

## CHAPTER 91—S. F. No. 457

(AMENDING SECTION 160.46 MINNESOTA STATUTES 1941.)

*An act relating to public highways; prescribing powers of the commissioner of highways and governmental subdivisions of the state, amending Mason's Minnesota Statutes of 1927, Section 2562.*

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

Section 1. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2562, is hereby amended to read as follows:—

“2562. Subdivision 1. **Maintenance of State Aid Roads—County Board to maintain state aid roads.**—It shall be the duty of the county board of each county in which state aid roads have heretofore or may hereafter be designated, to provide for the proper maintenance of the same in accordance with the rules and regulations of the commissioner of highways.

Subdivision 2. **Preference given.**—In the expenditure of the funds for maintenance, preference shall be given to state aid roads improved as such, and especially such state aid roads, to the cost of construction or improvement of which the United States has contributed.

Subdivision 3. **Failure of County board to maintain.**—In case the county board of any county fails or neglects to maintain any state road, as to which it is hereinbefore directed preference shall be given in the expenditure of the funds set aside for maintenance purposes, in accordance with rules and regulations promulgated by the commissioner of highways, he may cause the same to be maintained and to pay the expense thereof from the “Reserve Maintenance Fund.” He shall have power to enter into contracts for the performance of work or he may purchase necessary tools and materials and employ the necessary labor and cause the same to be done by day labor; provided, however, that the amount so expended in any one county in any one year shall not, together with the funds allotted to such county during such year, exceed an amount equal to three per cent of the total state road and bridge fund available for allotment and expenditure during such year; and provided further, that an amount equal to any sum so expended by the commissioner of highways in any county during any one year shall at the time of the next allotment of the state road and bridge fund be deducted from the allotment which would otherwise be made to such county and the amount so deducted shall be credited to the reserve maintenance fund; provided, further, however, that no county shall by reason of any such deduction receive in any one year less than one-half of one per cent of

the total state road and bridge fund provided and expended during such year.

*In the doing of the work provided herein, the commissioner of highways may contract with governmental subdivisions of the state for the performance thereof and such governmental subdivisions are hereby authorized to undertake and perform such work and to enter into contracts with the commissioner of highways for the performance and responsibility thereof upon such terms as may be agreed upon.*

Approved February 27, 1943.

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#### CHAPTER 92—S. F. No. 458

*An act relating to a department of highways contingent fund and providing for its use.*

WHEREAS, for many years there has been available to the department of highways out of moneys appropriated for trunk highway purposes, a contingent fund under the control of the commissioner of highways; and

WHEREAS, the use of said fund has facilitated and expedited the business of the department of highways particularly in the handling of garnishments, emergency labor payrolls, expense accounts of employees, and departmental litigation; and

WHEREAS, it is to the best interests of the State of Minnesota that said contingent fund be continued in use and operation.

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

**Section 1. Contingent fund for Department of Highways.**—The state auditor and the state treasurer are hereby authorized and directed to continue to make available to the department of highways out of moneys in the state treasury appropriated for trunk highway purposes the sum of Five Thousand Dollars (\$5000.00), or such lesser amount as the commissioner of highways may request to be used by said department as a contingent fund, subject however, to such rules and regulations for its use as may be prescribed by the commissioner of administration.

**Sec. 2. Commissioner to expend moneys.**—The commissioner of highways is hereby authorized to use the moneys in the contingent fund for trunk highway purposes in facilitating and