

CHAPTER 32.—H. F. No. 105.

An Act to amend Section 991, Revised Laws 1905, relating to plats of irregular parcels of land.

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

Auditor to serve notice personally.—Section 1. That section 991, Revised Laws 1905, be and the same is hereby amended so as to read as follows:

991. Irregular tracts to be platted.—Where any tract or lot of land is divided into parcels of irregular shape, which cannot be described except by metes and bounds, the owner thereof, upon notice being given by the county auditor which notice shall be served upon such owner personally or by registered mail, shall have such land platted into lots, a survey being made when necessary, and the plat recorded, and a duplicate filed with the county auditor. If the owner fail so to do within thirty days after such notice the county surveyor, upon request of the auditor, shall make such plat from the records of the register of deeds, if practicable, but, if not practicable, shall make and certify the necessary survey and plat, which the auditor shall file for record with the register, and a duplicate thereof shall be filed in his office. The description of the property in accordance with such recorded plats shall be valid. When the owners fail to comply with this section, the costs of surveying, platting and recording shall be paid by the county upon allowance by the county board, and the amount thereof shall be added to the next tax upon such lots, and, when collected, shall be credited to the county revenue fund.

Approved March 18, 1911.

CHAPTER 33—H. F. No. 259.

An Act relating to the State Highway Commission, defining its powers and duties, levying an annual tax and appropriating money therefor.

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

Governor to appoint commissioners—Terms of office.—Section 1. Within a reasonable time after January 1st, 1912, the governor shall appoint one commissioner to succeed that member of the board of highway commissioners appointed under the provisions of chapter 163, G. L. 1905, whose term of service, then expires, and each year thereafter he shall appoint one commissioner until the three commissioners provided by chapter 163

General Laws 1905 are appointed, they each shall be appointed for three years, and until his successor has been appointed and qualified, but not more than two members of said commission shall belong to the same political party. Such commissioners shall serve without compensation. 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.

Commission to elect officers—Seal—Powers—Meetings—Engineer, deputies and salaries—Records.—Sec. 2. Said highway commission shall elect from its members a chairman and vice chairman, it shall have a common seal, the members thereof shall have power to administer oaths, and it shall be provided with a suitable office at the capitol where it shall hold regular meetings not less than once in every two months. 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 it may also employ deputy and assistant engineers and such other persons as it may from time to time require, and shall fix their compensation. Said state engineer, his deputies and assistant engineers, shall, each, before entering upon the duties of their 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, conditioned on the faithful performance of their official duties. The secretary 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 to the interest of the state as prescribed by said commission, and shall be in charge of the offices of the commission at the state capitol. There shall be present at all times in the office of said commission, either the state engineer or one of his deputies. It shall also be the duty of the said state engineer and his deputies and assistants to give such advice, assistance and supervision with regard to road and bridge construction throughout the state, as may be required and as the rules and regulations of the commission may prescribe, and to render such other engineering and surveying services as may be required by the governor for any of the state departments, and said state engineer and his deputies and 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 members of said commission, such state engineer, deputies, assistants, and other persons employed by said commission, shall be allowed necessary traveling expenses while performing their official duties outside of the state capitol, or outside the town or county in which they reside.

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 the state.

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.

Report on road material—Report to governor.—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 March 1st of each year it shall make a printed report to the governor, stating among other things deemed by it expedient and of general interest on the subject of road-building, as near as possible, the number of miles of state roads built or improved during the preceding year and their cost; the general character and location of materials suitable for road construction; the general character and needs of the roads of the state; and recommend such legislation as it deems advisable.

Tax of one-fourth of one mill.—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-fourth ($\frac{1}{4}$) of a mill on each 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 income derived from investments in the internal improvement land fund, or that may hereafter accrue to said fund, and all funds accruing to any state road or bridge fund, however provided, shall constitute the general state road and bridge fund, and such fund shall be expended only on state roads.

Appropriation of \$150,000.—Sec. 5. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the fiscal year ending July 31, 1912, and annually thereafter, the sum of \$150,000 to pay the expenses of said commission, including the salary and other traveling expenses of the state engineer and his deputies and assistants, and all other persons employed by the commission; *provided* that not more than \$15,000 shall be expended in any one year for the necessary expenses of the office of the said commission; *provided further* that all unexpended funds in any year may be carried over to the credit of the commission for subsequent years, and

provided further that the sum of \$20,000 of the appropriation for the fiscal year ending July 31, 1912, shall be available on May 1, 1911.

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

Members and employees not to be interested in contracts.—

Sec. 6. No member of the highway commission, the state engineer, his deputies and assistants, 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 moneys accruing to fund.—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 state auditor and 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 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.

Rules regarding best material for roads.—Sec. 8. As soon as the highway commission shall have ascertained the location of the available road material throughout the state, and the best methods of road and bridge 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.

Such rules and regulations shall be printed and 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 April 1st of each year.

