

**Sec. 4. Court to try issues.**—Upon such appeal the district court shall try de novo the entire question of whether or not the facts claimed by the commissioner and on which he seeks to base his order are true and whether or not such order constitutes a taking of said real estate or any right therein or part thereof without compensation and whether or not the changes or abatement ordered are reasonable in their nature and a reasonable time is allowed therefor and shall give judgment accordingly.

**Sec. 5. Tenants not to be served.**—Prior to the hearing and final determination of such appeal or the expiration of the time allowed therefor no order or notice shall be posted or served upon or delivered to the tenants of said real estate in any way and no other interference with the rights of the owner or lessees shall be allowed. Any person violating any of the provisions of this act shall be personally liable to the person injured or damaged thereby.

**Sec. 6. Inconsistent acts repealed.**—All laws or parts of laws and all charter provisions inconsistent herewith are hereby repealed.

Approved April 22, 1929.

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#### CHAPTER 283—H. F. No. 66

*An act relating to the apportionment and use of moneys accruing to the State Road and Bridge Fund from taxes imposed on the use of gasoline under authority of Section 5 of Article 9 of the constitution.*

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

**Section 1. Apportionment of gasoline tax funds.**—All moneys accruing to the state road and bridge fund from taxes imposed on the use of gasoline under authority of Section 5 of Article 9 of the constitution shall be distributed and used in the manner and for the purposes hereinafter set forth.

**Sec. 2. State Auditor, State Highway Commissioner to apportion funds.**—On or before the first Tuesday in April of each year the commissioner of highways, the state treasurer and the state auditor shall estimate the probable sum of money that will accrue

during the current calendar year to the state road and bridge fund from such tax and shall apportion such sum among the several counties of the state as herein provided and the commissioner of highways shall forthwith send a statement of such apportionment to the state auditor and to the county auditor of each county showing the amount apportioned to each county during such year.

**Sec. 3. State Auditor to draw his warrant.**—The state auditor shall on August 1 of each year draw his warrant on the state road and bridge fund in favor of each county for the amount to which such county is entitled under said apportionment out of the receipts from such tax during the first half of the current calendar year and shall on February 1 of each year draw his warrant on the state road and bridge fund in favor of each county for the amount to which such county is entitled under said apportionment out of the receipts from such tax during the last half of the next preceding calendar year.

**Sec. 4. Limitations of amount to each county.**—Not less than three-fourths of one per cent nor more than three per cent of the moneys accruing to the state road and bridge fund from such tax shall be apportioned to any one county in any one year. In the making of such apportionment regard shall be had to the mileage of county and town roads and the traffic needs and conditions of the respective counties.

**Sec. 5. -County Board to designate county aid roads.**—The county board of each county is hereby authorized to designate as a county aid road any county or town road therein and any portion of a county line or town line road with the construction and maintenance of which such county or any town therein is charged, but no state aid road shall be designated as a county aid road. Such designation shall be evidenced by resolution of the county board and by an order signed by the chairman thereof and countersigned by the county auditor, which order shall be filed in the office of the county auditor. Such designation may by like resolution and order be revoked at any time.

All county aid roads shall be constructed, improved and maintained by the county. A certified copy of the resolution either designating or revoking a county aid road shall be filed with the commissioner of highways. Provided that the County Board of any County may designate as a county aid road any road situate in the unplatted portion of any village in said county by a resolution adopted by unanimous vote of such Board. Such designation may by resolution and order adopted by a majority vote, be revoked at any time.

**Sec. 6. Money to be used on county aid roads.**—The moneys apportioned to each county under the provisions hereof shall be used solely in the construction, improvement and maintenance of county aid roads therein and shall be expended by the county board on such county aid roads as it shall determine and in the manner herein provided. All county aid roads constructed under the provision of this act shall be constructed under the supervision and according to plans and specifications made by the county highway engineer, filed with the county auditor and approved by the county board.

**Sec. 7. Portion to be used to maintenance.**—Of the moneys so apportioned to each county not less than twenty nor more than fifty per cent as the county board shall determine by resolution shall be devoted to the maintenance of county aid roads and shall be expended by the county board in the various towns of the county substantially according to the mileage, traffic needs and conditions of county aid roads within each town within the county. Provided, however that in any county where 35 per cent or more of the roads therein, including state and county aid and town roads lying outside of cities and villages have been improved and graveled or otherwise surfaced, the county board, by a resolution adopted by unanimous vote thereof, may use the whole of the money accruing to such county for the maintenance of county aid roads therein.

The town board of any town may appropriate to the county, moneys out of its road and bridge fund, and any moneys so appropriated shall be expended by the county in the maintenance of county aid roads within such town.

**Sec. 8. Townships to aid in construction of county aid roads.**—The remainder of the moneys so apportioned to each county shall be devoted to the construction and improvement of county aid roads therein. No work of such construction or improvement shall be begun or any contract therefor let until the town within which lies the road so proposed to be constructed or improved shall have paid to the county toward the cost of such work an amount equal to not less than ten nor more than thirty per cent of the cost of such road within the township as the county board shall determine by resolution as such cost is estimated by the county highway engineer, or shall have included such amount in its annual levy for the town's road and bridge fund, provided that the county board upon unanimous vote may by resolution waive as to any town the requirement that it shall contribute toward the cost of constructing or improving county aid roads, whenever it shall appear to the county board that the enforcement of said requirement would be impracticable or unjust. In case of such levy such payment shall be made to the county not later than December 1 of the year following such levy with interest

thereon from the commencement of such work at the rate of six per cent per annum. Provided that, such town may appropriate a further amount out of its road and bridge fund, to be expended by the county in the construction of such county aid roads in said town as the voters may determine.

**Sec. 9. Unorganized townships.**—Unorganized townships shall for the purposes of this act be deemed to be towns, and the county board shall as to such unorganized townships perform the duties and functions of the town board of organized townships.

**Sec. 10. To be credited to County Road and Bridge Fund in certain counties.**—All moneys apportioned under the provisions of this act to counties having a population of more than 200,000 shall be credited to the county road and bridge fund of such county and shall be appropriated and expended by such county upon public highways exclusive of trunk highways within such county, in such amounts as the county board of said county shall deem advisable, for the purposes and in the manner in which other moneys accruing to such fund may be appropriated and expended and such appropriations and expenditures shall not be limited or restricted by the provisions of Sections 5, 6, 7, 8 and 9 of this act.

**Sec. 11. Provisions severable.**—If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this act.

**Sec. 12.** All acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

Approved April 22, 1929.

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CHAPTER 284—H. F. No. 642

*An act authorizing any county in this state containing a city of the first class, which such city has an assessed valuation amounting to more than 96 per cent of the assessed valuation for taxation purposes of all property in said county, to purchase, install and maintain Stop and Go signs, traffic signals and other devices for the regulation of traffic in such cities.*