

CHAPTER 375

COUNTY BOARDS

Sec.		Sec.	
375.01	Members, number of	375.25	County bonds may be bought by funds in treasury; re-sale
375.02	Commissioner districts	375.26	May accept gifts of realty
375.03	Term of commissioners	375.27	Liabilities, limitations, and conditions of gifts of realty
375.04	Tie determined by lot	375.28	Rewards for capture of persons accused of crime or escaping from jail
375.05	Salaries of county commissioners	375.29	Award for murderer
375.06	Compensation and mileage in counties having less than 75,000 inhabitants	375.30	County board may appropriate money to fight rust
375.07	Meetings; quorum	375.31	Counties may indemnify officers and employees
375.08	Board to fill vacancies in county offices	375.32	County board may pay premiums
375.09	May not hold other office; no interest in contract; violation; malfeasance	375.33	Free county libraries
375.10	Vacancy in office of commissioner; how filled	375.34	Observance of Memorial Day
375.11	Seal; authenticated copies of board proceedings prima facie evidence	375.35	Appropriation to military service men's organizations for Memorial Day exercises
375.12	Publication of proceedings	375.36	County board to establish a soldiers' rest
375.13	Chairman	375.37	"Soldiers' rest" used exclusively for soldiers, sailors, and marines
375.14	Offices and supplies furnished for county officers	375.38	Violation a misdemeanor
375.15	Damaged records transcribed	375.39	Change of name of county; order of county board
375.16	Appropriation for expenses	375.40	County board may license exhibitions and shows
375.17	Publication of financial statements	375.41	Taking part in unlicensed exhibition or show a misdemeanor
375.18	General powers of board	375.42	Exceptions
375.19	Additional powers		
375.20	Questions submitted to vote; ballot		
375.21	Contracts of county boards in certain counties		
375.22	Emergency		
375.23	Assessment and road districts in unorganized territory; assessors; overseers of roads		
375.24	Appointment of justices of the peace and constables in certain unorganized territory		

375.01 MEMBERS, NUMBER OF. Each county shall have a board of five commissioners who shall be known as the county board and whose terms of office shall be four years and until their successors qualify; but, in counties having an area of over 5,000 square miles and a population exceeding 75,000, the board shall consist of seven members.

[R. L. s. 419] (650)

375.02 COMMISSIONER DISTRICTS. Each county shall be divided into as many districts numbered consecutively as it has members of the board. In all counties such districts shall be bounded by town, village, ward, or precinct lines, composed of contiguous territory, and contain as nearly as practicable an equal population. Counties may be redistricted by the county board after each state or federal census; and when it appears that after a state or federal census 30 per cent or more of the population of any county is contained in one district, exclusive of the inmates of any state penal or corrective institution, or state hospital for the insane, maintained wholly or partly within such district, such county shall be redistricted by its county board. No city of the second class shall be in more than two commissioner districts.

The county board shall not have authority or jurisdiction to redistrict a county unless the board shall cause at least three weeks' published notice of its purpose to do so, stating the time and place of the meeting where the matter will be considered, to be published in the newspaper having the contract for publishing the commissioners' proceedings for the county for the current year. One commissioner shall be elected in each such district who, at the time of the election, shall be a resident thereof, and the person so elected shall be entitled to hold the office only while he remains a resident of the commissioner district. When a county is redistricted there shall be a new election of commissioners in all the districts of the county at the next general election. The board shall determine that not less than two, nor more than three, members of the board shall be elected for a term of two years and the remainder for a term of four years at the next general election. Thereafter all commissioners shall be elected for four years; provided that where no change is made in the boundaries of a district, or in districts having only one resident commissioner after such redistricting, the commissioner in office at the time of the redistricting shall serve for the full period for which he was elected,

and where a county has heretofore been redistricted between the time of the general election and the time at which commissioners elected at such general election were required to qualify and no change was made in the boundary of the district to which such commissioner was elected, or in districts having only one resident commissioner after such redistricting, such commissioner-elect, after duly qualifying as a commissioner for the district, shall serve for the full period for which elected.

[R. L. s. 420; 1913 c. 537 s. 1; 1917 c. 370; 1923 c. 366 s. 1; 1931 c. 105; 1933 c. 77; 1933 c. 363; 1935 c. 279; Ex. 1936 c. 76; 1941 c. 268] (651)

375.03 TERM OF COMMISSIONERS. In each new county, and in each county which shall be entitled to an increase of the number of commissioners, there shall be elected at the next general election a commissioner from each odd-numbered district for a term of two years, and one from each even-numbered district for a term of four years; and thereafter all commissioners shall be elected for a term of four years, except that elections or appointments to fill vacancies shall be for the unexpired term only. In counties having a population of more than 150,000, every such commissioner, before he enters upon his duties, shall give bond to the state in the sum of \$10,000, with a legally authorized surety company as surety, conditioned for the faithful performance of his official duties. Such bond shall be approved by a judge of the district court, and, together with his oath of office and certificate of election, be filed with the public examiner. The premium on the bond shall not exceed that prescribed by law for county treasurers, and shall be paid by the county.

[R. L. s. 421] (652)

375.04 TIE DETERMINED BY LOT. If two or more persons have an equal and the highest number of votes for the office of county commissioner in any district, the auditor shall give notice, in writing, to such persons to attend at his office at a time specified, and he shall then and there, in their presence, publicly decide by lot which of them shall be declared elected. The person so selected shall be the commissioner from the district.

