

ty pursuant to subdivision 1 for the construction, reconstruction, improvement, or maintenance of a *county-state aid highway* and a portion of the cost agreed to be paid by the municipality is to be assessed against benefited property, the letting of a public contract by the county for the work shall be deemed to be in compliance with statutory or charter provisions requiring the city, village, or borough

(1) to advertise for bids before awarding a contract for a public improvement,

(2) to let the contract to the lowest responsible bidder, and

(3) to require a performance bond to be filed by the contractor before undertaking the work.

The contract so let by the county and the performance bond required of the contractor by the county shall be considered to be the contract and bond of the city, village, or borough for purposes of complying with the requirements of any applicable law or charter provision, and the bond shall inure to the benefit of the city, village, or borough and operate for their protection to the same extent as though they were parties thereto. Nothing herein contained is a limitation of the power of any county to appoint the commissioner of highways its agent to accept federal funds and award contracts for the construction, improvement, or maintenance of such *county-state aid highways* pursuant to Minnesota Statutes 1945, Section 161.03, Subdivisions 25 to 29, and any such contract let by the commissioner of highways as the agent of a county shall be construed hereunder as having been let by the county.

Sec. 3. This act takes effect on July 1, 1957.

Approved April 20, 1957.

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#### CHAPTER 535—H. F. No. 327

*An act relating to town road overseers; amending Minnesota Statutes 1953, Section 163.07.*

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

Section 1. Minnesota Statutes 1953, Section 163.07, is amended to read:

163.07 Town road overseer. Each town shall consti-

tute one road district except when otherwise provided. When directed so to do by the voters of the town at the annual meeting the town board shall divide each town into as many road districts, not exceeding four, as shall be directed by the voters at the annual town meeting; provided, that if a town constitutes but one road district, the road overseer may appoint one or more competent assistants, subject to the approval of the town board. It shall be the duty of the town board to appoint a road overseer for each district, who shall have charge, under the supervision of the town board, of the construction of all town roads in his district and the maintenance of all town roads therein. The voters at the annual town meeting may, if the question is proposed by any voter at any time during the business hour of such meeting, determine whether to elect or appoint the road overseer in the same manner as other town business is transacted and such determination shall continue in force until changed by the voters at a subsequent town meeting. If the determination be to elect the road overseer, he shall be elected by a ballot at such meeting and annually at each annual town meeting thereafter until such determination is changed; and, in a town which is divided into two or more road districts, the voters of each road district shall elect a road overseer for such district. No member of the town board shall be eligible for appointment or election as town or district road overseer. Should any person elected as a road overseer fail, neglect, or refuse to qualify as such within 12 days after his election, or if a vacancy occurs in the office, then the town board shall appoint a road overseer for the unexpired term and until his successor qualifies. A road overseer shall be a voter of the town or district for which appointed or elected. The compensation of the road overseer may be fixed by the annual town meeting for the time actually employed in the performance of his duties. Before entering upon his duties he shall give a bond to the town, with sureties to be approved by the town board, in the sum of \$250, conditioned for the faithful discharge of his duties and to return to the town all the property of the town which may come into his custody. The overseer, if appointed, shall hold office at the pleasure of the town board.

When any *town* road becomes obstructed or unsafe from any cause the overseer shall immediately repair such road and render his account therefor to the town board.

Sec. 2. This act takes effect on July 1, 1957.

Approved April 20, 1957.

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