

## CHAPTER 374—S. F. No. 1119

*An act relating to drainage; amending Minnesota Statutes 1967, Sections 106.451, Subdivision 3; and 106.471, Subdivisions 2 and 5.*

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

Section 1. Minnesota Statutes 1967, Section 106.451, Subdivision 3, is amended to read:

Subd. 3. **Drainage; financing.** All costs and expenses incurred in any drainage proceeding shall be paid out of the funds of such ditch by warrants drawn thereon. If no funds are available in the ditch fund on which the warrant is drawn, the board may, by unanimous resolution, transfer funds from *any other ditch fund subject to its jurisdiction or from the general revenue fund of the county to such ditch fund.* In such case the county board shall thereafter cause the ~~general revenue fund from which the transfer was made~~ to be reimbursed from the funds of ~~such the ditch to which the transfer was made,~~ together with interest for the time actually needed at the same rate per annum as is charged on the liens and assessments.

Sec. 2. Minnesota Statutes 1967, Section 106.471, Subdivision 2, is amended to read:

Subd. 2. **Authority of board; repairs.** (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 and maintenance of one ditch system for one year will be less than ~~\$5,000~~ \$10,000, it may have such work done by ~~day labor~~ hired labor and equipment 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~~ levy an assessment for repairs or maintenance on one ditch system in a sum greater than 20 percent of the *original* cost of construction thereof in that county, or the sum of ~~\$5,000~~ \$10,000 if the said 20 percent is less than ~~\$5,000~~ \$10,000,

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

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.

Sec. 3. Minnesota Statutes, 1967, Section 106.471, Subdivision 5, is amended to read:

Subd. 5. **Assessment; bonds.** (a) If there are not sufficient funds to the credit of the drainage system so to be repaired, the county board shall apportion and assess the costs of the repairs pro rata upon all lands, corporations, and municipalities which have participated in the total benefits theretofore determined. Such assessments may be made payable in annual instalments to be specified in the order for assessment. If the assessments do not exceed 50 percent of the original cost of the ditch, such instalments shall not exceed ten. But, if such assessments exceed 50 percent of the original cost of the ditch, the county board may order such assessments to be paid in instalments not to exceed fifteen. If such order shall provide for payment in instalments, interest from the date of the order for assessments shall be fixed by the county board in the order, at a rate not to exceed six percent per annum, on the unpaid assessments, and shall be collected with each instalment.

(b) If the assessment be not payable in instalments, no lien need be filed, and the assessment, plus interest from the date of the order to August 15 of the succeeding calendar year, shall be entered on the tax lists for the year and be due and payable with and as a part of the real estate taxes for such year. When any such assessment is levied and made payable in instalments, the county auditor shall file for record in the office of the register of deeds an additional tabular statement in substance as provided in section 106.341, and all the provisions of sections 106.351, 106.371, and 106.381 relating to collection and payment shall apply thereto. Upon the filing of the tabular statement, the instalment and interest shall be due and payable and shall be entered on the tax lists and collected the same as the original lien.

(c) Whenever a contract for ditch repair has been entered into under this chapter, or such repair has been ordered to be constructed by ~~day labor~~ *hired labor and equipment*, and when the county board has ordered the assessments to be paid in instalments,

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the county board may issue and sell bonds, as provided by section 106.411.

(d) In the case of the repair of a state drainage system established wherein no assessment of benefits to lands was made when such system was established, the board or court shall observe the requirements of chapter 106, and appoint viewers to determine the benefits resulting from such repair and otherwise observe all requirements of this chapter in the procedure for the collection of such assessments as shall thereafter be made.

Approved May 12, 1969.

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CHAPTER 375—S. F. No. 1359

[Not Coded]

*An act relating to the tax levy for general revenue purposes in the county of Watonwan.*

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

Section 1. **Watonwan county; general revenue tax levy.** Notwithstanding the provisions and limitations of Minnesota Statutes, Section 275.09 to the contrary, the board of county commissioners of the county of Watonwan may levy annually a tax not to exceed 30 mills on the dollar of the taxable valuation of the county for general revenue purposes.

Sec. 2. This act takes effect when approved by the board of county commissioners of the county of Watonwan, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 12, 1969.

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CHAPTER 376—S. F. No. 2144

[Not Coded]

*An act relating to the tax levy for general revenue purposes in the county of Pennington.*

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

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