

CHAPTER 561—H. F. No. 135

An act relating to Minnesota Statutes; providing for the elimination of obsolete provisions superseded by other provisions or expired by passage of time; amending Minnesota Statutes 1957, Sections 5.05; 6.26; 8.12; 9.011, Subdivision 2, as amended; 12.31, as amended; 37.15; 117.22; 216.03; 298.17; 325.48, Subdivision 2; 350.01, Subdivision 1; 357.22; 384.14; 629.44; 629.46; and 629.52; repealing Laws 1955, Chapters 117; 694, Section 1; Laws 1959, Chapter 338, Sections 2, 3, and 4; and Minnesota Statutes 1957, Sections 1.14; 2.721; 3.03; 3.04; 3.12; 4.05; 5.04; 10.04; 10.06; 10.07; 10.08; 10.10; 11.07; 11.09; 15.11; 15.12; 16.26; 16.27; 16.29; 16.30; 16.31; 16.33; 16.35; 16.36; 16.38; 80.04; 98.50, Subdivision 4; 106.492; 106.493; 106.496; 117.23 to 117.30; 261.15 to 261.20; 169.01, Subdivision 17; 169.24; 195.01 to 195.10; 197.42 to 197.44; 197.54; 233.36; 256.03; 296.421, Subdivision 1; 325.38; 325.39; 325.40; 350.01, Subdivision 2; 362.21; 362.22; 362.24; 373.011; 378.18; 378.19; 386.10 to 386.12; 415.08; 423.08 to 423.11; 435.36; 450.01; 454.05 to 454.08; 484.37 to 484.43; 486.09; and 610.48.

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

Section 1 Minnesota Statutes 1957, Section 5.05, is amended to read:

5.05 Duties of secretary. The secretary of state shall ~~cause the legislative chambers and committee rooms to be prepared for the holding of the sessions of the legislature, and shall attend, at the beginning of each regular legislative session, to call the members of the house of representatives to order and to preside until a speaker is elected.~~

Sec. 2. Minnesota Statutes 1957, Section 6.26, is amended to read:

6.26 Salary, bond. The salary of the state auditor shall be ~~\$11,000 annually~~ *as provided by law* and he shall give a corporate bond of \$50,000 to the state for the faithful discharge of his duties.

Sec. 3. Minnesota Statutes 1957, Section 8.12, is amended to read:

8.12 Solicitor general; duties, compensation. There shall be in the office of the attorney general a solicitor general who shall be appointed by the attorney general from within the limitations of his authorized staff, and who shall

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perform such duties in the place and stead of the attorney general as may lawfully be assigned to him. ~~The attorney general shall fix his compensation within the amount appropriated therefor, but said amount shall not exceed the amount paid an assistant attorney general by more than \$500.~~

Sec. 4. Minnesota Statutes 1957, Section 9.011, Subdivision 2, as amended by Laws 1959, Chapter 693, Section 5, is amended to read:

Subd. 2. **Members; duties, powers.** The executive council appoints, fixes the salary of, and removes at pleasure an executive secretary. He shall ~~act as secretary of the state board of pardons and~~ perform such other duties as are assigned to him by the executive council.

Sec. 5. Minnesota Statutes 1957, Section 12.31, as amended by Laws 1959, Chapter 34, Section 1, is amended to read:

12.31 Enemy attack; declaration of emergency. In the event information from the president of the United States or of the office of civil and defense mobilization or the department of defense or through the national air warning system indicates the imminence of an actual enemy attack upon the United States, which means the several states, the District of Columbia, ~~the Territory of Hawaii,~~ the Commonwealth of Puerto Rico, and the Panama Canal Zone, or the occurrence, within the state of Minnesota, of a major disaster from enemy sabotage or other hostile action, the governor may, by proclamation, declare that a civil defense emergency exists in all or any part of the state; and, if the legislature is then in regular session, or, if it is not, if the governor concurrently with his proclamation declaring such an emergency issues a call convening immediately both houses of the legislature, he shall have and may exercise for a period not to exceed 30 days the emergency powers and duties conferred and imposed upon him by sections 12.31 to 12.37, and the political subdivision shall have and may exercise for such period of not to exceed 30 days the powers and duties conferred and imposed upon them by sections 12.31 to 12.37. The lapse of such emergency powers shall not, as regards any act or acts occurring or committed within said 30-day period, deprive any person, firm, corporation, political subdivision, municipal corporation or body politic of any right or rights to compensation or reimburse-

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ment which he, she, it or they may have under the provisions of this chapter.

