A bill for an act

relating to civil actions; providing time limit for appealing decisions of a governing body or board of adjustment to district court; permitting the posting of a bond for an appeal to Court of Appeals in certain cases; amending Minnesota Statutes 2008, section 462.361, subdivision 1, by adding a subdivision.

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

Section 1. Minnesota Statutes 2008, section 462.361, subdivision 1, is amended to read:

Subdivision 1. **Review of action.** ~~Any~~ A person aggrieved by an ordinance, rule, regulation, decision or order of a governing body or board of adjustments and appeals acting ~~pursuant to~~ under sections 462.351 to 462.364 may have ~~such~~ the ordinance, rule, regulation, decision, or order~~,~~ reviewed by ~~an appropriate remedy in~~ the district court~~,~~ subject to ~~the provisions of~~ this section. The appeal must be filed with the district court within 180 days of the final decision of the governing body or board of adjustments and appeals.

EFFECTIVE DATE; APPLICATION. This section applies to a final decision made before, on, or after the effective date of this act. If a final decision was made before the effective date, an appeal must be filed within 180 days of the effective date.

Sec. 2. Minnesota Statutes 2008, section 462.361, is amended by adding a subdivision to read:

Subd. 3. **Bond upon appeal.** (a) For purposes of this subdivision, "approval" means the approval by the governing body or board of adjustments and appeals of a rezoning, conditional use permit, variance, planned unit development, preliminary or final plat, site plan, or similar zoning or subdivision type approval.

(b) The district court may order a party who does not prevail in an action under this section challenging an approval of a board of adjustments and appeals or a governing body to post a bond, in an amount approved by the district court, as security for the costs of the appeal, and the obedience to and satisfaction of the order or judgment that the appellate court may give if the order or judgment, or any part of it, is affirmed or the appeal is dismissed. After a final decision by the Court of Appeals or Supreme Court, a motion may be made to the district court for disposition of the bond. A party may not be ordered to post a surety bond, damages bond, or other bond for costs not related to the direct costs of the appeal.