

CHAPTER 213—S. F. No. 739

An act permitting certain villages and townships to cooperate in support of cemeteries; amending Minnesota Statutes 1941, Section 471.24.

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

Section 1. Minnesota Statutes 1941, Section 471.24, is amended to read as follows:

“471.24. **Villages and towns may cooperate in support of cemeteries.** Where a village or town owns and maintains an established cemetery or burial ground, either within or without the municipal limits, the village or town may, by mutual agreement with contiguous villages and towns, each having an assessed valuation of not less than \$500,000, join together in the maintenance of such public cemetery or burial ground for the use of the inhabitants of each of such municipalities; and each such municipality is hereby authorized, by action of its council or governing body, to levy a tax or make an appropriation for the support and maintenance of such cemetery or burial ground; provided, the amount thus levied or appropriated by each municipality shall not exceed a total of \$1,000 in any one year.”

Approved March 31, 1945.

CHAPTER 214—S. F. No. 238

An act relating to drainage, the improvement of existing drainage ditches, and amending Minnesota Statutes 1941, Section 106.80.

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

Section 1. Minnesota Statutes 1941, Section 106.80, is amended to read:

“106.80. **County ditch inspectors.** *Subdivision 1.* In all counties where drainage systems now constructed have cost in the aggregate more than \$50,000, or which shall hereafter have drainage systems costing not less than that sum, the county board may at such time as it may deem necessary appoint a competent man as county ditch inspector whose duties shall be to examine and inspect all county drainage systems as

the board shall designate and require; such appointment to be for such time and at such compensation as the board may specify. The party so appointed shall, within 20 days after making inspection, report in writing to the county board the result of his examination and specifically designate each drainage system or lateral that is in need of repair, specifically designating the location and nature of the repair needed. He shall include in his report an itemized statement of the time spent upon each system and the expense incurred in connection therewith. It shall be the duty of the county board, at as early a date as possible following the filing of this report with the county auditor, to proceed to have these repairs made, as provided in section 106.49, and the county board is hereby authorized to act upon this report in the matter of repairing or cleaning out any drainage system, or part thereof, without any further petition than simply the filing of the report. If the inspector shall find or have reason to believe from such examination and investigation that the cleaning out or repair of any such drainage system or portion thereof is made necessary through the negligence of the owner of the land on whose premises the repairs are to be made, who himself or by tenant has wilfully filled in the ditch, he shall so state in his report, whereupon the county board or the district court shall cause notice to be served upon the owner of the premises on which any such repairs are to be made, requiring the owner to repair or cause to be repaired the ditch or portion of the ditch in the manner recommended by the engineer, the ditch to be repaired within the time prescribed in the notice. If the owner fails to repair the ditch or cause the same to be repaired in compliance with the notice, the county board may proceed to repair the ditch as above specified and it shall be the duty of the county auditor to make a statement showing the estimated repair expense in repairing the ditch and file the same in the office of the register of deeds of the county in which the premises are situated and assess against the premises the full amount of this expense."

Subd. 2. For any drainage system established by district court extending into more than one county now constructed which has cost in the aggregate more than \$400,000.00, said court shall have jurisdiction upon petition of the owners of

30 per cent of the lands originally assessed for benefits, at a hearing held on such notice as the court may prescribe, to appoint a committee consisting of a chairman and three or more other owners, or agents of owners, of lands so assessed, of which committee the auditors of the counties into which said drainage system extends shall be *ex officio* members, with power to improve, maintain and repair said drainage system. For said purposes said committee in the name of, and for, said counties, with or without advertising for bids as the court may direct, shall have power to let contracts for any parts or all of said works of improvement, maintenance or repair, or have such works done by force account, or purchase needed materials, employ needed labor and rent, or purchase, and use machinery for said works. Said committee shall at all times be subject to such orders as the court from time to time may file and said committee shall not contract for or expend during any calendar year any amounts of money in excess of those specifically authorized by the court in its orders on file. Before payment by the counties all claims shall first be approved in writing by the court and by a majority of the committee. All petitions, orders and papers shall be filed in the office of the clerk of the district court in which the original petition for the drainage system was filed.

Subd. 3. The court by order shall fix the percentage of the costs of the items referred to in subdivision two to be paid by each county and the committee shall annually file its report in the office of the clerk of said court and in the office of each county auditor apportioning all of said costs between said counties pursuant to said percentages. Thereupon the several county officers of each county shall have, exercise and perform all of the several powers and duties recited in Minnesota Statutes 1941, section 106.54.

Subd. 4. The committee shall receive not exceeding the *per diem* of a viewer, and such actual and necessary travel expense, as the court may order. The membership of the committee, other than the *ex officio* members, may be changed at any time by the filed order of the court.

Subd. 5. The provisions of this section shall be in addition to, and not in repeal or change of, the other provisions of statute relating to the improvement, maintenance or repairs of drainage systems, but county boards shall be under no duty to clean or repair a drainage system extending into more than one county when a committee has been appointed and is functioning as herein provided.

Approved April 2, 1945.