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[471.68] Subd. 2. **Appearing in newspaper.**

Sec. 2. The publications enumerated in Section 1 shall not include publications appearing in newspapers.

Approved April 14, 1949.

CHAPTER 439—H. F. No. 599

An act relating to the payment of benefits to injured employees of the state, counties, cities, villages and other political subdivisions out of accumulated sick leave, vacation and overtime credits. amending Minnesota Statutes 1945, Section 176.01, Subdivision 8, as amended.

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

Section 1. Minnesota Statutes 1945, Section 176.01, Subdivision 8, as amended by Laws 1947, Chapter 197, Section 1, is amended to read:

176.01. **Definitions.** Subd. 8. The terms "employee" and "workman" are used interchangeably and have the same meaning throughout this chapter and shall be construed to mean:

(1) Every person in the service of the state, or any county, city, town, village, borough or school district therein, under any appointment or contract of hire, expressed or implied, oral or written, but shall not include any official of the state or of any county, city, town, village, borough or school district therein, who shall have been elected or appointed for a regular term of office or to complete the unexpired portion of any regular term; sheriffs, deputy sheriffs, constables, marshals, policemen and firemen shall be deemed employees within

the meaning of this section; where, in any city operating under a home rule charter, a mode and manner of compensation is provided by the charter which is different from that provided by this chapter, and the amount of compensation provided by the charter would, if taken thereunder, exceed the amount the employee is entitled to under this chapter for the same period, he shall, in addition to his compensation under this chapter, receive under the charter an amount equal to the excess in compensation provided by the charter over what he is entitled to by this chapter; if the amount of compensation provided by the charter would, if taken thereunder, be equal to or less than the amount of compensation the employee is entitled to under this chapter for the same period, he shall take only under this chapter; any peace officer, other than a sheriff, deputy sheriff, marshal or policeman shall be considered an employee while engaged in the enforcement of peace or in and about the pursuit and capture of any person charged with or suspected of crime. *If employees of the state or a county, city, village or other political subdivision of the state who are entitled to the benefits of the workmen's compensation law have, at the time of compensable injury, accumulated credits under a vacation, sick leave or overtime plan or system maintained by the governmental agency by which they are employed, the appointing authority may provide for the payment of additional benefits to such employees from their accumulated vacation, sick leave or overtime credits. Such additional payments to an employee may not exceed the amount of the total sick leave, vacation or overtime credits accumulated by the employee and shall not result in the payment of a total weekly rate of compensation that exceeds the weekly wage of the employee. Such additional payments to any employee shall be charged against the sick leave, vacation and overtime credits accumulated by such employee. The industrial commission for the state or the governing body of any county, city, village or other political subdivision to which the provisions of this act apply, may adopt rules and regulations not inconsistent with this act for carrying out the provisions hereof relating to payment of additional benefits to employees from accumulated sick leave, vacation or overtime credits.*

(2) Every person in service of another under any contract of hire, expressed or implied, oral or written, including aliens, and also including minors, who for the purpose of making election of remedy under this chapter, shall be construed the same and have the same power of contracting and electing as adult employees.

(3) Every executive officer of a corporation.

Approved April 14, 1949.

CHAPTER 440—H. F. No. 642

An act relating to the making of freight rates, defining the powers, duties and authority of the railroad and warehouse commission and amending Minnesota Statutes 1945, Sections 216.19, 217.04, 218.04, 218.11, 218.12, 218.71 and repealing Sections 216.68, 216.64, 218.14 to 218.18 inclusive, and 218.36.

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

Section 1. Minnesota Statutes 1945, Section 216.19, is amended to read:

216.19. Rate unreasonable; complaint; duty of commission. Upon the verified complaint of any person or of any corporation, private or municipal, that any tariff of rates, fares, or charges, or any part thereof, or of any classification is *unduly prejudicial and unjustly discriminatory* or unreasonable, the commission shall proceed to investigate the matter alleged in such complaint; and, for the purposes of such investigation, may require the attendance of witnesses and the production of books, papers, and documents. If upon the hearing such tariff of rates, fares or charges, or any part thereof, or of such classification is found to be *unduly prejudicial and unjustly discriminatory* or unreasonable, the commission shall make an order stating wherein the same are so *unduly prejudicial and unjustly discriminatory* or unreasonable and make a tariff of rates, fares, charges, and classification which shall be substituted for the tariff so complained of. The tariff so made by the commission shall be deemed prima facie reasonable in all courts and shall be in full force during the pendency of any appeal or other proceedings to review the action of the commission in establishing the same.

Sec. 2. Minnesota Statutes 1945, Section 217.04, is amended to read:

217.04. Preferences forfeited. It shall be unlawful for any common carrier to make or give any *undue* or unreason-