

## CHAPTER 873—H. F. No. 1479

[Coded]

*An act relating to watershed districts; providing for appellate procedures and review; amending Minnesota Statutes 1961, Chapter 112, as amended, by adding new sections thereto; repealing Minnesota Statutes 1961, Sections 112.791, 112.792, 112.793, and 112.80.*

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

Section 1. Minnesota Statutes 1961, Chapter 112, as amended, is amended by adding a section thereto to read:

**Sec. . [112.801] Watershed districts; appellate procedures and review.** *Subdivision 1. An appeal may be had to the district court or to the Minnesota water resources Board by any party, or jointly by more than one, aggrieved by an order of the managers made in any proceeding and entered upon its record determining any of the following matters:*

- (1) The amount of benefits determined;*
- (2) The amount of damages allowed;*
- (3) Relative to the allowance of fees or expenses in any proceedings,*
- (4) Which affects a substantial right, or*
- (5) An order of the board of managers authorizing or refusing to establish a project and improvement in whole or in part.*

*Subd. 2. In all cases of appeal, the amount awarded by the jury or the board as finally determined shall stand for and in the place of the amount from which the appeal was taken.*

*Subd. 3. If an appeal is taken from an order authorizing an improvement, the trial of any appeals from benefits or damages in such proceedings shall be stayed pending the determination of such appeal. If the order authorizing be affirmed, any such appeal from benefits or damages shall then stand for trial as provided by this section. If such appeal be from an order refusing to authorize an improvement, and if the court or the board thereafter orders the improvement the secretary of the district shall give notice by publication of the filing of the order. Such notice shall be sufficient if it refers to the proposed improvement by general description and recites the substance of the order and the date of filing in the court.*

*Subd. 4. Any person or public corporation appealing on the*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

first or second grounds named in subdivision 1, may include and have considered and determined benefits or damages affecting property other than his own. Notice of such appeal shall be served upon the owner or occupant of such other property or upon the attorney who represented such owner in the proceedings. Such notice of appeal shall be served upon the auditor of the county wherein the property is situated and upon the clerk of the district court of the county wherein the principal place of business of the district is located, or upon the secretary of the board.

Subd. 5. To render the appeal effectual, the appellant shall file with such clerk of the district court or the secretary of the board within 30 days of the date of such final order a notice of appeal which shall state the grounds upon which the appeal is taken. The notice of appeal shall be accompanied by an appeal bond to the district where the property is situate of not less than \$250 to be approved by the clerk of the district court or the secretary of the board, as the case may be, conditioned that the appellant will duly prosecute the appeal and pay all costs and disbursements which may be adjudged against him and abide the order of the court or of the board, as the case may be.

Subd. 6. The issues raised by the appeal shall stand for trial by the board at a time and place fixed by it or by a jury, and if by a jury, shall be tried and determined at the next term of the district court held within the county in which the notice of appeal was filed, or in such other counties in which the appeal shall be heard, beginning after the filing of the appeal; and shall take precedence over all other court matters of a civil nature. If there is more than one appeal to the board involving the same project for improvement, or if there is more than one appeal triable in one county, the court or the board may, on its own motion or upon the motion of a party in interest, consolidate two or more appeals and try them together, but the rights of the appellants shall be separately determined. In case of appeal as to damages or benefits to property situate in the county other than the county where the principal place of business of the district is located, and if the appellant so requests, the trial shall be held at the next term of the district court of the county wherein the lands are situated. In such case, the clerk of the district court where the appeal is filed, shall make, certify and file in the office of the clerk of district court of the county where the trial is to be had, a transcript of the papers and documents on file in his office in the proceeding so far as they pertain to the matter on account of which the appeal is taken. After the final determination of such appeal, the clerk of the district court where the action is tried shall certify and return the verdict to the district court of the county where the pro-

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*ceedings were instituted. If the appeal is to the board, the board shall file its decision with the secretary thereof. If the appeal is taken to the board from the order of the managers, the decision of such board may be reviewed by certiorari proceedings in the district court of a county in which the proposed project lies in whole or in part. If the appeal from the order of the managers is to the district court, and it appears to the court that there are involved facts, circumstances, or matters peculiarly or especially within the knowledge, functions, or duties of the Minnesota water resources board, the court may refer to such board as referee questions of fact within the scope of such knowledge, functions, and duties. Thereupon such board shall make its findings of fact upon the questions of fact so submitted to it and report the same back to the court.*

*Subd. 7. The board shall make a record of all matters tried by it on appeal or referred to it by the district court for findings of fact under the provisions of this section. Such record shall meet the requirements of a record of the trial of a matter in district court.*

*Subd. 8. All proceedings before the board shall be in conformity with Minnesota Statutes 15.0411 to 15.0422.*

**Sec. 2. [112.802] Appellate procedures and review; savings clause.** *No provision of this act shall preclude an appeal from any order of the Minnesota water resources board made prior to or after this enactment in a presently pending proceeding.*

**Sec. 3.** *Minnesota Statutes 1961, Sections 112.791, 112.792, 112.793, and 112.80, are hereby repealed.*

Approved May 26, 1965.

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## CHAPTER 874—H. F. No. 1608

[Coded in Part]

*An act relating to auctioneers; providing for the licensing of all auctioneers; providing penalties for violations; amending Minnesota Statutes 1961, Section 330.01, Subdivision 1, and Section 330.02; Minnesota Statutes 1961, Chapter 330, by adding new sections; and repealing Minnesota Statutes 1961, Section 330.01, Subdivision 2.*

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

Section 1. Minnesota Statutes 1961, Section 330.01, Subdivision 1, is amended to read:

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**