

1940 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1940)
(Superseding Mason's 1931, 1934, 1936 and 1938
Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions, and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.



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CHAPTER 2½

Capitol Buildings and Grounds

23-1. Central mailing station established in Capitol.—Upon the erection of a state office building the Commission of Administration and Finance shall cause to be established a central mailing station in the State Capitol, or in such office building, under the direct supervision of the custodian of State Capitol buildings. (Act Apr. 24, 1929, c. 350, §1.)

23-2. Mail to be delivered unstamped.—All official mail of any state department or other state agency occupying quarters either in the State Capitol, or in adjoining state buildings, shall be delivered unstamped to the central mailing station. Account shall be kept of the postage required on such mail, which shall be a proper charge against the department or agency delivering such mail. (Act Apr. 24, 1929, c. 350, §2.)

23-3. Custodian to make use of labor saving devices.—In the handling of mail at the central mailing station the custodian shall make use of labor saving devices and machines when it is found economical to do so. (Act Apr. 24, 1929, c. 350, §3.)

Custodian cannot make purchases because of absence of appropriation. Op. Atty. Gen., Aug. 1, 1933.

23-4. Department to advance money for expenses.—To provide funds for the payment of postage each department or agency shall make advance payments from time to time to the custodian sufficient to cover

its postage obligations for at least thirty days. (Act Apr. 24, 1929, c. 350, §4.)

Custodian may not charge departments percentage as handling charge. Op. Atty. Gen., Aug. 1, 1933.

23-5. Billboards prohibited adjacent to Capitol.—No advertising billboards shall be erected or maintained on any lands adjoining the state capitol grounds, or within the distance of one-eighth of a mile from the center of the capitol building, except it be a billboard advertising a business conducted on the premises on which it is erected or maintained. (Act Apr. 26, 1929, c. 389, §1.)

23-6 Same; penalty.—Any person who shall violate the provisions of this act shall be guilty of a misdemeanor. (Act Apr. 26, 1929, c. 389, §2.)

23-7. Appropriation for state owned telephone system.—There is hereby appropriated out of all monies not otherwise appropriated from the State Treasury the sum of \$47,000 for the purpose of acquiring and installing a state-owned automatic telephone system to serve the State Capitol, Administration and Historical Society buildings, said monies to be dispensed under the supervision of the Department of Administration and Finance. (Act Apr. 21, 1933, c. 388.)

Laws 1929, c. 401, authorizes St. Paul Camp No. 1, Sons of Veterans, to erect statue of Abraham Lincoln on capitol grounds.

CHAPTER 3

The Legislature

24. Sessions.

Electric roll call appropriation \$26,205.45. Laws 1939, c. 345.

29. Officers.—Thereupon, a quorum being present the respective houses shall elect, by a viva voce vote, and in the order hereinafter named, the following officers, any of whom may be removed by resolution of the appointing body:

The senate, a secretary, a first and a second assistant secretary, an enrolling clerk, an engrossing clerk, a sergeant-at-arms, an assistant sergeant-at-arms, and a chaplain.

The house, a speaker, who shall be a member thereof, a chief clerk, a first and a second assistant clerk, an index clerk, an assistant revision clerk, a sergeant-at-arms an assistant sergeant-at-arms, a postmaster, an assistant postmaster, and a chaplain. ((14) [29] See §31; Jan. 11, 1936, Ex. Ses., c. 4, §1.)

33. Compensation and mileage.—The compensation of members, officers, and employees shall be at the following rates per day respectively:

(1) The secretary of the Senate and chief clerk of the House, ten dollars each; and, in addition thereto, each shall receive two hundred dollars for properly indexing the journals of their respective houses, and reading and correcting the printer's proofs thereof.

(2) The assistant secretaries and assistant clerks, seven dollars each.

(3) Clerks of committees such sum as may be fixed by a resolution of the appointing body, not exceeding ten dollars each.

(4) Messengers, not exceeding two dollars and fifty cents each.

(5) All other employees, for the time of service actually performed, five dollars each, unless fixed at a less sum by resolution of the appointing body.

