

CHAPTER 311—H. F. No. 1059

[Coded as Sections 161.031 and 161.032]

An act relating to the powers of the Commissioner of Highways, providing for pavement markings on highways off the trunk highway system and reimbursing the trunk highway fund therefor.

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

[161.031] Marking equipment furnished to municipalities.

Section 1. The Commissioner of Highways may, at the request of the governing body of any county, city, town, village, borough or other governmental authority or agency of the state, furnish and operate pavement marking equipment and furnish necessary operators for such equipment to pavement mark highways off the trunk highway system of the state, and the Commissioner of Highways shall have a claim against the county, city, town, village, borough or other governmental authority or agency of the state requesting the foregoing services for the cost thereof in order to reimburse the trunk highway fund.

[161.032] Agreement; reimbursement. Sec. 2. The county, city, town, village, borough or other governmental authority or agency of the state requesting the Commissioner of Highways to pavement mark a highway off the trunk highway system is authorized to enter into an agreement with the Commissioner of Highways providing for the service to be rendered and the method of reimbursement to the trunk highway fund for the cost thereof.

Approved April 12, 1947.

CHAPTER 312—H. F. No. 1109

An act relating to eminent domain proceedings instituted by the state or by any of its agencies or political subdivisions; amending Minnesota Statutes 1945, Section 117.20.

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

Section 1. Minnesota Statutes 1945, Section 117.20, is hereby amended to read as follows:

117.20. Proceedings by state or its agencies. In eminent domain proceedings instituted by the state or by any of its

agencies or political subdivisions as petitioners under the provisions of this chapter the procedure shall be as follows:

(1) The report of the commissioners shall be filed with the clerk of district court within 90 days from the date of the order appointing the commissioners, but for cause shown the court, upon such notice as the court may determine, may extend the time for making and filing the report;

(2) At any time within 30 days from the date of the filing of the report, any party to the proceeding may appeal from any award of damages embraced in the report, or from any omission to award damages, by filing with the clerk a notice of such appeal; which shall specify the particular award or failure to award appealed from, the nature and amount of the claim, the land to which it relates, and the grounds of the appeal; and upon appeal the prevailing party shall recover costs and disbursements;

(3) Payment of the damages awarded may be made or tendered at any time after the filing of the report; and the duty of the public officials to pay the amount of any award or final judgment upon appeal shall, for all purposes, be held and construed to be full and just compensation to the respective owners or the persons interested in the lands;

(4) The notice of filing of report provided for in section 117.09 shall be dispensed with; as shall also the final decree provided for in section 117.17, provided the attorney for the petitioner make a certificate describing the land taken and the purpose or purposes for which taken, and reciting the fact of payment of all awards or judgments in relation thereto, which certificate upon approval thereof by the court shall establish the rights of the petitioner in the lands taken and shall be filed with the clerk and a certified copy thereof filed for record with the register of deeds; which record shall be notice to all parties of the title of the state or of its agency or political subdivision to the lands therein described;

(5) The commissioner of highways may, except as to lands already devoted to a public use, at any time after the filing of a petition for the condemnation of any land for a trunk highway, or for material for the construction or improvement thereof, take possession of such land; and may at any time enter upon any lands and make surveys and examinations thereof in the location of trunk highways or in the acquisition of material for the construction or improvement thereof. *The county may, except as to lands already devoted to a public use, at any time after the filing of a petition*

for the condemnation of any land for a state aid or county aid road, or for material for the construction or improvement thereof, take possession of such land.

Approved April 12, 1947.

CHAPTER 313—H. F. No. 1229

An act relating to the deposit of assets by certain investment companies with the State Treasurer; amending Minnesota Statutes 1945, Section 59.11, Subdivision 1, and Section 59.17.

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

Section 1. Minnesota Statutes 1945, Section 59.11, Subdivision 1, is amended to read as follows:

59.11. **Deposit of mortgages; trust deeds.** Subdivision 1. A mortgage, trust deed or other similar security instrument shall be deposited with the treasurer, for the purposes of section 59.03, by delivery of the same to the treasurer, except as otherwise provided in this section, together with the following instruments:

(1) Any note or *other instrument evidencing the obligation*, secured thereby, endorsed substantially as follows: "The within instrument is hereby assigned to the Treasurer of the State of Minnesota, his successors or assigns under and pursuant to the provisions of Laws 1943, Chapter 591."

If the mortgage, trust deed or other similar security instrument is a second lien and the entire amount of the loan secured thereby is guaranteed under the provisions of the "Servicemen's Readjustment Act of 1944", enacted by the Congress of the United States, as heretofore or hereafter amended, and the regulations applicable thereto, the note or other instrument evidencing the obligation, secured thereby, shall be either endorsed by the Administrator of Veterans' Affairs evidencing such guaranty of the loan or be accompanied by a certificate of guaranty as provided by said act or said regulations, and there shall be furnished therewith, unless the same is then on file, evidence that the first mortgage, trust deed or other security instrument deposited therewith or then being maintained on deposit, is insured under the provisions of that certain act of the Congress of the United