all municipalities and any affected soil conservation districts. Within 45 days from receipt of director's recommendations the board shall have a hearing on the proposed overall plan, the provisions of this chapter relating to notice, time, and place of hearing upon a nominating petition governing. After such public hearing the board shall, by its order, prescribe an overall plan for the district. A copy thereof shall be transmitted to the managers, the county board of each county affected, the commissioner, the director, the governing bodies of all municipalities affected, any affected soil conservation districts whereupon said plan shall become the overall plan for the district. Said plan may be amended upon a petition submitted by the managers therefor, and the board shall have a hearing thereon, in the same manner as in the original overall plan proceeding. *The managers and the board shall review the overall plan for the district at least once every two years after the board originally prescribes the overall plan.*

Sec. 9. Minnesota Statutes 1965, Section 112.49, Subdivision 6, is amended to read:

Subd. 6. Upon the filing of the engineer's report, a complete

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

copy thereof shall be transmitted to the director *and to the board* by the managers.

The director *and the board* shall examine the same and within ~~15~~ *30* days make ~~his report~~ *their reports* thereon to the managers. If ~~he finds~~ *they find* the report incomplete and not in accordance with the provisions of Minnesota Statutes, Chapter 112, ~~he~~ *they* shall so report. If ~~he approves~~ *they approve* the same as being a practical plan ~~he~~ *they* shall so state. If ~~he does~~ *they do* not approve the plan ~~he~~ *they* shall file ~~his~~ *their recommendations for changes deemed as they deem* advisable, or if in ~~his~~ *their* opinion the proposed project or improvement is not practical ~~he~~ *they* shall so report. If a soil survey appears advisable ~~he~~ *they* shall so advise and in such event the engineer shall make the soil survey and report thereon before the final hearing. ~~The director's report~~ *Their reports* shall be directed to and filed with the managers. Such ~~report~~ *reports* shall be deemed advisory only.

No notice shall issue for the hearing until the *board's and the director's report* is *reports are* filed or the time for filing thereof has expired.

Sec. 10. Minnesota Statutes 1965, Section 112.61, Subdivision 2, is amended to read:

Subd. 2. An organizational expense fund, which consists of an ad valorem tax levy, not to exceed two mills on each dollar of assessed valuation of all taxable property within the district or ~~\$20,000~~ *\$60,000* whichever is the lesser. Such funds shall be used for organizational expenses, and preparation of an over-all plan for projects and improvements. The managers of the district shall be authorized to borrow from the affected counties up to 75 percent of the anticipated funds to be collected from the organizational expense fund levy and the counties affected are hereby authorized to make such advancements. The advancement of anticipated funds shall be apportioned among affected counties in the same ratio as the assessed valuation of the area of the counties within the district bears to the assessed valuation of the entire district. In the event an established district is enlarged, an organizational expense fund may be levied against the area added to the district in the same manner as above provided. Unexpended funds collected for the organizational expense may be transferred to the administrative fund and used for the purposes authorized therein;

Sec. 11. Minnesota Statutes 1965, Section 112.61, Subdivision 3, is amended to read:

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

Subd. 3. An administrative fund, which consists of an ad valorem tax levy not to exceed ~~one-mill~~ *two mills* on each dollar of assessed valuation of all taxable property within the district, or ~~\$20,000~~ *\$60,000*, whichever is the lesser. Such funds shall be used for general administrative expenses and for the construction and maintenance of projects of common benefit to the district. The managers may make an annual levy for this fund as provided in section 112.611;

Sec. 12. Minnesota Statutes 1965, Section 112.61, Subdivision 7, is amended to read:

Subd. 7. ~~A repair fund~~ *Repair and maintenance funds* to be established pursuant to the provisions of section 112.64 as amended or hereafter amended.

Sec. 13. Minnesota Statutes 1965, Section 112.64, Subdivision 2, is amended to read:

Subd. 2. For the purpose of creating, to the credit of a work of improvement of the district, a maintenance fund to be used for normal and routine maintenance of that work of improvement, the board of managers is authorized to apportion and assess the amount of such fund against all the parcels of land, ~~corporations,~~ and municipal corporations theretofore assessed for benefits in proceedings for the construction of the work of improvement. Such assessment shall be made pro rata according to benefits determined. No assessment for the benefit of the maintenance fund shall be made at any such time that the fund exceeds 20 percent of the original cost of construction of the work of improvement. Upon receiving the assessment order from the board of managers, the auditors of the counties affected thereby shall file for record in the office of the register of deeds for the county a tabular lien statement covering the assessment. The assessment shall be collected as provided in the order in the same manner as provided in Minnesota Statutes, Section 106.471. Before ordering the levy of an assessment for the benefit of the maintenance fund, the board of managers, in its discretion, may give such notice of hearing thereon as it may deem advisable.

Sec. 14. Minnesota Statutes 1965, Section 112.64, Subdivision 3, is amended to read:

Subd. 3. If the engineer certifies to the board of managers, in his annual report or otherwise, that a work of improvement of the district is in such a state of disrepair that it cannot be restored by normal and routine maintenance to the same condition as when originally constructed or subsequently improved, or that a ditch or channel

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must be widened or deepened, or that any work of improvement of the district must be altered or improved, in order to attain the level of operating efficiency contemplated at the time of the original construction, the board of managers, before ordering any repairs other than normal and routine maintenance, shall order the engineer to prepare and submit to the board of managers technical and cost specifications on the work necessary to restore, or improve, the work of improvement to the desired level of operating efficiency. Upon receiving the engineer's report, the board of managers shall set a date for hearing thereon and give notice thereof in the same manner as in the original proceeding on the construction of the work of improvement, ~~as provided in section 112.52 and section 112.53.~~ If upon full hearing the board of managers finds that the repair or improvement is in compliance with the provisions, and is necessary to accomplish the purposes of this chapter, and that the cost thereof will not exceed the benefits therefrom, they may order the repair or improvement and assess the benefited properties to defray the cost thereof. The cost will be apportioned and assessed *pro rata* upon all lands and property as were assessed for the construction of the work of improvement. No single levy for repair or improvement shall exceed the amount of benefits originally determined. The board of managers shall file a copy of the order for levy with the auditor of each county which contains affected properties. The auditor shall extend the levy against affected properties as in proceedings for the levy, assessment and collection of taxes levied in drainage proceedings conducted under Minnesota Statutes, Chapter 106.

Sec. 15. Minnesota Statutes 1965, Section 112.65, Subdivision 1, is amended to read:

112.65 Drainage systems within district. Subdivision 1. *The managers of a district shall take over when directed by the district court or county board any judicial or county drainage system within the district, together with the right to repair; and maintain and improve the same. Such transfer may be initiated by the district court or county board, or such transfer may be initiated by a petition from any person having an interest in the drainage system or by the managers. No such transfer shall be made until the district court or county board has held a hearing thereon. Due notice of the proposed transfer together with the time and place of hearing shall be given by two weeks published notice in a legal newspaper of general circulation in the area involved. All interested persons may appear and be heard. ~~In~~ When the transfer is directed all proceedings for the repair; and maintenance; or improvement the managers shall thereafter conform to the provisions of Minnesota Statutes, Chapter 106.*

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

Sec. 16. Minnesota Statutes 1965, Section 112.65, Subdivision 2, is amended to read:

Subd. 2. Construction of all new drainage systems or improvements of existing drainage systems within the district shall be initiated by filing a petition with the managers of the district. *In all proceedings for the improvement of existing drainage systems within the district, the managers shall conform to the provisions of Minnesota Statutes, Section 106.501.*

Sec. 17. **Repealer.** *Minnesota Statutes 1965, Section 112.37, Subdivision 4, is repealed.*

Approved May 22, 1967.

CHAPTER 635—H. F. No. 1712

[Coded]

An act relating to the regulation of the salvaging and reconditioning of food; amending Minnesota Statutes 1965, Chapter 31, by adding a section.

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

Section 1. Minnesota Statutes 1965, Chapter 31, is amended by adding a section to read:

[31.495] Food salvage; regulation of food salvage operations.
Subdivision 1. For the purposes of this section, the terms defined in this subdivision have the meanings given them:

(a) *“Distressed food” means any food, the label of which has been lost, defaced, or obliterated, or food which has been subjected to possible damage due to accident, fire, flood, adverse weather, or to any other similar cause; or food which is suspected of having been rendered unsafe or unsuitable for food use.*

(b) *“Reconditionable or salvageable food” is distressed food which it is possible to reclaim for food, feed, or seed use as determined by examination by the commissioner or his representatives.*

(c) *“Reconditioned or salvaged food” is reconditionable or salvageable food which has been reconditioned or salvaged under supervision of the commissioner so as to comply with the standards established under this section.*

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