Sec. 6. Minnesota Statutes 1957, Section 37.15, is amended to read:

37.15 Exhibitions. The society shall hold upon the fair grounds an annual fair and may invite the cooperation of any other states or countries therein. It shall provide for and pay premiums, and all moneys expended for premiums, exhibits, or other displays shall be for the purpose of encouraging agriculture, horticulture, stock-breeding, manufactures, and the mining, mechanical, and industrial arts and sciences. ~~The sum of \$4,000 is annually appropriated out of the revenue fund, to aid the society in the payment of these premiums, to be paid out by the state treasurer upon the order of the president and treasurer of the society, countersigned by its secretary.~~

Sec. 7. Minnesota Statutes 1957, Section 117.22, is amended to read:

117.22 Sites for county buildings. If the board of county commissioners of any county at any regular or extra meeting shall adopt and enter in the minutes of its proceedings a resolution declaring that it is necessary to acquire for the use of the county any land, describing it, to be used as a site for a ~~court house~~ *courthouse* or other public building or for the purpose of enlarging the site of any such building already owned by the county, and the board of county commissioners is unable to purchase the land at a reasonable price, the title to any such land may be acquired by condemnation as provided in ~~this chapter~~ *chapter 117*.

Sec. 8. Minnesota Statutes 1957, Section 216.03, is amended to read:

216.03 Oath; bond. Before entering upon the duties of his office, each commissioner shall take, subscribe, and file with the secretary of state an oath as follows:

"I do solemnly swear that I will support the constitution of the United States and the constitution of this state; that I will faithfully discharge my duties as a member of the Railroad and Warehouse Commission of the State of Minnesota, according to the best of my ability, and that I am not in the employ of, or holding any official relation to, any common carrier or grain warehouseman, nor am I in any man-

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ner interested in any stock, bonds, or other property of any such common carrier or warehouseman."

He shall also give a bond to the state, to be approved by the governor, in the sum of \$20,000, conditioned for the faithful performance of his official duties. He shall devote his entire time to the duties of the office. ~~His salary shall be \$4,500 per annum, payable in the same manner as that of other state officers.~~

Sec. 9. Minnesota Statutes 1957, Section 298.17, is amended to read:

298.17 Occupation taxes to be apportioned. All occupation taxes which shall become due and payable on May 1, 1924, and subsequent thereto, from persons, copartnerships, companies, joint stock companies, corporations, and associations, however or for whatever purpose organized, engaged in the business of mining or producing iron ore or other ores, when collected shall be apportioned and distributed in accordance with the constitution of the state of Minnesota, article 9, section 1A, in the manner following: 50 percent to the state general revenue fund; 40 percent to the ~~permanent school fund support of elementary and secondary schools~~; and 10 percent to the ~~permanent university fund general support of the university~~.

Sec. 10. Minnesota Statutes 1957, Section 325.48, Subdivision 2, is amended to read:

Subd. 2. Misdemeanors. (1) Any person, firm, or corporation, whether as principal, agent, officer, or director, for himself, or itself, or for another person, firm, or corporation, wilfully violating the provisions of sections 325.03, 325.04, 325.05, and 325.52 shall be guilty of a misdemeanor.

Any person who, either as director, officer, or agent of any firm or corporation or as agent of any person violating the provisions of sections 325.03, 325.04, 325.05, and 325.52, knowingly assists or aids directly or indirectly in such violation shall be responsible therefor equally with the person, firm, or corporation for whom or which he acts.