[R. L. s. 422] (653)

375.05 SALARIES OF COUNTY COMMISSIONERS. Each commissioner shall receive from the county in full for all his services an annual salary, as follows:

(1) In counties whose assessed valuation does not exceed \$2,500,000, the sum of \$125.00;

(2) In counties whose assessed valuation is more than \$2,500,000, and does not exceed \$6,000,000, the sum of \$225.00;

(3) In counties whose assessed valuation is more than \$6,000,000, and does not exceed \$12,000,000, the sum of \$325.00;

(4) In counties whose assessed valuation is more than \$12,000,000, and does not exceed \$20,000,000, the sum of \$400.00;

(5) In counties whose assessed valuation is more than \$20,000,000, and does not exceed \$40,000,000, the sum of \$600.00, which amount shall be paid in lieu of all other charges or allowances, except that such commissioners may be allowed and paid in addition thereto their actual and necessary traveling expenses incurred and paid by them in the discharge of their official duties; provided, that the total aggregate amount of the traveling expenses of all the county commissioners of any such county which may be so allowed and paid shall not exceed the sum of \$1,200 in any one year; and, if a county commissioner uses his own team or automobile in the necessary performance of the official duties of his office, he shall be allowed for the use thereof such reasonable amount as the use of a team or an automobile could be hired for, under the same circumstances, from a person engaged in the livery business in the same locality; such allowance shall not exceed ten cents per mile for each mile actually traveled, and no charge shall be made or paid for the time consumed by such county commissioner's conveyance while in waiting;

(6) In counties whose assessed valuation is more than \$40,000,000, and does not exceed \$100,000,000, the sum of \$800.00, which amount shall be paid in lieu of all other charges or allowances, except that such commissioners may be allowed and paid in addition thereto their actual and necessary traveling expenses incurred and paid by them in the discharge of their official duties; provided, that the total aggregate amount of the traveling expenses of all the county commissioners of any such county which may be so allowed and paid shall not exceed the sum of \$1,200 in any one year;

(7) In counties whose assessed valuation is more than \$100,000,000, the sum of \$1,200, which shall be in full for all services upon the county and other boards and committees and all traveling and other expenses within the county.

This section shall not be construed as repealing or amending any of the provisions of Laws 1915, Chapters 85, 88, 95, or 298, Laws 1917, Chapters 94, 114, 152, 175, 275, 301, or 489, or Laws 1919, Chapter 23, or any acts amendatory thereof. This section shall not reduce the amount of salaries paid to the county commissioners of any county in this state at the time of the passage thereof, but such salaries shall remain the same as they may be at that time.

This section shall not apply to any county in this state now or hereafter having a population of not less than 45,000, nor more than 60,000, according to the last federal census, and consisting of not less than 35, nor more than 45, congressional townships.

[*R. L. s. 423; 1907 c. 204; 1909 c. 388; 1911 c. 374; 1913 c. 308 s. 1; 1919 c. 242; 1919 c. 487*] (656)

375.06 COMPENSATION AND MILEAGE IN COUNTIES HAVING LESS THAN 75,000 INHABITANTS. The several members of the county boards in counties having less than 75,000 inhabitants shall receive \$3.00 per day for each and every day necessarily occupied in the discharge of their official duties while acting on any committee under the direction of the board, and ten cents per mile, each way, for every mile necessarily traveled in attending such committee work, and shall also be entitled to mileage of ten cents per mile, each way, for every mile necessarily traveled for attending meetings of the board, not to exceed 12 meetings in any one year; and, in addition, the chairman of the county board shall receive ten cents per mile, each way, for going to the county-seat to sign warrants during recess of the county board.

[*1907 c. 296; 1911 c. 283; 1913 c. 456 s. 1*] (657)

375.07 MEETINGS; QUORUM. The board shall meet at the county-seat for the transaction of business on the first Tuesday after the first Monday in January, and on the second Monday in July, in each year, and shall hold such extra sessions as it deems necessary for the interests of the county. A majority shall constitute a quorum, and no business shall be done unless voted for by a majority of the whole board, but less than a majority may adjourn. Extra sessions shall be called by a majority of the board and the clerk shall give at least ten days' notice thereof to each of the commissioners. No session shall continue longer than six days.

[*R. L. s. 424*] (658)

375.08 BOARD TO FILL VACANCIES IN COUNTY OFFICES. When a vacancy occurs in the office of county auditor, county treasurer, register of deeds, sheriff, county attorney, county surveyor, coroner, or county superintendent, the county board shall fill the same by appointment. For that purpose it shall meet at the usual place of meeting, upon one day's notice from the chairman or clerk, which shall be served personally upon each member in the same manner as a district court summons is authorized to be served. The person so appointed shall give the bond and take the oath required by law, and shall hold for the remainder of the unexpired term, and until his successor qualifies; provided, that when such vacancy occurs in any of the offices hereinbefore mentioned, in which office there is a chief deputy or first assistant, then the chief deputy or first assistant is empowered and authorized to perform all of the duties and functions of the office until such time as the same is filled by appointment by the county board.

