

CHAPTER 364—H. F. No. 1838

An act relating to certain counties; providing for the letting of certain contracts; amending Minnesota Statutes 1965, Section 375.21, Subdivision 1, and repealing Minnesota Statutes 1965, Section 375.21, Subdivisions 2 and 3.

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

Section 1. Minnesota Statutes 1965, Section 375.21, Subdivision 1, is amended to read:

375.21 Counties; contracts of county boards. Subdivision 1. ~~In counties having less than 75,000 population,~~ No contract for work or labor, or for the purchase of furniture, fixtures, or other property, or for the construction or repair of roads, bridges, or buildings, the estimated cost or value of which ~~shall exceed~~ *exceeds* \$2,500, shall be made by ~~the~~ *a* county board without first advertising for bids or proposals in some newspaper of the county. If, for the purchase of property or for work and labor, two weeks published notice that proposals will be received, stating the time and place, shall be given. If, for the construction or repair of roads, bridges, or buildings, three weeks published notice shall be given. The notice shall state the time and place of awarding the contract and contain a brief description of the work. Every such contract shall be awarded to the lowest responsible bidder and duly executed in writing, and the person to whom the same is awarded shall give a sufficient bond to the board for its faithful performance. If no satisfactory bid is received, the board may readvertise. Every contract made without compliance with the provisions of this section shall be void. In case of the destruction of roads or bridges by floods or other casualty, or of unforeseen injuries to machinery in or connected with public buildings, where the public interests would suffer by delay, contracts for repairs may be made without advertising for bids.

Sec. 2. *Minnesota Statutes 1965, Section 375.21, Subdivisions 2 and 3, are repealed.*

Approved May 10, 1967.

CHAPTER 365—H. F. No. 1851

An act relating to drainage ditches; amending Minnesota Statutes 1965, Sections 106.101, Subdivision 5; and 106.631, Subdivision 2.

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

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

Section 1. Minnesota Statutes 1965, Section 106.101, Subdivision 5, is amended to read:

Subd. 5 **Drainage ditches; proceedings.** If the board or court shall be satisfied that the proposed improvement as outlined in the petition or as modified and recommended by the engineer is feasible, that there is necessity therefor, that it will be of public benefit and promote the public health, and that the outlet is adequate, the board or court shall so find and by such order shall designate the changes that shall be made in the proposed improvement from that outlined in the petition. These changes may be described in general terms and shall be sufficiently described by filing with the order a map outlining the proposed improvement thereon. Thereafter the petition shall be treated as modified accordingly. *When the ditch shall outlet into an existing county or judicial ditch, the board or court may find that the outlet is adequate subject to confirmation and permission being obtained in accordance with section 106.531. In such case the board or court shall assign a number to the ditch and the board or court shall proceed to act in behalf of the ditch to obtain outlet rights in accordance with section 106.531.*

Sec. 2. Minnesota Statutes 1965, Section 106.631, Subdivision 2, is amended to read:

Subd. 2. **Procedure on appeal.** (a) Any person appealing on the first or second ground named, 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 represents such owner in the proceedings. Such notice of appeal shall also be served upon the auditor or clerk.

(b) To render the appeal effectual, the appellant shall file with the auditor or clerk within 30 days ~~of the date~~ *after the filing* of such final order a notice of appeal which shall state the particular benefits or damages appealed from and the ground upon which the appeal is taken. The notice of appeal shall be accompanied by an appeal bond to the county where the property is located of not less than \$250 with sufficient surety to be approved by the auditor or clerk, 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. Within 30 days after such filing, the auditor, in case of a county drainage proceeding, shall return and file with the clerk of the district court the original notice and appeal bond.

Changes or additions indicated by italics, deletions by strikeout.

(c) The issues raised by the appeal shall stand for trial by jury and shall be tried and determined at the next term of the district court held within the county in which the proceedings were commenced, or in such other county in which the appeal shall be heard, beginning after the filing of the appeal; and shall take precedence of all other matters of a civil nature in court. If there be more than one appeal triable in one county, the court 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. If the appellant fails to prevail, the cost of the trial shall be paid by the appellant. In case of appeal as to damages or benefits to property situated in the county other than the county where the drainage proceedings are pending, 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 the 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 proceedings so far as they pertain to the matters 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 proceedings were instituted.

(d) The clerk of the district court shall file a certified copy of the final determination of any such appeal with the auditor of the county affected.

(e) An appeal on the third ground may be to the district court of any county wherein lands are affected. Such appeal shall be made within 30 days after the order allowing or disallowing the claim and shall be governed as far as applicable by the provisions of this subdivision.

Approved May 10, 1967.

CHAPTER 366—H. F. No. 1871

[Not Coded]

An act relating to the county of Washington and creating the office of county administrator for the county; specifying his qualifications, term of office and duties.

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

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