

Sec. 4. **Effective July 1, 1937.**—This act shall take effect and be in force from and after *July 1, 1937.*"

Approved April 17, 1937.

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CHAPTER 262—H. F. No. 1150

*An act to amend Mason's Minnesota Statutes of 1927, Section 2553, Subdivisions 1, 2 and 4, and Section 2554, Subdivisions 1 and 2, relating to public highways, the Commissioner of Highways and his powers.*

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

Section 1. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2553, Subdivision 1, is hereby amended to read as follows:

"2553. Subdivision (1). **Commissioner of highways.**—The office of the Commissioner of highways, the incumbent whereof shall have the powers, duties and privileges herein declared, is hereby created; the term of such office shall be *four years* and the governor of the state *with the consent of the senate* shall appoint a suitable person thereto. *The Commissioner of Highways shall be subject to removal by the Governor only for malfeasance or nonfeasance in office, and shall be entitled to written notice of the charges against him, and allowed a reasonable opportunity to be heard thereon.* Until the appointment and qualification of the first commissioner of highways under this act, the commissioner of highways previous to the passage of this act shall act as commissioner of highways hereunder."

Sec. 2. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2553, Subdivision 2, is hereby amended to read as follows:

"Subdivision (2). **Salary of commissioner.**—The commissioner of highways shall devote his entire time to the performance of his official duties and shall receive as compensation therefor a yearly salary of *six thousand seven hundred fifty dollars, payable semi-monthly.*"

Sec. 3. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2553, Subdivision 4, is hereby amended to read as follows:

"Subdivision (4). **Assistants and employees.**—The commissioner of highways shall appoint *an* assistant commissioner of highways *who* shall be an experienced highway engineer. The salary of the assistant commissioner of highways shall be fixed by the commissioner of highways, but in an amount not to exceed the sum of six thousand dollars per year payable *semi-monthly.*

Such *assistant* shall devote all *his* time to the duties of *his office* and in case of the inability for any cause of the commissioner of highways to act, the assistant commissioner of highways shall act as such commissioner of highways with all his powers and duties.

Except when so acting as commissioner of highways, *the* assistant and second assistant shall be subject to the direction and orders of the commissioner of highways.

*Such* assistant shall, before entering upon the performance of his official duties, give bond to the state to be approved by the governor in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duties. If a Surety company bond is given, the premium thereon may be paid from the funds available for the payment of the expenses of the highway department; provided, however, that the amount of such premium so paid shall be approved as to amount by the state treasurer. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of *the* said *assistant* in the performance of his official duties may maintain an action on such bond for the recovery of damages so sustained.

The commissioner of highways is hereby authorized to employ such skilled and unskilled help and employees as may be necessary for the performance of his duties under this act, the same to be on such terms and for such compensation as he may deem just and proper. Provided no greater sum shall be paid to employees belonging to the following classes than as herein specified.

For Bookkeepers, not to exceed.....	\$3,000.00
For Stenographers, not to exceed.....	1,500.00
For Draftsmen, not to exceed.....	2,400.00

Provided that the total annual expense for the highway department, exclusive of all outside employees and assistants and engineering and inspection work, shall not exceed the sum of One Hundred and Fifty Thousand (\$150,000) Dollars per annum. None of such help or employees shall be required to possess any other qualifications than may be prescribed by the commissioner of highways.

Said commissioner of highways, assistant, and such help and employees as may be so from time to time appointed or employed shall constitute and be known as the highway department.

Each of such help employees as may be determined and designated by the commissioner of highways shall, before entering upon the duties of his office or employment, give bond to the state in such penal sum as may be determined upon by the commissioner of highways, to be approved by the governor and conditioned for the faithful per-

formance of his duties. If a surety company bond is given, the premium thereon may be paid from the trunk highway fund. The state, the several governmental subdivisions thereof, and any person damaged by any wrongful act or omission of said help or employees in the performance of his official duties may maintain an action on his bond for the recovery of the damages so sustained."

Sec. 4. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2554, Subdivision 1, is hereby amended to read as follows:

"2554. Subdivision (1). **Powers of commissioner of highways.**—The commissioner of highways is empowered to carry out the provisions of Section 1 of Article 16, of the constitution of the state, and is hereby authorized to acquire by purchase, gift, or condemnation as provided by statute all necessary right of way needed in laying out and constructing the trunk highway system, and to locate, construct, reconstruct, improve and maintain such trunk highway system, to contract on an equitable basis with railroad companies for the construction of bridges and approaches necessary for the separation of grades at points of intersection between railroads and trunk highways, to let all necessary contracts therefor, and to purchase all needed road material, machinery, tools and supplies necessary for the construction and maintenance thereof, and to purchase or rent grounds and buildings, necessary for the storing and housing of such material, machinery, tools and supplies; and in carrying out the provisions of said Section 1, of Article 16 of the constitution of the state, is hereby authorized to expend out of trunk highway funds such portions thereof as may be available for the purposes herein provided, and there is hereby appropriated, annually, from such fund the entire amount thereof or so much as shall be necessary for the location, construction, reconstruction, improvement and maintenance of the trunk highway system including the cost of acquiring title to any needed right of way, and the cost of purchasing or renting grounds and buildings for such storage and housing, the purchase of the necessary road material, tools, machinery and supplies for the construction and maintenance of said trunk highway system and for the compensation of all persons employed and the necessary expenses incurred in the execution of such work, such expenditures to be made as provided in this act. *The Commissioner of Highways shall continue under the provisions of Chapter 426, Laws of 1925 as amended.* Where any trunk highway runs to any interstate water forming the boundary between Minnesota and any other state and there connects with any interstate bridge across such boundary water or runs into any city or village situated on such water boundary and intersects any street thereof adjacent to and connecting with any such bridge, in every such case all that part of any such bridge within the limits of this state shall be considered as a part of such trunk highway system except where any such bridge is owned by a private person or corpo-

ration or is operated as toll bridge and said commissioner is authorized and directed to cooperate with the duly authorized authorities of such adjoining state in the maintenance, repair, construction and reconstruction of any such bridge."

Sec. 5. Law amended.—Mason's Minnesota Statutes of 1927, Section 2554, Subdivision 2, is hereby amended to read as follows:

"Subdivision (2). **Transfer of funds.**—On the first Tuesday of April of each year it shall be the duty of the commissioner of highways, state auditor and state treasurer following the transfer to the trunk highway fund of any surplus remaining in the trunk highway sinking fund, as provided in this act, to set aside from the total sum in said fund—

1. The proportion of expense of the highway department to be borne by the trunk highway fund authorized by section 12 of this act, not to exceed One Hundred Fifty Thousand (\$150,000) Dollars.

2. The proportion of the trunk highway fund provided by this act to be set aside for maintenance.

3. Such sum as may be found necessary for the payment of interest and *principal on trunk highway bonds of the State of Minnesota or bonds issued by the State of Minnesota to take up maturing county bonds or county bonds assumed by the state under Article 16 of the constitution.*

4. Such sum as may be necessary to equal the total sum of the federal aid received from the United States Government for road purposes in Minnesota.

Any sum remaining in the trunk highway fund after setting aside the sums hereinbefore mentioned together with the sum set aside to meet the government aid, and the total amount received as government aid, excepting such portion of government aid as may be required to make connections on the federal aid system with adjoining states, shall constitute the portion of trunk highway fund available for construction purposes for that year. The highway commissioner is hereby authorized to use during the ensuing year for hard surface construction on the trunk highway not to exceed 20 per cent of such construction fund, provided that the commissioner of highways, may, in his discretion, if the provisions of federal aid should so require as a condition precedent to receiving such aid, use an additional amount from such fund not to exceed, in any event, an additional thirteen and one-third per cent from such construction fund in any one year. The remainder of such *construction* fund shall be used by the commissioner on the trunk highway system for the acquisition of right of way and for construction purposes on the trunk highway system, provided the same shall be expended among the

various sections of the state in equitable proportions as far as practicable in the construction of said unfinished portions of the trunk highway. Provided further, that the commissioner of highways shall have authority to use for construction purposes on the unfinished portions of the trunk highway system any portion of the funds set aside as herein provided that shall not be needed as a part of the fund so set aside, and is further authorized to use any portion of the trunk highway fund, set aside for maintenance in any one county, for construction purposes in such county when not needed for maintenance therein."

Approved April 17, 1937.

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CHAPTER 263—S. F. No. 1185

*An act to amend Mason's Minnesota Statutes of 1927, Section 5354 relating to the reporting of births and deaths and the designation of a state registrar, to authorize the appointment of a deputy state registrar.*

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

Section 1. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 5354, be amended to read as follows:

"Sec. 5354. **Vital statistics—state board to have charge.**—The state board of health shall have general supervision and charge of the state system of registration of births and deaths and may make, and enforce, any regulations necessary for the proper carrying out of the same. The secretary of the state board of health shall be designated and known as the state registrar and shall be the administering officer of the state in connection therewith, charged with the enforcement of the provisions of this act. *The state registrar may appoint, and at his pleasure remove, an employee of the state board of health as deputy state registrar, who shall render such aid as the state registrar may require of him in the discharge of his official duty.*"

Approved April 17, 1937.

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CHAPTER 264—H. F. No. 1193

*An act to amend Laws 1927, Chapter 390, Section 6, Sub-section (e), being an act providing for registration of voters in certain villages.*