

The commissioner of administration shall provide and make available within the department of natural resources suitable and adequate office facilities and space for the board. The public examiner shall annually audit the books of the board if funds and personnel permit.

Sec. 4. This act is effective July 1, 1971.

Approved June 3, 1971.

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CHAPTER 662—S.F.No.1052

*An act relating to watersheds; the powers and duties of managers thereof; amending Minnesota Statutes 1969, Sections 112.43, Subdivision 1; 112.46; 112.50, Subdivision 1; and 112.61, Subdivision 3.*

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

Section 1. Minnesota Statutes 1969, Section 112.43, Subdivision 1, is amended to read:

**112.43 WATERSHEDS; MANAGERS; POWERS, DUTIES.**  
Subdivision 1. The managers, in order to give effect to the purposes of this chapter may:

(1) Make necessary surveys or utilize other reliable surveys and data and develop projects to accomplish the purposes for which the district is organized and may initiate, undertake, and construct projects not required to be instituted by a petition under section 112.47.

(2) Cooperate or contract with any state or subdivision thereof or federal agency or private or public corporation or cooperative association.

(3) Construct, clean, repair, alter, abandon, consolidate, reclaim or change the course or terminus of any public ditch, drain, sewer, river, watercourse, natural or artificial, within the district.

(4) Acquire, operate, construct, and maintain dams, dikes, reservoirs, water supply systems, and appurtenant works.

(5) Regulate, conserve, and control the use of water within the district.

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(6) Acquire by gift, purchase, or the right of eminent domain necessary real and personal property. The district may acquire such property without the district where necessary for a water supply system.

(7) Contract for or purchase such insurance as the managers deem necessary for the protection of the district.

(8) Establish and maintain devices for acquiring and recording hydrological data.

(9) Enter into all contracts of construction authorized by this chapter.

(10) Enter upon lands within or without the district to make surveys and investigations to accomplish the purposes of the district. The district shall be liable for actual damages resulting therefrom.

(11) To take over when directed by the district court or county board all judicial and county drainage systems within the district, together with the right to repair, maintain, and improve the same. Whenever such judicial or county drainage system is taken over in whole or in part, the same, to the extent so taken over, shall become a part of the works of the district.

(12) Provide for sanitation and public health and regulate the use of streams, ditches, or watercourses for the purpose of disposing of waste and preventing pollution.

(13) Borrow funds from the following: (a) any agency of the federal government; (b) any county in which the district is located in whole or in part, provided assessments are pledged to repay the amount of the loan. A county board may lend the amount requested by a district. No district may have more than \$20,000 in loans from counties under this clause outstanding at any time.

(14) Prepare a flood plain map of the lands of the district which are in the flood plain of lakes and watercourses, which map shall be made available to the counties and local municipalities for inclusion in flood plain ordinances and shall be in conformity with state regulations setting standards and criteria for designation of flood plain areas.

(15) Prepare an open space and greenbelt map of the lands of the district which should be preserved and included in the open space and greenbelt land areas of the district, which map shall be made available to the counties and local municipalities for inclusion in flood plain and shoreland ordinances.

(16) Appropriate necessary funds to provide for membership in a state association of watershed districts which has as its purpose the betterment and improvement of watershed governmental operations.

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(14) (17) Adopt rules and regulations to effectuate the purposes of the act and the authority powers of the managers. In the protection and the control of the use and development of land in the flood plain and the greenbelt and open space areas of the district, the managers shall have a limited authority to adopt ordinances to control encroachments, the changing of land contours, the placement of fill and structures of every type, to prevent the placement of encumbrances or obstructions and to require the landowner to remove such fill, structures, encumbrances, or other obstructions and to restore the previously existing land contours and vegetation. The managers may by ordinance provide a procedure whereby the district can do the work required and assess the cost thereof against the affected property as a special assessment. Such ordinances shall be applicable only in the absence of county or municipal ordinances for the regulation of those items set forth in this paragraph. Every ordinance shall be enacted by a majority vote of the managers of the district. The ordinance shall be signed by the secretary of the district and published once in a legal newspaper of the district. Proof of the publication shall be attached to and filed with the ordinance. Every ordinance shall be recorded in the official minute book and shall be substantially in the style, "The managers of the . . . . . Watershed District ordain:"

Sec. 2. Minnesota Statutes 1969, 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~~. The overall plan shall be composed of narrative statements of existing water and water related problems within the district, possible solutions thereto and the general objectives of the district. The overall plan may also include as a separate section any proposed work or projects. The separate statement of proposed work or projects or petitions for projects to be undertaken pursuant to the overall plan shall be considered as a comprehensive plan of the district for all purposes of review by the metropolitan council under section 473B.06, subdivision 6, if the district is within the metropolitan area. 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 and water conservation district having territory within the district and the metropolitan council if the district is within the metropolitan area. Upon receipt of such copy the commissioner ~~and~~, the director and the council shall examine the same and within ~~30~~ 60 days thereafter, unless such time is extended by the board, the director and the council 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

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affected, the governing bodies of all affected municipalities and any affected soil and water conservation districts. Within 45 days from receipt of the director's and the council'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 and water conservation districts and the council 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 and shall make such amendments thereto as may be deemed advisable.

Sec. 3. Minnesota Statutes 1969, Section 112.50, Subdivision 1, is amended to read:

112.50 APPRAISALS. Subdivision 1. Upon the filing of the engineer's report the managers shall, with the least possible delay, appoint three 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. The managers of the watershed districts may in their discretion use the following procedure for the purpose of determining benefits and damages. 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 from 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

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purposes described in section 106.672 shall be determined subject to the provisions thereof, so far as applicable. The managers shall also determine the amount to be paid and generally assessed by the watershed district for the basic water management portion of the improvement projects.

Sec. 4. Minnesota Statutes 1969, Section 112.61, Subdivision 3, is amended to read:

Subd. 3. An administrative fund, which consists of an ad valorem tax levy not to exceed three mills on each dollar of assessed valuation of all taxable property within the district, or \$75,000, 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. In addition to the annual administrative levy and solely in the instance of projects initiated by petition of a municipality of the district, the managers may annually levy a tax of not to exceed one mill for a period of not to exceed 15 consecutive years; the funds to be used to pay the cost which is attributed to the basic water management features of improvement projects initiated by petition of a municipality.

Approved June 3, 1971.

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#### CHAPTER 663—S.F.No.1399

*An act relating to the youth conservation commission; increasing the compensation of the appointed members; amending Minnesota Statutes 1969, Section 242.07.*

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

Section 1. Minnesota Statutes 1969, Section 242.07, is amended to read:

**242.07 YOUTH CONSERVATION COMMISSION; MEMBERS; COMPENSATION, EXPENSES.** Each of the appointed members of the commission other than the director shall receive as compensation the sum of ~~\$25~~ \$35 per day for each day actually spent in the discharge of official duties. In addition to the compensation so provided, each of the members of the commission shall be reimbursed

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