(2) Any person, company, or corporation violating any of the provisions of sections 325.34 to 325.37 shall be deemed guilty of a misdemeanor; and, upon conviction thereof, for the first offense, punished by a fine of not less than \$25 nor more than \$50 and for each subsequent offense by a fine of not less than \$50 nor more than \$100.

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~~(3)~~ Any person, firm, copartnership, or corporation violating any of the provisions of sections ~~325.38 to 325.40~~ shall be guilty of a misdemeanor.

(4) (3) Any person who violates the provisions of sections 325.41 to 325.43 or any of the provisions of sections 325.45 to 325.47 shall be guilty of a misdemeanor.

Sec. 11. Minnesota Statutes 1957, Section 350.01, Subdivision 1, is amended to read:

350.01 **Amount.** Subdivision 1. The yearly salaries of the state officers and employees mentioned in this chapter shall be as herein fixed ~~and all salaries shall be payable in semimonthly instalments.~~

Sec. 12. Minnesota Statutes 1957, Section 357.22, is amended to read:

357.22 **Witnesses.** The fees to be paid to witnesses shall be as follows:

(1) For attending in any action or proceeding in any court of record, in any justice court, or before any officer, person, or board authorized to take the examination of witnesses, \$1 for each day;

(2) For travel in going to and returning from the place of attendance, to be estimated from his residence, if within the state, or from the boundary line of the state where he crossed the same, if without the state, six cents per mile.

No person is obliged to attend as a witness in any civil case unless one day's attendance and travel fees are paid or tendered him in advance; ~~and no officer or employee of any county, village, or city shall receive any witness fees in any case in which the state or any county or city therein, of which he is an officer or employee, is a party, if the case be tried in the village or city of which he is a resident.~~

Sec. 13. Minnesota Statutes 1957, Section 384.14, is amended to read:

384.14 **Destruction of records.** The auditors of the several counties are authorized, with the consent and approval of their county boards and judge of the district court, to destroy the following vouchers, files, records, and papers of their offices at the time and under the conditions herein specified:

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- (1) Claims and vouchers paid by the county more than ten years prior to such destruction;
- (2) Receipts for taxes paid more than ten years prior thereto;
- (3) Treasurers' checks paid more than ten years prior thereto;
- (4) Receipts for mortgage registration taxes paid more than ten years prior thereto;
- (5) Miscellaneous receipts, delinquent tax statements and miscellaneous papers and correspondence bearing dates more than ten years prior thereto;
- (6) With written approval of the treasurer county warrants paid more than ten years prior thereto; ~~and.~~
- ~~(7) All ballots and election returns, except the abstracts of the county canvassing board, two years after the date of the election.~~

The auditor, instead of personally destroying any miscellaneous papers and correspondence, or any other documents, instruments, or papers which may be of historical value, shall forward the same to the historical society, St. Paul, Minnesota, and such society is authorized to permanently preserve any matter found therein deemed by it to be of historical value and to destroy all other documents, papers, and matters so received by it.

Sec. 14. Minnesota Statutes 1957, Section 629.44, is amended to read:

629.44 Recognizance by offender, duty of magistrate. In every case where the offense charged in the warrant shall not be punishable by ~~death or~~ imprisonment in the state prison, upon request of the person arrested, the officer making the arrest shall take him before a magistrate of the county in which the arrest shall be made, for the purpose of entering into a recognizance without trial or examination, and such magistrate may take from him a recognizance with sufficient sureties for his appearance before the court having cognizance of the offense and next holden in such county, and thereupon he shall be liberated. The magistrate taking bail shall certify that fact upon the warrant, and deliver the same, with the recognizance so taken, to the person making the arrest, who shall cause the

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same to be delivered, without unnecessary delay, to the clerk of the court before which the accused was recognized to appear; and, on application of the complainant, the magistrate who issued the warrant, or the county attorney, shall cause such witnesses to be summoned as he deems necessary.