[*R. L. s. 425; 1939 c. 153*] (659)

375.09 MAY NOT HOLD OTHER OFFICE; NO INTEREST IN CONTRACT; VIOLATION; MALFEASANCE. No county commissioner shall be appointed or elected by the board of which he is a member to any office or position of trust or emolument, and no commissioner shall receive any money or other valuable thing as a condition of voting or inducement to vote for any contract or other thing under consideration by the board, or become a party to, or directly or indirectly interested in, any contract made by the board; and every appointment or election made and every contract or payment voted for or made contrary to the provisions of this section shall be void. Any violation of the provisions of this section shall be a malfeasance in office.

[*R. L. s. 447*] (778)

375.10 VACANCY IN OFFICE OF COMMISSIONER; HOW FILLED. Any vacancy in the office of county commissioner occurring more than 30 days before

election shall be filled by a board of appointment, consisting of the chairman of the town board of each town, and the mayor or president of each city and village, in the commissioner district in which such vacancy occurs, which shall meet at the auditor's office for that purpose, upon three days' written notice given by such auditor and served personally. If such commissioner district is wholly within the limits of a city or village, such vacancy shall be filled by the council of such municipality. If the board of appointment, as so constituted, consists of an even number of members and shall fail to fill such vacancy within ten days after the date of the first meeting thereof, upon notice given to him by the county auditor, the county attorney shall also become and be a member. If such vacancy in the office of the county commissioner shall occur in a county in which the township system has been completely abolished, such vacancy shall be filled by the board of county commissioners, and the county auditor. Absence from the county for six consecutive months shall be deemed to create a vacancy.

[R. L. s. 426; 1923 c. 315; 1935 c. 84 s. 1] (660)

375.11 SEAL; AUTHENTICATED COPIES OF BOARD PROCEEDINGS PRIMA FACIE EVIDENCE. The seal of the county auditor shall be the seal of the board and copies of its proceedings, authenticated as required by law, shall be prima facie evidence thereof in all cases.

[R. L. s. 427] (661)

375.12 PUBLICATION OF PROCEEDINGS. The county board shall cause the official proceedings of its sessions to be published in some qualified newspaper printed and published in its county, which publication shall be let annually by contract to the lowest bidder, at the first regular session of the board in January each year. In each county whose population exceeds 250,000, the proceedings shall be published in a daily newspaper printed and published at the county-seat, which newspaper shall be the official newspaper of the county, and in each such county the proceedings shall be published also in one other qualified newspaper printed and published in the county outside the county-seat. The board may reject any offer if, in its judgment, the public interests so require, and may thereupon designate a newspaper without regard to any rejected offer. In any county whose population exceeds 50,000, and is less than 250,000, the proceedings may be published in one daily and one weekly newspaper at their respective county-seats. If the official newspaper of the county shall cease to exist for any reason, except by consolidation with another newspaper, the county board shall have authority to designate another newspaper for the remainder of the year.

[R. L. s. 428; 1907 c. 447; 1941 c. 507] (662)

375.13 CHAIRMAN. The county board, at its first session in each year shall elect from its members a chairman and a vice-chairman. The chairman shall preside at its meetings and sign all documents requiring signature on its behalf and his signature as chairman, attested by the county auditor, shall be binding as the signature of such board. In case of the absence or incapacity of the chairman, the vice-chairman shall perform his duties. In counties having more than five commissioners, and in which counties the mayor of a city of the first class located in such county is by law ex officio chairman of such board, a second vice-chairman shall be elected, who shall perform the duties of the chairman and vice-chairman in their absence. If the chairman and vice-chairman or vice-chairmen, as the case may be, are absent from any meeting, all documents requiring the signature of the board shall be signed by a majority thereof and likewise attested.

[R. L. s. 429; 1937 c. 165 s. 1] (663)

375.14 OFFICES AND SUPPLIES FURNISHED FOR COUNTY OFFICERS. The county board shall provide offices at the county-seat for the auditor, treasurer, register of deeds, sheriff, judge of probate, clerk of the district court, county superintendent of schools, and county highway engineer, with suitable furniture therefor, also safes and vaults for the security and preservation of the books and papers belonging thereto, and provide for the heating, lighting, and maintenance of such offices. The board shall furnish all county officers with all books, stationery, letter-heads, envelopes, postage, telephone service, office equipment, and supplies necessary to the discharge of their respective duties and make like provision for the judges of the district court so far as may be necessary to the discharge of their duties within the county or concerning matters arising therein; provided, that the board shall not be required to furnish any county officer with professional or technical books or instruments except in so far as the board may deem the same to be

directly necessary to the discharge of his official duties as part of the permanent equipment of his office.

[*R. L. s. 430; 1927 c. 346*] (664)

375.15 DAMAGED RECORDS TRANSCRIBED. In case the records of any offices named in section 375.14 shall be damaged so as to render any portion of them liable to become illegible, destroyed, or lost, the county board shall provide suitable books, and cause such records to be transcribed, so that the new volumes will correspond, in designation, letter or number, and page, to the original records. The fees for such work shall be fixed by such board, and shall not exceed seven cents per folio for the whole work done. Printed record books shall be used when practicable for both original and transcribed records.

