

Exhibit 1

Minnesota Lieutenant Governors, 1858-present

Compiled by the Minnesota Legislative Reference Library

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The Minnesota Constitution, Article IV, Section 5 states, "The last elected presiding officer of the senate shall become lieutenant governor in case a vacancy occurs in that office." Notes about the instances when that has occurred are included in the table below. For more extensive details, see, *Presiding Officers of the Senate who became Lieutenant Governor*.

ASSUMED OFFICE	NAME	PARTY	RESIDENCE	OCCUPATION
1/3/2018	Michelle Fischbach Lt. Governor Tina Smith resigned on January 2, 2018 to become a United States senator, appointed by Governor Mark Dayton, upon the resignation of Senator Al Franken. As the last elected presiding officer of the Senate, Senator Fischbach was elevated to the position of lieutenant governor. She has not yet taken an oath of office.	R	Paynesville	Business Owner
1/5/2015	Tina Smith	DFL	Minneapolis	Marketing and Communications
1/3/2011	Yvonne Prettner Solon	DFL	Duluth	Psychologist
1/6/2003	Carol Molnau	R	Chaska	Farm Owner/Operator
1/4/1999	Mae Schunk	Reform**	Inver Grove Heights	School Enrichment Specialist
1/3/1995	Joanne E. Benson	IR*	St. Cloud	Educator
1/7/1991	Joanell M. Dyrstad	IR	Red Wing	Business owner (drugstore)
1/3/1983	Marlene Johnson	DFL	St. Paul	Advertising
1/4/1979	Lou Wangberg	IR	Bemidji	Teacher, Principal, School superintendent

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12/29/1976	Alec G. Olson Senator Alec Olson became lieutenant governor after Rudy Perpich became governor when Wendell Anderson resigned the governorship to become a United States senator. The United States senate seat opened when Walter Mondale resigned to take office as Vice President. Sen. Olson resigned from the Minnesota Legislature on December 29, 1976 and became Minnesota's lieutenant governor on the same day.	DFL	Spicer	Farmer
Prior to 1972, the Lieutenant Governor presided over the Senate; see <i>President and President Pro Tempore of the Minnesota Senate</i> .				
1/4/1971	Rudy (Rudolph G.) Perpich	DFL	Hibbing	Dentist
1/2/1967	James B. Goetz,	R	Winona	Broadcasting
1/8/1963	A. M. (Alexander McKenzie) "Sandy" Keith	DFL	Rochester	Lawyer
1/3/1955	Karl F. (Karl Fritjof) Rolvaag	DFL	Rochester	Insurance executive
9/3/1954	Donald O. (Donald Orr) Wright Lt. Governor Ancher Nelsen resigned on May 1, 1953 to become the head of the U.S. Rural Electrification Administration. It wasn't until September 3, 1954 that Senator Donald O. Wright was sworn in as Lt. Governor. He served until January 3, 1955. From the time Sen. Wright was sworn in as lieutenant governor, the Senate never met in session. Governor Orville Freeman and Lt. Governor Karl Rolvaag were elected to their respective offices in the 1954 election and took office in January 1955. Sen. Wright ran for and won re-election to his senate seat in the 1954 election, taking office again	R	Minneapolis	Lawyer

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	as a state senator in January 1955.			
1/5/1953	Ancher Nelsen (He served until May 1, 1953.)	R	Hutchinson	Farmer
1/2/1945	C. Elmer (Clyde Elmer) Anderson	R	Brainerd	Newspaper business
4/27/1943	<p>Archie H. Miller</p> <p>Governor Harold Stassen resigned on April 27, 1943 elevating Lt. Governor Edward Thye to governor. As President Pro Tem, Senator Archie Miller became lieutenant governor; he was sworn in on May 6, 1943 and resigned from the Senate on May 10. The Senate met just once, in a four-day special session that began on March 8, 1944, during Lt. Governor Archie Miller's tenure. He served as the presiding officer and did not participate as a senator. He pursued running for lieutenant governor in the 1944 general election but the Minnesota Supreme Court determined in April 1944 that he was ineligible to run for that position. The primary reason was because the Legislature had raised the pay of the governor, the lieutenant governor, and legislators; members of both houses were barred from running for governor or lieutenant governor in the upcoming election. Instead, Archie Miller ran in a special election in November 1944 for the seat he had resigned from. He won and returned to the Senate in January 1945.</p>	R	Hopkins	Lawyer
1/4/1943	Edward J. (Edward John) Thye	R	Northfield	Farmer
1/2/1939	C. Elmer (Clyde Elmer) Anderson	R	Brainerd	Newspaper business

ASSUMED OFFICE	NAME	PARTY	RESIDENCE	OCCUPATION
1/5/1937	Gottfrid Lindsten	FL	Minneapolis	Railroad
8/24/1936	<p>William B. Richardson</p> <p>According to the Minnesota Historical Society, William B. Richardson served as “acting lieutenant governor” from August 24, 1936 to January 1, 1937. Richardson was never sworn in as lieutenant governor. He was president pro tem of the Senate and became acting lieutenant governor when Governor Floyd B. Olson died and Lt. Governor Hjalmar Petersen became governor. Various newspaper articles from that time period refer to Richardson as “president of the state senate and prospective lieutenant governor” (August 24, 1936); “senate president” and “president pro tem” in the same article (August 24, 1936); “Acting Lieutenant Governor” (December 18, 1936); and as presiding over the senate as “Lieutenant Governor William B. Richardson” (December 18, 1936). When the Senate convened for the extra session on December 17, 1936, it was called to order by the “President of the Senate, Mr. William B. Richardson.” The table of contents for the extra session lists William B. Richardson as “President Pro Tempore.” Normally, a “Lieutenant Governor” is listed in addition to the “President Pro Tempore.” William B. Richardson voted as a member of the senate throughout this extra session.</p>	R	Rochester	Lawyer, Businessman
1/8/1935	Hjalmar Petersen	FL	Askov	Newspaper editor,

ASSUMED OFFICE	NAME	PARTY	RESIDENCE	OCCUPATION
				Printer
1/3/1933	Konrad K. Solberg	FL	Clarkfield	Farmer
1/6/1931	Henry M. Arens	FL	Jordan	Farmer, V.P. Land-o-Lakes Creamery
6/25/1929	Charles E. Adams Lt. Governor William Nolan resigned in June 1929 when he was elected to the U.S. House of Representatives in a special election. Senator Charles E. Adams served as lieutenant governor from June 25, 1929 to January 6, 1931. While Sen. Adams served as lieutenant governor, the senate never met in session. Governor Floyd B. Olson and Lt. Governor Henry M. Arens were elected to their respective offices in the 1930 election and took office in January 1931. Sen. Adams ran for and won re-election to his senate seat in the 1930 election, taking office again as a state senator in January 1931.	R	Duluth	Lawyer
1/6/1925	William I. (William Ignatius) Nolan	R	Minneapolis	Politician
1/4/1921	Louis L. (Louis Loren) Collins	R	Minneapolis	Lawyer
1/2/1917	Thomas Frankson	R	St. Paul	Teacher, Lawyer, Real estate, Farmer
10/28/1916	George H. Sullivan On December 30, 1915, Governor Hammond died in office. Lt. Governor J.A.A. Burnquist became Governor upon his death. We note Sen. George H. Sullivan as Lt. Governor starting on October 28, 1916. However, the newspapers call Sen. Sullivan "Lieutenant Governor" as early as January 1916 (in describing the funeral procession of Gov. Hammond, etc.). An article from October 29, 1916 states that during the October	R	Stillwater	Lawyer

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	28 one-day special session, Sullivan was sworn in as lieutenant governor, marking his "official ascendancy" to the post.			
1/7/1913	J. A. A. (Joseph Alfred Arner) Burnquist	R	St. Paul	Lawyer
1/3/1911	Samuel Y. Gordon	R	Browns Valley	Newspaper, Implement business
9/25/1909 (disputed)	Edward E.(Edward Everett) Smith When Governor John A. Johnson died on September 21, 1909, Lt. Governor A.O. Eberhart became governor and Senator Edward Smith became lieutenant governor, according to the Minnesota Historical Society. Sources vary as to when he was sworn in. A <i>Minneapolis Tribune</i> article from 1910 states that he was "quietly" sworn in that spring; he hadn't taken the oath yet, thinking it unnecessary. The paper goes on: "The lieutenant governor now either holds the double position of lieutenant governor and state senator – or if the one merges into the other, his district is without a legal representative." However, the Legislature did not meet between April 22, 1909 and January 3, 1911.	R	Minneapolis	Lawyer
1/7/1907	Adolph O. (Adolph Olson) Eberhart	R	Mankato	Lawyer, Banker
1/5/1903	Ray W. Jones	R	Minneapolis	Lumber company executive
1/3/1899	Lyndon A. (Lyndon Ambrose) Smith	R	Montevideo	Teacher, Lawyer
1/5/1897	John L. Gibbs	R	Geneva	Farmer
1/31/1895	Frank A. (Frank Arah) Day Lt. Governor David Marston Clough became governor on January 31,	R	Fairmont	Newspaper publisher

ASSUMED OFFICE	NAME	PARTY	RESIDENCE	OCCUPATION
	<p>1895 when Governor Knute Nelson resigned to take a seat in the U.S. Senate. Senator Frank A. Day served as lieutenant governor from January 31, 1895 to January 5, 1897. While Sen. Day served as lieutenant governor, the Senate met in session from January 8, 1895 to April 23, 1895. According to an 1898 Minnesota Supreme Court case, Sen. Day acted as lieutenant governor while also acting and voting as a senator “with the tacit approval, at least, of the senate.” Governor David M. Clough and Lt. Governor John L. Gibbs were elected to their respective offices in the 1896 election and took office in January 1897. Sen. Day ran for U.S. Congress in the 1896 election. It was presumed that by running for that office he ceased to be the state senator. He did not win election to Congress. When the legislature reconvened in 1897, both Sen. Day and Sen. Dunn, the latter of whom had been elected to fill Sen. Day’s seat in a special election in November 1896, claimed the senate seat. Sen. Day is initially listed in the <i>Journal of the Senate</i> as holding the contested seat until a determination was made by the Senate on January 23, 1897 that Sen. Dunn had been duly elected and was entitled to the seat. Sen. Dunn took the oath of office on January 26, 1897.</p>			
1/3/1893	David M. (David Marston) Clough	R	Minneapolis	Lumberman
1/5/1891	Gideon S. (Gideon Sprague) Ives	R	St. Peter	Lawyer
1/4/1887	Albert E. Rice	R	Willmar	Banker,

ASSUMED OFFICE	NAME	PARTY	RESIDENCE	OCCUPATION
				Businessman
1/10/1880	Charles A. (Charles Andrew) Gilman	R	St. Cloud	Lawyer
1/7/1876	James B. Wakefield	R	Blue Earth	Lawyer
1/9/1874	Alphonso Barto	R	Sauk Centre	Lawyer
1/7/1870	William H. Yale	R	Winona (St. Paul, per Toensing)	Lawyer
1/8/1866	Thomas H. Armstrong Armstrong had been a Democrat until 1861.	R	High Forest	Banker
1/11/1864	Charles D. Sherwood	R	Prescott	Farmer, Newspaper owner
3/4/1863	Henry A. (Henry Adoniram) Swift Lt. Governor Ignatius Donnelly resigned on March 3, 1863 to take a seat in the U.S. House of Representatives. Senator Henry A. Swift subsequently served briefly as lieutenant governor until July 10, 1863, and then became governor when Governor Ramsey resigned to take a seat in the U.S. Senate. Though the <i>Journal of the Senate</i> notes Sen. Swift occasionally convening the senate in his capacity as president pro tem during the early parts of the 1863 session, the Journal states he was “duly elected” president pro tem on March 5, 1863. The Minnesota Historical Society lists his term as lieutenant governor beginning March 4, 1863. During the last few days of the legislative session, the Journal of the Senate records Sen. Swift voting on bills.	R	St. Peter	Lawyer
1/2/1860	Ignatius Donnelly Donnelly had been a Democrat until 1857.	R	Nininger	Lawyer, Poet, Author, Politician

ASSUMED OFFICE	NAME	PARTY	RESIDENCE	OCCUPATION
5/24/1858	William Holcombe	D	Stillwater	Steamboating, Lumber

* The Independent-Republican Party reverted back to the Republican Party in 1995.

** In 2000, Lt. Governor Shunk left the Reform Party and joined the Independence Party of Minnesota.

Party abbreviations key: DFL=Democratic-Farmer-Labor, R=Republican, IR=Independent-Republican, A=Alliance, D=Democrat, C=Conservative, FL=Farmer-Labor, L=Liberal, P=Populist, W=Whig

Exhibit 2

	Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
69 th Leg. (1975-1976)	Alec G. Olson (DFL)	Rudy Perpich (DFL)	12/29/1976 to 1/4/1979	Senator Alec Olson became lieutenant governor after Rudy Perpich became governor when Wendell Anderson resigned the governorship to become a United States senator. The United States senate seat opened when Walter Mondale resigned to take office as Vice President. Sen. Olson resigned from the Minnesota Legislature on December 29, 1976 and became Minnesota's lieutenant governor on the same day.	He resigned near the end of his term, which would have ended on 1/3/1977. He had run in the general election in 1976 and won his seat again but he was unable to take his seat. A special election was held on 2/2/1977 to fill the District 21 seat.	Yes, on 12/29/1976. The Secretary of State has an official oath card filed on 12/29/1976.	Yes, on 12/29/1976.	No	They did not meet during his tenure.	

	Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
58 th Leg. (1953-1954)	Donald O. Wright (R/C)	Ancher Nelsen (R)	9/3/1954 to 1/3/1955	Lt. Governor Ancher Nelsen resigned on May 1, 1953 to become the head of the U.S. Rural Electrification Administration. It wasn't until September 3, 1954 that Senator Donald O. Wright was sworn in as Lt. Governor. He served until January 3, 1955. From the time Sen. Wright was sworn in as lieutenant governor, the Senate never met in session. Governor Orville Freeman and Lt. Governor Karl Rolvaag were elected to their respective offices in the 1954 election and took office in January 1955. Sen. Wright ran for and won re-election to his senate seat in the 1954 election, taking office again as a state senator in January 1955.	The Lt. Governor position was vacant from 5/1/1953 to 9/3/1954. Governor Orville Freeman and Lt. Governor Karl Rolvaag were elected to their respective offices in the 1954 election and took office in January 1955. Sen. Wright ran for and won re-election to his senate seat in the 1954 election, taking office again as a state senator in January 1955.	Yes, on 9/3/1954. According to news, he waited until he knew there would not be a special session before he would take the oath of office for Lt. Governor. See "State Gets Lieutenant Governor" Mpls Star, Sept. 3, 1954. The Secretary of State has an official oath card filed on 9/7/1954.	We can find no evidence of a resignation.	No	They did not meet during his tenure.	He only took office as Lt. gov. after it became clear he was running unopposed in the 1954 general election for his Senate seat and that there was little likelihood the Senate would meet in special session.

	Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
				taking office again as a state senator in January 1955.						

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53 rd Leg. (1943-1944)	Archie H. Miller (R/C)	Edward Thye (R)	4/27/1943 to 1/2/1945	Governor Harold Stassen resigned on April 27, 1943 elevating Lt. Governor Edward Thye to governor. As President Pro Tem, Senator Archie Miller became lieutenant governor; he was sworn in on May 6, 1943 and resigned from the Senate on May 10. The Senate met just once, in a four-day special session that began on March 8, 1944, during Lt. Governor Archie Miller's tenure. He served as the presiding officer and did not participate as a senator. He pursued running for lieutenant governor in the 1944 general election but the Minnesota Supreme Court	Archie Miller ran in a special election on November 7, 1944 for the seat he had resigned from. He won and returned to the Senate on January 2, 1945. He was required to run in a special election to complete the final two years of his original four-year Senate term (1/5/1943 to 1/6/1947) after he served as lieutenant governor from 5/6/1943 to 1/2/1945 because he resigned from the Senate on 5/10/1943. He pursued running for lieutenant governor in the 1944 general election but the Minnesota	Yes, on 5/6/1943. (Mpls. Tribune, 4/16/1944, p. 12.)	Yes, on 5/10/1943. (Mpls. Tribune, 3/23/1944, p. 12.)	Yes, they met in a four-day special session (3/8/1944-3/11/1944).	No, he served as the presiding officer and did not vote as a senator.	See Star Tribune 2/7/43, p. 18 - "Miller may pass up Thye post."

	Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
				<p>determined in April 1944 that he was ineligible to run for that position. The primary reason was because the Legislature had raised the pay of the governor, the lieutenant governor, and legislators; members of both houses were barred from running for governor or lieutenant governor in the upcoming election. Instead, Archie Miller ran in a special election in November 1944 for the seat he had resigned from. He won and returned to the Senate in January 1945.</p>	<p>Supreme Court determined in April 1944 that he was ineligible to run for that position.</p>					

	Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
50 th Leg. (1937-1938)	This situation is noted because it is unusual but it is not an instance in which Sen. Richardson (R) was elevated to be the lieutenant governor, he was acting as lieutenant governor due to the illness of Lt. Gov. Gottfrid Lindsten. (FL)			In 1937, the Journal of the Senate states: "Due to illness, the Lieutenant-Governor-Elect Gottfried [sic] Lindsten was unable to assume the duties of his office." Senator William B. Richardson (President Pro Tem) was nominated and elected to "temporarily preside." Sen. Richardson apparently presided for the entire session. Sen. Richardson is referred to as President (without "Pro Tem") of the senate in some places in the 1937 Journal of the Senate.		He takes the oath of office as President Pro Tem on the first day of the 1937 session.	No.	The Senate met in regular session from 1/5/1937 to 4/22/1937. They met in special session 5/24/1937 to 7/23/1937. It appears that Lt. Gov. Lindsten served during the 1937 special session but it isn't clear.		On April 20, 1937, because Richardson had served the entire session as acting Lt. gov. while Lt. Gov. Lindsten was ill, the Senate voted in Senate Resolution no. 14 to appropriate \$1000 which would give him the same emolument as is by law granted to the Lt. gov as presiding officer. Later that day, Lt. Gov. Lindsten sent a letter thanking Richardson for presiding during his absence.

	Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
49 th Leg. (1935-1936)	William B. Richardson (R)*	Hjalmar Petersen (FL)	8/24/1936 to 1/1/1937	According to the Minnesota Historical Society, William B. Richardson served as "acting lieutenant governor" from August 24, 1936 to January 1, 1937. Richardson was never sworn in as lieutenant governor. He was president pro tem of the Senate and became acting lieutenant governor when Governor Floyd B. Olson died and Lt. Governor Hjalmar Petersen became governor. Various newspaper articles from that time period refer to Richardson as "president of the state senate and prospective lieutenant governor" (August 24, 1936); "senate president" and "president pro	He did not resign.	No? He does not appear to have taken an oath in 1936. He is usually referred to as an "acting lieutenant governor" by the Minnesota Historical Society.	We can find no evidence of a resignation. Also, he resumed his four-year (1/8/1935 to 1/2/1939) Senate term in January 1937 without running in a special election. Once back in the Senate he had to serve as acting lieutenant governor due to the illness of Lt. Gov. Gottfrid Lindsten who had been	Yes, the Senate convened for the one-day extra session on December 17, 1936.	Yes, William B. Richardson voted as a member of the senate throughout this one-day extra session.	The House Journal during the 1936 extra session voted to appropriate money for the salary of the lieutenant governor. It passed in both bodies.

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				<p>tem" in the same article (August 24, 1936); "Acting Lieutenant Governor" (December 18, 1936); and as presiding over the senate as "Lieutenant Governor William B. Richardson" (December 18, 1936). When the Senate convened for the extra session on December 17, 1936, it was called to order by the "President of the Senate, Mr. William B. Richardson." The table of contents for the extra session lists William B. Richardson as "President Pro Tempore." Normally, a "Lieutenant Governor" is listed in addition to the "President Pro</p>			<p>ected in the 1936 general election.</p>			

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				<p>Tempore." William B. Richardson voted as a member of the senate throughout this extra session.</p> <p>The following year, on the first day of session in 1937, the Journal of the Senate states: "Due to illness, the Lieutenant-Governor-Elect Gottfried [sic] Lindsten was unable to assume the duties of his office." Senator William B. Richardson (President Pro Tem) was nominated and elected to "temporarily preside." Sen. Richardson apparently presided for the entire session. Sen. Richardson is referred to as President (without "Pro Tem") of the</p>						

	Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
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	Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
				senate in some places in the 1937 Journal of the Senate.						

	Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
46 th Leg. (1929-1930)	Charles E. Adams (R)	William I. Nolan (R)	6/25/1929? to 1/6/1931	Lt. Governor William Nolan resigned in June 1929 when he was elected to the U.S. House of Representatives in a special election. Senator Charles E. Adams served as lieutenant governor from June 25, 1929 to January 6, 1931. While Sen. Adams served as lieutenant governor, the senate never met in session. Governor Floyd B. Olson and Lt. Governor Henry M. Arens were elected to their respective offices in the 1930 election and took office in January 1931. Sen. Adams ran for and won re-election to his senate seat in the 1930 election, taking office again as a state senator in January 1931.	His original Senate term (1/4/1927 to 1/5/1931) was ending so Adams ran for and won re-election to his senate seat in the 1930 election, taking office again as a state senator in January 1931.	Yes, he took the oath of office twice. He originally was sworn in in Duluth on 6/18/1929 or 6/19/1929 but William I. Nolan had not yet resigned at that time so he was sworn in again on 7/5/1929. The Secretary of State has an official oath card filed on 7/6/1929.	We did not find evidence of a resignation.	No.	They did not meet during his tenure.	"Senator Charles E. Adams of Duluth, president pro tem of the state senate automatically becomes lieutenant governor. He will take the oath in Duluth. He does not lose his vote in the Senate by reason of the promotion." Star Tribune June 26, 1929

	Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
39 th Leg. (1915-1916)	George H. Sullivan (R)	J.A.A. Burnquist (R)	10/28/1916 ? to 1/2/1917	On December 30, 1915, Governor Hammond died in office. Lt. Governor J.A.A. Burnquist became Governor upon his death. We note Sen. George H. Sullivan as Lt. Governor starting on October 28, 1916. However, the newspapers call Sen. Sullivan "Lieutenant Governor" as early as January 1916 (in describing the funeral procession of Gov. Hammond, etc.). An article from October 29, 1916 states that during the October 28 one-day special session, Sullivan was sworn in as lieutenant governor, marking his "official ascendancy" to the post.	His term as lieutenant governor was in the middle of his four-year Senate term (1/5/1915 to 1/6/1919). He appears to have picked up where he left off and did not have to run in a special election to return to his seat.	Yes? on 10/28/1916? According to the press, he was sworn in on 10/28/1916; however, the Senate Journal for that day does not indicate that he was sworn in. The Secretary of State has an official oath card filed on 10/28/1916.	We did not find evidence of a resignation. He resumed his role as a senator during the next legislative session.	Yes. A one-day special session was held on October 28, 1916.	Yes, he voted as a senator throughout the one-day special session.	

	Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
36 th Leg. (1909-1910)	Edward E. Smith (R)	Adolph O. Eberhart (R)	Disputed. 9/25/1909 or 6/25/1910 to 1/3/1911 (LRL and MHS) Another date: Minneapolis Tribune, 5/27/1910 reports he was sworn in as Lt. Governor on May 26, 1910.	When Governor John A. Johnson died on September 21, 1909, Lt. Governor A.O. Eberhart became governor and Senator Edward Smith became lieutenant governor, according to the Minnesota Historical Society. Sources vary as to when he was sworn in. A <i>Minneapolis Tribune</i> article from 1910 states that he was "quietly" sworn in that spring; he hadn't taken the oath yet, thinking it unnecessary. The paper goes on: "The lieutenant governor now either holds the double position of lieutenant governor and state senator - or if the one merges into the other, his	His regular four-year Senate term (1/8/1907 to 1/2/1911) ended with his time as lieutenant governor. He did not seek reelection to his Senate seat.	Yes?, on 5/26/1910? This article sounds definitive but it is the only evidence: "At the time of the swearing in of Governor Eberhart, Mr. Smith did not feel it was necessary for him to take the oath immediately, as, in the opinion of the chief justice, the taking of the oath was merely a matter of form. Since then the question has been raised as to whether the state really had a lieutenant governor, and in order to quiet any	We did not find evidence of a resignation	No.	They did not meet during his tenure.	"Senator Smith's continuance in office as state senator, although lieutenant governor, is assured in a decision of the supreme court in what is popularly known as the Frank Day case in 1895. " ...There is no escape from the conclusion that the president pro tempore does not cease to be a senator when he becomes lieutenant governor by reason of a vacancy in the

	Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
				<p>district is without a legal representative." However, the Legislature did not meet between April 22, 1909 and January 3, 1911.</p>		<p>possible questioning, the oath was quietly taken yesterday." Morning Tribune (Minneapolis) 5/27/1910</p>				<p>governor's office." - Minneapolis Tribune 10/31/1909</p>

	Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
29 th Leg. (1895-1896)	Frank A. Day (R)	David M. Clough (R)	1/31/1895 to 1/5/1897	Lt. Governor David Marston Clough became governor on January 31, 1895 when Governor Knute Nelson resigned to take a seat in the U.S. Senate. Senator Frank A. Day served as lt. gov. from January 31, 1895 to January 5, 1897. While Sen. Day served as lt. gov., the Senate met in session from January 8, 1895 to April 23, 1895. According to an 1898 Minnesota Supreme Court case, Sen. Day acted as lt. gov. while also acting as a senator "with the tacit approval, at least, of the senate." Governor David M. Clough and Lt. Governor John L. Gibbs were elected to their respective offices	Senator Day was elected in 1894 to a four-year senate term, beginning in January 1895. The 29 th legislature convened on January 8, 1895 and adjourned on April 23, 1895. Senator Day attempted to come back to his Senate seat, and finish the second half of the term to which he had been elected in 1894, when the 30 th legislature convened in 1897. However, a special election had been held in November 1896 to fill his seat, which had been considered vacant because he had become lieutenant	No, the Senate Journal indicates that Sen. Day had a conversation in which he said he had "never filed" his oath of office. The same section in the journal states that he "performed the duties of, and assumed to act as Lieutenant Governor of the State of Minnesota."	No, it does not appear Sen. Day resigned from his senate seat while acting as lieutenant governor. However, he did lose his senate seat in the end. Senator Day attempted to come back to his Senate seat, and finish the second half of the term to which he had been elected in 1894, when the 30 th legislature convened in 1897. However, a	Yes, they met from 1/8/ 1895 to 4/23/1895.	Yes, the Senate Journal indicates Senator Day voted on bills as a senator while he served as lieutenant governor. Also, according to an 1898 Minnesota Supreme Court case, Sen. Day acted as lieutenant g overnor while also acting and voting as a senator "with the tacit approval, at least, of the senate."	

	Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
				<p>in the 1896 election and took office in January 1897. Sen. Day ran for U.S. Congress in the 1896 election. It was presumed that by running for that office he ceased to be the state senator. He did not win election to Congress. When the legislature reconvened in 1897, both Sen. Day and Sen. Dunn, the latter of whom had been elected to fill Sen. Day's seat in a special election in November 1896, claimed the senate seat. Sen. Day is initially listed in the <i>Journal of the Senate</i> as holding the contested seat until a determination was made by the Senate on January 23, 1897 that Sen. Dunn had been</p>	<p>governor. Both he and H.H. Dunn, the latter of whom had been elected in that 1896 special election, claimed the Senate seat in January 1897. The Senate Journal indicates Sen. Day held the seat until January 23, 1897. At that point a determination was made by the Committee on Elections that Dunn had been duly elected and was entitled to the seat.</p>		<p>special election had been held in November 1896 to fill his seat, which had been considered vacant because he had become lieutenant governor. Both he and H.H. Dunn, the latter of whom had been elected in that 1896 special election, claimed the Senate seat in January 1897. The Senate Journal indicates Sen. Day held the</p>			

	Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
			<p>duly elected and was entitled to the seat. Sen. Dunn took the oath of office on January 26, 1897.</p>				<p>seat until January 23, 1897. At that point a determination was made by the Committee on Elections that Dunn had been duly elected and was entitled to the seat.</p>			

	Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
5 th Leg. (1863)	Henry A. Swift (R)	Ignatius Donnelly (R)	3/4/1863 to 7/10/1863	Lt. Governor Ignatius Donnelly resigned on March 3, 1863 to take a seat in the U.S. House of Representatives. Senator Henry A. Swift subsequently served briefly as lieutenant governor until July 10, 1863, and then became governor when Governor Ramsey resigned to take a seat in the U.S. Senate. Though the <i>Journal of the Senate</i> notes Sen. Swift occasionally convening the senate in his capacity as president pro tem during the early parts of the 1863 session, the Journal states he was "duly elected" president pro tem on March 5, 1863. The Minnesota Historical Society lists his	Senator Swift became lieutenant governor in the middle of his senate term and just before the conclusion of the 1863 session. He was re-elected to the state senate in the 1863 election, and was sworn into the senate on 1/12/1864 (a few days after the senate convened). His term as Governor had concluded on 1/11/1864.	No, we have not yet uncovered evidence that he took an oath of office for Lt. Governor or Governor but more research is needed.	No, it does not appear Sen. Swift resigned his Senate seat.	Yes, the legislature was in session until 3/6/1863. Sen. Swift became Lt. Governor on 3/4/1863.	Yes, he became lieutenant governor 3/4/1863. He voted on bills on 3/5/1863. There were no bills passed on 3/6/1863, the last day of session, but he did vote on the resolutions passed that day.	

Presiding officer who was elevated to the position of lieutenant governor	Who was replaced?	Term of office as lieutenant governor	Circumstances	In what part of the Senate term did the change occur? Did s/he return to Senate seat? Run in a special election?	Evidence of an oath of office for lieutenant governorship?	Evidence of a resignation from the Senate?	Did the legislature meet in session during the lieutenant governor term?	If the legislature met, did individual cast votes as a senator?	Other
			term as lieutenant governor beginning March 4, 1863. During the last few days of the legislative session, the Journal of the Senate records Sen. Swift voting on bills.						

*William Richardson was the only lieutenant governor (of those who became lieutenant governor due to a vacancy) who served with a governor of a different party. He was Republican and served under Governor Hjalmar Petersen who was Farmer-Labor from 8/24/1936 to 1/1/1937. Also, due to the illness of Lieutenant Governor in 1937, Republican William Richardson served as acting lieutenant governor in 1937; both Governor Elmer Benson and Lieutenant Governor Gottfrid Linsten were Farmer-Labor.

Party abbreviations key: C = Conservative, DFL = Democratic-Farmer-Labor, FL = Farmer-Labor, R = Republican
Background materials (articles, Senate Journals, oaths) are on file at the Minnesota Legislative Reference Library.

Exhibit 3

INDEX: Legislators, Members of--Holding o r office--
Employment--§4, art. 9, Constitution.

Examiner of Titles
Highway Dept.
June 24, 1939

Hon. J. J. Miller, Chairman
Commission on Taxes and Tax Laws
Little Falls, Minnesota

Dear Sir:

Your letter of June 9, 1939, to Deputy Attorney General Chester S. Wilson has been referred to the undersigned for reply.

You state that the Highway Department has sent you a couple of titles to examine in reference to condemnation of right of way, and you inquire whether a member of the legislature may accept any fees from the state for services.

Article 4, Section 9, Minnesota Constitution, provides in part as follows:

"No senator or representative shall, during the time for which he is elected, hold any office under the authority of the United States or the State of Minnesota except that of postmaster."

The prohibition is against the holding of another office and does not extend to all forms of service. The fact that you are a member of the legislature would in no way interfere with your performing the duties under the appointment referred to and of your receiving compensation therefor. The work you refer to is simply an employment

F. J. Miller

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July 24, 1935

and would not be considered the holding of an office. The office of court stenographer is not another office within the prohibitions of the foregoing section of the Constitution inasmuch as the holder of such office exercises no official authority nor has duties of a confidential nature. (State ex rel. Dowdall v. Dahl, 69 Minn. 108, 71 N. W. 910).

Nor is there any violation of this section in the president pro tem. of the senate retaining his office as senator after succeeding to the office of lieutenant governor through a vacancy therein. The two offices are not incompatible. (State ex rel. Marr v. Stearns, 72 Minn. 200, 75 N. W. 210. See State v. Spalding (Iowa), 72 N. W. 288. Ann. cas. (1917) B 316 and notes for definition as to distinction between "office" and "employment".)

This office has previously held that a member of the legislature may be an employee of the state in the following capacities: as adviser of Railroad and Warehouse Commission (May 3, 1923), local weed inspector (April 17, 1922), district weed inspector (May 24, 1921), special counsel in liquidation of bank (March 18, 1926), employee of forestry board (May 16, 1921), superintendent of buildings, state fair (May 2, 1917), special attorney for county board (April 16, 1922), special counsel for legal affairs

F. J. Miller

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June 24, 1939

of county (May 21, 1929), assistant agricultural extension
specialist (April 13, 1938).

Yours sincerely,

JOHN A. WEEKS
Assistant Attorney General

JAW:hg

Exhibit 4

STATE - Legislature - Senator - President pro tempore assuming office
of Lieutenant-Governor during vacancy in the office

May 3, 1943

Honorable Archie H. Miller
Senator 36th District
Hopkins, Minnesota

Dear Senator Miller:

In your communication received today, you, as president pro tempore of the State Senate, inquire as to your status as a state senator in the event of your taking the oath of Lieutenant-Governor.

Under Article V, Section 6, of the Minnesota Constitution, the president pro tempore of the Senate "shall be lieutenant governor in case a vacancy should occur in that office."

The question that you submit was decided in 1898 by the state Supreme Court in the case of State ex rel. Marr v. Stearns, 72 Minn. 200. In its decision in that case the court says:

"There is no language in the constitution requiring or justifying the conclusion that the senatorial office of the president pro tempore becomes vacant when he becomes lieutenant governor by reason of, and during, a vacancy in the office of governor. On the contrary, there is no escape from the conclusion that the president pro tempore does not cease to be a senator when he becomes lieutenant governor by reason of a vacancy in the governor's office."

Very truly yours,

J. A. A. BURNQUIST
Attorney General

JAAB:mak

Exhibit 5

Exhibit 5a

CHAPTER LXXI.

An Act for the location and establishment of the Minnesota State Institution for the Education of the Deaf and Dumb.

- SECTION 1. Education of the Deaf and Dumb—establishment of an Institute therefor—name and location.
2. Board of Directors—term of office.
 3. Organization of Board.
 4. Of the meetings of the Board.
 5. Of the powers of the Board to select officers of the Institution.
 6. Of the selection of land, and erection of buildings.
 7. Of the opening of the Institution.
 8. Restrictions on the Board of Directors—Travelling fees.
 9. Vacancies in the Board, how filled.
 10. Appropriations by the Legislature, to be made, to complete and carry on the Institution.
 11. Disbursements of the funds appropriated.
 12. Accounts of the Institution.
 13. Annual report of the Board to be furnished by the Governor.
 14. Visitors *ex-officio*, of the Institution.
 15. Act takes effect on passage.

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

SECTION 1. There shall be established under the direction and supervision of the Board of Directors hereinafter specified, an institution for the education of the Deaf and Dumb, by the name and title of the Minnesota State Institution for the Education of the Deaf and Dumb. The said institution shall be located within two miles of the Town of Faribault, in the County of Rice, *Provided*, Said town or county shall donate to the State forty acres of land for the location, use and benefit of said institution, within one year from the passage of this Act. Establishment of State Institution

SEC. 2. The Board of Directors shall consist of six members, two of whom shall be annually elected by the Regents of the University of Minnesota, at their annual meeting; *Provided*, That at their first meeting after the passage of this Act, there shall be elected six Directors, two of whom shall be elected for three years, two for two years, and two for one year. Board of Directors—term of office

SEC. 3. Within thirty days after the election of Directors, as provided in Section three [two] of this Act, they shall meet at Faribault, for the purpose of organization and the adoption of measures to execute and carry into effect the provisions of this Act, at which meeting they shall severally take an oath or affirmation to support the Constitution of the United States, and the State of Minnesota, and to faithfully perform the duties of Directors as aforesaid; after which they shall Organization of the Board

organize by appointing one of their number as President, and another as Secretary, and some qualified person as Treasurer, who shall execute a bond with security, to be approved by the board, conditioned for the faithful performance of the duties of his office, and whose term of office shall be two years, and until his successor is appointed.

Meetings of the Board

SEC. 4. A majority of said Directors shall constitute a quorum for the transaction of business, and after the organization of the Board, meetings shall be held at such time and place, as the interest of the institution may require, until buildings are secured for the reception of pupils, after which meetings shall be at the place where such buildings are situated.

Officers of the Institution

SEC. 5. The said Directors are vested with power to appoint a Superintendent of said institution, who shall be President of the same, and who shall be *ex officio*, a member of the Board of Directors; also, to appoint instructors, and such other officers and agents, as may be found necessary in managing the concerns of the institution, to prescribe and regulate the course of study to be pursued; also, to fix the compensation of the President, and all other persons employed by the Board; to fix the rate of tuition, room rent and other expenses, and to displace or remove the President and all other persons appointed or employed about the institution, and appoint or employ successors; *Provided*, That a vote of two-thirds of all the members of the Board shall be necessary to the removal of the President.

Selection of land and erection of buildings

SEC. 6. It shall be the duty of said Board to select the land herein required on which to erect the buildings and make the improvements necessary to the operations of the institution as early as practicable, and to proceed so soon as funds are provided for that purpose, to erect the said buildings and make such improvements thereon, as the wants of the institution may demand.

Opening of the Institution

SEC. 7. The said Board shall provide at as early a day as practicable for the opening of a school for the education of all the deaf and dumb mutes in the State, of suitable age and capacity, to receive instructions, and also for their board, lodging, washing, and comfortable residence for the time being, and the expenses thereof shall be paid out of the funds appropriated for that purpose; *Provided*, That the Board may require payment for tuition, board and other accommodations, from those who have means of payment, or from their parents or guardians.

Restrictions on Board of Directors—traveling fees

SEC. 8. No member of the said Board shall be interested in any contract made with the Board, nor shall any member be employed or appointed in or about any agency or business of the Board for which compensation is or may be allowed; *Provided*, That members of the Board residing out of the county in which the institution is located, shall be allowed and paid their traveling and personal expenses incurred in

OF MINNESOTA FOR 1858.

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attending the meetings and necessary business of the Board, and the like allowance may be made to any member of the Board employed out of the county in which he resides.

Sec. 9. All vacancies in the Board, whether occurring by ^{Vacancies in} reason of the expiration of the term of office or otherwise ; ^{Board} shall be filled by the remaining members, and each successor shall take the oath or affirmation herein provided.

Sec. 10. It shall be the duty of the Legislature to make such appropriations from time to time as may be necessary, ^{State appropriation} for the erection of buildings and purchase of furniture, all ^{tion to be made} necessary apparatus, library, etc., payment of Professors and Teachers, and such other necessary expenses to be incurred in the establishment and successful operation of said institution.

Sec. 11. The funds appropriated to the said institution shall be paid upon orders of the Board, as required for use, ^{Disbursement of} and shall be accounted for to the proper disbursing officers ^{the funds} of the State half-yearly, or at such time as said officers may require, and upon each accounting a full and fair statement shall be made of the expenditures of funds previously received under appropriate heads, accompanied by original vouchers or receipts for the same, and funds raised under each head of appropriations shall be accounted for as aforesaid, before any additional sum shall be paid out of the same appropriation.

Sec. 12. The accounts of the institution with reference to ^{Accounts of In-} the ordinary expenses shall be so kept, as to show the kind, ^{stitution} quantity and cost of each article purchased.

Sec. 13. Within ten days preceding the meeting of each ^{Annual report of} regular session of the Legislature, the said Board shall ^{Board} furnish to the Governor a printed report of the action of the Board, and an estimation of the institution in all of its departments together with a statement of the receipts and disbursements of funds, and during the first week of the session of the Legislature, at least ten copies of said report shall be delivered to each member thereof. The said report shall show :

First—The names of the President and Directors, Secretary and Treasurer, and of the President and Teachers employed, with the compensation allowed to each ;

Second—The names, ages and residences of the pupils, and the dates of their reception into the institution ;

Third—The names, ages and residences of deaf mutes ascertained to be in the State, who have not attended the school ;

Fourth—The names and residences of all other persons in the service of the institution, and their business and compensation ;

Fifth—The statement of the accounts of the corporation, showing the amounts of money received and dates thereof, and its disbursements ;

Sixth—Such a report from the President of the institution, as is usually made from such institutions of other States.

Visitors to Institution

SEC. 14. The Governor, Lieutenant Governor, and Judges of the Supreme Court, shall be *ex officio* visitors of said institution.

SEC. 15. This Act shall take effect and be in force from and after its passago.

GEORGE BRADLEY,
Speaker of the House of Representatives.

WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 11, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXII.

An Act concerning Land Grant Railroads.

- SECTION 1. Railroad Companies to provide for payment of interest and principal on State Bonds; expenses of issuing State bonds to be paid by Railroads.
2. Default in payment of interest; duty of Governor.
 3. Default; first mortgage bonds to be sold for indemnity.
 4. Sale of lands for default; Governor to advertise and sell the same.
 5. Manner of foreclosing mortgages, for default.
 6. Governor authorized to employ engineers to examine work of Companies making issues of State bonds.
 7. Act takes effect on passago.