(6) Assistants of the enrolling and engrossing clerks, who are not paid by the day, shall receive not exceeding eight cents per folio for matter properly transcribed by them, respectively, under the direction of such clerks.

(7) Each member shall receive mileage at the rate of fifteen cents per mile for the distance necessarily traveled in going to and returning from the place of meeting, computed from his place of residence. Provided, however, that the amount paid as mileage to each member shall not exceed the sum of \$200.00 during any session of the legislature. (17) [33]; Jan. 27, 1936, Ex. Ses., c. 115, §1; July 22, 1937, Ex. Ses., c. 82, §1.)

33-1. Salaries of members.—The salaries of members of the legislature, the president of the Senate and Speaker of the House, shall be as provided respectively by Sections 35 and 37, Mason's Minnesota Statutes of 1927, as amended, or acts supplementary thereto. (Jan. 27, 1936, Ex. Ses., c. 115, §2; July 22, 1937, Ex. Ses., c. 115, §2; July 22, 1937, Ex. Ses., c. 82, §2.)

33-2. Validation of payments.—All orders or warrants now or heretofore issued, or payments heretofore made, for mileage to members of the state legislature are hereby validated. (Jan. 27, 1936, Ex. Ses., c. 115, §3; July 22, 1937, Ex. Ses., c. 82, §3.)

35. Compensation of members.—The compensation of members of the House of Representatives of the Legislature of the State of Minnesota shall be \$1,000 for the entire term to which they are elected, payable as follows: \$250 on the first day of February, \$250 on the fifteenth day of March of the year in which the regular legislative session is held, and \$500 on the last day of the regular legislative session; the compensation of Senators of the Legislature shall be \$2,-

000 for the entire term to which they are elected, payable as follows: \$250 on the first day of February, \$250 on the fifteenth day of March of each year in which a regular legislative session is held, and \$500 on the last day of such regular legislative session; provided, however, that in the event of extra legislative sessions, members of the legislature shall receive and be entitled to additional compensation at the rate of \$10.00 per day for each day while so engaged in extra session provided, further, that the maximum amount for each member of the Legislature shall not exceed the sum of \$300 for each extra session. Said additional compensation shall be paid to the members of the Legislature every ten days and on the last day during such extra legislative session.

This act shall take effect and be in force from and after the first Tuesday after the first Monday in January, 1937. ('07, c. 229, §1; '09, c. 132, §1; [35]; Jan., 24, 1936, Ex. Ses., c. 67.)

Legislature at special session may adopt an act increasing compensation of both representatives and senators to become effective first day of next session, though members of senate who helped pass bill will still have two more years to serve after increase becomes effective. Op. Atty. Gen. (280d), May 26, 1937.

40. Members of Legislature excused from court duties.—No member or officer of the Legislature shall be compelled to attend as a witness in any court of this state during the session of the legislature; unless the court in which the action is pending upon sufficient showing shall otherwise order with the consent of the presiding officer of the body of which such witness is an employee or the consent of the body of which such witness is a member. No cause or proceeding, civil or criminal, in court or before any commission or officer or referee thereof or motion

or hearing therein, in which a member or officer of the legislature is a party, attorney or witness shall be tried or heard during such session of the legislature, but shall be continued until the legislature shall have adjourned. Such member or officer of the legislature may, with the consent of the body of the legislature of which he is a member or officer, waive such privilege and in such case such cause or proceeding, motion, or hearing may be tried or heard at such time as will not conflict with legislative duties. ('09, c. 51, §1; G. S. '13, §40; '25, c. 18; '27, c. 47; Feb. 14, 1929, c. 19.)

Extradition is governed by the Constitution and laws of the United States, and Chapter 19, Laws 1929, cannot interfere or delay its operation. State ex rel. v. Moeller, 182M369, 234NW649. See Dun. Dig. 1721, 8835.

AMENDMENTS TO THE CONSTITUTION

45. Form of act—Submission.

The proposed constitutional amendments appearing in Laws 1931, Chapters 417 to 420, should appear on the ballot in November in the following order: Chapter 420, No. 1; Chapter 418, No. 2; Chapter 417, No. 3; Chapter 419, No. 4. Op. Atty. Gen., Jan. 19, 1932.

