

grieved party, (b) file the demand with proof of service with the clerk of conciliation court within ten days after the demand for removal was served upon him, and (c) pay to the clerk of conciliation court at the time of such filing a fee of \$5 if he demands a jury of six persons, \$10 if he demands a jury of twelve persons or \$5 if he demands a jury of twelve persons instead of the six persons previously demanded by the aggrieved party .

Sec. 7. Minnesota Statutes 1971, Section 488A.17, Subdivision 5, is amended to read:

Subd. 5. **WAIVER OF TRIAL BY JURY.** If a jury of six or twelve persons is not demanded within the time limits and in the manner provided in this act, all parties waive trial by a jury of six or of twelve persons as the case may be .

Approved March 21, 1974.

CHAPTER 180—H.F.No.1952
[Not Coded]

An act relating to the construction, maintenance and repair of county ditches in Ramsey county; repealing Laws 1957, Chapter 682.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. RAMSEY COUNTY; DITCHES, CONSTRUCTION, MAINTENANCE, IMPROVEMENT, AND REPAIR. One or more governmental subdivisions which contribute flow to a ditch located within Ramsey county may petition the board of county commissioners of Ramsey county for the repair, maintenance, or improvement of said ditch excluding any drainage ditch situated in whole or in part in any watershed district now or hereafter established in whole or in part in Ramsey county. The board of county commissioners shall also be empowered to initiate consideration of ditch construction, maintenance, or repair without petition from any governmental subdivision. If the board of county commissioners initiates consideration of a repair or maintenance project estimated to cost less than \$5,000, said board may proceed to facilitate the completion of said project without the formal hearing process set out hereafter. Upon receipt of such petition as mentioned above or upon initiation of consideration by the board of a project estimated to cost over \$5,000, the board shall fix a time and place for a public hearing, shall mail notice of such hearing to each governmental subdivision which contributes flow to the ditch, shall give posted notice thereof in each such governmental subdivision, and shall publish a notice of such hearing in a legal newspaper published in such county. All mailed, posted and published notices shall be given at least two weeks prior to the date of the hearing. At the conclusion of

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such hearing, and all future hearings as contemplated by this act, a vote of the governmental subdivisions contributing flow to said ditch shall be taken.

The vote of the governmental subdivisions shall be weighted proportionately to the area of said governmental subdivision which contributes flow to said ditch. If the governmental subdivisions representing 50 percent or more of the area contributing flow to such ditch shall approve of the project as presented at the preliminary hearing, then the board of county commissioners shall be obligated to order a preliminary engineering report. If the governmental subdivisions representing 50 percent or more of the area contributing flow to such ditch shall disapprove, then the board shall either abandon the project or proceed to order a preliminary engineering report at its own discretion. If such determination above is in the affirmative, said board shall act within 60 days from the conclusion of said preliminary hearing to hire a registered civil engineer to prepare preliminary plans and estimate the cost of the work. The report shall be filed by the civil engineer within one year from the date it is ordered unless good cause is shown. Upon the filing of such engineer's report with the county auditor, he shall give notice of a public hearing to be held by the board of county commissioners, using the same notice provisions as hereinbefore set forth, to determine whether said ditch ought to be repaired, maintained or improved. At the conclusion of such hearing another vote shall be taken. If the governmental subdivisions representing 50 percent or more of the area contributing flow to such ditch shall approve the preliminary report, the board shall order final plans to be prepared. If less than 50 percent approve, the board shall either abandon the project or proceed at its own discretion. The foregoing procedure for hearing and approval shall again be utilized after the final plans are completed and before construction begins. If at any time between initial consideration and completion a project is abandoned, which was initiated by petition of one or more governmental subdivisions, the cost of all preliminary reports shall be prorated among contributing governmental subdivisions. If the project was initiated by the board of county commissioners and is later abandoned, the county shall pay for the cost of the preliminary reports. If the final plans are approved a contract shall be let for such work pursuant to the statutes provided for the construction, repair, maintenance, or improvement of a county ditch. When the said ditch has been constructed, repaired, maintained or improved, the board shall determine the share of the cost of constructing, repairing, maintaining or improving said ditch to be borne by each of the governmental subdivisions which contribute flow to said ditch and each of said subdivisions shall remit to the county its share thereof. The cost of improving or constructing any ponding necessary for such ditch shall be included as part of the total cost of the project. If the construction repair, maintenance or improvement extends beyond the existing ditch right of way, the acquisition of necessary easements shall be considered part of the total cost of project and thus borne by the contributing governmental subdivisions. If a governmental subdivision fills in any flood plain area of a county ditch and thus diminishes the

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flood plain area of a county ditch, said governmental subdivision must provide for alternative water storage capacity. To pay the cost of the above, governmental subdivisions may pay such costs out of general revenue or may assess the cost against the property benefited. Such subdivisions may issue bonds to pay such costs either pursuant to the statutes provided for the issuance of bonds for the construction or repair of ditches or pursuant to other statutes of the state relative to the issuance of bonds. Any moneys advanced by the county to pay the costs of such hearings, engineer's fees, or the cost of repair, or any other necessary expenditure shall be repaid to the county within 60 days after such expenditures have been made, the division thereof determined, and the subdivision advised of the amount of its share. All moneys advanced by the county shall bear interest at six percent per annum.

In the event that a governmental subdivision fails to pay its share of the costs of the project within 60 days after the subdivision shall have been advised of the amount of its share, the director of taxation for Ramsey county, upon direction of the board of county commissioners, shall withhold from any ad valorem taxes due the governmental subdivision a sum of money equal to such subdivision's share of the cost of the project together with interest thereon at six percent per annum.

Sec. 2. Laws 1957, Chapter 682, is repealed.

Sec. 3. This act takes effect when approved by the board of county commissioners of Ramsey county and upon compliance with Minnesota Statutes, Section 645.021.

Approved March 21, 1974.

CHAPTER 181—H.F.No.1966
[Not Coded]

An act relating to the city of Minneapolis; authorizing compensation for members of the board of park commissioners.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. MINNEAPOLIS, CITY OF; PARK COMMISSIONERS' COMPENSATION. Notwithstanding any provision of the home rule charter to the contrary, each member of the board of park commissioners of the city of Minneapolis may, upon his request therefor, be compensated at the rate of \$35 for each meeting of the board; such compensation to be paid as an operating expense of the board.

Sec. 2. This act shall become effective only after its approval by a
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