

the outlet ditch and, if consent be given to construct the ditch or ditch system, shall fix by order the terms and conditions for the use of the ditch as an outlet and shall fix the amount that shall be paid therefor. No private ditch or ditch system shall be constructed using the ditch as an outlet until the sum fixed by the order is paid by the petitioner to the county treasurer of the county wherein petitioner's property is located. The amount so fixed for an outlet charge for any proposed public ditch or ditch system shall be deemed a part of the cost of such proposed ditch or ditch system to be paid by assessment against the lands and properties benefited by the proposed ditch or ditch system, as provided by section 106.341, and credited to the fund of the existing ditch. The order shall also describe the property to be benefited by the ditch or ditch system and shall fix the amount of benefits to such property for the outlet. The property so benefited shall be liable for assessments thereafter levied in such ditch system, on the basis of the benefits so found, the same as though such benefits had been determined in the original order establishing the ditch.

Approved May 22, 1963.

CHAPTER 817—H. F. No. 1156

[Coded]

An act relating to installation of impoundment or diversion structures.

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

Section 1. **[105.81] Drainage systems; petition; bond; investigation; report; hearing; order.** For the purpose of conserving and making more adequate use of our water resources, any person, public or municipal corporation, governmental subdivision, the state or any of its departments or agencies, the commissioner of conservation and the United States or any of its agencies, may petition the county board in the case of a system lying wholly within one county or the district court in the case of a drainage system affecting two or more counties for the installation of dams or other control works in said ditches to impound or divert waters for any beneficial use. Said petition shall contain the location of the installation, plans and specifications for the proposed structure, and a map of the areas likely to be affected by the impoundment or diversion. The petitioner shall agree to be responsible for the cost of installation and construction of the structure. Upon filing of the petition, the

Changes or additions indicated by italics, deletions by strikeout.

petitioners shall file a bond as provided in Minnesota Statutes, Sections 106.041 and 106.051. No bond shall be required if the petition is filed by the state, any of its departments or agencies, the commissioner of conservation, the United States or any of its agencies, and cities, villages or boroughs. Said petition shall also be accompanied by a permit from the commissioner of conservation as required in Minnesota Statutes, Sections 105.41 and 105.42.

On receipt of the petition, bond, and permit, if required, the board or court shall appoint an engineer to investigate the effect of the proposed installation and file a report of his findings. Upon filing of the engineer's report, notice shall be given and a public hearing held as provided in Minnesota Statutes, Section 106.101. If at this hearing it appears from the engineer's report and other evidence presented that such installation will be of a public or private benefit and that it will not impair the utility of the ditch or deprive affected land owners of the benefit thereof, the board or court shall issue a permit authorizing its installation. Before the petitioner shall install or construct any impoundment or diversion, he shall obtain such rights of way and flowage easements from all owners of land to be affected thereby.

The order of the court modifying the ditch system shall provide that all construction and subsequent maintenance and repairs of the ditch modification shall be done and performed by the petitioner without any cost to the owners of lands and properties previously within the drainage system.

Approved May 22, 1963.

CHAPTER 818—H. F. No. 1318

An act relating to the prohibition of the sale, offering or exposing for sale of fireworks, and to regulate the manner of their use, and to provide penalties for the violation of the provisions of the act; amending Minnesota Statutes 1961, Section 616.434.

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

Section 1. Minnesota Statutes 1961, Section 616.434 is amended to read:

616.434. **Sale of fireworks prohibited.** Except as otherwise provided in sections 616.433 to 616.438, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or wholesale, or use or explode any fireworks. *This section shall not be construed to prohibit sales at wholesale to those persons hold-*

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