

## CHAPTER 231—H. F. No. 1331

*An act validating, ratifying, approving and confirming certain proceedings heretofore commenced for the construction of sewer and/or water mains in certain streets in certain villages of this state; providing for the issuance of warrants therefor and payment thereof and validating any and all assessments defraying the cost thereof.*

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

Section 1. Proceedings validated.—All proceedings heretofore taken by any village in this state, having a population of not less than 900 and not more than 1500, and situated in any county in this state having not less than fifteen full and fractional congressional townships; having not more than three incorporated cities, villages or boroughs, none of which have a population in excess of 1500 inhabitants; and having an assessed valuation of not less than \$1,500,000 nor more than \$3,000,000, exclusive of moneys and credits, in which the construction of sewer and/or water mains in certain streets within the village has been commenced, and, in connection with which, certain irregularities and defects may exist, all such proceedings are hereby validated, ratified, approved, confirmed and declared to be valid and effective. The governing body of any such village is hereby authorized to issue warrants in an amount not exceeding the cost of the said construction project, and the warrants shall bear interest at a rate not to exceed four per cent and shall be payable in annual or semi-annual installments, as determined by the governing body of the municipality, the first thereof to become due and payable in not more than three years from the date of such obligations, and the last installment thereof to become due and payable in not more than thirty years from the date of such obligation, and shall be a valid, binding and enforceable obligation of the village. Any assessments that may have been levied and that may subsequent hereto be levied to cover the cost of such improvements against the property abutting the said improvements are also fully validated, ratified, approved, confirmed and declared to be effective as against such properties in an amount not exceeding the benefits found or to be found accruing from such improvements and in an amount not exceeding the cost thereof.

Approved April 14, 1937.

## CHAPTER 232—H. F. No. 128

*An act to amend Mason's Minnesota Statutes of 1927, Section 2569, relating to the office of county highway engineer.*

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

Section 1. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2569, is amended so as to read as follows:

"2569. Sub. 1. **County highway engineer in counties with 400,000 inhabitants or over—appointment, removal, salary and general powers.**—The county board of each county shall appoint and employ as hereinafter provided a county highway engineer, who shall have charge of the highway work of the county and the forces employed thereon, and who shall make and prepare all surveys, estimates, plans and specifications which are required of him. *Such county highway engineer may be removed by the county board during the term of office for which he is appointed, only for incompetency or misconduct shown after a hearing upon due notice, upon stated charges. The burden of proving incompetency or misconduct shall rest upon the party alleging the same.*

Sub. 2. **Same—qualifications.**—Such county highway engineers may be selected from a list of eligible, competent highway engineers which list shall be submitted by the commissioner of highways to the county board when a vacancy exists. *He shall be appointed at the first meeting of the county board in May of the year in which the term of office shall expire, and shall be appointed for a term of two years, provided, that when a new county highway engineer is appointed he may be appointed for one year only, and thereafter his appointment shall be made as hereinbefore set forth. The county highway engineer shall be a citizen of the state of Minnesota, and must have resided therein for not less than three years immediately preceding the date of his appointment. The salary of the county highway engineer shall be fixed by the county board and be payable the same as other county officers are paid. His salary shall not be reduced during his term of office, provided, however, that the salary of the county highway engineer may be reduced in the same proportion as the salary of the county board in such county.*

Sub. 3. **Same—bond.**—The county highway engineer shall devote his entire time to his official duties, and shall before entering upon the duties of his office, give bond to the state in the penal sum of \$3,000, to be approved and filed in the same manner as are the bonds of the other county officers. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of said county highway engineer in the performance of his official duties, may maintain an action on his bond for the recovery of the damages so sustained.

Sub. 4. **Same—reports and recommendations to county board.**—The county highway engineer shall prepare and submit to the county board at its regular meetings in July, a report of all expenditures and work done since the last report, and an estimate of probable expenditures for the balance of the year. He shall also prepare and

submit, prior to the time the levy for county road and bridge purposes is made, a recommendation with estimates of cost, of work which he considers necessary or advisable for the following year.

**Sub. 5. Same—reports to county board and commissioner of highways.**—Within 30 days after the completion of a construction job, and once each month on other work, he shall submit a report thereof to the county board and to the commissioner of highways, and shall submit such other reports as the rules and regulations of the commissioner of highways shall require.

**Sub. 6. Same—annual report to county board and commissioner of highways.**—On or before January 1st, of each year the county highway engineer shall prepare a complete report covering the highway work of the county, and submit one copy to the county board and one copy to the commissioner of highways.

**Sub. 7. Same—road and highway duties of other county engineers or surveyors transferred to.**—In all cases where any other engineer or surveyor is now charged by law with, duties in connection with, and supervision of road or highway work for the county he is hereby relieved at the expiration of his present term, and the county highway engineer at that time is expressly charged with, and he shall then assume such duties, provided that the duties of the county highway engineer as specified in this section shall be performed by the county surveyor in all counties in the state having a population of not less than 225,000 or more than 400,000, provided, however, this act shall not apply to any county whose population according to the 1930 Federal census was not less than 24,000 nor more than 26,000, and whose valuation was not less than \$7,500,000 nor more than \$9,000,000, exclusive of monies and credits and exclusive of homestead exemptions and which counties contain not less than 40 nor more than 45 full and fractional townships."

Approved April 15, 1937.

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#### CHAPTER 233—H. F. No. 622

*An act authorizing all cities, however organized, or any villages, boroughs, towns, counties, school districts or any board thereof to acquire recreational facilities and operate programs of public recreation and playgrounds.*

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