

agency. When the affected agency is unable to acquire the replacement lands, or if the acquisition of such lands by the affected agency would result in undue delay in the completion of the highway project, upon a request of an affected agency which shall include a recommendation as to the replacement land to be acquired within its jurisdiction, the commissioner of highways by gift, purchase, or condemnation proceedings, may acquire the designated replacement lands if the commissioner deems that such acquisition would reduce the cost to the state of highway project and would otherwise be in the public interest. The affected agency shall relinquish to the commissioner its interests in the lands required for the highway project upon its completion of the acquisition of the replacement lands or upon conveyance by the commissioner to the affected agency of the replacement lands designated in the agreement between the affected agency and the commissioner. Upon the recommendation of the commissioner, the governor shall convey such lands or interests therein to the affected agency.

Subd. 5. **Compensation for damage to improvements.** The affected agency, unless otherwise provided for in the agreement, by the acceptance of the replacement lands, shall not be deemed to have waived its right to compensation for the total of the damage to improvements.

Sec. 2. [161.203] **Rights preserved; effective date.** Nothing in section 1 hereof shall be construed to amend, alter, or in any manner modify the rights, duties or obligations of any party to any litigation instituted on or before the effective date of this act without his consent. Such litigation only concerns the proposed acquisition by the department of park lands in areas known as Minnehaha Park, Wilson Park, and North Mississippi Park located in the city of Minneapolis. This act becomes effective on July 1, 1969.

Approved June 4, 1969.

CHAPTER 969—S. F. No. 1677

[Not Coded]

An act relating to waters; planning and assessments to the Rice Creek Watershed.

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

Section 1. **Rice Creek watershed district.** Subdivision

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

1. Notwithstanding anything in Minnesota Statutes 1967, Chapter 112 to the contrary, the following provisions shall be applicable to lands drained by Rice Creek in Anoka, Hennepin, Ramsey, and Washington counties, herein referred to as the Rice Creek watershed.

Subd. 2. **Overall plan.** The managers shall, within a reasonable time after qualifying, prepare a preliminary 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 which shall be transmitted to each municipality, township, and county within the district. The managers shall consider all suggestions offered by such officials as to items to be included in the overall plan. At least 30 days shall be allowed for receipt of the comments of the local officials. Before adopting the overall plan the managers shall schedule a hearing on said preliminary overall plan. Mailed notice of said hearing shall be given to each municipality, township, and county within the district. Following such hearing, the managers shall adopt an overall plan. 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.

Subd. 3. **Appraisals.** Upon the filing of the engineer's report the managers shall, with the least possible delay, appoint three

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disinterested resident freeholders of the state to act as appraisers. These appraisers shall subscribe an oath to faithfully and impartially perform their duties, and with or without the engineer, shall determine the benefits or damages to all lands and properties affected by the proposed project or improvement, including lands owned by the state of Minnesota or any department thereof, highways, and other property likely to be affected by the proposed improvement or that may be used or taken for the construction or maintenance thereof. Benefits and damages to lands owned by the state of Minnesota or any department thereof held and used for the purposes described in section 106.672 shall be determined subject to the provisions thereof, so far as applicable. The appraisers shall receive not to exceed \$35 per day and necessary expenses while engaged in the performance of their official duties, to be paid by the district and included in the cost of improvement. However, the managers in their discretion may use the following alternate procedures: Upon the filing of the engineer's report the managers, with the assistance of the engineer, shall determine the benefits or damages to all lands and properties affected by the proposed project or improvement, including lands owned by the state of Minnesota or any department thereof, highways, and other property likely to be affected by the proposed improvement or that may be used or taken for the construction or maintenance thereof. Benefits and damages to lands owned by the state of Minnesota or any department thereof held and used for the purposes described in section 106.672 shall be determined subject to the provisions thereof, so far as applicable.

Subd. 4. Assessment, levies. Upon the filing by the managers with the auditor of any county of a statement listing the property and corporations benefited or damaged or otherwise affected by any improvement as found by the appraisers and approved by the managers, he shall assess the amount specified in such list against the lands and municipalities or other corporations as therein specified in accordance with the pertinent provisions of Minnesota Statutes, Chapter 106. However, the managers in their discretion may use the following alternate procedure: When the managers have established a project implementing all or a portion of the district's basic water management plan and have determined the amounts to be paid in one installment and the amount to be annually assessed against the municipalities, they shall file with the clerk or other official of each municipal corporation and with the county auditors a statement of the dollar amount to be assessed to each municipal corporation and the interest rate, not to exceed six percent per annum, to be applied in the event the total amount is not to be paid in one installment; the governing body of each municipal corporation may pay the total amount of the assess-

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ment within 180 days of the filing of the assessment statement or it may elect to have the county board provide the funds to meet the municipal corporation's share of the total cost of the improvement in which event the county auditor shall levy on or before October 10 of each year and annually thereafter, for not to exceed ten years, a mill rate against all taxable lands within the municipal corporation sufficient to make the annual principal payment plus interest which is the obligation of said municipal corporation.

Approved June 4, 1969.

CHAPTER 970—S. F. No. 1989

An act relating to the municipal court of Hennepin county; amending Minnesota Statutes 1967, Sections 488A.021, Subdivision 8; 488A.12, Subdivision 3; 488A.13, Subdivision 1; and 488A.17, Subdivision 10.

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

Section 1. Minnesota Statutes 1967, Section 488A.021, Subdivision 8, is amended to read:

Subd. 8. **Hennepin county; municipal and conciliation courts; salaries.** Each judge shall be paid an annual salary of ~~\$20,000~~ of \$23,000 in semimonthly installments out of the treasury of the county of Hennepin. If a judge dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate.

Sec. 2. Minnesota Statutes 1967, Section 488A.12, Subdivision 3, is amended to read:

Subd. 3. **Jurisdiction.** Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of ~~\$250~~ \$350. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

Sec. 3. Minnesota Statutes 1967, Section 488A.13, Subdivision 1, is amended to read:

488A.13 **Judges; clerk; reporters; salaries; quarters.** Subdivision 1. **Judges of municipal court serve as judges; referees**

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