

CHAPTER 162

COUNTY ROADS.

Sec.		Sec.	
162.01	Powers of county board	162.25	Certain counties to improve roads outside of county
162.015	Establishment of county roads with federal aid	162.26	Appropriations by county boards
162.02	Appropriations from county road and bridge fund for bridges in certain municipalities	162.27	Appropriations in special fund
162.03	County board may appropriate money to cities in certain cases	162.28	Acquisition of right of way
162.04	County boards may levy annual tax on unorganized territory for road and bridge purposes not to exceed 15 mills on the dollar	162.29	Funding and payment of outstanding indebtedness of certain counties represented by warrants against road and bridge funds
162.05	Duty of auditor in extending the tax levy	162.30	Warrants validated; bond issue to refund
162.06	Collected amount set apart as a separate road and bridge fund	162.31	Tax levy to pay bonds
162.07	Expenditure of fund in adjoining or other townships authorized	162.32	Amount of tax levy
162.08	Tax levy	162.33	County board to determine amount necessary
162.09	County bonds for paving	162.34	Records kept
162.10	County bond reimbursement fund; money taken from trunk highway fund placed in	162.35	Claims against counties
162.11	County highway engineer	162.36	Offenses; penalties
162.12	County highway engineer, Hennepin county; qualifications	162.37	County board may reimburse other municipalities in certain cases
162.13	Bond of county highway engineer	162.38	Permanently improve
162.14	Reports and recommendations to county board	162.39	County board may issue bonds for road and bridge purposes
162.15	Reports to county board and commissioner of highways	162.40	Commissioner of highways to approve routes and plans
162.16	Annual report to county board and commissioner of highways	162.41	Form of bonds; interest; sale of bonds
162.17	Transfer of duties	162.42	Use of proceeds
162.18	Payment of labor	162.43	Funds to be credited to trunk highway fund
162.19	Road labor, Hennepin county	162.44	Powers additional
162.20	Establishment of road by judicial proceedings	162.45	Counties to be reimbursed from state highway fund
162.21	Establishment, alteration, or vacation by county boards	162.46	Road and bridge bonds in certain counties
162.22	Opening and improvement of highways leading to meandered lakes	162.47	Issue and sale of bonds
162.23	Counties may pay for gasoline and oil	162.48	Tax levy
162.24	Impassable roads	162.49	Road and bridge bonds in certain counties; amount of issue
		162.50	Issue and sale of bonds
		162.51	Tax levy
		162.52	Road and bridge bonds in certain counties; amount of issue
		162.53	Issue and sale of bonds
		162.54	Tax levy

162.01 POWERS OF COUNTY BOARD. Subdivision 1. **Supervision.** County boards shall have general supervision of county roads, including those within their respective counties established by judicial authority, with power to appropriate and expend such sums of money from the county road and bridge fund as they may deem advisable for opening, vacating, resurveying, or improving the same in towns and villages of such county or for the building or repairing of bridges upon any public road in any town, village, borough, or city of the fourth class in the county, or for purchasing necessary road material, machinery, tools, and supplies; provided, that before any such sum shall be appropriated and expended by such county board on any road or bridge within the limits of any village, borough, or city of the fourth class in such county, such expenditures upon such road or bridge shall be first authorized by the council of such village, borough, or city of the fourth class.

Subd. 2. **County board may appropriate aid to towns, villages, and cities of third or fourth class.** The county board of any county may appropriate from its road and bridge fund to any town, village, borough, or city of the third or fourth class in its county, such sums of money as are available and which it deems advisable to aid such towns, villages, boroughs, or cities of the third or fourth class in the construction and maintenance of roads, streets, or bridges therein, and such appropriations may be directly expended by the county board, upon such roads, streets, or bridges as shall be designated by the governing bodies of such towns, villages, boroughs, or cities of the third and fourth classes. In counties having a population of 225,000 or over, such county aid may be expended in accordance with the provisions of Laws 1905, Chapter 164, as amended by Laws 1909, Chapter 208. No village, borough, or city of the third or fourth class shall receive an appropriation hereunder exceeding 20 per cent of the annual tax levy for road and bridge purposes paid by such village, borough, or city of third or fourth class.

Subd. 3. **To construct and maintain roads in another county.** The county board may appropriate and expend money for the construction and maintenance of roads in another county having a road or roads immediately tributary, and running into the county appropriating such money, when it deems it for the best interest of the public.

Subd. 4. **County road and bridge fund.** The county board shall provide and set apart a fund for the construction and maintenance of roads and bridges in such county, to be known as the county road and bridge fund, upon which shall be drawn all warrants for the construction and maintenance of state aid and county roads and bridges in such county, as determined by such board or as required by the provisions of this chapter.

Subd. 5. **Tax levy.** The county board at its July meeting may include in its annual tax levy an amount not exceeding ten mills on the dollar of the taxable valuation for the county road and bridge fund; provided, that in all counties of this state having an assessed valuation of \$10,000,000 or less, of real and personal property, excluding moneys and credits, and not receiving any assistance from the state because of any conservation, game refuge, or reforestation areas created under Minnesota Statutes 1941, Section 84.155, 94.20 to 94.30 inclusive, or 88.54 to 88.63 inclusive, a levy of 15 mills may be made for road and bridge purposes in the years 1945 and 1946. Provided, that no county in which the average mill rate for all purposes, including any levy made hereunder, is more than 114 mills, or in which the assessed value of platted real estate is more than 45 per cent of the assessed value of all real estate, shall not levy more than ten mills for such purposes. Such taxes may be additional to the amount permitted by law to be levied for other county purposes.

[1921 c. 323 s. 24; 1923 c. 439 s. 4; 1929 c. 179; 1941 c. 29; 1945 c. 591 s. 1] (2565)

162.015 ESTABLISHMENT OF COUNTY ROADS WITH FEDERAL AID.

When the county board of any county shall determine that it is necessary to establish a road or to alter an existing road for military or national defense purposes, the board may, in its discretion, establish such road or alteration and designate the route and width thereof, provided the entire cost of the right of way therefor is paid, assumed, or made available by the United States or some agency or department thereof.

Upon establishing any such road or alteration, the county board may acquire the right of way therefor in the name of the county by purchase or gift or by condemnation in accordance with the provisions of chapter 117.

The county board of any county establishing or altering a road hereunder may designate the commissioner of highways as agent of the county to acquire, in the name of the county, the right of way needed therefor by purchase or gift, or by condemnation in accordance with chapter 117, provided the entire cost of the right of way is paid, assumed, or made available by the United States or some agency or department thereof, and the commissioner of highways is hereby authorized to act as such agent.

Any road established or altered hereunder shall be deemed to be a county road, and may be designated as a county aid or state aid road by the county board in accordance with the laws applicable to such roads.

[1941 c. 320]

162.02 APPROPRIATIONS FROM COUNTY ROAD AND BRIDGE FUND FOR BRIDGES IN CERTAIN MUNICIPALITIES.

When the council of any village, borough, or city of the third or fourth class, may determine that it is necessary to build or improve any bridge or bridges, including approaches thereto, and any dam or retaining works connected therewith, upon or forming a part of streets or highways either wholly or partly within its limits, the county board shall appropriate such money as may be necessary therefor from the county road and bridge fund, not exceeding during any year the amount of taxes paid into the county road and bridge fund during the preceding year, on property within the corporate limits of such village or city. Such appropriation shall be made upon the petition of the council, which petition shall be filed by the council with the county board prior to the fixing by the board of the annual county tax levy. The county shall determine the plans and specifications, shall let all necessary contracts, shall have charge of construction, and, upon its request, warrants in payment thereof shall be issued by the chairman of the board and the county auditor, from time to time, as the con-

struction work proceeds. Any unpaid balance may be paid or advanced by the village or city. On petition of the council, the appropriations of the county board, during not to exceed three successive years, may be made to apply on the construction of the same items and to repay any money advanced by the village or city in the construction thereof. This section shall not limit the authority of the county board to appropriate and expend money under the provisions of section 162.01. None of the provisions of this section shall be construed to be mandatory as applied to any village or city whose assessed valuation exceeds \$500.00 per capita of its population.

[1925 c. 232 s. 1; 1935 c. 343] (2565-1)

162.03 COUNTY BOARD MAY APPROPRIATE MONEY TO CITIES IN CERTAIN CASES. The county board of any county in this state now or hereafter having a population of not less than 225,000, nor more than 330,000, shall appropriate annually from its road and bridge fund to towns, villages, and cities of the third or fourth class, in its county, the sum of \$40,000 to aid such towns, villages, or cities of the third or fourth class in the construction and maintenance of town roads, streets, or bridges therein, and such appropriation shall be apportioned in the following manner: 65 per cent thereof equally to each town and 35 per cent thereof to villages and cities of the third or fourth class proportionately according to the assessed valuation of all property for taxation, exclusive of money and credits, in these villages or cities of the third or fourth class, and shall be expended by any such county board, under its supervision and control, upon town roads, streets, or bridges as shall be designated by the governing bodies of any such towns, villages, and cities of the third or fourth class therein.

[1931 c. 264 s. 1] (2565-4)

162.04 COUNTY BOARDS MAY LEVY ANNUAL TAX ON UNORGANIZED TERRITORY FOR ROAD AND BRIDGE PURPOSES NOT TO EXCEED 15 MILLS ON THE DOLLAR. The county boards of the several counties in which there may be situated any territory not organized for town purposes are hereby authorized to, and they may in their discretion, annually levy a tax for road and bridge purposes on all the real and personal property in such unorganized territory, exclusive of money and credits taxed under the provisions of chapter 285, not exceeding 15 mills on the dollar of the assessed value of such property. Such tax, if levied, shall be additional to the tax which the counties are authorized to levy for county road and bridge purposes.

[1915 c. 44 s. 1] (2565-6)

162.05 DUTY OF AUDITOR IN EXTENDING THE TAX LEVY. If any county board deems it desirable to levy such a tax on such property, it may at the time it levies the county taxes, by resolution reciting such fact, determine the amount so to be levied in each congressional township of such unorganized territory for the then current year. It shall be the duty of the county auditor to extend such tax so levied upon the tax books of the county, at the same time and in the same manner as other taxes for county purposes are extended, as to property in such unorganized territory, and the same shall be collected and the payment thereof enforced at the same time and in the same manner as other county taxes on such property, and with like penalties for non-payment at the time prescribed by law.

[1915 c. 44 s. 2] (2565-7)

162.06 COLLECTED AMOUNT SET APART AS A SEPARATE ROAD AND BRIDGE FUND. Such tax when collected shall be set apart in separate funds in the county treasury; such funds shall be designated in such a manner as to describe each thereof as the road and bridge fund for the congressional township the property of which is so taxed to create such fund.

[1915 c. 44 s. 3] (2565-8)

162.07 EXPENDITURE OF FUND IN ADJOINING OR OTHER TOWNSHIPS AUTHORIZED. Such fund shall be expended under the direction of the county board for the construction, improvement, maintenance and repair of roads and bridges in the congressional township the property of which was so taxed to create such fund. Such fund, in any county having not less than 35, nor more than 40, congressional townships and having an assessed valuation of not less than \$16,000,000, nor more than \$20,000,000, may be expended in any adjoining organized or unorganized township, or portion thereof, upon a petition being presented to the county

board signed by a majority of the resident taxpayers of the unorganized township from which the petition emanates requesting that all or part of the money so collected in the unorganized township be expended in the adjoining organized or unorganized township, or portion thereof; provided, that such fund in any county having not less than 95, nor more than 105, full and fractional townships and having an assessed valuation of not less than \$3,000,000, nor more than \$5,000,000, exclusive of money and credits, may be expended in any organized or unorganized township or portion thereof in such county upon resolution by the county board.

[1915 c. 44 s. 4; 1919 c. 528 s. 1; Ex. 1937 c. 30] (2565-9)

162.08 TAX LEVY. The tax above provided for may be levied on all or a part of the unorganized territory in any county. No part of such unorganized territory less than a congressional township shall be so taxed.

[1915 c. 44 s. 5; 1919 c. 528 s. 2] (2565-10)

162.09 COUNTY BONDS FOR PAVING. Subdivision 1. **Bonds.** When authorized by the voters as hereinafter provided the county board of any county is authorized to issue bonds for the purpose of macadamizing any established road therein or surfacing the same with any hard material or in any other way making a permanent improvement thereon when the expense of so doing exceeds the amount of any appropriation the county board is authorized to make therefor.

Subdivision 2. **Petition.** When 50 or more voters of the county, who are also freeholders, petition for such improvement and file such petition with the county auditor he shall lay the same before the county board at its next regular, special, or adjourned meeting.

Subdivision 3. **Estimate.** It shall be the duty of the county commissioners to consider such petition and, if they find it contains the requisite number of signatures, they shall order an estimate of the cost of such improvement to be made by the county highway engineer.

Subdivision 4. **Special election, when.** If such estimate is furnished more than six months prior to the time of holding the next general election, the county board may, if it deems it desirable, order the holding of a special election in the county for the purpose of voting on the question of making such improvement and issuing bonds therefor. No special election shall be ordered when a general election will be held within six months after the estimate of the engineer is filed with the county auditor. If a special election is ordered, the county auditor shall cause ballots to be prepared setting forth a statement of the proposed improvement and description of the road or roads to be improved, with the words "Yes" and "No" thereafter, with appropriate spacing for voting.

Persons voting in favor of the proposition shall put a cross (X) after the word "yes," and those opposed after the word "no." If not submitted at a special election, the auditor shall cause the same to be submitted at the next general election. In either event the votes on such question shall be returned and canvassed as is provided by law with reference to other questions submitted to the voters. If a special election shall be ordered, the same shall be held substantially in the manner provided by law for the holding of general elections and the auditor shall cause published notice thereof to be given in the official paper of the county for three successive weeks prior thereto, giving a description of the roads to be improved and a statement of the improvement proposed and the estimated cost thereof. If a majority of the voters voting at the election vote in favor of the improvement, the county board shall issue the bonds of the county as hereinafter provided and cause the improvement to be made.

Subdivision 5. **Bonds, interest, payment.** The bonds so issued shall bear interest, evidenced by coupons, at a rate not exceeding six per cent per annum, payable annually; such bonds may be made payable in equal instalments, the first of which shall become due and payable not less than five years after the date thereof and the last of which shall become due and payable not more than 20 years after the date thereof. The bonds shall not be sold for less than par and accrued interest and the proceeds thereof shall be used by the county only for making the improvement specified in the proposition as submitted to the voters; the bonds shall not be valid until registered by the county auditor and his certificate of registration endorsed thereon. The county auditor shall thereafter levy a sufficient tax to pay the interest and principal of the bonds as the same accrue, which tax shall be collected as other taxes are collected. No such bonds shall be issued by any county when the issuance

of the same would make the entire indebtedness of the county exceed 15 per cent of the assessed valuation of the taxable real property of the county. In computing the indebtedness of any county, any indebtedness created by the issue of the bonds of such county for the construction of drainage ditches, the cost of which is assessed against the benefited property, shall not be included.

[1921 c. 323 s. 26] (2566)

162.10 COUNTY BOND REIMBURSEMENT FUND; MONEY TAKEN FROM TRUNK HIGHWAY FUND PLACED IN. A fund to be known as the county bond reimbursement fund hereby is created.

The officers named in section 161.03, subdivision 2, are authorized and required annually to set aside from the trunk highway fund created by the Constitution of the State of Minnesota, Article 16, and to place in the county bond reimbursement fund such amounts as may be required to pay the interest as it accrues on, and the principal when due of, all county reimbursement bonds issued for permanently improving trunk highways and to pay such interest and principal out of the county bond reimbursement fund, all to the extent heretofore assumed by the state and to be paid out of the trunk highway fund.

[1925 c. 250 ss. 1, 2] (2568-1) (2568-2)

162.11 COUNTY HIGHWAY ENGINEER. Subdivision 1. **Appointment, removal.** The county board of each county shall appoint and employ, as hereinafter provided, a county highway engineer, who shall have charge of the highway work of the county and the forces employed thereon, and who shall make and prepare all surveys, estimates, plans, and specifications which are required of him. Such county highway engineer may be removed by the county board during the term of office for which he is appointed only for incompetency or misconduct shown after a hearing upon due notice upon stated charges. The burden of proving incompetency or misconduct shall rest upon the party alleging the same.

Subd. 2. **Qualifications.** Such county highway engineer may be selected from a list of eligible competent highway engineers, which list shall be submitted by the commissioner of highways to the county board in May of the year in which the term of office shall expire, and shall be appointed for a term of two years; provided, that when a new county highway engineer is appointed he may be appointed for one year only and thereafter his appointment shall be made as hereinbefore set forth. The county highway engineer shall be a citizen of the state and must have resided therein for not less than three years immediately preceding the date of his appointment. The salary of the county highway engineer shall be fixed by the county board and be payable the same as other county officers are paid. His salary shall not be reduced during his term of office; provided, that the salary of the county highway engineer may be reduced in the same proportion as the salary of the county board in such county.

Any engineer employed by the state when properly certified by the commissioner of highways may be employed as county highway engineer and during the period of such employment and for the purposes of such employment he may be granted leave of absence from the state service, notwithstanding any limitation on leaves of absence contained in the civil service act.

The director of civil service shall allocate a state civil service classification to any county highway engineer as may be from time to time requested by the commissioner of highways. Such allocation shall be made on the same basis and subject to the same provisions of law as pertain to engineering and similar positions in the state classified service. The director shall give consideration to the education, professional attainments, and experience of such county highway engineer for purposes of transfer to the state service. All county highway engineers who have had not less than two years' service prior to such transfer may be transferred to such state classification so allocated without examination, but subject to a six months' probationary period, in the state classified service. The director of civil service shall establish procedure for such transfer.

The commissioner of highways may certify any county highway engineer that he may deem qualified to the director of civil service as eligible to take any specific promotional examination held for civil engineer or civil engineering aid as classified by the state civil service commission. The service rating of such engineer shall include past service with the state and as county highway engineer, if he had prior service with the state highway department as a supervisory engineer.

Subd. 3. **Bond.** The county highway engineer shall devote his entire time to his official duties and, before entering upon the duties of his office, give bond to the state in the penal sum of \$3,000, to be approved and filed in the same manner as are the bonds of the other county officers. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of the county highway engineer in the performance of his official duties may maintain an action on his bond for the recovery of the damages so sustained.

Subd. 4. **Reports.** The county highway engineer shall prepare and submit to the county board, at its regular meetings in July, a report of all expenditures and work done since the last report, and an estimate of probable expenditures for the balance of the year. He shall prepare and submit, prior to the time the levy for county road and bridge purposes is made, a recommendation, with estimates of cost, of work which he considers necessary or advisable for the following year.

Subd. 5. **Reports on construction jobs.** Within 30 days after the completion of a construction job, and once each month on other work, he shall submit a report thereof to the county board and to the commissioner of highways and submit such other reports as the rules and regulations of the commissioner of highways shall require.

Subd. 6. **Annual report.** On or before January first each year, the county highway engineer shall prepare a complete report covering the highway work of the county and submit one copy to the county board and one copy to the commissioner of highways.

Subd. 7. **Duties, when performed by county surveyor.** In all cases where any other engineer or surveyor is now charged by law with duties in connection with and supervision of road or highway work for the county, he is hereby relieved at the expiration of his present term, and the county highway engineer at that time is expressly charged with, and he shall then assume, such duties; provided, that the duties of the county highway engineer, as specified in this section, shall be performed by the county surveyor in all counties in the state having a population of not less than 225,000, nor more than 400,000.

Subd. 8. **Inspection of bridges.** The county highway engineer shall each year so far as time and conditions permit cause an inspection to be made of all bridges exceeding ten feet in length on all public roads and streets within the county other than trunk highways and other than streets or highways within a municipality employing a registered professional engineer, in which latter case such inspection shall be made by such municipal engineer. The engineer making such inspection shall file a copy of the report of such examination and recommendations with the auditor of the county or the governing body of the municipality in which the bridge is situated if the structure is found to be under-strength or unsafe.

[1921 c. 323 s. 29; 1941 c. 462; 1945 c. 90 ss. 1, 2] (2569)

162.12 COUNTY HIGHWAY ENGINEER, HENNEPIN COUNTY; QUALIFICATIONS. The county board of each county of this state now or hereafter having a population of 400,000 or over may appoint and employ, as hereinafter provided whenever necessary, and may remove, a county highway engineer, who shall have charge of the highway work of the county and the forces employed thereon, and who shall make and prepare all surveys, estimates, plans, and specifications which are required upon highway work. His salary shall be not to exceed the sum of \$4,500 per annum. He shall be a competent registered highway engineer or road builder. His appointment shall be first approved by the commissioner of highways.

[1925 c. 369 ss. 1, 2] (2569-1, 2569-2)

162.13 BOND OF COUNTY HIGHWAY ENGINEER. The county highway engineer shall devote his entire time to his official duties and shall, before entering upon the duties of his office, give bond to the state in the penal sum of \$3,000, to be approved and filed in the same manner as are the bonds of the other county officers. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of the county highway engineer in the performance of his official duties may maintain an action on his bond for the recovery of the damages so sustained.

[1925 c. 369 s. 3] (2569-3)

162.14 REPORTS AND RECOMMENDATIONS TO COUNTY BOARD. The county highway engineer shall prepare and submit to the county board at its regular meetings in July a report of all expenditures and work done since the last report

and an estimate of probable expenditures for the balance of the year. He shall prepare and submit prior to the time the levy for county road and bridge purposes is made a recommendation with estimates of cost of work which he considers necessary or advisable for the following year.

[1925 c. 369 s. 4] (2569-4)

162.15 REPORTS TO COUNTY BOARD AND COMMISSIONER OF HIGHWAYS. Within 30 days after the completion of a construction job, and once each month on other work, he shall submit a report thereof to the county board and to the commissioner of highways and submit such other reports as the rules and regulations of the commissioner of highways require.

[1925 c. 369 s. 5] (2569-5)

162.16 ANNUAL REPORT TO COUNTY BOARD AND COMMISSIONER OF HIGHWAYS. On or before January first each year, the county highway engineer shall prepare a complete report covering the highway work of the county and submit one copy to the county board and one copy to the commissioner of highways.

[1925 c. 369 s. 6] (2569-6)

162.17 TRANSFER OF DUTIES. In all cases where any other engineer or surveyor is now charged by law with duties in connection with and supervision of road or highway work for the county, he is hereby relieved and the county highway engineer is expressly charged with and shall assume such duties, and such other engineer or surveyor shall forthwith on order from the county board turn over to the highway engineer all equipment under his control, together with all plans, plats, and records of his office or under his control pertaining to the highway work of the county.

[1925 c. 369 s. 7] (2569-7)

162.18 PAYMENT OF LABOR. Subdivision 1. **Claims need not be audited by county board.** 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 such 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 such form as hereafter provided.

Subdivision 2. **Time checks authorized.** 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. 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. The county board may authorize the overseer, superintendent, or foreman to deduct from the sum that may be due any workman any amount due from the workman for board to any person, and 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.

Subdivision 3. **Issuance of time checks.** Any overseer, superintendent, or foreman so authorized shall, on the fifteenth 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, 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.

Subdivision 4. **Form of time check.** Such time check shall be substantially in the form which shall be prescribed by the public examiner.

Subdivision 5. **Warrants for time checks.** 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.

Subdivision 6. When time check issued to one who quits work. If any person who would otherwise be entitled to the issuance to him of a time check on the fifteenth 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 24 hours after the termination of such employment issue to such person a time check, as herein provided.

Subdivision 7. Not to be issued without authority. 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.

Subdivision 8. Pay-roll System. In lieu of the time check system hereinbefore provided, any county board may adopt a pay-roll system for the payment of the claims hereinbefore in this section referred to. Such pay-roll 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, be signed by the individual claimants and 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 section 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 pay-roll system provided for in this subdivision.

Upon the allowance of any such pay-roll 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.

Subdivision 9. St. Louis county pay-roll system. 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, funds shall be first set apart for such work by the county board and authority be granted to any such road superintendent or foreman to issue time checks for the work, not to exceed the sum so appropriated for such work.

[1921 c. 323 s. 30; 1923 c. 167] (2570)

162.19 ROAD LABOR, HENNEPIN COUNTY. In any county of this state now or hereafter having a population of 400,000 or over, the county board may provide that all claims for labor, whether skilled or unskilled, employed by such county in

any capacity in connection with the construction or maintenance of roads therein, and the claims of persons who have furnished tractors, trucks, teams, wagons, plows or scrapers for the performance of such work, may be paid in the following manner:

The foreman in charge of each crew shall transmit daily to the county auditor a report showing the name of each person working under his supervision, the number of hours and character or kind of work performed by each, together with the rate of pay of each. From these cards the county auditor shall make up a semimonthly pay-roll for each crew in such form as may be approved by the public examiner, which pay-roll shall be verified by the foreman from whose daily reports the same shall have been compiled. These pay-rolls shall then be presented to the county board for allowance or disallowance. On the allowance of a pay-roll by the county board, the county auditor shall forthwith issue to the several claimants whose names appear therein, his warrants in payment of their respective claims.

[1925 c. 367 s. 1] (2570-1)

162.20 ESTABLISHMENT OF ROAD BY JUDICIAL PROCEEDINGS. Subdivision 1. **Petition.** When a petition praying for the location, alteration, or vacation of any highway running into or through two or more counties, or on or partly on the line dividing two or more counties, in any judicial district in this state, signed by 20 legal voters and taxpayers resident in such counties, shall be presented to a judge of the district court in such district, or when a petition praying for the location, alteration, or vacation of any highway running into or through two or more counties, on or partly on the line dividing two or more counties in two or more judicial districts in this state, signed by 20 legal voters and taxpayers resident in such counties, shall be presented to a judge of the district court of one of such districts, he is hereby authorized to appoint three commissioners, whose duty it shall be to meet at such times and places as may be necessary and to immediately proceed to lay out, alter, or vacate such road as directed by the judge in accordance with the prayer of the petition; provided, that no road shall be ordered by the judge to extend more than six miles outside of the judicial district in which the application is made, and such road shall be extended beyond the judicial district only for the purpose of commencing or ending at some village or public road. In cases where the road, if a new road, or, if an old road, the part thereof to be altered or vacated runs through or into two or more counties situated in two or more judicial districts, the judge to whom the petition was presented shall appoint commissioners from each of the counties affected by such road, not exceeding five in all, and direct them to lay out, alter, or vacate such road accordingly; and it shall be the duty of the commissioners to meet at such times and places as may be necessary and to proceed to lay out, alter, or vacate such road in like manner as provided herein in other cases. At the time of filing such petition, one or more of such petitioners shall give bond, with good and sufficient surety, payable to the State of Minnesota, to be approved as to amount and sureties by the judge to whom such petition is presented, such bond to be conditioned to pay all expenses and costs in case the court or judge thereof shall fail to establish such proposed road.

Subdivision 2. **Notice.** Three weeks' published and posted notice of the presentation of such petition shall be given in each of the counties affected at least 30 days in advance thereof. Such notice shall contain a copy of the petition, the name of the judge to whom it will be presented, and the time and place of presentation; and proof of such notice shall be filed with the clerk before the hearing. Such notice shall also be served in the same manner as the service of the summons in a civil action, upon each county and organized town in which, or along the boundary of which, such proposed road is sought to be established, and proof of the service of such notice on such counties and towns shall be filed with the clerk of the court before the hearing.

Subdivision 3. **Employees.** The commissioners shall appoint a surveyor, an axman, and two chainmen, to survey such road, if so directed by the court. The surveyor shall make plats of the location of such road, in which the county lines and all stakes, trees, monuments, and distances shall appear, and file one of such plats for record with the register of deeds of each county in or through which the road is located. The surveyor shall receive \$2.00 for each plat so filed.

Subdivision 4. **Appraisals.** These commissioners shall appraise and fix the damages to be paid to each landowner by reason of the establishment, alteration,

or vacation of such road over and across his lands, unless such right of way be voluntarily released to the county in which such land is situated; and in their report they shall set forth each appraisal made by them and all releases of the right of way. Such damages when finally determined and all expenses incurred in the establishment, alteration, or vacation, including compensation for right of way, shall be paid by the counties through, into, or between which such road passes, each county paying its just proportion as determined by the court. The county shall provide for and pay such damages as in the case of a county road. The commissioners shall receive for their services \$3.00 each per day and eight cents for each mile of necessary travel.

Subdivision 5. Reports. These commissioners shall report their proceedings at the term of the district court held in the county where such proceedings were begun next after the completion of their duties, and any person aggrieved by their action may then appear and be heard upon such report; and the court upon such hearing may consider the propriety of establishing, altering, or vacating such road and confirm or reject such report. The confirmation shall be final and the order of confirmation, if a road be thereby established or altered, shall direct the time and manner of opening the same for public use. The clerk of court shall, within 30 days after filing the same, transmit a certified copy of the order to the auditor of each county through or into which such road passes; upon receipt of such order the county board shall proceed in accordance with its terms to open so much of the road as lies within its county for public use.

Subdivision 6. Appeals. Any person aggrieved by such appraisal may demand a jury trial to determine the amount of damages to which he is entitled for the right of way for such road over his land. Such demand shall be in writing, signed by the person making it, his agent or attorney, and filed with the clerk of the district court with whom the report is filed, within 30 days after the entry of the order of confirmation. A failure to file such demand shall be deemed a consent to the appraisal made. A trial so demanded shall be had at the next term held in the county in which the land is situated unless continued for cause. If the land is situated in a county other than that in which the report is filed, the clerk with whom such report and demand are filed shall certify a copy of the demand and of so much of the report as applies thereto to the clerk of the trial county, who shall file the same. The county board or county attorney of the county in which land so taken is situated may in like manner and with like effect demand a jury trial to determine the damages to be paid in any one or all of the cases within such county, and the like proceedings shall thereupon be had.

[1921 c. 323 s. 41] (2581)

162.21 ESTABLISHMENT, ALTERATION, OR VACATION BY COUNTY BOARDS. **Subdivision 1. Established by county board.** County roads, other than those established by judicial authority, shall be established, altered, or vacated only by the county board. Damages resulting from the establishing, altering, or vacating such roads shall be determined in the manner hereinafter provided and paid by the counties through which they pass. All proceedings in establishing, altering, or vacating roads shall be recorded in a public record book designated as the book of county roads.

Subdivision 2. County roads, what are. The county commissioners are hereby authorized and empowered to constitute and declare any public highway or road in such county outside of the corporate limits of any incorporated city or village therein, a county road; and they are hereby given general supervision over such roads, with full power to appropriate such sums of money from the county treasury of such county as they may deem advisable for improving the same; provided, that nothing contained in this section shall be so construed as to relieve the supervisors or town overseer of highways of any town in such county from any of the duties imposed upon them by existing laws relating to roads, cartways, and bridges.

Subdivision 3. Extension of streets. In any county of this state having or which may hereafter have 200,000 inhabitants or over, the county commissioners thereof are hereby authorized and empowered to extend any street or avenue beyond the city or village limits of any city or village in such county to connect any road or highway in any adjoining county, which extension shall not exceed one mile in length; and the county commissioners are given full power to change, alter, improve, or repair such extension of road within such county and to appropriate

such sum or sums of money from the treasury of such county as they may deem advisable therefor. In no case shall the location of such road, wherewith such extension shall be connected be changed at the point where the same now crosses the county line between such county and such adjacent county or counties.

Subdivision 4. Petitions. When 24 freeholders of any county petition the county board for the establishment, alteration, or vacation of any roads which connect with each other running into more than one town, or partly in one or more towns and partly on the line between one or more towns, or on the line between two or more towns, in such county, or along the shore of any lake wholly or partly in such county, or which constitutes a connecting link between an established highway and any public park, ground, or monument, or into a town or towns and the unplatted part of any village or villages therein, such road or roads not being within a city, or any road wholly within a town, which constitutes a direct connecting link with two or more roads, whether the same be previously connected or not, in the towns adjoining the town in which such road is or is to be located, setting forth the beginning, course, and termination or the beginnings, courses, and terminations of the road or roads, and the names of the owners of the land, if known, through which the same may pass, and file the same with the auditor, he shall forthwith lay the same before the board, if in session, and if not, at its first session thereafter. If the petition relate to a road or roads partly in a town or towns, and partly in the unplatted portion of a village or villages, before it shall be acted upon by the county board it shall have attached thereto a certified copy of a resolution of the village council or of each village council, as the case may be, approving the same.

Subdivision 5. Hearings on petitions. If such petition appears reasonable on its face the board shall order a hearing thereon, designating in such order the time and place for such hearing and appoint from its members a committee to examine the route or routes of such road or roads and fix the time and place upon such route or upon any one of such routes at which the committee shall meet for the purpose. At least 20 days before the time fixed for such committee meeting, and not less than 30 days before the time of the hearing, the board shall cause posted notice of the time and place of such meeting and hearing to be given in each town affected, setting forth a copy of the petition. Proof of such notice shall be made by affidavit of the person posting the same. Such affidavit shall be filed with the county auditor and be by him kept with the other papers relating to such proceedings.

Subdivision 6. Examination of roads. At the time and place designated, the committee shall meet and examine the road or roads proposed to be established, altered, or vacated and, in such examination, may employ a surveyor. After such examination they shall report to the board at its next session, setting forth, if a new road or roads or any alteration or alterations of any existing road or roads be proposed, the course and distances thereof, and recommending the granting or rejection of the petition.

Subdivision 7. Hearings on damages. At the time and place designated, the board shall hear all parties interested as to the necessity for, and as to the amount of, damages to land owners by reason of such establishment, alteration, or vacation and may adjourn such hearings from time to time, if necessary. It shall determine the damages which will be sustained by each owner through whose land such road or roads may pass, and with whom it cannot agree, as hereinafter provided, or who is unknown, specifying the amount of damages, if any, awarded to each land owner and describing each parcel of land separately. If the board determines that the establishment of the road is desirable and of sufficient advantage to warrant the payment of damages assessed, it shall declare the road or roads established, altered, or vacated in accordance with the petition; otherwise, it shall declare the petition dismissed.

Subdivision 8. Assessing and awarding damages. The damages sustained by reason of establishing, altering, or vacating any road may be ascertained by the agreement of the owners and the county board; and, unless such agreement is made, or the owners release in writing all claim to damages, the same shall be assessed and awarded before such road is opened, worked, used, altered, or vacated. Every such agreement and release shall be filed with the county auditor and shall be final as to the matters therein contained. In ascertaining the damages which will be sustained by any owner, the board shall determine the money value of the benefits which the establishment, alteration, or vacation, as the case may be, will

confer and deduct such value, if any, from the damages, if any, and award the difference, if any, as damages.

Subdivision 9. **Order of board.** If the petition be granted, the board shall provide for the laying out and construction of such road, in the case of the establishment of a new road or the alteration of an existing road or roads, and carrying into effect the vacation of an existing road or roads, when such action is petitioned for.

Subdivision 10. **County to pay damages.** All damages resulting from the establishment, alteration, or vacation of any county road shall be paid by the county.

Subdivision 11. **Appeals.** Any taxpayer of the county or any person aggrieved by any determination of a county board, either establishing, altering, or vacating or refusing to establish, alter, or vacate any road, or by any award of damages made by such county board may appeal therefrom to the district court of such county within the time and in the manner and with effect as is hereinafter provided.

[1921 c. 323 s. 42; 1923 c. 439 s. 7; 1927 c. 227 s. 2] (2582)

162.22 OPENING AND IMPROVEMENT OF HIGHWAYS LEADING TO MEANDERED LAKES. When a petition signed by 50 freeholders of the county is presented to the county board, wherein it appears that (1) there is a meandered lake or navigable stream running between two meandered bodies of water within the county which is not accessible to the general public by reason of the fact that there is no public highway leading up to the same, and (2) the establishment and opening of a county road of not more than one mile in length and 66 feet in width would connect such lake or navigable stream with a public highway and would afford the general public a means of access to such lake or stream, it may be the duty of such board, if after an investigation it finds the statement in the petition to be true, to adopt a resolution establishing a public highway not more than one mile long nor 66 feet wide at some location to be designated by it so as to connect such lake or stream with some previously established and traveled highway and to that end the several county boards shall have power to acquire any land, or any easement or interest therein deemed necessary, including the right to acquire the fee of the land to the width of the road only at the point where the road meets the lake by purchase, gift, or condemnation proceedings.

[1929 c. 142] (2582-1)

162.23 COUNTIES MAY PAY FOR GASOLINE AND OIL. When gasoline and oil have been furnished to a contractor in the construction of a county road and such contractor is insolvent and the bonding company issuing such contractor's bond is in the hands of a receiver, the county constructing such road may in its discretion pay for such gasoline and oil in the same manner as other county claims; provided, that the provisions herein contained shall not be interpreted or construed as being mandatory in any manner or thing upon the county board of such county.

[1933 c. 154] (2596-1)

162.24 IMPASSABLE ROADS. Subdivision 1. **Complaints.** When a complaint in writing to the county board of the county reciting that a described road in or on the line of a town therein is neglected by the town charged by law with its maintenance and repair or that a legally established road in or on the line of the town has not been constructed or opened, when the cost of opening or constructing such legally established road shall not exceed the sum of \$1,000 per mile, and that by reason of such neglect such road is not reasonably passable, which complaint is signed by five or more freeholders of the town or of an adjoining town in the county, the county board shall by resolution fix a time and place when and where it will consider the complaint; and thereupon the county auditor shall mail a copy of the complaint, together with a notice of the time and place when and where the county board will meet to consider the complaint, to the town clerk of the town and notify the persons signing the complaint of the time and place of such meeting. At the designated time and place the county board shall consider such complaint and hear and consider such testimony as may be offered by the officers of the town, or the persons filing the complaint, relative to the truth of the matters therein set forth. The chairman of the board, or the presiding officer thereof, may administer oaths to witnesses and require them to testify under oath.

Subdivision 2. **Hearings on complaints.** If upon such hearing the county board shall be of the opinion that the complaint is well founded, it shall by resolution direct the town board to do such work or to make such improvements as it shall

deem necessary to put such road in a passable condition. Such resolution shall specify generally the work which it is so deemed necessary to do. The county auditor shall cause a copy of such resolution to be mailed to the clerk of the town complained of and, if such town for a period of 30 days after the mailing of such notice, fail or neglect to do the work or make the improvements set forth in such resolution, the county board may cause such work to be done or improvement made and pay therefor from the county road and bridge fund. The amount annually spent by any county board in any town under the provisions of chapters 160 to 164 shall not exceed one mill on the dollar of the taxable valuation of that town.

Subdivision 3. **Statements of cost.** When any county board shall have performed any work or made any improvement on any such road it shall cause to be prepared in duplicate an itemized statement of the cost of such work or improvement. One of the statements shall be filed with the county auditor and the other copy thereof shall be by the county auditor-mailed to the clerk of such town. The town clerk shall forthwith notify the several members of the town board that such a statement has been filed and that a meeting of the town board to act thereon will be held at a time to be specified in such notice, not later than ten days after the receipt of such notice from the county auditor. The town board shall meet at the time and place specified in the notice so given by the clerk and levy a special tax upon all the taxable property in the town in an amount sufficient to pay the amount expended by the county in performing such work or making the improvement. Such tax so levied shall be certified to the county auditor on or before October fifteenth next succeeding and the county auditor shall extend the same with other town taxes upon the tax list of such town. If the town board shall for any reason fail to act as herein provided, the county auditor is hereby authorized and directed to levy such tax and extend the same with other town taxes upon the tax list of such town. Such tax shall be collected and the payment thereof enforced in the same manner and subject to the same penalties and interest as other town taxes. When collected such tax shall be paid into the county treasury to the credit of the county road and bridge fund and in making his settlements with the town the county treasurer is hereby authorized to withhold from payment to the town the amount of such special tax theretofore collected.

[1921 c. 323 s. 67; 1923 c. 439 s. 13; 1929 c. 24 s. 1; 1931 c. 40] (2607)

162.25 CERTAIN COUNTIES TO IMPROVE ROADS OUTSIDE OF COUNTY.

In any county of this state now or hereafter having a total assessed valuation of all its taxable property as fixed by the commissioner of taxation of more than \$220,000,000, and less than \$375,000,000, exclusive of money and credits, and an area of less than 5,000 square miles, the board of county commissioners shall have authority to appropriate and expend upon any road, highway, or bridge located upon or immediately adjacent to the boundary line between any city of the first class and any other city or village within such county such sums of money from the county road and bridge fund as the board shall deem proper for building, repairing, or otherwise improving any road or highway, including the construction and repairing of any bridge thereon.

[1925 c. 255 s. 1; 1929 c. 189 s. 2] (2620-1)

162.26 APPROPRIATIONS BY COUNTY BOARDS. In the event the board of county commissioners determine to grade, pave, or otherwise improve any road or highway, or construct or repair any bridge upon or immediately adjacent to the boundary line between any city of the first class and any other city or village within such county, and it shall be deemed that such improvement of such road, highway, or bridge can be more economically and better done by having the work of such improvement done by any such city of the first class, such board of county commissioners is hereby authorized to appropriate and pay to any such city of the first class such amount of money as it shall deem necessary to be expended by the county for such purpose in such city or in the city or village adjoining; provided, that if any such road, highway, or bridge so improved is upon a boundary line between any city or village and a city of the first class operating under a home rule charter within such county, and such road, highway, or bridge is partly within such city of the first class, the amount so appropriated by such county shall not exceed one-half the cost of any such improvement as estimated by the county highway engineer of any such county.

[1925 c. 255 s. 2; 1929 c. 189 s. 2] (2620-2)

162.27 APPROPRIATIONS IN SPECIAL FUND. The amount so appropriated and paid to any such city of the first class shall be set apart in a fund for the improvement of any such road, highway, or bridge or may be paid to any fund raised or to be raised under any proceeding authorized by the charter of any such city for improvement of any such road, highway, or bridge and expended from such fund in the same manner as other funds therein.

Such appropriation shall not be declared invalid because the same shall be more or less than one-half the total cost of such improvement as finally determined.

[1925 c. 255 ss. 3, 4; 1929 c. 189 s. 2] (2620-3, 2620-4)

162.28 ACQUISITION OF RIGHT OF WAY. Any county board coming within the provisions of sections 162.25 to 162.28 shall have authority in the name of the county to purchase or condemn lands for the right of way of such road, highway, or bridge under the provisions of chapter 117.

[1929 c. 189 s. 2] (2620-4½)

162.29 FUNDING AND PAYMENT OF OUTSTANDING INDEBTEDNESS OF CERTAIN COUNTIES REPRESENTED BY WARRANTS AGAINST ROAD AND BRIDGE FUNDS. When any county in this state having an area of more than 2,500 square miles and an assessed valuation for purposes of tax levy extensions of less than \$30,000,000, exclusive of money and credits, now has outstanding indebtedness incurred prior to January 1, 1927, represented by warrants issued against its road and bridge fund, which warrants, together with amounts transferred into its road and bridge fund from any other fund, pursuant to sections 385.32 and 385.33, and not repaid to such other fund, amount to a sum greater than the sum of the cash in its road and bridge fund on January 1, 1927, plus the amount of taxes which have been levied in such county payable during the year 1927 for road and bridge purposes, such outstanding indebtedness, including the amount owed from the road and bridge fund to such other fund or funds, may be funded or otherwise paid, in the manner provided in sections 162.29 to 162.36; and in the event of the funding provisions of sections 162.29 to 162.36 being resorted to, each and all of the conditions, provisions, and limitations of sections 162.29 to 162.36 shall apply and be controlling over those inconsistent therewith.

[1927 c. 147 s. 1] (2620-5)

162.30 WARRANTS VALIDATED; BOND ISSUE TO REFUND. Any and all such outstanding warrants which shall be funded in the manner authorized by sections 162.29 to 162.36, and which have been issued in payment of or to provide funds which have been used for the construction, repair, improvement, care, maintenance, or upkeep of roads, roadways, or bridges in such county, or to procure rights of way therefor, or to purchase or provide money for the purchase of equipment, materials, or supplies for such purposes, or for labor or services, skilled or unskilled, or other expenses in connection therewith, are hereby declared to have been valid and enforceable obligations of such county; provided, that the validation hereby effected shall not affect any warrants the validity of which is questioned in any litigation now pending. The determination by the board of county commissioners of such county that any such outstanding warrants have been issued and that bonds shall be issued for the purpose of funding same in the manner herein provided for shall be final and conclusively binding upon such county. The county board of any such county is hereby authorized and empowered to issue the bonds of such county in an amount not to exceed \$500,000 without submitting the question of such issue to the electors of such county and without regard to the amount of any or all other outstanding debts of the county, the proceeds thereof to be used solely for the purpose of taking up, paying, canceling, and retiring a like amount of principal and interest of such warrants, and of indebtedness of such road and bridge fund to any other fund of the county. Such bonds shall be payable in annual instalments, the first of which shall be due in not more than one year, and the last in not more than nine years, from the first day of January next following the date of such bonds. Such bonds shall be sold in conformity with section 475.15 and shall be the direct and general obligations of the county issuing the same. No bonds shall be issued hereunder unless the county board of such county shall, within 90 days after the passage and approval of sections 162.29 to 162.36, adopt a resolution determining to issue such bonds for such purpose. No annual instalments of the principal of such bonds payable more than five years after the first day of January next following the date of such bonds shall exceed in amount any annual instalment of such

principal payable less than five years from such date. Nothing in sections 162.29 to 162.36 shall be construed to require that the full amount of such outstanding indebtedness shall be retired by means of the issuance and sale of such bonds; but, if such bonds be issued and sold, all valid outstanding indebtedness not retired thereby shall be paid from the proceeds of taxes levied and becoming payable during the year 1927 for road and bridge purposes.

[1927 c. 147 s. 2] (2620-6)

162.31 TAX LEVY TO PAY BONDS. The county board of any county issuing bonds pursuant to the authority of sections 162.29 to 162.36 shall before the issuance thereof levy for each year until the principal and interest are paid in full a direct annual tax in an amount not less than ten per cent in excess of the sum required to pay the principal and interest thereof when and as such principal and interest become due. Such tax shall be irrevocable until all such indebtedness is paid, and after the issuance of such bonds no further action of the county board shall be necessary to authorize the extension, assessment, and collection of such tax. The county auditor shall keep a register in which shall be entered a record of the aggregate amount of such bonds authorized, the aggregate amount issued, the purpose for which issued, the number, denomination, date, and maturity of each, the rate of interest and time of payment thereof, the place of payment of principal and interest, and the amount of tax levied for the payment thereof in each year, and extend and assess the tax so levied. Any surplus resulting from the excess levy herein provided for may be transferred to the road and bridge fund after the principal and interest for which the tax was levied and collected have been paid. Nothing herein contained shall be construed as limiting the power of the county to levy taxes to pay the bonds issued hereunder, but the county board shall have the power and it shall be its duty to levy any taxes necessary to provide revenue to pay the full principal and interest of such bonds.

[1927 c. 147 s. 3] (2620-7)

162.32 AMOUNT OF TAX LEVY. The amount which may be included by any such county in its annual tax levy in each year hereafter made for road and bridge purposes shall not exceed ten mills on the dollar of the taxable valuation of the county, less the amount hereinbefore required to be levied for the same year to pay principal and interest on bonds herein authorized. Nothing contained in sections 162.29 to 162.36 shall be construed to prohibit or limit the tax levy authorized by sections 162.04 to 162.08.

[1927 c. 147 s. 4] (2620-8)

162.33 COUNTY BOARD TO DETERMINE AMOUNT NECESSARY. The county board shall, annually, at its meeting on the first Monday in January, determine the amount of funds which will be available during the current year for road and bridge purposes, from the proceeds of the tax levy lawfully made therefor in the preceding year and from state aid and from other sources known to be due and payable into the county treasury for such purposes during such year, and shall thereupon, at such meeting, make and spread on its minutes a definite budget of the expenditures made and to be made and indebtedness incurred and to be incurred for road and bridge purposes during such year, which expenditures and indebtedness shall in no case exceed the aggregate amount of revenues so determined to be available for such year. In counties having an area of 2,500 square miles and an assessed valuation of more than \$10,000,000, and less than \$30,000,000, exclusive of money and credits, when any item of new road machinery, which will be available over a period of years, is purchased on bids, costing \$4,000, and less than \$6,000, that the payment thereof may, by the issuance of two warrants, be spread over a period of two years, one-half of the aggregate amount, as represented by one warrant, to be charged to and paid out of the funds determined and available in the year such item is purchased, and the balance, as represented by the second warrant, to be charged to and paid out of the funds determined and available for the following year. If the cost of such item of road machinery is in excess of \$6,000, the payment thereof may, by the issuance of three warrants, be spread over a period of three years, one-third of the aggregate amount, as represented by one warrant, to be paid out of the funds determined and available for the year in which the item is purchased, one-third of the aggregate amount, as represented by the second warrant, to be paid out of and charged to the funds available and determined for the following year, and the balance of one-third of the aggregate, as represented by the third warrant,

to be paid out of and charged to the funds determined and available for the second year following the date of such purchase. The total cost of all road machinery purchased under sections 162.29 to 162.36 shall not exceed the sum of \$75,000 and no warrants not payable in the year of their issue shall be issued subsequent to January 1, 1933. Such budget shall first allot, and there shall be first payable out of the receipts for such year, so much of the road and bridge floating indebtedness of the county, including amounts borrowed from any other fund, as is not retired by the bond issue hereinbefore authorized, together with interest thereon. There shall then be allotted not less than one-fifth of the anticipated current tax collections annually for maintenance and not less than one-twenty-fifth of the anticipated current tax collections annually for an emergency fund, and what remains may be allotted to be expended on new construction for the year, which allotment shall include the payment of any amount remaining to be paid on outstanding construction contracts, completed or uncompleted. As nearly as may be a specific program of new construction shall then be determined upon the amount to be expended on each item determined and allotted; and no change in such program shall be made, nor additional expenditures made or indebtedness incurred, which shall cause to be diverted to other purposes any part of the amount herein required to be allotted for payment of outstanding indebtedness, and for maintenance and emergency funds, nor which shall cause the expenditures made or indebtedness incurred by the county for all the purposes aforesaid in any year to exceed the total revenues of the county determined as aforesaid to be available for such year. The emergency fund may be used to pay for extraordinary repairs or replacements occasioned by emergency which could not be anticipated when the budget was made.

[1927 c. 147 s. 5; 1931 c. 337 s. 1] (2620-9)

162.34 RECORDS KEPT. The county auditor shall keep a record showing accurately the amount allotted to each item of the budget for each year and the amounts incurred and expended from time to time on account of each of such items, which record shall be presented and examined at each meeting of the county board and show the true condition of affairs at the date of such meeting. No indebtedness shall be incurred by the county for road and bridge purposes except pursuant to action of the board while in meeting assembled specifying the purposes and the amount thereof.

[1927 c. 147 s. 6] (2620-10)

162.35 CLAIMS AGAINST COUNTIES. All claims against any such county for repairs or services performed or material furnished in construction, improvement, or repair of county roads and bridges must be filed with the auditor of such county within 30 days after the same were incurred; if not so filed, the county shall not be liable therefor. It shall be the duty of the county auditor after any claim has been filed with him for road and bridge purposes to present such claim to the county board at its next meeting for its audit and allowance, and it shall be the duty of the county board at such meeting to act upon such claims; provided, that all expenditures for constructing, improving, maintaining, or repairing any public road or bridge by day labor may be paid for by the time check method, as provided in section 162.18; but no such time check shall be honored by the auditor, nor shall any claim thereon be valid against the county unless the duplicate thereof be duly filed in the office of the county auditor within 30 days after the date of the issuance thereof.

[1927 c. 147 s. 7] (2620-11)

162.36 OFFENSES; PENALTIES. Any member of the county board or other county officer or employee knowingly participating in or authorizing any violation of sections 162.29 to 162.36 shall be guilty of a misdemeanor, punishable by a fine not exceeding \$100.00, or by imprisonment in the county jail for not exceeding three months, for each offense; and every contract attempted to be entered into or indebtedness or pecuniary liability attempted to be incurred in violation of the provisions of sections 162.29 to 162.36 shall be null and void in regard to any obligation thereby sought to be imposed upon the county, and no claim therefor shall be allowed by the county board, nor shall the county auditor issue, nor the county treasurer pay, any warrant issued on account thereof. Each member of the county board or other county officer or employee so participating in or authorizing any violation of sections 162.29 to 162.36 shall be individually liable to the county or to any other person for any damages caused thereby; and, for the purpose of enforcing

such liability, without impairing any other remedy, one-fourth of the salary of each such officer and employee shall be withheld from him and applied towards reimbursing the county or any such other person for such damages, until all claims by reason thereof have been fully paid. Each member of the county board present at a meeting of the board when any action is taken with reference to paying money or incurring indebtedness or entering into any contract for road and bridge purposes shall be deemed to have participated in and authorized the same unless he shall cause his dissent therefrom to be entered on the minutes of the meeting.

[1927 c. 147 s. 8] (2620-12)

162.37 COUNTY BOARD MAY REIMBURSE OTHER MUNICIPALITIES IN CERTAIN CASES. The board of county commissioner's of any county may, when petitioned in writing therefor, reimburse any borough, village, or city of the fourth class for expenditures made by it subsequent to 1915 in the grading, construction, or graveling of a street or road within the limits of such borough, village, or city, which street or road was a continuation of a state aid road and which street or road was subsequently designated as a part of the state aid road system of that county, to an amount of not to exceed \$2,000 for any one municipality.

[1935 c. 12 s. 1] (2620-20)

162.38 PERMANENTLY IMPROVE. The words "permanently improve," as used in sections 162.38 to 162.45, mean any work approved by the commissioner of highways, as specified in sections 162.38 to 162.45, which is essential or preparatory to the paving of such road with a proper durable hard-surface type of paving.

[1923 c. 320 s. 2] (2646)

162.39 COUNTY BOARDS MAY ISSUE BONDS FOR ROAD AND BRIDGE PURPOSES. The county board of any county is hereby authorized, without a vote of the people, to issue and sell from time to time the bonds of the county to such an amount as in the judgment of the board may be necessary for the purpose of paying the expense to be incurred in permanently improving any road or roads, including temporary trunk highways, in the county which have not been definitely fixed and determined by the commissioner of highways as trunk highways; but the aggregate indebtedness of any county, inclusive of bonds issued hereunder, shall not at any time exceed 15 per cent of the assessed valuation of the county's taxable real property; provided, that the amount of bonds issued hereunder by any county shall, together with bonds heretofore authorized by such county under the provisions of Laws 1919, Chapter 265, in no case exceed in the aggregate the sum of \$250,000.

[1923 c. 320 s. 1] (2645)

162.40 COMMISSIONER OF HIGHWAYS TO APPROVE ROUTES AND PLANS. Before any bonds shall be issued under the provisions hereof, the route and termini of the road or roads proposed to be permanently improved and the plans and specifications for such improvement shall be approved by the commissioner of highways. Before any contract for such improvement shall be let, such contract, including the price thereof, shall be approved by the commissioner of highways; and the contract shall be performed and the improvement made under the direction and supervision of the commissioner of highways. The approval of such route, termini, plans, and specifications and the fact that the road is one for the permanent improvement of which bonds may be issued hereunder shall be conclusively evidenced by a certificate to that effect signed by the commissioner of highways in which the road or roads proposed to be improved shall be designated by proper description or reference.

[1923 c. 320 s. 3] (2647)

162.41 FORM OF BONDS; INTEREST; SALE OF BONDS. Such bonds shall be in such form and denominations, bear such rate of interest not exceeding six per cent per annum payable semiannually, become due and payable at such time or times not more than 20 years from their date, and be sold in such manner as the county board and the commissioner of highways shall determine, may contain an option permitting their redemption on any interest date, shall be signed by the chairman of the county board and countersigned by the county auditor, and sold conformably to the provisions of section 475.15 for not less than par and accrued interest.

[1923 c. 320 s. 4] (2648)

162.42 USE OF PROCEEDS. The proceeds of such bonds shall be used for the permanent improvement of the roads designated in the resolution authorizing their issuance; and if any part of such proceeds remains unexpended after the completion and acceptance of the improvement, such unexpended surplus may, by the county board, be paid into the trunk highway fund, in which event such surplus shall be expended by the commissioner of highways within one year after the receipt thereof upon trunk highways within the county. In case the proceeds from such bonds issued by any county should for any reason be insufficient to pay for the completion of any contract for the making of the improvement for which they were issued, such contract shall be carried out by the county so far as such proceeds shall permit and the remainder of such contract shall be assumed by the commissioner of highways and paid for out of the trunk highway fund, but only if and when the highway being so improved shall be designated as a trunk highway.

[1923 c. 320 s. 5] (2649)

162.43 FUNDS TO BE CREDITED TO TRUNK HIGHWAY FUND. In case any county shall authorize the issuance of bonds under sections 162.38 to 162.45 and thereafter and prior to the letting of a contract for the making of such improvement the road on which such improvement is to be made shall be designated as a trunk highway, the county may pay the proceeds from such bonds into the trunk highway fund to be expended by the commissioner of highways in the making of such improvement upon the route and under the plans and specifications therefor approved by the commissioner prior to the issuance of the bonds.

[1923 c. 320 s. 6] (2650)

162.44 POWERS ADDITIONAL. The powers conferred by sections 162.38 to 162.45 are in addition to all other powers conferred by law; but no bond shall be issued hereunder unless authorized by resolution of the county board adopted after the passage of sections 162.38 to 162.45 and prior to January 1, 1925.

[1923 c. 320 s. 7] (2651)

162.45 COUNTIES TO BE REIMBURSED FROM STATE HIGHWAY FUND. The State of Minnesota hereby agrees to reimburse, to the extent hereinafter provided, all counties for moneys expended by them under the provisions of sections 162.38 to 162.45 between the passage thereof and January 1, 1925, in permanently improving, in accordance with plans and specifications therefor approved by the commissioner of highways, roads described in the Constitution of the State of Minnesota, Article 16, and to be hereafter definitely fixed and determined by the commissioner of highways as trunk highways. Moneys paid by any county upon any contract hereunder shall be deemed to have been expended as of the date of such contract. Moneys paid by any county into the trunk highway fund and expended by the commissioner of highways under the provisions of sections 162.41 and 162.43 shall be deemed to have been expended by such county as of the date of such payment into the trunk highway fund. Such reimbursement shall be made according to the provisions of sections 167.01 and 167.02 so far as applicable except that the certificate by the county board required by section 167.02 shall be made and filed forthwith upon the issuance of the bonds and in no case later than April 1, 1925.

[1923 c. 320 s. 8] (2652)

162.46 ROAD AND BRIDGE BONDS IN CERTAIN COUNTIES. Any county in this state now or hereafter having property of an assessed valuation of not less than \$295,000,000, exclusive of money and credits, and having a bonded indebtedness of not to exceed \$4,500,000, inclusive of bonds issued to defray the cost of permanently improving state trunk highways, which the State of Minnesota has agreed to pay under the provisions of sections 167.01 and 167.02, is hereby authorized to issue and sell the bonds of such county in an amount not to exceed the sum of \$2,000,000 for the purpose of constructing or improving or aiding in the construction or improvement of roads or bridges within such county, and roads or bridges outside of such county leading into such county, and roads or bridges on the line between such county and any adjoining county.

[1923 c. 397 s. 1] (2641-2)

162.47 ISSUE AND SALE OF BONDS. When the board of county commissioners of any such county shall deem it advisable to construct or improve any such road or roads and bridges thereon, it may by resolutions duly adopted issue

and sell the bonds of such county to defray the cost thereof within the provisions of sections 162.46 to 162.48. The principal of such bonds shall mature and be payable in not more than 15 annual instalments as nearly equal as practicable and the first annual instalment of principal shall mature not more than five years after the bonds are issued. Such bonds shall be sold in the manner provided by section 475.15. The county board of such county is authorized to determine whether such bonds shall be sold to the purchaser who will pay the par value thereof at the lowest rate of interest, or to the purchaser who will pay the highest price for such bonds at an interest rate to be fixed by the county board. The rate of interest shall in no case exceed five per cent per annum. The full faith and credit of the county shall be pledged to the payment of the principal and interest of such bonds.

[1923 c. 397 s. 2] (2641-3)

162.48 TAX LEVY. The county board of any such county issuing bonds under the provisions of sections 162.46 to 162.48 shall annually after the issuance of such bonds levy or cause to be levied a tax upon the taxable property of such county in addition to all other taxes levied in an amount corresponding to the amounts of principal and interest on such bonds falling due from year to year.

[1923 c. 397 s. 3] (2641-4)

162.49 ROAD AND BRIDGE BONDS IN CERTAIN COUNTIES; AMOUNT OF ISSUE. Any county in this state now or hereafter having property of an assessed valuation of not less than \$315,000,000, exclusive of money and credits, and having a bonded indebtedness of not to exceed \$6,400,000, inclusive of bonds issued to defray the cost of permanently improving state trunk highways, which bonds the State of Minnesota has agreed to pay under the provisions of sections 167.01 and 167.02, is hereby authorized to issue and sell the bonds of such county in an amount not to exceed the sum of \$700,000 for the purpose of constructing or improving, or aiding in the construction or improvement, of roads or bridges within such county, and roads or bridges outside of such county leading into such county, and roads or bridges on the line between such county and any adjoining county.

[1925 c. 365 s. 1] (2641-5)

162.50 ISSUE AND SALE OF BONDS. When the board of county commissioners of any such county shall deem it advisable to construct or improve any such road or roads and bridges thereon, it may by resolutions duly adopted issue and sell the bonds of such county to defray the cost thereof within the provisions of sections 162.49 to 162.51. The principal of such bonds shall mature and be payable in not more than 15 annual instalments as nearly equal as practicable and the first annual instalment of principal shall mature not more than five years after the bonds are issued. Such bonds shall be sold in the manner provided by section 475.15. The county board of such county is authorized to determine whether such bonds shall be sold to the purchaser who will pay the par value thereof at the lowest rate of interest, or to the purchaser who will pay the highest price for such bonds at an interest rate to be fixed by the county board. The rate of interest shall in no case exceed five per cent per annum. The full faith and credit of the county shall be pledged to the payment of the principal and interest of such bonds.

[1925 c. 365 s. 2] (2641-6)

162.51 TAX LEVY. The county board of any such county issuing bonds under the provisions of sections 162.49 to 162.51 shall annually after the issuance of such bonds levy or cause to be levied a tax upon the taxable property of such county in addition to all other taxes levied in an amount corresponding to the amounts of principal and interest on such bonds falling due from year to year.

[1925 c. 365 s. 3] (2641-7)

162.52 ROAD AND BRIDGE BONDS IN CERTAIN COUNTIES; AMOUNT OF ISSUE. Any county in this state now or hereafter having property of an assessed valuation of not less than \$335,000,000, exclusive of money and credits, and having a bonded indebtedness of not to exceed \$7,000,000, inclusive of bonds issued to defray the cost of permanently improving state trunk highways, which bonds the State of Minnesota has agreed to pay under the provisions of sections 167.01 and 167.02, is hereby authorized to issue and sell the bonds of such county in an amount not to exceed one-tenth of one per cent of the assessed valuation of the taxable property of the county, not including the valuation of money and credits, for the purpose of constructing or improving, or aiding in the construction or

improvement, of roads or bridges within such county, and roads or bridges outside of such county leading into such county, and roads or bridges on the line between such county and any adjoining county.

[1927 c. 148 s. 1] (2641-15)

162.53 ISSUE AND SALE OF BONDS. When the board of county commissioners of any such county shall deem it advisable to construct or improve any such road or roads and bridges thereon it may by resolutions duly adopted issue and sell the bonds of such county to defray the cost thereof within the provisions of sections 162.52 to 162.54. The principal of such bonds shall mature and be payable in not more than 15 annual instalments as nearly equal as practicable and the first annual instalment of principal shall mature not more than two years after the bonds are issued. Such bonds shall be sold in the manner provided by section 475.15. The county board of such county is authorized to determine whether such bonds shall be sold to the purchaser who will pay the par value thereof at the lowest rate of interest, or to the purchaser who will pay the highest price for such bonds at an interest rate to be fixed by the county board. The rate of interest shall in no case exceed five per cent per annum. The full faith and credit of the county shall be pledged to the payment of the principal and interest of such bonds.

[1927 c. 148 s. 2] (2641-16)

162.54 TAX LEVY. The county board of any such county issuing bonds under the provisions of sections 162.52 to 162.54 shall annually after the issuance of such bonds levy or cause to be levied a tax upon the taxable property of such county in addition to all other taxes levied in an amount corresponding to the amounts of principal and interest on such bonds falling due from year to year.

[1927 c. 148 s. 3] (2641-17)