48. "Standing appropriation" defined.

Act providing for state's participation in Century of Progress Exposition at Chicago in 1933, and appropriation therefor. Laws 1931, c. 415.

Appropriation of \$15,000. Laws 1933, c. 299.

49. Standing appropriations repealed.

Act Ex. Ses. Dec. 23, 1933, c. 16, §2, post §5887-11a, amends this section insofar as it is inconsistent with §5887-11.

Wholesale dealer's license fees are to be paid to general revenue fund. Op. Atty. Gen., Jan. 15, 1934.

Liquor control commission has power to expend money from sale of tax stamps to administer various acts but cannot use revenue obtained by issuance of licenses, permits and sale of labels. Op. Atty. Gen., Feb. 20, 1934.

CHAPTER 3A

Organization of State Government.

ARTICLE I.—DEPARTMENTS OF STATE GOVERNMENT

53-1. Departments of the state government.—The following departments and agencies of the state government are hereby created and established, to be designated and known respectively as follows: The Executive Council, the Department of Administration and Finance, the Department of Conservation, the Department of Drainage and Waters, the Department of Dairy and Food, the Department of Agriculture, the Department of Commerce, the Department of Health, the Department of Education, the Department of Highways, the Department of Labor and Industry, the Department of Public Institutions, the Department of Taxation, the Department of Rural Credit, and the Department of Civil Service. (As amended Apr. 22, 1939, c. 441, §1.)

The title of this act satisfies the requirements of the constitution. 171M191, 213NW904.

Where contract is let to lowest bidder, who later discovers that he has omitted certain items in his calculations, officers may not modify the contract by adding the amount of such items, even though the total sum would be less than the next lowest bid, but must either let the contract to the next lowest bidder or call for new bids. Op. Atty. Gen., July 21, 1931.

Employees of state relief agency created for temporary purposes are employees of a department of state entitled to benefits of workmen's compensation act payable out of state compensation revolving fund. Op. Atty. Gen. (523g-19), Apr. 1, 1936.

State relief agency should submit abstract of expenditures to commission of administration and finance for pre-audit, but such department has no authority to substitute its opinion or judgment for that of council or relief agency as to advisability of any expenditures. Op. Atty. Gen. (980c-32), Sept. 15, 1937.

Act applies to all state departments or agencies whether in existence at time act was passed or thereafter created, unless inconsistent with statute respecting creation or maintenance of such after created departments or agencies. Op. Atty. Gen. (980c-32), Oct. 11, 1937.

"Soldiers' welfare division" should use facilities so far as not inconsistent. Id.

53-1a. Departments of state government.—The following departments and agencies of the state government are hereby created and established, to be designated and known respectively as follows: The Department of Administration, the Department of Public Examiner, the Department of Social Security, and the Department of Taxation. All of said departments and all officials and agencies of the state government shall be subject to the provisions and limitation of this act. [§§53-1a to 53-1s, 53-4a-53-4b, 53-18b to 53-18u, 80-2 to 80-7, 2362-1 to 2362-31, 3199-101 to 3199-107, 3286-8 to 3286-16.] (Act Apr. 22, 1939, c. 431, Art. 1, §1.)

Editorial note.—The provisions relating to the Department of Administration are classified herein as §53-4a, 53-4b, 53-18b to 53-18u.

The provisions relating to the Department of Public Examiner appear herein as §§3286-8 to 3286-16.

The provisions relating to the Department of Social Security appear herein as §§3199-101 to 3199-107.

The provisions relating to the Department of Taxation appear herein as §§2362-1 to 2362-31.

This section and §53-1, as amended, were approved on the same day. They are partially inconsistent with respect to the enumeration and designation of the departments of the state government.

53-1b. Salaries of commissioners, directors and employees—Political activities—Bonds—Cost.—The salaries of the commissioners, directors and all employees shall be chargeable against the appropriations of their respective departments. Each commissioner shall devote his entire time to the duties of his office, and shall not participate in any political campaign or be a candidate for any public office. Except as otherwise provided, each commissioner shall give a corporate surety bond of \$10,000 to the state for the faithful discharge of his official duties. The cost of