

violation. At the request of an area wide comprehensive health planning agency, the county attorney of the county where an alleged violation occurs may bring an action to enjoin the alleged violation. The State Board of Health shall not issue a license for any portion of a health care facility in violation of section 3 until a certificate of need has been issued. No health care facility in violation of section 3 shall be eligible to apply for or receive public funds under Minnesota Statutes 1969, Chapters 245 through 256B, or from any other source, until a certificate of need has been issued.

Sec. 14. EFFECTIVE DATE. This act shall apply to architectural, professional consultation, or fund raising services engaged after September 1, 1971, to health care facility construction or modification commenced after September 1, 1971 and to proposals for health care facilities approved for federal or state financial assistance after July 1, 1971.

Approved June 1, 1971.

CHAPTER 629—S.F.No.2035

An act relating to drainage systems; the assessment of benefits for certain improvements thereof; amending Minnesota Statutes 1969, Section 106.151.

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

Section 1. Minnesota Statutes 1969, Section 106.151, is amended to read:

106.151 DRAINAGE SYSTEMS; ASSESSMENT OF BENEFITS; VIEWERS, DUTIES. The viewers, with or without the engineer, shall determine the benefits or damages to all lands and properties 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.

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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 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.

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 shall give adequate consideration to assessing the benefits on a watershed acre basis and shall distribute such portions of the benefits as they deem equitable on a watershed acre basis, rather than assessing benefits solely on the basis of the benefits accruing from the establishment of an existing ditch or ditches.

In case the viewers are unable to agree, each viewer shall state separately his findings on any matter disagreed upon. A majority of

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the viewers shall be competent to perform the duties required of them by this chapter.

Approved June 1, 1971.

CHAPTER 630—S.F.No.2203

[Coded]

An act relating to health; authorizing the state board of health to enter into agreements with certain counties delegating certain of its powers to license, inspect and enforce.

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

Section 1. [145.55] HEALTH; DELEGATION OF STATE DUTIES TO COUNTIES; AGREEMENT TO PERFORM FUNCTIONS OF STATE BOARD. Subdivision 1. The state board of health hereafter called the state agency may enter into an agreement with any county which has established a health department, hereafter called the county agency, under the provisions of Laws 1969, Chapter 235, or Minnesota Statutes, Sections 145.47 to 145.54, under which agreement such county agency may agree to perform all or part of the licensing, inspection and enforcement duties authorized under the provisions of Minnesota Statutes, Sections 144.075 and 144.12 and Chapter 157. Such agreement may set out requirements that the county agency comply with rules and regulations promulgated by the state agency for the performance of duties under the provisions of Minnesota Statutes, Sections 144.075 and 144.12 and Chapter 157. It may also set forth criteria under which the state agency will determine that the performance by the county agency complies with state standards and shall be deemed sufficient to replace licensing by the state board of health.

The agreement may further specify minimum staff requirements and qualifications and may provide for procedures for termination if the state agency finds that the county agency fails to comply with the terms and requirements of the agreement.

Sec. 2. [145.55] Subd. 2. No county agency may perform any licensing, inspection or enforcement duties pursuant to an agreement entered into under the authority of section 1, in any territory outside of the county boundary.

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