

of St. Louis county, and upon compliance with the provisions of Laws 1959, Chapter 368.

Approved April 20, 1961.

CHAPTER 716—H. F. No. 1879

[Not Coded]

An act relating to Itasca county; providing for payment by the welfare board of certain expenses of the county attorney.

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

Section 1. **Itasca county; assistant county attorney.** The welfare board of Itasca county is authorized to pay from welfare funds a share of the salary, clerk hire, and expenses of an assistant county attorney, such share to be proportionate to the expenses incurred on welfare board matters and other county matters as determined by the county attorney.

Sec. 2. Section 1 shall be effective upon its approval by a majority of the members of the board of county commissioners and upon compliance with Laws 1959, Chapter 368.

Approved April 20, 1961.

CHAPTER 717—H. F. No. 1887

An act relating to eminent domain; amending Minnesota Statutes 1957, Section 117.05, and Section 117.20 as amended.

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

Section 1. Minnesota Statutes 1957, Section 117.05, is amended to read:

117.05 **Petition and notice.** In all cases a petition, describing the desired land, stating by whom and for what purposes it is proposed to be taken, and giving the names of all persons appearing of record or known to the petitioner to be the owners thereof shall be presented to the district court of the county in which the land is situated praying for

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the appointment of commissioners to appraise the damages which may be occasioned by such taking. Notice of the objects of the petition and of the time and place of presenting the same shall be served at least ten days before such time of presentation upon all persons named in the petition as owners *as defined in Minnesota Statutes, Section 117.02, Subdivision 3* and upon all occupants of such land in the same manner as a summons in a civil action. If any such owner be not a resident of the state, or his place of residence be unknown to the petitioner, upon the filing of an affidavit of the petitioner, his agent or attorney, stating that he believes that such owner is not a resident of the state, and that he has mailed a copy of the notice to him at his place of residence, or that after diligent inquiry his place of residence cannot be ascertained by the affiant, then service may be made upon such owner by three weeks' published notice. If the state be an owner, the notice shall be served upon the attorney general. No owner' not served as herein provided shall be bound by such proceeding unless he voluntarily appears therein.

Sec. 2. Minnesota Statutes, Section 117.20, Subdivision 8, as amended by Laws 1959, Chapter 656, Section 2 and Extra Session Laws 1959, Chapter 41, Section 1, is amended to read:

Subd. 8. **Additional provisions, procedure.** In all eminent domain proceedings instituted by the state or any of its agencies or political subdivisions or any of its agencies, the following additional provisions shall control:

(a) In all cases a petition, describing the desired land, stating by whom and for what purposes it is proposed to be taken, and giving the names of all persons appearing of record or known to the petitioner to be the owners thereof, shall be presented to the district court of the county in which the land is situated praying for the appointment of commissioners to appraise the damage which may be occasioned by such taking. Notice of the objects of the petition and of the time and place of presenting the same shall be served at least twenty days before such time of presentation upon all persons named in the petition as owners *as defined in Minnesota Statutes 1957, Section 117.02, Subdivision 3*, and upon all occupants of such land in the same manner as a summons in a civil action. If any such owner be not a resident of the state, or his place of residence be unknown to the petitioner, upon the filing of an affidavit of the peti-

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tioner, his agent or attorney, stating that he believes that such owner is not a resident of the state, and that he has mailed a copy of the notice to him at his place of residence, or that after diligent inquiry his place of residence cannot be ascertained by the affiant, then service may be made upon such owner by three weeks' published notice. If the state be an owner, the notice shall be served upon the attorney general. No owner not served as herein provided shall be bound by such proceeding unless he voluntarily appears therein. Any owner shall be furnished a right-of-way map or plat of all that part of his land taken upon written demand, provided that the petitioner shall have ten days from the receipt of the demand within which to furnish the same. Any plans or profiles which the petitioner has shall be made available to the owner for inspection.

(b) The commissioners, having qualified according to law, shall meet as directed by the order of appointment and hear the allegations and proofs of all persons interested touching upon the matters to them committed in accordance with the procedures set forth in section 117.08, except as hereinafter provided.

(c) Such appeal may be noticed for trial as in the case of a civil action, and the court may direct that issues be framed, and require other parties to be joined and to plead therein when necessary for the proper determination of the questions involved. The cause shall be tried by a jury, unless the parties otherwise agree, and the court or jury trying the same shall reassess the damages and apportion the same as justice may require. Whenever the state is acquiring property, the jury or court shall show in the verdict or order the amount of the award of damages which is to reimburse the owner and tenant or lessee, for the value of the land taken, and the amount of the award of damages, if any, which is to reimburse the owner and tenant or lessee for damages to other property involved. The amounts awarded to each person shall also be shown separately. Except as herein otherwise provided, the trial shall be conducted and the cause disposed of according to the rules applicable to ordinary civil actions in the district court. A commissioner in a condemnation proceeding may be called by any party as a witness to testify as to the amount of the award of the commissioners.

(d) The court may, in its discretion, after a verdict has been rendered on the trial of an appeal allow as taxable

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costs reasonable appraisers' fees not to exceed \$150 for each appraiser and not more than two appraisers. The court may, in its discretion, allow as taxable costs reasonable expenses for moving personalty incurred by a person occupying a residence and who is the fee owner, contract for deed vendee or lessee under a written lease, but such amount shall in no event exceed \$200.00. Where business property has been acquired, the court may in its discretion allow as taxable costs the reasonable expenses of moving personalty if such expenses have been incurred by a person occupying the property as the fee owner, contract for deed vendee or lessee under a written lease, but in no event shall this amount exceed \$500.00. The court may in its discretion allow such moving costs and appraisers' fees whether or not the parties entitled thereto are the prevailing parties. No costs shall be taxed by the state against any other party.

Approved April 20, 1961.

CHAPTER 718—H. F. No. 1898

An act relating to cutting of timber on tax forfeited land; providing penalties; amending Minnesota Statutes 1957, Section 282.04, Subdivision 1.

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

Section 1. Minnesota Statutes 1957, Section 282.04, Subdivision 1, is amended to read:

282.04 **Timber, sale; tax-forfeited lands, lease, partition, easements.** Subdivision 1. **Timber sold for cash.** The county auditor may sell dead, down and mature timber upon any tract that may be approved by the conservation commissioner. Such sale of timber products shall be made for cash at not less than the appraised value determined by the county board to the highest bidder after not less than one week's published notice in an official paper within the county. Any timber offered at such public sale and not sold may thereafter be sold at private sale by the county auditor at not less than the appraised value thereof, until such time as the county board may withdraw such timber from sale. The appraised value of the timber and the forestry practices to be followed in the cutting of said timber shall be approved by the commissioner of conservation. Payment of the full sale

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