

chargeable as capital outlay, (3) transportation, (4) health service, and (5) that portion of the expenditures for special non-instructional activities which is recovered by charges or reimbursement collected therefor; (c) the expression "non-instructional costs" means all that part of total current expenditures which is not expended for instructional salaries, including teachers and superintendent, text and library books, instructional supplies, and other costs of instruction as defined by the State Department of Education.

Approved April 26, 1947.

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CHAPTER 576—H. F. No. 1582

[Not Coded]

*An act providing for the determination and payment of certain claims against the state arising out of the location, construction, reconstruction, improvement, and maintenance of the trunk highway system and appropriating money out of the trunk highway fund, or funds accredited thereto, from the highway parol fines or other sources therefor.*

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

**Section 1. Claimants may bring action against state.** Any of the persons, firms, or corporations hereinafter named, having submitted claims for damages to the Legislature prior to the passage of this act, or their heirs, representatives, successors, and assigns, may bring an action against the State upon such claim for damages alleged to have been caused by the location, construction, reconstruction, improvement and maintenance of the trunk highway system in the district court of any county wherein any part of the claim arose, subject to the conditions and limitations herein prescribed; provided that every such action shall be commenced within six months after the passage of this act.

**Sec. 2. Process to be served on attorney general.** The summons and complaint in every such action shall be served on the attorney general who shall defend the action.

**Sec. 3. To be heard as other civil actions.** All such actions shall be commenced, tried and determined as other civil actions and shall be subject to all applicable laws and rules. In the event a judgment is rendered against the state, the

commissioner of highways is requested and directed upon receiving properly executed receipt and discharge in full, to pay the judgment creditor, the amount of such judgment out of the trunk highway fund or out of funds accredited thereto from highway patrol fines or other sources; provided that the amount of the judgment entered in any case shall not exceed the amount of such claim as hereinafter specified; and provided further, that such judgments shall be payable only from appropriations therefor, as herein provided.

**Sec. 4. Commissioner of highways to settle certain claims.** The commissioner of highways is hereby authorized to pay, compromise, adjust or settle any or all of the respective claims herein referred to in any amount not to exceed the amounts respectively authorized herein out of the trunk highway fund or funds accredited thereto from highway patrol fines or other sources.

**Sec. 5. Appropriation for defense.** In addition to all other sums appropriated herein, there is hereby appropriated out of the trunk highway fund or funds accredited thereto, from highway patrol fines or other sources, such sums of money as may be necessary to expend in the defense, settlement or compromise of any of the claims enumerated herein.

**Sec. 6. Appropriation to pay claims.** There is hereby appropriated out of the trunk highway fund or funds accredited thereto from highway patrol fines or other sources such sums as may be necessary to pay any of the claims as herein provided.

**Sec. 7. Claims.** The names of the claimants, the general nature of each claim, and the amounts thereof are respectively as follows:

a. Oscar Provost, Crosby, Minnesota, in reimbursement of damages to property alleged to have resulted from improper drainage of Trunk Highway No. 210 in Crow Wing County .....\$ 500.00

b. Clarence Handel, in reimbursement of damages to property arising out of the construction and maintenance of Trunk Highway No. 73 in St. Louis County.....\$1,025.00

c. Norman H. Finney, Backus, Minnesota, in reimbursement of damages to property caused by the construction and maintenance of Trunk Highway No. 371 in Cass County.....\$ 450.00

Provided, however, the commissioner of highways is authorized to refuse to pay this claim unless he receives an easement covering the property damaged in such form as is approved by the attorney general.

d. Oliver and Serine Prestholdt, in reimbursement of damages to property arising from the construction and maintenance of Trunk Highways Nos. 7 and 101 in Hennepin County . . . \$3,000.00

e. Ellen Lovestrand in reimbursement of damages to property resulting from the construction and maintenance of Trunk Highway No. 75 in Lincoln County . . . . . \$1,500.00

Approved April 26, 1947.

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#### CHAPTER 577—S. F. No. 389

*An act relating to the Highway Patrolmen's Retirement Fund; amending Minnesota Statutes 1945, Sections 172.02 and 172.08.*

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

Section 1. Minnesota Statutes 1945, Section 172.02, is amended to read as follows :

172.02. **Retirement association.** There is hereby established a Highway Patrolmen's Retirement Association, the membership of which shall consist of highway patrolmen. Every highway patrolman who is employed by the state of Minnesota, as such, on July 1, 1943, and every person employed as a patrolman thereafter, shall become a member of this association. Each patrolman while in the service of the state highway patrol shall pay a sum equal to six per cent of his monthly salary not exceeding the sum of \$15.00 per month except as hereinafter provided. Such amounts shall be deducted monthly by the commissioner of highways, who shall cause the total amount of said monthly deductions to be paid to the state treasurer, and shall cause a detailed report of all monthly deductions to be made each month to the secretary of the association. In addition thereto, there shall be paid out of highway funds, monthly, by the commissioner of highways a sum equal to the amount of said salary deductions