

H. F. No. 479.

CHAPTER 163.

State high-
way com-
mission.

An act to provide for the appointment of a state highway commission and defining its powers and duties and providing for the construction and repair of public highways by extending state aid for that purpose to the several counties therein, and the levying of a tax therefor.

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

Appointment
by governor.

SECTION 1. Within a reasonable time after January first, nineteen hundred and six (1906), the governor shall appoint a board of three commissioners, one from the First, Second, Third or Fourth congressional districts, one from the Fifth, Sixth or Seventh, and one from the Eighth or Ninth, to be known as the state highway commission; one shall serve one, one two, and the other three years, each year thereafter he shall appoint one commissioner for three years, or until his successor has qualified, but not more than two members shall belong to the same political party. Such commissioners shall serve without compensation except their actual personal expenses while in the performance of their official duties. The governor shall fill all vacancies and may remove a member for inefficiency, malfeasance or neglect of duty. All questions shall be determined by a majority vote of such commissioners.

Term of
office.Election
of officers.

SEC. 2. Said highway commission shall elect from its members a chairman, it shall have a common seal, the members thereof shall have the power to administer oaths, and it shall be provided with a suitable office at the capitol of the state where it shall hold regular meetings not less than once in every two months.

Compensa-
tion and
duties.

Said commission shall appoint a secretary, who shall be a civil engineer and practical road builder, who shall be known as the state engineer and who shall hold his office subject to the pleasure of said commission and whose salary shall be eighteen hundred dollars (\$1,800) per annum, and it may also employ a stenographer at fifty dollars (\$50) per month, and such expert road builders and assistants as it may from time to time require and fix their compensation. Said state engineer shall, before entering upon the duties of his office, subscribe to, execute and file an oath of office and a bond in the penal sum of three thousand dollars (\$3,000) with sufficient sureties, to be approved by the attorney general, conditioned on the

faithful performance of his official duties. He shall keep a record of every vote and official act of said commission, shall file and safely keep all maps and papers belonging to it, shall devote all of his time in the interest of the state as prescribed by said commission, and shall be in charge of the office of the commission at the state capitol. It shall also be the duty of said state engineer and his assistants to give such advice, assistance and supervision with regard to road construction throughout the state, as time and conditions will permit and as the rules and regulations of the commission may prescribe, and he and his assistants may be required by the commission to attend any public meeting held by the commission or other parties in the interest of road improvements in this state, provided that the state engineer, expert road builders or assistants shall be allowed necessary traveling expenses while performing their official duties outside the state capitol.

All of the files and records of said commission shall, under reasonable regulations, be kept open for public inspection and certified copies thereof shall be received in evidence in any court of this state.

Records
open to
public.

The attorney general of the state shall be ex-officio attorney for the commission and shall give the commission such legal counsel, advice and service as it may from time to time require.

SEC. 3. Whenever practicable said commission shall investigate and determine the location of road material in the state, ascertain the most approved methods of construction and improvement of roads, investigate the most approved laws in relation to roads in other states, and hold public meetings throughout the state when deemed advisable. On or before December 15th of each year it shall make a printed report to the governor, stating as near as possible, the number of miles of state roads built or improved during the year, their cost, and the general character and location of material suitable for road construction, the general character and needs of the roads of the state and recommend such legislation as it deems advisable, and any other information concerning road improvement as it deems expedient.

Printed
Report to
governor.

SEC. 4. For the purpose of state aid in the construction and improvement of public highways, there shall hereafter be levied annually on all taxable property of the state a tax of one-twentieth (1-20) of a mill on each

Tax for
improvement
of public
highways.

dollar of valuation, to be collected in the same manner as other state taxes, and the money so raised, together with all moneys accruing from the investment of the internal improvement land fund after all appropriations that shall have been made prior to May 1, 1905, have been provided for, shall constitute the state road and bridge fund.

Appropriation.

SEC. 5. There is hereby appropriated out of the general funds of the state six thousand dollars (\$6,000), or so much thereof as shall be necessary, for the year 1906, and the sum of six thousand dollars (\$6,000), or so much thereof as shall be necessary, each year thereafter to pay the expenses of said commission, including the salary and traveling expenses of the state engineer, and all other persons employed by the commission, but in no year shall the expenses of the commission, engineer, assistants, stenographer, office supplies and other expenses exceed the sum herein appropriated, or which may hereafter be appropriated for any one year.

Certification of accounts.

