

CHAPTER 661—H. F. No. 1452.

An act providing for the payment of certain claims and damages against the state arising out of the location, construction, reconstruction, improvement and maintenance of the trunk highway system and appropriating money out of the trunk highway fund, or funds accredited thereto from highway patrol fines or other sources therefor.

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

Section 1. Appropriation from trunk highway funds for miscellaneous claims.—The sums hereinafter named, or so much thereof as may be necessary, are hereby appropriated out of the trunk highway fund or funds accredited thereto from highway patrol fines or other sources for the purposes specified in the following sections of this act, and the Commissioner of Highways is requested and directed, upon receiving receipt, release, and discharge in full from each of the persons, firms, corporations, and governmental subdivisions hereinafter named, to pay out of the trunk highway fund, or funds accredited thereto from highway patrol fines or other sources, to each of such persons, firms, corporations, and governmental subdivisions, the amounts of their respective claims, subject to any conditions set forth.

Sec. 2. To reimburse Albert Smart for rent of office furnished Department of Highways\$ 60.00

Sec. 3. To reimburse the City of Bemidji, for damages caused and paid by said city by reason of changes in the grade of certain streets, avenues, and alleys caused by the construction of Trunk Highway No. 2-4.....\$ 496.78

Provided, however, the city, as a condition to payment, shall formally approve the plans and specifications of Trunk Highway No. 2-4, as now constructed, into and through said city, and shall release the State of Minnesota from all other claims arising by reason of the location and construction of said highway into and through the city.

Sec. 4. To reimburse Jean Beckman and Angeline Decesare for damages to real and personal property due to flooding in the fall of 1941, spring and fall of 1942, and winter of 1943, allegedly due to the construction of Trunk Highway No. 11 in St. Louis County, in not more than the sum of\$2,000.00

Provided, however, the Commissioner of Highways is authorized to refuse to pay this claim if, after complete investigation, he finds it to be without merit; in the event

his investigation discloses the claim to be meritorious, he is authorized to compromise and settle the claim but in a sum not exceeding the amount herein allowed.

Sec. 5. To reimburse Constantine Orlowski for damages to real and personal property due to flooding in the fall of 1941, spring and fall of 1942, and winter of 1943, allegedly due to the construction of Trunk Highway No. 11 in St. Louis County in not more than the sum of...\$1,000.00

Provided, however, the Commissioner of Highways is authorized to refuse to pay this claim if, after complete investigation, he finds it to be without merit; in the event his investigation discloses the claim to be meritorious, he is authorized to compromise and settle the claim but in a sum not exceeding the amount herein allowed.

Sec. 6. To reimburse Whitmas and Borg for expenses incurred in defending a trespass committed by the Department of Highways\$ 400.00

Sec. 7. To reimburse the Col-Tex Refining Company for freight charges incurred at the request of the Department of Highways\$ 32.30

Sec. 8. To reimburse M. M. Youngman for the rental of a truck furnished the Department of Highways....\$ 76.00

Sec. 9. To reimburse the Underwood Elliott Fisher Company for services rendered the Department of Highways\$ 15.27

Sec. 10. To reimburse Stanley Olds for damages caused by fire originating on Department of Highways property\$ 41.00

Sec. 11. To reimburse the Lake Asphalt and Petroleum Company for a penalty-wrongfully deducted by the Department of Highways.....\$ 72.60

Sec. 12. To reimburse the American Tar and Chemical Company for freight charges incurred through an error of the Department of Highways.....\$ 159.39

Sec. 13. To reimburse the Goodyear Tire and Rubber Company of Minneapolis for merchandise furnished the Department of Highways.....\$ 11.30

Sec. 14. To reimburse Nicholas Meyers of Minnesota City for expenses incurred as a result of the rescission of a right of way purchase agreement by the Department of Highways\$ 750.00

Provided, however, that before payment is made, Nicholas Meyers shall remove from the right of way of Trunk Highway No. 61 the filling station building owned by him.

Sec. 15. To reimburse the County of Wadena for the benefit of the Village of Wadena for the construction and permanent improvement of a portion of Trunk Highway No. 29, said portion comprising a part of a village street constructed and improved by the Village of Wadena and now being a part of the permanent location of Trunk Highway No. 29, the amount of the claim being the reasonable value of the improvement at the time it became a part of the Trunk Highway system.....\$1,929.00

Sec. 16. To reimburse the Village of Wheaton for services rendered the Department of Highways on Trunk Highway No. 75.....\$ 96.00

Sec. 17. To reimburse the Town of Newburg, in Fillmore County, for the maintenance of a detour during the reconstruction of Trunk Highway No. 44.....\$1,200.00

Sec. 18. To reimburse the Village of LaCrescent in Houston County for services rendered and materials furnished on Trunk Highway No. 61 at the request of the Department of Highways\$ 618.73

Sec. 19. To reimburse the Rochester Electric Company, Rochester, Minnesota, for merchandise furnished and services rendered the Department of Highways.....\$ 155.42

Sec. 20. To reimburse P. C. Roth and Company and R. C. Jones for services rendered and materials furnished the Department of Highways on Trunk Highway No. 1 in Marshall County\$1,531.32

Sec. 21. To reimburse M. L. Holmberg for constructing a curb on Trunk Highway No. 19 at request of the Department of Highways.....\$ 123.90

Sec. 22. To reimburse Sam F. Redmond and Caroyl R. Redmond for damages to and loss of property caused by the location, construction, reconstruction, improvement and maintenance of Trunk Highway No. 61.....\$ 272.50

Sec. 23. To reimburse O. A. Zimmer of Osage, Minnesota, for crop damage caused by the location, construction, reconstruction, improvement and maintenance of Trunk Highway No. 34.....\$ 55.00

Sec. 24. To reimburse Nolan Brothers, Inc., for services rendered and materials furnished the Department of Highways in the construction of a bridge on Trunk Highway No. 27\$1,283.84

Sec. 25. To reimburse Lawrence Thielen, of Melrose, Minnesota, for damages to property caused by the location, construction, reconstruction, improvement and maintenance of a Trunk Highway.....\$ 25.00

Sec. 26. To reimburse Henry B. Ahrens for damages to property caused by the location, construction, reconstruction, improvement and maintenance of Trunk Highway No. 4 in Stearns County.....\$ 218.65

Sec. 27. To compensate Arvilla Tucker for the death of her husband, Marion Tucker, arising out of and incidental to the improvement and maintenance of Trunk Highway No. 16 in Houston County, Minnesota.....\$2,500.00

This section is enacted in lieu of Laws 1941, Chapter 538, Section 26.

Sec. 28. To reimburse H. F. Logan for the loss of a horse rented to the Department of Highways.....\$ 75.00

Approved April 24, 1943.

CHAPTER 662—H. F. No. 1453.

An act providing for the determination and payment of certain claims against the state arising out of the location, construction, reconstruction, improvement, and maintenance of the trunk highway system and appropriating money out of the trunk highway fund or funds accredited thereto from highway patrol fines or other sources therefor.

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

Section 1. Claimants may bring action against state.—Any of the persons, firms, or corporations hereinafter named, having submitted claims for damages to the Legislature prior to the passage of this act, or their heirs, representatives, successors, and assigns, may bring an action against the State upon such claim for damages alleged to have been caused by the location, construction, reconstruction, improvement and maintenance of the trunk highway system in the district court of any county wherein any