

CHAPTER 122—H. F. No. 766

An act relating to the reimbursement to counties for moneys expended by them through boroughs, villages or cities heretofore and subsequent to May 10, 1927, in permanently improving roads described in Article 16 of the Constitution of the State of Minnesota, and providing for the disbursement of moneys so reimbursed.

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

Section 1. State to reimburse certain counties for money expended.—That the State of Minnesota hereby agrees to reimburse out of the trunk highway fund and only out of that fund, to the extent and in the manner hereinafter provided, all counties for moneys expended by them, under the provisions of this act in permanently improving roads described in Article 16 of the Constitution of the State of Minnesota as the same have heretofore been or will hereafter be definitely located and designated by the commissioner of highways.

Sec. 2. Limitations.—The moneys paid out by any county to any borough, village or city in reimbursing such borough, village or city for so permanently improving roads or any part thereof described in said Article 16, under contracts therefor entered into by such borough, village or city heretofore and subsequent to May 10, 1927, shall for the purpose of reimbursement under the provisions of this act be regarded and dealt with as moneys expended by said county in permanently improving such roads or any part thereof, provided such work shall have been done in accordance with plans and specifications approved by the commissioner of highways prior to the commencement of work under such contract; but such reimbursement shall be made only to the extent of the proportionate cost of a 20-foot roadway upon such road, exclusive of gutters and curbs. The amount of such reimbursement shall be the reasonable value of such improvement, and shall be on the basis of the prevailing cost at the time of construction of the types of pavement now in general use by the Minnesota Highway Department on Trunk Highways according to the Minnesota Highway Department's standard specifications therefor, including engineering expense, on the basis of prevailing costs at the time of the letting of such contract, but the amount of such reimbursement shall in no case exceed the amount expended for said improvement, including engineering expense.

Sec. 3. Commissioner to determine amount of reimbursement.—Before any payment shall be made by any county to any such borough, village or city, the commissioner of highways shall by order determine the amount in which such borough, village or city is entitled to reimbursement. A certified copy of such order and a certified copy of the order of the commissioner of highways approv-

ing the plans and specifications under which such improvement was made shall be filed with the county auditor of the county by which such payment is to be made. Thereupon the county board of such county shall authorize the county auditor to issue his warrant on the road and bridge fund of such county in the amount so specified by the commissioner of highways to such borough, village or city. Any such warrants paid or warrants so issued and not paid for lack of funds may be funded or refunded by such county in the manner provided by Subdivision (b) of Section 2 of Chapter 522, General Laws 1921. All of the provisions of said subdivision (b) shall apply to the issuance of such bonds and to the payment of the principal and interest thereof; provided, however, that such bonds shall be in such form and denomination, shall mature at such times, and shall be sold in such manner as the county board and the commissioner of highways shall determine, and provided, further, that the county board may if it so elect sell such bonds to the State Board of Investment without calling for bids, provided however, that such reimbursement may at the option of the Commissioners of Highways, be made in cash out of the Trunk Highway Fund without the issuance of bonds by the county.

Sec. 4. Moneys to be credited to fund from which they were paid.—The moneys thus paid to any borough, village or city shall be credited to the fund out of which the cost of such improvement was paid; provided, however, that in the event any portion of such cost shall have been assessed against property benefited thereby or paid by any county, township, borough, village, city or school district, the governing body of such borough, village or city shall equitably apportion said moneys according to the amounts so contributed, in cash or by assessment, to the cost of said improvement, either by cash reimbursement or by reduction of such assessments.

Approved April 1, 1929.

CHAPTER 123—H. F. No. 539

An act to amend General Statutes 1923, Section 5598, as amended by Laws 1925, Chapter 195, Relating to commercial fishing in International Boundary waters.

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

Section 1. Open season for fishing.—That the first paragraph, preceding sub-division 1, of General Statutes 1923, Section 5598, as amended by Laws 1925, Chapter 195, be and the same hereby is amended so as to read as follows: