

1938 Supplement
To
Mason's Minnesota Statutes
1927

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

Containing the text of the acts of the 1929, 1931, 1933, 1935, and 1937 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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MASON PUBLISHING CO.
SAINT PAUL, MINNESOTA
1938

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

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, 8335.

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

53-1. Departments and agencies of state government created, established, and enumerated.

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.

ARTICLE II

53-2. Executive council—Composition of—Executive secretary—Appointment, etc.

Laws 1935, c. 30. \$500,000 for Drouth Relief, by State Executive Council.

Laws 1935, c. 33. Disabled Veterans' Relief, by State Executive Council.

Laws 1935, c. 51. "Minnesota Public Relief Fund."

Laws 1935, c. 380. Executive council to provide additional funds for trunk highway fund to obtain funds from U. S. Government.

Laws 1935, c. 383. State hospital for insane authorized.

53-3. Same—Powers and duties—Meetings

Act authorizing Executive Council to accept title to certain lands on behalf of state. Laws 1931, c. 235.

Act authorizing Executive Council to permit diversion or drainage of public waters. Laws 1931, c. 286, post. §6430-1 to 6430-3.

Laws 1935, c. 233. Relief funds may be spent for safety inspection work on relief projects.

Mineral leases may be executed by executive council against land acquired by state under §2139-2. Op. Atty. Gen. (928c-13), June 1, 1937.

53-3½ a. Capitol grounds commission abolished.—

The Capitol Grounds Commissioners, created by Chapter 281, General Laws 1907, are hereby abolished. All duties conferred upon said Commissioners by said Chapter 281 and by Chapter 348, General Laws 1913, are hereby transferred to the Executive Council. (Act Apr. 1, 1929, c. 124, §1.)

State Executive Council has power to petition for vacation of city street for extension of capitol grounds. Op. Atty. Gen., Mar. 8, 1933.

53-3½ b. Disposition of funds.—All funds to the credit of said commissioners and any additional funds which may accrue subsequent to the passage of this act shall be used in improving and beautifying the New Capitol grounds, expenditures to be made by the custodian of the New Capitol when authorized by the Executive Council. This act shall be subject to the provisions of Chapter 426, General Laws 1925. (Act Apr. 1, 1929, c. 124, §2.)

53-3½ c. Capitol grounds commissioners to be appointed by the governor—rules governing same.—

That within 30 days after the passage of this act, the governor shall appoint three resident freeholders of the State of Minnesota, for the term of three years, or such time as may be necessary for them to complete their duties as herein prescribed, who, together with the governor as an ex-officio member, shall constitute a board to be known as the "Capitol Grounds Commissioners." The persons so appointed shall within 10 days after their appointment, file with the secretary of state their written acceptances of such appointment, together with an oath to faithfully and honestly discharge the duties imposed upon them by

this act. Said appointees shall forthwith, after their qualification, upon call of the governor, meet and organize. The governor shall be ex-officio president of said board and they shall elect from their number a vice president and secretary, and shall keep a record of their proceedings, which shall, after the completion of their duties, be returned to and filed with the secretary of state.

A majority of said commissioners shall constitute a quorum for the transaction of business, and they shall hold such stated and special meetings as they may by rule prescribe.

The members of said commission shall serve without compensation but shall be entitled to be paid from the state treasury the actual and necessary expenses incurred by them in the transaction of their business, upon the due audit and allowance of such expenditures by said commissioners and upon due certification thereof to the state auditor.

It shall be the duty of the governor to fill all vacancies occurring in the membership of said board, prior to the making of its final report, with persons of like qualifications. (Act Apr. 22, 1907, c. 281, §1.)

53-3½ d. Capitol commission given right to sell or remove buildings upon lands acquired for beautifying capitol grounds.—It shall be the duty of said board of capitol grounds commissioners to proceed as soon as may be to take the necessary steps as herein authorized to acquire and secure by purchase or by condemnation under the right of eminent domain, or both, such lands adjoining or adjacent to the present new state capitol grounds as will, in their judgment, be requisite and necessary for the proper extension and enlargement of the grounds for the new state capitol building of Minnesota, and in such manner as to render the same more symmetrical in form, provided, however, that said commissioners shall incur no obligation in that behalf beyond the limit of the appropriation or appropriations which shall be made therefor. Said commissioners shall have the right, if in their judgment it is necessary, in and about the acquisition and improvement of such lands, to sell, remove or dispose of any building or buildings situated upon the lands so purchased and to grade, improve and beautify such grounds, and to call to their assistance the services of a landscape artist or architect, and any moneys heretofore or hereafter received by said commissioners on account of rents received from said buildings, or from the sale thereof, may be expended in the improvement of said grounds by said commissioners.

Said commissioners are authorized to enter into contracts with the owners of the land sought to be acquired for the sale and conveyance thereof, to the state of Minnesota for the purpose aforesaid, when in their judgment the same can be secured at a fair and reasonable price, they are authorized to proceed to acquire the same for the state by condemnation under the right of eminent domain, in the manner and under and pursuant to the terms and provisions of Chapter 41 of the Revised Laws 1905, and it shall be the duty of the attorney general to render all legal assistance necessary to carry out such condemnation proceedings as said commissioners may desire to institute in that behalf. (Laws 1907, c. 281, §2, as amended by Act Apr. 18, 1913, c. 348, §1.)