

CHAPTER 39—H. F. No. 233

An act relating to drainage ditches heretofore or hereafter established by any county board of this State, and providing that in cases where portions of such ditch have been constructed and other portions cannot be constructed by reason of physical conditions of the soil, the county board, may upon the petition of an interested party and a due hearing re-assess the benefits and damages, and abandon the portions of such ditch that cannot be constructed, and modify or abandon the contract or contracts for the construction of such portions, and providing further that in case such re-assessment shall reduce the amount realized from such assessments below the amounts expended or to be expended in such proceeding, the county board, shall order the deficiency to be paid out of the general revenue fund of the county.

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

Section 1. Abandonment of drainage ditches authorized.—Whenever any person whose lands have been assessed for the construction of a county ditch, or any contractor for the construction of the same or of any part thereof, shall file a petition with the county auditor of any county, setting forth that certain portions of a county ditch which has been duly established in said county and the contracts for construction thereof duly let, and the construction of a part thereof has been completed, are practically impossible of construction because of certain physical conditions to be specified in said petition, encountered, or which will be encountered in the course of construction thereof, and specifying by station numbers such said parts, and separately, such further parts likewise specifically designated, the utility of which will be impaired or destroyed by an abandonment of construction of any parts, and praying that the construction of such said parts practically impossible of construction shall be abandoned, and the construction of the parts the utility of which will be impaired or destroyed by such said abandonment of construction, be also abandoned or the plans and specifications and contracts for the construction thereof be modified, and that the contract for all such parts as shall be abandoned shall be cancelled and compensation thereunder be adjusted, and assessments of benefits and damages of all lands affected by said ditch and said abandonments and modifications be re-assessed; the county auditor of such county shall thereupon designate a day for hearing on said petition before the county board of such county, and give like notice of such meeting as on the final hearing for the establishment of a county ditch.

Sec. 2. Procedure.—Upon such hearing, if the county board shall find that such county ditch has been in part constructed,

that certain parts are practically impossible of construction because of physical conditions encountered or which will be encountered in the course of further construction thereof, and that the construction of such parts should be abandoned; and if the board shall further find that such abandonment of such said parts will impair or destroy the utility of other parts not constructed, and if the contractor for the construction of the parts so found advisable to be abandoned shall file with said board a consent to such abandonment and the board and such contractor shall agree upon the further abandonment or modification of the contract as to such parts the utility of which will be impaired or destroyed as aforesaid, and shall agree upon terms of adjusted compensation with said contractor for such abandonment and modification, if any, the board shall make its formal findings as aforesaid, and its order, particularly specifying such parts so to be abandoned or the construction thereof modified and embodying the plans and specifications as modified, and if the contractor shall file his acceptance thereof, then such abandonment, adjusted compensation, and the plans and specifications for such modification, if any, shall be effective, provided that the cost of construction of such ditch shall not thereby be increased.

Sec. 3. Cost to be assessed.—Upon the making of such order and its acceptance as aforesaid, or at such further time to which the board may adjourn, the board shall hear all interested parties whose lands are affected upon the re-assessment of benefits and damages to lands previously assessed or for which damages were allowed in said ditch proceeding, and upon such hearing shall re-assess the benefits and damages previously assessed or allowed and modify the same in as far as the same are affected by such abandonment, and modification, if any, in accordance with the principles of assessments in the original proceedings; and if such re-assessment shall reduce the amounts realized or to be realized from such assessments below the amounts expended or to be expended in such ditch proceeding, the board shall order the deficiency to be paid out of the general revenue fund of the county.

Sec. 4. Assessments to be credited in certain cases.—All original assessments actually paid shall be credited as payments on the benefits as re-assessed hereunder. Where the payments upon the original assessments exceeds the amount of benefits as fixed in such re-assessments made hereunder, the county board shall authorize the county auditor to issue his warrants on the general revenue fund for the amount of such excess payments to the persons entitled thereto.

Sec. 5. Lien statement to be filed. Within 30 days after the adoption of such re-assessment, the county auditor shall

file with the register of deeds his revised lien statement in accordance with such re-assessment.

Sec. 6. Appeals.—From such re-assessment of benefits or damages an appeal may be taken to the district court in like manner and with like effect as on the original assessments.

Sec. 7. Provisions not exclusive.—The provisions of this act shall not be construed as exclusive, but as providing additional and cumulative remedies.

Sec. 8. Not to effect pending actions.—The provisions of this act shall not affect any pending actions or proceedings.

Sec. 9. Proceedings must be begun before July 1, 1927.—No proceedings under this act shall be instituted after July 1, 1927.

Approved March 12, 1927.

CHAPTER 40 H. F. No. 289

An act to repeal General Statutes 1923, Section 3696, relating to the guaranty surplus fund of Mutual Hail, Tornado and Cyclone Insurance Companies.

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

Section 1. Certain laws repealed.—General Statutes, 1923, Section 3696, is hereby repealed.

Approved March 12, 1927.

CHAPTER 41--H. F. No. 293

An act to amend Section 3435, General Statutes 1923, relating to rates to be charged by life insurance companies organized upon the co-operative or assessment plan.

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

Section 1. Insurance rates to be charged in certain cases.—That Section 3435, General Statutes 1923, be amended so as to read as follows:

"3435. No corporation hereafter organized to transact the business of life insurance upon the co-operative or assessment plan, and no such corporation not already admitted to transact business in this state shall hereafter be licensed to transact such life insurance business in this State unless it shall by its charter, by-law and policy or certificate contracts, provide for and actually charge and collect from its members, for and on ac-