County board may designate state road—Duty of state engineer.—Sec. 9. Any county board may designate any established road, or specified portion thereof, in its county as a state road, and construct or improve the same in accordance with the regulations of the said highway commission relative to state roads. Said state engineer shall make or cause to be made all necessary surveys, establish grades and prepare plans and specifications for all state roads, and shall cause to be superintended all work done on such designated state roads. Such work may be done under contract or by day labor, as the county board may direct, and a report thereof shall be made by such superintendent in duplicate as may be required by the highway commission, one copy of which shall be delivered to the county auditor and one to the state engineer.

Highway commission to investigate designation of state road. Sec. 10. Whenever any county board makes application to the state highway commission for the designation of an established road running from the county making such application into an adjoining county, as a state road, said commission shall investigate the need for such road and if it shall decide that it is necessary, shall so designate such road and determine and fix the part of the cost of the improvement thereof to be paid by each county.

Not more than one-half cost to be paid by state.—Sec. 11. 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 in no case shall more than one-half ($\frac{1}{2}$) of the cost of constructing any road or bridge be paid by the state from such fund.

Highway commission to appoint assistant engineers—Assignment and duties—Qualifications.—Sec. 12. The highway commission shall appoint as many assistant engineers throughout the state as they may deem necessary for the purpose of superintending all work done on state roads under state aid. Such assistant engineers may be assigned to one or more counties as deemed advisable and shall act under the instructions of the state engineer and the rules and regulations of the highway commission. It shall be the duty of said assistant engineers to make all necessary surveys, estimates and specifications for work to be done on state roads and for that purpose they shall have the co-operation and assistance of the state engineer or any of his deputies or assistants. It shall also be the duty of said assistant engineers upon the request of any board of county commissioners or any board of town supervisors, within their respective towns and counties, to

advise and consult with such county or town board in the construction or improvement of county, town, or judicial roads; to make plans and specifications when so required; to exercise supervision over such construction or improvements, and lend every possible assistance to the local road authorities in bettering the public highways. Final payment shall not be made on any contract for road work, where the amount involved exceeds two hundred dollars (\$200), by any county or town board, until the district engineer has certified that the work has been properly done and completed according to contract, and his certificate to that effect shall be filed in the office of the county auditor of the county or with the town clerk of the town where the work has been performed, as the case may be; *provided* that any county now having or which may hereafter have a county superintendent of highways or other officer to superintend the construction and improvement of roads within its confines shall not be subject to the provisions of this section; *provided*, however, that all work done on state roads in such counties on which state aid funds are to be applied, shall be subject to the inspection and approval of the state engineer and the highway commission.

All persons appointed or employed by the highway commission shall be appointed solely on their merits and qualifications, and shall not be removed except for cause; *provided*, that the highway commission may at any time decrease their force by the discharge of employees whose services are not needed.

Procedure of county board in laying out state road.—Sec. 13. Whenever the county board of any county shall determine to build or improve any state road for which state aid is to be claimed, they shall proceed as follows:

If the estimated cost of such work does not exceed \$500 the said board shall cause surveys, when necessary, to be made therefor by an assistant engineer, and shall thereupon receive bids for all or part of said work and let the contract to the lowest responsible bidder, or may cause the same to be done by day labor under the supervision of said superintendent. In case such improvement is estimated to cost over \$500, the said county shall cause surveys, plans and specifications therefor to be made by said assistant engineer and submit the same to the highway commission for approval, and when such plans and specifications are approved, the said county board shall proceed to do said work by contract or day labor, and the supervision thereof shall be under the assistant engineer who shall in all matters pertaining to such work act under the rules and regulations of the highway commission and the instructions of the state engineer.

Auditor to make statement to commission—State auditor to issue warrant on certificate of commission.—Sec. 14. After any county board shall have completed any work on a state road for which state aid is claimed, the auditor of such county shall make a statement to the highway commission, showing the location, nature and cost of such work, and shall also submit a detailed report from the assistant engineer in charge showing all such details concerning the same as may be required by the highway commission. On receipt thereof the said highway commission shall proceed to examine such reports and if found satisfactory the secretary of the highway commission shall certify the same to the state auditor who shall issue a warrant for one-half of the amount of such report, payable to the treasurer of such county, but in no case shall said warrant exceed the amount allotted to such county, and it shall be the duty of the assistant engineer to report such work in duplicate to the county auditor with details and cost within thirty days after completion thereof, one copy of which shall be sent to the highway commission with the auditor's report.

State engineer to make annual inspection of bridges.—Sec. 15. It shall be the duty of the state engineer to make an annual inspection of all bridges exceeding 30 feet in length, as far as time and conditions permit, and report the condition of the same to the highway commission and the county board, and make such recommendations as he may deem advisable.

Sec. 16. This act shall take effect and be in force from and after its passage.

Approved March 18, 1911.

CHAPTER 34—H. F. No. 131.

An Act to amend Section 880 Revised Laws of 1905 as amended by Chapter 400 of the General Laws of 1907 relating to notice of rates of taxation.

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

Tabulated statement of tax rates to be printed on back of tax receipts.—Section 1. Collection of taxes. That section 880 Revised Laws of 1905 be and the same is hereby amended so as to read as follows:

Section 880. Notice of rates.—On receiving the tax list from the auditor, the treasurer shall, if directed by the county board, give three weeks published notice in a newspaper specifying the rates of taxation for all general purposes and the amounts raised