Sec. 15. Minnesota Statutes 1957, Section 629.46, is amended to read:

629.46 Procedure in case of felony. When the offense charged in any warrant is punishable by ~~death or~~ imprisonment in the state prison, the officer making the arrest in some other county shall convey the prisoner to the county where the warrant issued, and take him before the magistrate who issued the same, or, in case of his inability to attend, before some other magistrate of the same county, and also deliver to such magistrate the warrant, with the proper return thereon signed by him.

Sec. 16. Minnesota Statutes 1957, Section 629.52, is amended to read:

629.52 Discharge of prisoner; offense not bailable. If upon the whole examination it shall appear that no offense has been committed, or that there is not probable cause for charging the prisoner with it, he shall be discharged. ~~A~~ Any person charged with an offense punishable by ~~death shall not be admitted to bail if the proof is evident or the presumption great, nor shall any person charged with an offense punishable by death, or~~ imprisonment in the state prison for more than seven years, ~~shall not be admitted to bail by a justice of the peace; in all other cases bail may be taken in such sums as in the opinion of the judge or magistrate~~ *having jurisdiction* will secure the appearance of the accused at the court where he is to be tried.

Sec. 17. **Repealer.** Laws 1955, Chapters 117; 694, Section 1; Laws 1959, Chapter 338, Sections 2, 3, and 4; and Minnesota Statutes 1957, Sections 1.14; 2.721; 3.03; 3.04; 3.12; 4.05; 5.04; 10.04; 10.06; 10.07; 10.08; 10.10; 11.07; 11.09; 15.11; 15.12; 16.26; 16.27; 16.29; 16.30; 16.31; 16.33; 16.35; 16.36; 16.38; 80.04; 98.50, Subdivision 4; 106.492; 106.493; 106.496; 117.23 to 117.30; 261.15 to 261.20; 169.01, Subdivision 17; 169.24; 195.01 to 195.10; 197.42 to 197.44; 197.54; 233.36; 256.03; 296.421, Subdivision 1; 325.38; 325.39; 325.40; 350.01, Subdivision 2; 362.21; 362.22; 362.24; 373.011; 378.18; 378.19; 386.10 to 386.12; 415.08; 423.08 to 423.11; 435.36;

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450.01; 454.05 to 454.08; 484.37 to 484.43; 486.09; and 610.48 are hereby repealed.

Approved April 20, 1961.

CHAPTER 562—H. F. No. 136

[Coded]

An act relating to education; providing for the correction of erroneous statutory references, provisions, and conflicts; amending Minnesota Statutes 1957, Section 122.062, Subdivisions 1 and 4, and Section 124.11, Subdivision 6; Extra Session Laws 1959, Chapter 27, Section 3, Subdivisions 2 and 8, and Section 6, Subdivision 1; Extra Session Laws 1959, Chapter 71, Article 1, Section 5, Subdivision 2, and Section 8, Subdivision 1; Extra Session Laws 1959, Chapter 71, Article 3, Section 10, Subdivision 19; Extra Session Laws 1959, Chapter 71, Article 4, Section 10, Subdivision 7, Section 13, Subdivision 2, Section 14, Subdivision 7, and Section 22, Subdivision 5; repealing Minnesota Statutes 1957, Section 122.062, Subdivision 5, Laws 1959, Chapter 158, Section 14, and Extra Session Laws 1959, Chapter 71, Article 5, Section 14.

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

Section 1. Minnesota Statutes 1957, Section 122.062, Subdivision 1, is amended to read:

122.062. [122.03] **Assignment of identification numbers.** Subdivision 1. *As seen as practicable after the passage of Laws 1957, Chapter 947,* The commissioner of education shall, by order, assign an identification number to each district. The assignment shall be made so that each classified district has an identification number which is exclusive to it in its classification.

Sec. 2. Minnesota Statutes 1957, Section 122.062, Subdivision 4, is amended to read:

[122.03] Subd. 4. A number once assigned a district under *Laws 1957, Chapter 947 Extra Session Laws 1959, Chapter 71, Article 3, Section 2, or under any prior law,* shall not be used again to identify any district in the same classification. As the need arises, and as required by law, as new districts are formed, the commissioner of education shall assign unused numbers as identification. When numbered

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