[*R. L. s. 432*] (666)

375.16 APPROPRIATION FOR EXPENSES. At its regular meetings in January and July the county board may appropriate from the county revenue fund a sum not exceeding \$1,000 to pay incidental expenses of county officers incurred for postage, and for necessary express, freight, telephone, telegraph, water, and light charges, the mileage and per diem of town officers making election returns, to be paid on the warrant of the county auditor upon the presentation of a properly itemized and verified bill, except in cases where the county auditor considers the sum charged excessive, in which case he shall file the bill, if requested by the person presenting the same, for action by the board at its next meeting. No county officer presenting a claim on the incidental fund shall receive more than \$20.00 therefrom at any one time for postage.

[*R. L. s. 431; 1907 c. 390 s. 1; 1919 c. 305*] (665)

375.17 PUBLICATION OF FINANCIAL STATEMENTS. Annually, not later than the first Tuesday after the first Monday in February, the county board shall make a full and accurate statement of the receipts and expenditures of the preceding year, which shall contain a statement of the assets and liabilities, a summary of receipts, disbursements, and balances of all county funds together with a detailed statement of each fund account together with an itemized account of amounts paid out, to whom, and for what purpose, under the form and style prepared by the state comptroller and approved by the attorney general and the state printer in December, 1932, and within 30 days thereafter shall cause the same to be published for one issue in some newspaper within the county, which newspaper must be a duly qualified legal newspaper, as provided by law, which, in counties having a population of 75,000 or more, shall be a daily of general circulation publishing local and world news of varied and general public interest. In addition to the publication thereof in the newspaper designated by the board as the official newspaper for publication of the financial statement, the same shall be published in one other newspaper of the county, located in a different section of the county than the official newspaper. The county board shall call for separate bids for each publication. At its meeting in July and January each year it shall examine and count all the funds in the treasury, examine the accounts and vouchers of the auditor and treasurer, and make a written certificate of the condition of the treasury, showing the amount, kind, and character of the funds therein, and all other matters in connection therewith and file the same with the auditor. In so far as any provision of this section is inconsistent with the provisions of section 393.07, the provisions of that section shall prevail.

[*R. L. s. 433; 1907 c. 205 s. 1; 1933 c. 410; 1941 c. 370 s. 1*] (667)

375.18 GENERAL POWERS OF BOARD. The county board of each county shall have power:

(1) To examine and settle all accounts of the receipts and expenses of the county, and to examine, settle, and allow all accounts, demands, and causes of action against the same, and, when so settled, to issue county orders therefor, as provided by law;

(2) To have the care of the county property, and management of the county funds and business, except in cases otherwise provided for, and to make such orders concerning the same as they deem expedient;

(3) To erect, furnish, and maintain a suitable court-house and jail, but no indebtedness shall be created for such purpose in excess of five mills on each dollar of assessed valuation;

(4) To set off, organize, vacate, and change the boundaries of towns subject to the limitations hereinafter prescribed, designate the time and place of holding

the first town meeting therein, and make all necessary orders for the disposition and preservation of the records of any town vacated;

(5) To apportion, pro rata, according to the assessed valuation, among the several parts of a town divided by them, any funds of such town not raised or theretofore appropriated for a purpose inconsistent with such apportionment;

(6) To apportion all uncollected taxes then levied or assessed for the benefit of any town divided by the board, and provide for the payment thereof when collected, pursuant to the apportionment, having due regard to the purpose for which such taxes were levied;

(7) To transfer by unanimous vote any surplus beyond the needs of the current year in any county fund to any other such fund to supply a deficiency therein, except in counties having over 75,000 inhabitants;

(8) To appropriate to any county agricultural society of its county, which is a member of the state agricultural society, or to any farm improvement association organized by the citizens of two or more counties jointly for the purpose of advancing the agricultural interest of each of such counties, a sum of money not exceeding \$1,000 each, annually; provided, that in any county in which two county agricultural societies are members of the state agricultural society any appropriation so made shall be divided equally between them; and, in addition to the appropriation above referred to, in all cases where a county owns grounds and buildings used for agricultural fairs and other purposes, the county board, by a four-fifths vote, may appropriate annually a sum of money equal to five per cent of the total value of such property in the association or society having the management, control, and direction of agricultural fairs held therein, for the purpose of repairs, upkeep, improvements, extensions, and alterations of such grounds and buildings; and, in all such cases, if the area of any such county is not less than 43, nor more than 45, full or fractional congressional townships and the population thereof is not less than 25,000, nor more than 31,000, according to the last federal census, such additional appropriation may be a sum not exceeding ten per cent of the total value of such property;

(9) To purchase or condemn land with such improvements, if any, as may be thereon, for the purpose of holding thereon agricultural fairs and exhibitions and appropriate money in payment therefor, not exceeding the sum of \$5,000, and such county board may purchase or condemn land for holding such fairs and exhibitions thereon and appropriate money in payment therefor in excess of the sum of \$5,000 when authorized so to do by a vote of the people; to accept and receive a donation or donations to be used to obtain lands for the purpose of holding thereon agricultural fairs and exhibitions and in such case and for such purpose, without being authorized by a vote of the people, to purchase or condemn lands not exceeding in value the amount of such donation or donations; to improve and erect structures thereon, for which purpose they may receive donations of money, materials or labor; and to lease such land from time to time to agricultural and other societies of similar nature and to establish reasonable rules and regulations under which such land may be used by all such societies in the county; provided, that all structures and improvements made on such land by societies using the same shall belong to the county;

