

*payment monthly into the county medical payments fund of an amount equal to the total county average monthly per capita cost of medical and hospital care of all recipients of public assistance except general relief wherever such provision is not in conflict with the social security act enacted by the 74th Congress of the United States, approved August 14, 1935, Public Law No. 271, and any amendments to or supplements thereof, including specifically the "Social Security Act Amendments of 1950," Public Law No. 734, 81st Congress, approved August 28, 1950, and any act of the Congress encompassing the same field, provided that such rules and regulations shall not deprive the recipient of free choice of vendor nor deprive the vendor of payment on a fee for service or supply basis. All claims for goods and services set forth in paragraph (1) of this subdivision shall be paid from moneys in the county medical payments fund which is hereby made available for that purpose. Upon dissolution of said county medical payments fund, any undisbursed balance shall be returned to the same sources and in the same proportion as originally deposited therein.*

Approved April 24, 1953.

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CHAPTER 726—S. F. No. 1733

[Not Coded]

*An act providing for waiving of state's immunity from suit but not conceding a cause of action as to 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 patrol fines or other sources therefor.*

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

**Section 1. Claims arising out of trunk highway activities, actions authorized.** As to the persons, firms, or corporations hereinafter named and for an amount not exceeding that hereinafter set forth, each having submitted to the legislature claims against the State for damages alleged to have arisen out of the location, construction, reconstruction, improvement and maintenance of the trunk highway system prior to the passage of this act, the State hereby waives immunity from suit, but does not concede a cause of action, as to each of such claims as the same are set out in section 6.

**Sec. 2. Suit against state.** Subdivision 1. **Time for commencement.** Within six months after the passage of this act any persons, firms, or corporations named in Section 6 may bring suit against the state in the district court of any county wherein any part of his or its claim arose.

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

**Subd. 3. Civil procedure rules govern.** Except as herein otherwise provided, the action shall be commenced, conducted, tried and disposed of according to the laws and rules applicable to ordinary civil actions in the district court.

**Subd. 4. Judgment against state, payment.** 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. 3. Compromise, settlement.** 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. 4. Expense of defense, compromise, or settlement.** 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. 5. 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. 6. Claimants.** The names of the claimants, the general nature of each claim, and the limited amounts thereof are here separately set forth:

(1) The following named persons for damages to the following described real property claimed to have been caused by the State of Minnesota in allegedly changing the grade of Second Street in the Village of Brownsville as part of the construction and improvement of Trunk Highway No. 26 in and after the year 1949:

- (a) Joseph J. Bissen and all other persons having an interest in lots 66 and 68 to 78, original plat of Village of Brownsville, not to exceed.....\$6,000
- (b) Amy C. Bissen and all other persons having an interest in lot 67, original plat of Village of Brownsville, not to exceed .....\$ 350
- (c) John E. Turner and all other persons having an interest in Lot 65, original plat of Village of Brownsville, not to exceed .....\$ 350
- (d) Joseph E. Neumeier and all other persons having an interest in Lots 91 to 94, inclusive, original plat of Village of Brownsville, not to exceed.....\$3,500

Provided, however, that any action brought under clause (1) of this section shall be confined to damages for the change of grade, if any, in Second Street in the Village of Brownsville and shall not otherwise extend to the location and construction of Trunk Highway No. 26.

(2) Duluth, Mesabe and Iron Range Railway Company for damages sustained by reason of its moving certain of its facilities and structures at Tower in connection with the relocation of Trunk Highways Numbers 1 and 35, either under a certain agreement numbered C-253 dated August 28, 1941, between the railway company and the State of Minnesota, or otherwise, as work may be found to have been done; and also for damages sustained by reason of its participating in the reconstruction of Underpass Bridge Number 6200 at Nopeming under a certain agreement numbered C-585 dated December 13, 1948, between the railway company and the State of Minnesota, not to exceed .....\$10,490.37

(3) The Ceski Narodni Cemetery Association for damages done to its water line because of the construction of Trunk Highway 13, not to exceed.....\$300.00

(4) The Central States Construction Company and its sub-contractor actually performing, with the written consent

of the State, grading operations under Contract No. 6531, for damages arising out of Contract No. 6531 between the State of Minnesota and the Central States Construction Company for the improvement of Trunk Highway No. 75 because of the presence of a power line on the right of way during operations under the contract by the Central States Construction Company, not to exceed.....\$5,546.00

Provided however that any action brought by the Central States Construction Company and its subcontractor shall be brought under and pursuant to Minnesota Statutes 1949, Section 161.03, subdivisions 17, 19 and 20; and except that any action brought shall be brought in the district court of Polk County or in the district court of Marshall County.

Sec. 7. **Appropriation, when available.** The moneys appropriated herein shall be available from and after the passage and approval of this act.

Approved April 24, 1953.

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CHAPTER 727—S. F. No. 1738

[Coded]

*An act relating to the leasing or acquisition of a certain federal institution by the state; providing for the use thereof by the state; appropriating money therefor.*

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

Section 1. [246.44] **Pipestone Indian School, lease by state.** The director of public institutions is empowered to enter into a lease with the United States of America, or any authorized department or agency thereof or to acquire by gift, for use by the state for the purposes hereinafter set forth the institution owned by the federal government and known as the Pipestone Indian School of the Bureau of Indian Affairs located in Pipestone County. The lease or instrument of acquisition by gift, referred to above, shall not be effective until approved by the Executive Council.

Sec. 2. [246.45] **Public institution.** The institution referred to in Section 1 hereof, if leased to or acquired by the state, shall be, for such period of time as it may be operated by the state, a state institution within the Division of Public Institutions and subject to the control and supervision of the director of public institutions.

Sec. 3. [246.46] **Name; care and treatment of alcoholics.** The institution referred to in Section 1 hereof, if