

in section 7, subdivision 1 of this act.

Sec. 11. **SUPPLEMENTARY FUNDING.** There is appropriated from the general fund to the commissioner of public welfare for the biennium ending June 30, 1977, the sum of \$2,802,000. Of this sum, \$950,000 shall be used for the state share of the expense of administration, operation and maintenance of detoxification programs pursuant to Minnesota Statutes, Section 254A.08; \$727,000 shall be used for the state share of the expense of administration, operation and maintenance of half-way houses; and \$1,125,000 shall be used for the state share of the expense of administration, operation and maintenance of nonresidential programs.

Sec. 12. This act shall be effective July 1, 1976.

Approved April 2, 1976.

CHAPTER 126—H.F.No.1372

An act relating to waters and drainage; drainage systems; authorizing reconsideration of engineers' and viewers' reports in certain instances; allowing consideration of changed circumstances due to inflation; amending Minnesota Statutes 1974, Section 106.241.

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

Section 1. Minnesota Statutes 1974, Section 106.241, is amended to read:

106.241 WATERS AND DRAINAGE; ENGINEERS' AND VIEWERS' REPORTS; COSTS; PROCEDURE WHEN CONTRACT NOT LET OR COMPLETED. Subsequent to the establishment of any drainage system, if no bids are received except for a price more than 30 percent in excess of the engineer's estimate, or for a price in excess of the benefits, less damages and other costs, or if a contract is let, but due to unavoidable delays not occasioned by the contractor, the contract cannot be completed for a price within the benefits, less damages and other costs, proceedings may be had as follows.

If it shall appear to the persons interested in said ditch that the engineer made an error in his estimate or that the plans and specifications could be changed in a manner materially affecting the cost of the improvements without interfering with the efficiency thereof, then any of said persons may petition the board or court so stating and asking that ~~an order be made reconsidering and rescinding the order theretofore made establishing the drainage system; and that the engineer's~~

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and viewers' reports be referred back to the engineer and to the viewers for further consideration.

If it appears to a person interested in the ditch that no bids were received except for a price more than 30 percent in excess of the engineer's estimate due to the inflation of construction cost between the time of the engineer's cost estimates and the time of letting of the contract, or if a contract is let and there is unavoidable delay, not occasioned by the contractor, between the time of the letting of the contract and completion of construction, with the result that the contract cannot be completed for a price within the benefits assessed due to inflation of construction costs, the interested person may petition the board or court for an order to reconsider the engineer's and viewers' reports. The person may request in his petition that the board or court reconsider the engineer's original estimate and viewers' report and update them to take into consideration inflationary construction cost increases.

Upon presentation of such petition, the board or court shall order a hearing, therein designating the time and place for hearing, and cause notice thereof to be given by publication in the same newspapers where the notice of final hearing was theretofore published.

At the time and place specified in the order and notice, the board or court shall consider the petition and hear all interested parties.

Upon said hearing, if it shall appear that the engineer's original estimate was erroneous and should be corrected, or that the plans and specifications could be changed in a manner materially affecting the cost of the improvement without interfering with the efficiency thereof, and further, that upon said correction or modification, a contract could be let within the 30 percent limitation and within the available benefits, then the board or court may, by order, authorize the engineer to amend his report. If the changes recommended by the engineer in any manner affect the amount of benefits or damages to any property, or if it becomes apparent because of inflated land values and inflated construction costs that the benefits should be re-examined, the viewers' report shall be referred back to the viewers to re-examine the benefits and damages and report the same to the board or court. If at the hearing the board or court determines that no bids were received or that construction under the contract previously let cannot be completed except for a price more than 30 percent in excess of the engineer's estimate, or in excess of the benefits, less damages and other costs, due to inflationary construction cost increases, the board or court may by order authorize the engineer and viewers to amend their report to take into account the inflationary cost increases.

The board or court may continue the hearing to give the engineer or the viewers additional time for the making of their amended reports and in such case the jurisdiction of the board or court shall continue in

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all respects at the adjourned hearing.

Upon said hearing the board or court shall have full authority to ~~reopen the original order establishing said ditch; and to set said order aside; and to consider the amended engineer's report and the amended viewers' report, if any, and to make findings and an order thereon the same as is provided in sections 106.101 and 106.201. All proceedings thereafter taken shall be the same as is provided upon the original findings and order of the board or court.~~ Any party aggrieved thereby may appeal to the district court pursuant to section 106.631, subdivision 1.

Sec. 2. This act is effective the day following its final enactment.

Approved April 2, 1976.

CHAPTER 127—HLF.No.1530

[Coded in Part]

An act relating to land planning in the metropolitan area; requiring local adoption of minimum plans and controls; providing for limited council review and acceptance prior to the adoption of such plans and controls; providing for an advisory metropolitan land planning committee; providing for the enforcement of adopted local plans and controls; including certain expenses in the definition of special levy; providing for interim zoning; amending Minnesota Statutes 1974, Section 462.355, by adding a subdivision; and Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivision 1; and 473.175.

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

Section 1. [473.851] **METROPOLITAN GOVERNMENT; LAND PLANNING; LEGISLATIVE FINDINGS AND PURPOSE.** The legislature finds and declares that the local governmental units within the metropolitan area are interdependent, that the growth and patterns of urbanization within the area create the need for additional state, metropolitan and local public services and facilities and increase the danger of air and water pollution, and that developments in one local governmental unit may affect the provision of regional capital improvements for sewers, transportation, airports and regional recreation open space. Since problems of urbanization and development transcend local governmental boundaries, there is a need for the adoption of coordinated plans, programs and controls by all local governmental units and school districts in order to protect the health, safety and welfare of the residents of the metropolitan area and to ensure coordinated, orderly and economic development. Therefore, it is the purpose of sections 1 to 23 to (1) establish requirements and procedures to accomplish comprehensive local planning with land use controls consistent with planned, orderly and staged development and the metropoli-

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