(All proceedings for the condemnation of such lands shall be had under the provisions of chapter 117);

(10) To appropriate, in counties having a population of not more than 20,000, a sum not exceeding \$10,000, and in counties having a population of more than 20,000, and less than 100,000, a sum not exceeding \$20,000, to erect or aid in erecting a monument or other memorial to the soldiers and sailors of the nation, such monument or other memorial to be constructed on the court-house square, or in a public park at the county-seat, or elsewhere in the county-seat;

(11) To authorize by resolution any person, company, or corporation to construct and maintain railway lines to be operated by other than steam power upon any public road outside of cities and villages not boulevarded or parked, for a period not exceeding 25 years, upon the terms as to use and occupation prescribed in such resolution; the use so granted not to interfere with the reasonable use of such road as a highway, and to cease in case of the vacation thereof, unless proceedings to condemn are taken within six months thereafter and diligently prosecuted; provided, that such railway and its property shall be subject to taxation by

such methods and at such rate as the proper authorities may from time to time prescribe in accordance with law;

(12) To acquire by gift or purchase and improve not exceeding one acre of land within the county, for use as a park, site for a building, or other public purpose, and, when required by the public interest, to sell and convey the same; which land may be paid for out of moneys in the county treasury not otherwise appropriated, or by issuing bonds of the county; and

(13) To exercise such other powers as are or may be conferred upon them by law.

[*R. L. s. 434; 1911 c. 89; 1911 c. 255; 1913 c. 94; 1913 c. 347; 1913 c. 478; 1915 c. 219; 1917 c. 347; 1919 c. 125; 1919 c. 139; 1921 c. 337; 1941 c. 130*] (668)

375.19 ADDITIONAL POWERS. In addition to all other powers now or hereafter by law conferred upon county boards, authority hereby is given to receive and accept for their counties real or personal property by gift, bequest, devise, conveyance, or otherwise from any person whose care, support, treatment, or maintenance, in whole or in part, is or may be chargeable to or furnished or provided by such counties, and to hold or dispose of the same for the benefit of their counties, as by law provided in the case of other county property.

[*1923 c. 241*] (669)

375.20 QUESTIONS SUBMITTED TO VOTE; BALLOT. When the county board is authorized to do any act, incur any debt, appropriate money for any purpose, or exercise any other power or authority, only when authorized to do so by a vote of the people, the question to be voted upon may be submitted at a special or any general election, by a resolution specifying the matter or question to be voted upon; and, if it is to authorize the appropriation of money, creation of a debt, or levy of a tax, shall state the amount thereof. Notice of such election shall be given as in the case of special elections; and, if the question submitted be adopted, the board shall pass an appropriate resolution to carry the same into effect. In all such elections the form of the ballot shall be: "In favor of (here state the substance of the resolution to be submitted), Yes..... No," with a square opposite each of the words "yes" and "no," in one of which the voter shall make a cross to indicate his choice; provided, that the county board may call a special county election upon any such question to be held within 60 days after a resolution to that effect shall be adopted by the county board. Upon the adoption of such a resolution the county auditor shall post and publish notices of such election, as required by section 205.11. The election shall be conducted and the returns canvassed in the manner prescribed by sections 205.06 to 205.16, so far as practicable.

[*R. L. s. 450; 1931 c. 384*] (786)

375.21 CONTRACTS OF COUNTY BOARDS IN CERTAIN COUNTIES. Subdivision 1. **Population less than 75,000.** In counties having less than 75,000 population, no contract for work or labor, or for the purchase of furniture, fixtures, or other property, or for the construction or repair of roads, bridges, or buildings, the estimated cost or value of which shall exceed \$500.00, shall be made by the county board without first advertising for bids or proposals in some newspaper of the county. If, for the purchase of property or for work and labor, two weeks' published notice that proposals will be received, stating the time and place, shall be given. If, for the construction or repair of roads, bridges, or buildings, three weeks' published notice shall be given and 15 days' posted notice in the town where the construction is to be done. The notice shall state the time and place of awarding the contract and contain a brief description of the work. Every such contract shall be awarded to the lowest responsible bidder and duly executed in writing, and the person to whom the same is awarded shall give a sufficient bond to the board for its faithful performance. If no satisfactory bid is received, the board may readvertise. Every contract made without compliance with the provisions of this section shall be void. In case of the destruction of roads or bridges by floods or other casualty, or of unforeseen injuries to machinery in or connected with public buildings, where the public interests would suffer by delay, contracts for repairs may be made without advertising for bids.

Subdivision 2. **Population over 225,000.** In counties having a population of more than 225,000, no contract for the purchase of goods, materials, or supplies of any kind for the county, the estimated cost of which exceeds \$500.00, shall be made by the county board without giving at least seven days' published notice that bids or proposals will be received therefor, stating the time and place. All such contracts

shall be let to the lowest responsible bidder, approved by resolution of the board, and signed by its chairman. In case no satisfactory bid is received, the board may readvertise. In case of unforeseen breakages or injuries in or connected with public buildings, where the public interest would suffer by delay, contracts for repairs may be made without advertising for bids, but in such case the action of the board shall be recorded in its official proceedings.