All accounts and expenditures shall be certified by the chairman of said commission, and paid by the state treasurer upon orders drawn by the state auditor.

SEC. 6. No member of the highway commission, the state engineer, or any other person in the employ of the highway commission, shall be, either directly or indirectly, interested in any contract for constructing or improving any road under this act.

Apportionment of funds.

SEC. 7. On or before the first Tuesday in March of each year the highway commission shall estimate the probable sum of money that will accrue to the state road and bridge fund during that year, and apportion the same among the different counties of the state, as herein provided, and shall immediately send a notice to the board of county commissioners of each county stating the amount that such county shall be entitled to receive for said year out of said fund. In making an estimate of the amount of the state road and bridge fund accruing to the several counties in the state, no county shall receive in one year more than three per cent nor less than one-half of one per cent of said fund, to be expended during such year, and in determining the percentage accruing to any one county, the said highway commission shall take into consideration the extent of the area of such county, the amount of money expended by it in road construction, the difficulty and expense of such road construction and

the extraordinary expense connected with the development of new territory.

SEC. 8. As soon as the highway commission shall have ascertained the location of the available road material throughout the several parts of the state, and the best methods of road construction, as far as the same may be practicable, it shall prepare and adopt such rules and regulations for the construction and improvement of state roads as shall be most suitable to the requirements of, and bring the most practical results to the several parts of the state.

Rules and regulations.

Such rules and regulations shall be printed and several copies shall be forwarded to the county auditor of each county in the state for general distribution. Such rules and regulations may be amended from time to time, but such amendments must be printed and distributed not later than March 1st of each year.

General distribution.

SEC. 9. Any county board may designate any road, or specified portion thereof, in its county as a state road, and construct or improve the same in accordance with the regulations of said highway commission relative to state roads.

County board to designate road.

Said state engineer shall, when practicable, make the necessary surveys, establish grades and prepare plans and specifications for all state roads. But when he is unable to do so, said board may employ its county surveyor or some other competent surveyor or road builder to do the work and report to said state engineer. Said county board may receive bids for all or part of said work and let the contract to the lowest responsible bidder, reserving the right to reject any or all bids, or may appoint a superintendent of construction and fix his compensation. Under his supervision the work or part of it may be done by day labor. Such superintendent shall prepare an itemized statement in duplicate of the cost of such construction or improvement as soon as completed, file one copy with the county board and the other with said state engineer.

County Surveyor may make survey.

SEC. 10. On or before the first Monday of December in each year every county auditor shall certify to said highway commission the amount of money expended for road purposes in his county during that year, and said commission shall forthwith certify to the state auditor the amount due such county from the state road and bridge fund, whereupon said auditor shall draw his warrant upon

County auditor to certify.

Penalty for violations.

Between adjoining counties.

the state treasurer against said fund in favor of the treasurer of such county; but in no case shall said warrant exceed one-third the amount so expended in said county. If any person or board in any county having charge of the construction or improvement of any road shall wilfully neglect or refuse to comply with the directions of said highway commission, state engineer or road expert as to the method of construction or improvement of any such road, the amount expended thereon shall be deducted from the amount reported by the auditor of such county.

SEC. 11. Whenever any county board make application to the state highway commission for the establishment of a state road between its and an adjoining county, said commission shall investigate the need for such road and if it shall decide that it is necessary, shall order its establishment and determine and fix the part of the cost thereof to be paid by each county. The work shall be done by the joint action of the two county boards if they can agree, and if not, then said commission may cause the work to be done and at the time of the next tax levy the auditors of the respective counties shall include in such tax levy the part of the cost of said road construction or improvement fixed by said commission.

SEC. 12. The word "road" or "highway" whenever used in this act shall be construed to include all bridges upon, or which form a part of, the road or highway to be improved or constructed, provided that no more than one-third of the fund accruing to the state road and bridge fund in any year shall be expended for bridges.

SEC. 13. This act shall take effect and be in force from and after Jan. 1, 1906.

Approved April 13, 1905.

H. F. No. 509.

CHAPTER 164.

Control to county comrs.

An act giving the board of county commissioners in all counties of the state having a population of one hundred fifty thousand (150,000) inhabitants or over, the exclusive control of the expenditure of all moneys appropriated by such board out of the general road and bridge fund of such counties, and regulating the expenditure thereof by such boards.

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

SECTION 1. That the board of county commissioners of all counties in this state now having, or which shall