

Sec. 3. Minnesota Statutes 1953, Section 618.21, Subdivisions 3 and 4, as amended by Laws 1955, Chapter 471, Section 2, are repealed.

Approved April 3, 1957.

CHAPTER 304—H. F. No. 467

[Coded]

An act relating to litigation affecting improvements and bond issues of public airports corporations; providing for bonds to protect the public and procedures for expediting determination of such litigation.

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

Section 1. [360.141] **Bond, when required in public airports litigation.** When any action or proceeding at law or in equity has been or shall hereafter be commenced questioning the right, power, or authority of a public corporation created and operating under Minnesota Statutes 1953, Sections 360.101 to 360.133 to make or perform any contract for the development or improvement of an airport under its control and operation or the structures or facilities thereon or contemplated therefor, or to issue, sell, or deliver the corporation's bonds to pay therefor, the corporation may, if it deems that the pendency of such litigation might, directly or indirectly, delay the completion of such improvement or bond issue or otherwise be injurious to the public interests and taxpayers, move the court in which the litigation is pending to require the party or parties who instituted the same to give a surety bond in accordance with this act.

Sec. 2. [360.142] **Special appearance in litigation by public airports corporation.** If the corporation is not a party to the litigation, it may appear specially for the purpose of making and being heard on such a motion. Three days' notice of hearing on the motion shall be given. If the court determines that loss or damage to the public or taxpayers may result from the pendency of the action or proceeding, the court may require the party or parties who instituted the same to give a surety bond, approved by the court or judge, in a penal sum to be determined by the court to protect against such loss or damage, whether or not a temporary injunction or restraining order against the corporation shall have been demanded or ordered. If the bond so ordered be not filed within the reasonable time allowed therefor by the court, the action or pro-

ceeding shall be dismissed with prejudice. Such bond shall be executed by the party or parties who instituted the litigation, or some person for him or them, as principal and conditioned for the payment to the corporation of such damage as the public and taxpayers shall sustain by reason of the litigation, if the court finally decides that the party or parties were not entitled to the relief sought. The amount of damages may be ascertained by a reference or otherwise as the court shall direct, in which case the sureties shall be concluded as to the amount but the damages shall be recoverable only in an action on the bond. If the party or parties by or for whom such bond is furnished prevails in the litigation, the premium paid on the bond shall be repaid by or taxed against the corporation. During the pendency of the litigation, the court, on motion, may require additional security if found necessary, and upon failure to furnish the same shall dismiss the action or proceeding with prejudice. The court may likewise, on motion, reduce the amount of a bond theretofore required or release the bond upon being shown that the amount is excessive or the bond no longer required.

Sec. 3. [360.143] Appeals. In any such litigation wherein a bond has been required and given under Section 2 hereof or the court has denied a motion to require such bond, the court shall advance the case on its calendar for trial at the earliest feasible date; and in such litigation an appeal to the Supreme Court from an appealable order made, or from a judgment entered, in a district court may be taken only within thirty days after entry of such judgment or after written notice of such order from the adverse party.

Sec. 4. [360.144] Civil damage actions. Nothing contained herein shall affect the rights of any aggrieved person to bring a suit for civil damages. No bond shall be required therein except as otherwise provided by law.

Approved April 3, 1957.

CHAPTER 305—H. F. No. 897

An act relating to settlement for general relief purposes; amending Minnesota Statutes 1953, Section 261.07, Subdivision 2.

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

Section 1. Minnesota Statutes 1953, Section 261.07, Subdivision 2, is amended to read: