

Section 1. Shares of stock of investment companies to be taxed.—That the shares of stock of every investment company organized under the laws of this state coming within the purview of Section 7771 of Mason's Minnesota Statutes for 1927, shall be assessed and taxed in the taxing district where such investment company has its principal place of business, whether the stockholders of such investment company reside in such place or not and shall be assessed in the name of and be paid by such investment company. The treasurer or other officer of such investment company shall list all shares of the company for assessment in the same manner as personal property is listed. To aid the assessor in determining the value of such shares of stock, the accounting officer of every such investment company shall furnish to the assessor on or before July 15, 1937, and on or before June 1 of each year thereafter a sworn statement showing as of the immediately preceding May 1, the amount and number of the shares of its capital stock, the amount of its surplus and undivided profits, and the amount of its real property and tangible personal property located in this state upon which a tax in this state has been paid during the preceding annual period and the amount of any indebtedness upon which taxes have been properly and fully paid under the provisions of Sections 2322 to 2330 inclusive, Mason's Minnesota Statutes for 1927. The assessor shall deduct the amount of such real property and tangible personal property located in this state and the amount of any indebtedness upon which taxes have been properly and fully paid under Sections 2322 to 2330 inclusive, Mason's Minnesota Statutes for 1927, from the aggregate amount of such capital, surplus and undivided profits and the remainder shall be taken as the basis for the valuation of such shares in the hands of the stockholders and shall be assessed at $33\frac{1}{3}\%$ of the full and true value thereof; and such tax shall be in lieu of all other taxes on such investment companies for the year in which such shares are assessed and taxed except income tax and shall be in lieu of all other taxes on such shares and taxes on the property of such investment companies except upon real property, tangible personal property, motor vehicles, mortgage registry taxes and taxes on franchises measured by income.

Approved June 21, 1937.

CHAPTER 6—S. F. No. 16

An act to amend Mason's Minnesota Statutes of 1927, Sections 4368 and 4369, as amended by Chapter 121, Laws 1937, relating to preference of soldiers, marines, etc., in public appointments.

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

Section 1. Law amended.—That Mason's Minnesota Statutes of 1927, Section 4368, as amended by Chapter 121, Laws 1937, be amended to read as follows:

"Section 4368. Preference to soldiers, marines, etc., in public appointments.—That in every public department and upon all public works in the state of Minnesota and the counties, cities and towns thereof *honorably discharged soldiers, sailors and marines from the army, navy or marine corps of the United States in the Civil War, Spanish-American War, Philippine Insurrection, China Relief Expedition, or World War* wherein the United States of America and the allied nations of England, France, etc., were engaged in war against the Imperial German Government and its allies, who are citizens and have been residents of the state of Minnesota five years immediately preceding their application, or enlisted from the State of Minnesota, shall be entitled to preference in appointments, employment and promotion over other applicants therefor, and the persons thus preferred shall not be disqualified from holding any positions hereinbefore mentioned on account of his age or by reason of any physical disability, provided such age and disability does not render him incompetent to perform properly the duties of the position applied for and when such soldier, sailor or marine shall apply for appointment or employment under this act, the officer, board or person whose duty it is, or may be, to appoint or employ such person to fill such position or place, shall before appointing or employing anyone to fill such position or place, make an investigation as to the qualifications of said soldier, sailor or marine for such place or position, and if he is a man of good moral character, and can perform the duties of said position applied for by him, as hereinbefore provided, said officer, board or person shall appoint said soldier, sailor or marine to such position or place of employment.

A refusal to allow the preference provided for in this and the next succeeding section to any such honorably discharged soldier, sailor, or marine, or a reduction of his compensation intended to bring about his resignation or discharge, shall entitle such honorably discharged soldier, sailor or marine to a right of action therefor in any court of competent jurisdiction for damages, and also for a remedy for mandamus for righting the wrong."

Section 2. Law amended.—That Mason's Minnesota Statutes of 1927, Section 4369, as amended by Chapter 121, Laws 1937, be amended to read as follows:

"Section 4369. Removal forbidden—writ of mandamus.—*Any person whose rights may be in any way prejudiced contrary to any of the provisions of this section, shall be entitled to a writ of mandamus to remedy the wrong. No person holding a position by appointment or employment in the state of Minnesota or in the sev-*

eral counties, cities or towns thereof, who is an honorably discharged soldier, sailor or marine, having served as such in the army and navy of the United States in the late Civil and Spanish and Philippine Insurrection wars and the China relief expedition, and the late World War wherein the United States of America and the allied nations of England, France, etc., were engaged in war against the Imperial German Government and its allies, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of such employe or appointee to review by writ of certiorari. The burden of proving incompetency or misconduct shall rest upon the party alleging the same. Nothing in this act shall be construed to apply to the position of private secretary or deputy of any official or department, or to any person holding a strictly confidential relation to the appointing officer."

Approved June 24, 1937.

CHAPTER 7—H. F. No. 141

An act to amend Section 2286, Mason's Minnesota Statutes of 1927, relating to telephone taxes.

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

Section 1. **Law amended.**—That Section 2286, Mason's Minnesota Statutes of 1927 be, and the same hereby is, amended to read as follows :

"Section 2286. **Six per cent gross earnings tax on telephone companies.**—Every telephone company shall pay into the state treasury on or before March 1st in each year *six* per cent of its gross earnings derived from business within the state, which shall be in lieu of all other taxes whatever upon such company and its capital stock. All moneys paid by a company for connecting fees or switching charges to any other company shall be reported as earnings by the company to which they are paid, but shall not be deemed earnings of the collecting and paying company."

Approved June 25, 1937.

CHAPTER 8—H. F. No. 26

An act to amend Extra Session Laws of 1933-1934, Chapter 58, Section 4, relating to the sale and taxation of liquor.

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