Subdivision 3. Population over 75,000, less than 225,000. In all counties having a population in excess of 75,000, and less than 225,000, no contract for the purchase of supplies, materials, or equipment, and no contract for work or labor or for the construction or repair of buildings, roads, bridges, or other permanent improvements, the estimated cost or value of which shall exceed \$500.00, shall be made by the county board, commission, or agency having charge of any activity supported, in whole or in part, by taxes upon the taxable property of such counties without first advertising for sealed bids which shall be solicited by public notice inserted at least once in the official newspaper of the county at least ten calendar days before the final date of submitting bids. All bids shall be opened in public at a specified time and place and shall be read aloud and tabulated. All such contracts shall be let to the lowest responsible bidder, shall be duly executed in writing, and the person to whom the same is awarded shall give sufficient bond for its faithful performance, and it shall be approved by resolution of the board or commission and signed by its chairman. In case no satisfactory bid is received the board or commission may readvertise. Every contract made without compliance with the provisions of this subdivision shall be void; provided, that in case of an emergency arising from the breaking, damaging, or decay of any county property of any such county, that cannot be allowed to wait for the time required to advertise for bids as herein required, and where the public health and safety would suffer by the delay, contracts for the purchase or repair may be made without advertising for bids.

[R. L. ss. 618, 619; 1919 c. 355; 1921 c. 376; 1923 c. 80; Ex. 1934 c. 69; 1935 c. 17; 1939 c. 5; 1939 c. 246] (991) (992) (993-1)

375.22 EMERGENCY. In case of an emergency arising from breakage, damage, or decay in any county property of any county with a population of more than 225,000, that cannot be allowed to wait for the time required to advertise for bids, then such repairs may be made without advertising for bids; provided, such work is authorized by a majority of the board of county commissioners, and such action shall be ratified and recorded in the official proceedings of the board at its next meeting.

[1905 c. 189; s. 1] (993)

375.23 ASSESSMENT AND ROAD DISTRICTS IN UNORGANIZED TERRITORY; ASSESSORS; OVERSEERS OF ROADS. The county board of any county, any part of which is not organized into towns, shall, at its meeting in January, in each year, divide such unorganized territory into one or more assessment and road districts and appoint a qualified person residing therein as assessor for each district and another as overseer of roads therein, each of whom shall possess the powers and perform the duties of a town assessor and town overseer of roads, respectively. Each shall hold his office for the term of one year. The compensation of any such assessor or overseer of roads shall be fixed by the county board, not exceeding \$4.00 per day.

[R. L. s. 442; 1909 c. 250 s. 1] (770)

375.24 APPOINTMENT OF JUSTICES OF THE PEACE AND CONSTABLES IN CERTAIN UNORGANIZED TERRITORY. In any county of this state having no organized townships or in which the distance from any full and fractional unorganized township is more than 20 miles from the nearest town or municipality or county-seat, and which full and fractional unorganized township is entirely separated from the town or municipality or county-seat by water, the county board of such county may appoint one or more justices of the peace and one or more constables for such unorganized township, who shall have the same powers and duties as like officers in towns in the county.

Before entering upon their duties such officers shall give bond to the county in such penal sum as the county board shall determine, which bonds shall be otherwise conditioned as bonds for such officers in towns in the county. Such bonds shall be approved by the county board and filed with the clerk of the district court.

[1935 c. 85 ss. 1, 2; 1941 c. 234] (1081-1) (1081-2)

375.25 COUNTY BONDS MAY BE BOUGHT BY FUNDS IN TREASURY; RE-SALE. When any fund in the treasury of any county of this state having not more than 50,000 population is of such size that, in the opinion of the county board, the same would not be necessary to be expended for the purpose for which it was paid in within two or more years from the time of such determination, the board may thereupon authorize the auditor and treasurer of the county to purchase out of such fund any outstanding bonds of the county at not exceeding the face value thereof and accrued interest thereon to date of purchase and the bonds so purchased shall be kept by the treasurer as an asset of such fund. Any bonds so purchased may again be sold by the board at not less than the face value thereof when, in its judgment, it is deemed necessary to replenish the fund out of which such bonds were purchased.

[1907 c. 214 ss. 1, 2] (669-1) (669-2)

375.26 MAY ACCEPT GIFTS OF REALTY. Any county in this state may receive by grant, gift, devise, or bequest, and take charge of, own, hold, control, invest, and administer free from taxation, in accordance with the terms of the trust or the conditions of the gift, any real property not to exceed 40 acres in any one county for the use and benefit of the inhabitants of the county or as park or recreation grounds, and in the encouragement, aid, and maintenance of the county cooperative work and education in agriculture and home economics, and in aid and furtherance of the object and purpose of the farm bureau association in the county. Such county may, from time to time, by resolution of the county board, appropriate from the county revenue fund such sum or sums as may by the board be deemed necessary to suitably maintain, improve, and care for the property for such use and purpose, not exceeding the sum of \$1,200 in any one year.

[1925 c. 13 s. 1; 1933 c. 59; 1939 c. 30] (669-12)

375.27 LIABILITIES, LIMITATIONS, AND CONDITIONS OF GIFTS OF REALTY. No county, by receiving any grant, gift, devise, or bequest of any property pursuant to section 375.26 and holding and managing the same, shall incur or be subject to any liability of any kind or nature growing out of the ownership or management thereof; except that limitations and conditions may be imposed by the deed of gift as to the use of the property donated and, if the gift is accepted by the county, it shall be the duty of the county to comply with the limitations and conditions so imposed.

