

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1923.

CHAPTER 167—H. F. No. 160.

An act to amend Section 30 of Chapter 323 of the Laws of 1921, being entitled "an act relating to public highways; the powers and duties of the commissioner of highways, subordinate officers and employes, and various governmental agencies in relation thereto; providing for the location, construction and maintenance of trunk highways under article 16 of the state constitution and all other roads in the state; relating to the establishment and disposition of the Trunk Highway Sinking Fund and the Trunk Highway fund; for the payment of state aid for the construction and maintenance of roads; authorizing and directing the levy of taxes for highway purposes; repealing inconsistent laws and laws expressly mentioned; and providing penalties."

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

Section 1. **Payment of labor by time checks.** Payment of laborers on pay roll.—That Section 30 of Chapter 323 of the Laws of 1921 be, and the same hereby is, amended so as to read as follows:

Section 30. Where any county is engaged in constructing, improving, maintaining or repairing any public road by labor employed therefor, it shall be lawful for the county auditor and county treasurer to pay the claims of the laborers who have performed manual labor on said roads, for such labor, and the claims of persons who have furnished tractors, trucks, teams and wagons or plows or scrapers in the performance of work on such roads for the use of such teams and such equipment, without such claims having first been audited and allowed by the county board, provided such claims shall be evidenced and authenticated as herein provided, and be in the form as hereafter provided.

Sub. 1. The county board may authorize the overseer, superintendent or foreman, designated by it to have charge of the construction, improvement or maintenance of any road, to issue time checks with reference to such road work, which time checks shall be issued and be in the form hereinafter prescribed, provided, however, that the aggregate amount of the time checks so issued by an overseer, superintendent or foreman, as to any one road, shall not exceed such amount as shall have been previously specified by resolution of the county board. Said county board may also authorize the overseer, superintendent or foreman to deduct from the sum that may be due any workman, any amount due from said workman for board to any person, and to issue to such person a time check

for the total amount due as board from any one or more workmen, according to the form of check approved by the public examiner.

Sub. 2. Any overseer, superintendent or foreman so authorized, shall, on the 15th and last days of each calendar month, issue to all persons who have performed manual labor in the carrying on of such work, or who have furnished tractors, trucks, teams, wagons, plows or scrapers, a time check, so-called, for all labor performed by the person to whom the same is issued for labor on the road designated, or for the hire of tractors, trucks, teams and wagons, plows or scrapers upon the road work specified therein, prior to the date of the issuance of same, and as to which no time check has been previously issued.

Sub. 3. Such time check shall be substantially in the form which shall be prescribed by the public examiner.

Sub. 4. The overseer, superintendent or foreman issuing any such time check shall fill in all the blank spaces therein, indicating therein the hours of labor performed on each date. He shall sign the same before delivering it to the person in whose favor it is issued. Such time checks shall be made out in duplicate; one copy thereof shall be delivered to the claimant and the other shall be forthwith delivered to the county auditor. The auditor shall not issue a warrant to the claimant until he shall have compared the copy delivered to him with the copy delivered to the claimant, nor in any event unless the two copies are alike, nor shall he issue such warrant unless the copy presented by the claimant shall have been verified by the oath or affirmation of the claimant, nor until such claimant shall surrender to the auditor the copy of such time check delivered to him. Every such overseer, superintendent, foreman, or county highway engineer, is hereby authorized to administer such oath or affirmation to any such claimant. Upon the surrender to him of such time check the auditor may issue a warrant therefor which warrant shall be payable by the county treasurer. The auditor shall endorse upon the time check so surrendered, the date of payment thereof and the number of the warrant issued therefor.

Sub. 5. If any person who would otherwise be entitled to the issuance to him of a time check on the 15th or last day of any month quits the employment of the county, or is discharged therefrom before such dates, the overseer, superintendent or foreman, as the case may be, shall thereafter and within twenty-four hours after the termination of such employment, issue to such person a time check as herein provided.

Sub. 6. It shall be unlawful for any person to issue any such time check in the assumed capacity of overseer, superintendent or foreman, without first having been authorized so to do by the county board. It shall be unlawful for the overseer, superintendent or foreman to knowingly issue and deliver to any person any false

or fraudulent time check. It shall be unlawful for any person to alter or change any time check issued by an overseer, superintendent or foreman. Any person violating any of the provisions of this section shall be guilty of a felony and punished by imprisonment in the state prison for not more than five years.

Sub. 6A. In lieu of the time check system hereinbefore provided, any county board may adopt a payroll system for the payment of the claims hereinbefore in this section referred to. Such payroll shall be in such form as shall be prescribed by the public examiner. It shall include a detailed statement as to time of employment and rate of compensation of each claimant, together with the total amount of each claim, shall be signed by the individual claimants and shall be verified by the overseer, superintendent or foreman under whose immediate direction the work is done. It shall be approved as to items by the county highway engineer and submitted to the county board for allowance or disallowance. All other provisions of this act relating to the payment of the claims specified in the first paragraph hereof by time check, in so far as the same may be applicable, shall apply to the payment of such claims by the payroll system provided for in this subdivision.

Upon the allowance of any such payroll the items appearing thereon shall be paid by auditor's warrants forthwith, which warrants shall be made payable to the respective claimants whose names shall be signed to said pay roll and to no others.

Sub. 6B. The County Board in any county of the state now or hereafter having at any time an area of over 5,000 square miles and an assessed valuation of more than \$300,000,000, may authorize the county auditor and the county treasurer by time checks to pay the claims of laborers, truck drivers, shop mechanics and other workmen, whether skilled or unskilled for labor performed for such county on county roads and bridges, county tool or warehouses, repairing county road tools, road machinery, or motor equipment or doing any other work under a road superintendent or foreman which has to do with county road construction or maintenance. The County Board may authorize the road superintendent or foreman designated by it to have charge of any of the work hereinbefore specified to issue time checks therefor in substantially the same manner as hereinbefore provided, for paying labor and the claims of persons furnishing teams and wagons on county road work, provided, however, funds shall be first set apart for such work by said county board and authority be granted to any such road superintendent or foreman to issue time checks for said work not to exceed the sum so appropriated for said work.

Approved April 10, 1923.