[1925 c. 13 s. 2] (669-13)

375.28 REWARDS FOR CAPTURE OF PERSONS ACCUSED OF CRIME OR ESCAPING FROM JAIL. The county board of any county in this state shall have the power to offer and pay rewards in such amounts, not exceeding \$500.00 in any one case, as by it may be deemed advisable for the apprehension, arrest, or conviction, or for information leading to the apprehension, arrest, or conviction, of any person or persons accused of crime in any of the courts of the county or for the apprehension, or for information leading to the apprehension, of any prisoner escaped from any jail in the county.

[1925 c. 23] (669-15)

375.29 AWARD FOR MURDERER. When any county in this state, having a population of more than 200,000, and an assessed valuation of more than \$250,000,000, shall have, by resolution of its county board, authorized the payment of a reward for the recovery of the body of a murderer, such county board shall be authorized to pay such reward and claim therefor, provided that no such payment shall exceed the sum of \$200.00, and no such payment shall be made except by resolution of the county board. The county board, before allowing any such reward, shall require proper and sufficient legal proof of the fact evidencing the recovery of the body of any such murderer. Any seven taxpayers may appeal to the district court of such county from the action of the county board, as provided by law for appeal from the allowance or disallowance of any claim by the county board.

[1935 c. 234] (669-15½)

375.30 COUNTY BOARD MAY APPROPRIATE MONEY TO FIGHT RUST. In addition to the powers now conferred on it by law, the county board of any county shall have power to appropriate, annually, a sum of money, not exceeding \$500.00, for the purpose of eradicating and removing rust-producing bushes, including barberry and mahonia and excluding Japanese barberry. The money so appropriated to be expended in such manner as the county board may, by resolution, provide.

[1921 c. 142] (671)

375.31 COUNTIES MAY INDEMNIFY OFFICERS AND EMPLOYEES. The county board of any county in this state is hereby authorized to indemnify its officers and employees for loss or expense arising or resulting from claims for bodily injuries, death or property damage made upon such officers or employees by reason of their operation of motor vehicles while in the performance of their official duties, and to defend, in the names of and on behalf of such officers and employees, any suits brought against them to enforce claims, whether groundless or not, arising out of their operation of motor vehicles under such circumstances, and to compromise and settle any such claims or suits, and to pay the amount of such settlements or compromises or the amount of any judgments rendered against such officers or employees on any such claims without first requiring such officers or employees to pay the same.

[1931 c. 330 s. 1] (672-1)

375.32 COUNTY BOARD MAY PAY PREMIUMS. The county board, at its discretion, may pay the premiums on insurance policies insuring the individuals or groups of individuals referred to in section 375.31 against liability for injuries to person or property within the limitations of section 375.31, and such payment of insurance premiums shall in no way impose upon any county any liability whatsoever. Such insurance may be written in any mutual company authorized to do business in this state.

[1931 c. 330 s. 2] (672-2)

375.33 FREE COUNTY LIBRARIES. Subdivision 1. **Authorization and establishment.** The county board of any county in this state is hereby authorized to establish and maintain, at the county-seat or any other city to be determined by the board, a public library for the free use of all residents of the county, and may levy a tax not to exceed one mill on the dollar of all the taxable property outside of any city or village wherein a free public library is located, or which is already taxed for the support of any such library, the proceeds of which tax shall be known as the county library fund.

Subdivision 2. **Petition; election.** If such county library be not otherwise established, the board, upon the petition of 100 freeholders of the county, shall submit the question of such establishment to the voters at the next county election. If a majority of the votes cast on such question be in the affirmative, the board shall establish the library and levy a yearly tax for its support, within the limits fixed by subdivision 1.

Subdivision 3. **Contract with present library board.** If there is a free public library in the county, the board shall contract with the board of directors of such library, upon such terms and conditions as may be agreed upon between such boards, for the use of such library by all residents of the county, and may place under the supervision of such library board the county library fund, hereinbefore provided for, to be spent by such board for the extension of the free use of the library to all residents of the county. If there is more than one such free public library in the county the county board may contract with one or all of such library boards for such free service if in its judgment advisable.

Subdivision 4. **Appointment of library board.** If there is no free library in such county available for use as a central library of the county system, the county board shall appoint a board of five directors; of the directors first appointed, two shall hold office for three years, two for two years, and one for one year from the third Saturday of July following their appointment the term of office being specified by the appointing power; and annually thereafter the board shall appoint one or two directors for the term of three years and until their successors qualify. The powers and duties of such board of directors shall be the same as those of a board of directors of any free public library in a city or village, and be governed by the provisions of sections 134.09 to 134.15.

[1919 c. 445] (673)

375.34 OBSERVANCE OF MEMORIAL DAY. The county board of each county, in addition to all other powers now possessed by it, is hereby empowered and authorized to set apart, appropriate, and expend, or cause to be expended, in such manner as it may deem best, from the county revenue fund of such county, an amount not to exceed the sum of \$300.00, annually, for the purpose of aiding in the appropriate observance of Memorial Day on the thirtieth day of May, in each

year, and in the annual commemoration of the noble and valiant deeds of the nation's soldier dead.

[1911 c. 109 s. 1] (762)

375.35 APPROPRIATION TO MILITARY SERVICE MEN'S ORGANIZATIONS FOR MEMORIAL DAY EXERCISES. The several county boards in this state are hereby empowered, in addition to the power now conferred on them by law, to appropriate annually not to exceed \$25.00 to each post of a recognized military service men's organization or society, holding charter from congress or incorporated in this state, organized and existing in their respective counties, for defraying the expenses of Memorial Day exercises.

[1921 c. 233 s. 1; 1927 c. 407] (762-1)

375.36 COUNTY BOARD TO ESTABLISH A SOLDIERS' REST. The board of county commissioners of any county in this state may purchase a plot of ground in any duly organized cemetery lying, in whole or in part, in the county, or in a county contiguous thereto, to be designated, set aside, and used exclusively as a soldiers' rest, and appropriate for the payment, embellishment, and upkeep thereof not to exceed the sum of \$1,000 in any one year. Any county in this state now having, or which may hereafter have, a population of not less than 150,000 may appropriate for such purposes not to exceed the sum of \$3,500 in any one year.

The county board is authorized to use such portion of the appropriation as it may deem necessary for compensation and expenses of an agent, who shall be a veteran, to care for such burial ground and to issue permits for burial therein.

[1917 c. 60 s. 1; 1923 c. 335 s. 1; 1937 c. 178 s. 1] (763)

375.37 "SOLDIERS' REST" USED EXCLUSIVELY FOR SOLDIERS, SAILORS, AND MARINES. Any plot of ground secured and designated as a "soldiers' rest" shall be used exclusively for the interment of deceased soldiers, sailors, marines, and war nurses of the United States, without charge for space therein, except as herein provided.

The county board, by resolution entered in its minutes, shall fix and establish the cost price of all burial lots within the cemetery so purchased and maintained; and, when a deceased person entitled to be buried therein or his representatives are financially able to pay the cost price of the lot in which he is to be interred, the board may authorize the burial of such person therein upon the condition that such cost price be paid therefor. If in any case it should be made to appear that any person was buried in such soldiers' rest without payment of such cost price and that he left an estate from which such payment should have been made, and in all cases in which the cost of burial shall have been sustained by the state, and the estate of the decedent was able to meet the cost thereof, the county auditor shall file a claim in the probate court having jurisdiction over the estate of the decedent, for the amount of the cost of such burial, including the amount expended by the state therefor and also the cost price of the grave, and upon the allowance and payment of such claim the county auditor shall apportion the amount allowed to the state and the county according to the amount each is entitled to receive therefrom, and shall draw his warrant in favor of the state treasurer for such part of the allowed claim as may have been expended by the state for the purposes of such burial.

[1917 c. 60 s. 2; 1933 c. 336; 1937 c. 178 s. 2] (764)

375.38 VIOLATION A MISDEMEANOR. Any person interring or causing to be interred a body, or make a charge for a burial lot in such soldiers' rest, except as provided by section 375.37, shall be guilty of a misdemeanor.

[1917 c. 60 s. 3; 1937 c. 178 s. 3] (765)

375.39 CHANGE OF NAME OF COUNTY; ORDER OF COUNTY BOARD. The county board of any county in this state may change the name of the county upon a petition signed by a number of the legal voters of the county equal to 55 per cent of the votes cast at the last preceding general election, and shall adopt the new name suggested in such petition as the official name of the county. Such petition shall be filed with the county auditor and it shall be the duty of the auditor thereupon to give public notice of the filing of such petition by publishing the same in the official newspaper of the county, and the petition shall be taken up and considered at the next meeting of the board held not less than 30 days after the date of such notice.

The prayer of the petition being granted, the board shall make a formal order to that effect, which shall be filed with the auditor, and thereupon the official name of the county shall be the one so adopted.

[1905 c. 23 ss. 1, 2] (674) (675)

375.40 COUNTY BOARD MAY LICENSE EXHIBITIONS AND SHOWS. The board of county commissioners of any county of this state is hereby authorized to license and regulate itinerant shows, carnivals, circuses, endurance contests, and exhibitions of any nature whatsoever, except those prohibited by section 616.40. Sections 375.40 to 375.42 shall not apply to shows, carnivals, circuses, contests, and exhibitions held within the incorporated limits of a village, borough, or city.

The fee for such license shall be fixed by the board of county commissioners in such amount as it shall deem advisable.

The board of county commissioners may require, as a condition to the granting of such license, the posting of a penal bond in such amount as it shall determine.

Application for such license shall be made on such form as the board of county commissioners shall determine. Upon the approval of such application and the payment of the license fee and the posting of such bond as may be required, the county auditor shall issue the license.

[1937 c. 331 ss. 1, 2, 3, 4] (10536-11) (10536-12) (10536-13) (10536-14)

375.41 TAKING PART IN UNLICENSED EXHIBITION OR SHOW A MISDEMEANOR. Any person, partnership, association, or corporation who conducts, or takes part in, any itinerant show, carnival, circus, endurance contest, or exhibition not licensed, as provided in section 375.40, shall be guilty of a misdemeanor.

[1937 c. 331 s. 5] (10536-15)

375.42 EXCEPTIONS. The provisions of sections 375.40 and 375.41 shall not apply to any itinerant show, carnival, circus, endurance contest, or exhibition held in connection with any agricultural association fair.

[1937 c. 331 s. 6] (10536-16)