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

Land grant railroad companies to provide for principal and interest on state loans

SECTION 1. Each and every railroad company entitled to, and accepting the loan of State credit authorized by Section X. of Article 9 of the Constitution, shall make due provision for the punctual payment of the interest and the final redemption of the Minnesota Railroad Bonds, issued to such company by the State, and to this end, every such railroad company shall provide and arrange that semi-annual payments of interest and final payments of the principal of the first mortgage bonds of any such railroad company, which

Exhibit 5b

OF MINNESOTA FOR 1875.

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SECTION 1. That Cushman K. Davis, E. F. Drake and George P. Wilson are hereby constituted a board of location, whose duty it shall be to select a site that may seem proper to said board for a second state prison, and to cause a certificate to be filed with the secretary of state on or before the first day of July, A. D. eighteen hundred and seventy-five. *Provided*, That the citizens of the town or city where such location may be made shall procure and cause to be delivered to such board a deed to the state of Minnesota of a quantity of land so located, not less than twenty acres, as a site for said state prison.

Authorizing
the selection of
a site—board of
location.

SEC. 2. The said second state prison shall be erected and located upon the site designated and determined as hereinbefore mentioned and provided for, and shall be known by the name of the second state prison of the state of Minnesota.

Prison to be
erected on site
selected.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved March 9, 1875.

CHAPTER CI.

AN ACT TO AMEND CHAPTER FIFTEEN, SESSION LAWS OF ONE THOUSAND EIGHT HUNDRED AND FIFTY-SIX, IN RELATION TO THE HISTORICAL SOCIETY.

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

SECTION 1. That chapter fifteen of the session laws of one thousand eight hundred and fifty-six, entitled "An act to amend an act entitled 'An act to incorporate the Historical Society of Minnesota,'" be and is hereby amended so as to increase the number of members composing the executive council to thirty.

Increase of
members of
executive coun-
cil.

SEC. 2. The governor, lieutenant governor, secretary, auditor, and treasurer of state, and the attorney general, shall be ex-officio members of the executive council.

Ex-officio mem-
bers.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 19, 1875.

Exhibit 5c

OF MINNESOTA FOR 1876.

19

"Sec. 3. Each stockholder in any corporation shall be liable only for all unpaid installments on stock owned by him, or transferred for the purpose of defrauding creditors."

Liability of
Stockholders.

SEC. 2. This proposed amendment shall be submitted to the people for their approval or rejection at the general election for the year one thousand eight and seventy-six, and each of the legal voters of the state in their respective districts may at such election vote by ballot for or against such amendment, and the returns thereof shall be made and certified and such votes canvassed, and the result thereof declared in manner provided by law for returning, certifying and canvassing votes at general elections for state officers and declaring the result thereof; and if it shall appear therefrom that a majority of voters present and voting at such election upon such amendment, have voted in favor of the same, then within three days after that result shall have been ascertained and declared, the governor shall make proclamation thereof, and such amendment shall thereupon take effect and be in force as a part of the constitution.

To be submitted
to vote of the
people—How
vote canvassed
and returns
made.

SEC. 3. The voters voting in favor of such amendment, at said election, shall have written or printed, or partly written and partly printed, upon their ballots, at said election, the following words: "Amendment to section three, article ten, of the constitution, relating to corporations, 'Yes,'" and the ballots used at said election by those voting against such amendment shall have written or printed, or partly written and partly printed thereon, the following words: "Amendment to section three, article ten of the constitution, relating to corporations, 'No.'"

Ballots—how
prepared.

SEC. 4. This act shall take effect and be in force from and after its passage and approval.

When act to take
effect.

Approved February 25, 1876.

CHAPTER III.

AN ACT PROPOSING AN AMENDMENT TO SECTION THREE (3),
ARTICLE SIX (6), OF THE CONSTITUTION.

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

SECTION 1. That an amendment be proposed to the constitution of the State of Minnesota, as follows, to-wit: "That there be added at the end of section 3, article 6, the following words, viz.: Whenever all or a majority of the judges of the supreme court shall, from any cause, be disqualified from sitting in any case in the said court, the governor, or, if he shall be interested

Disqualification
of Judges of the
Supreme Court.
—Who shall sit
in such case.

GENERAL LAWS

in the result of such case, then the lieutenant governor, shall assign judges of the district court of the state, who shall sit in such case, in place of such disqualified judges with all the powers and duties of judges of the supreme court.

SEC. 2. This proposed amendment shall be submitted to the people for their approval or rejection at the general election for the year A. D. 1876, the legal voters of the state at said election may vote by ballot for or against the said amendment. The ballot used at said election, by those voting in favor of said amendment, shall be in the following form, to-wit: "Amendment to section 3, article 6, of the constitution, relating to the Supreme Court, 'Yes.'" The ballot used at said election by those voting against the said amendment shall be in the following form, to-wit: "Amendment to section 3, article 6, of the constitution, relating to the Supreme Court, 'No.'" And the return thereof shall be made and certified, and such votes canvassed, and the result thereof declared in manner provided by law for returning, canvassing and certifying votes at a general election for state officers and declaring the result thereof; and in case such amendment upon such canvass shall appear to have been ratified, the governor shall forthwith issue his proclamation announcing such result.

To be submitted to vote of the people.

Form of ballot.

How vote to be canvassed and returns made.

When act to take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1876.

CHAPTER IV.

AN ACT TO PROVIDE FOR THE TAXATION OF ELEVATORS, GRAIN HOUSES, OR OTHER BUILDINGS, LOCATED ON RAILROAD GROUNDS.

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

SECTION 1. All elevators, warehouses or grain houses, and all machinery and fixtures therein situate upon the line of any railroad corporation in this state, and which elevators, warehouses, grain houses, machinery and fixtures are not in good faith owned, operated and exclusively controlled by such corporation, shall be taken and deemed for all purposes of taxation personal property, and the same shall be listed and assessed in valuation in the town or district in which such elevator, warehouse, grain house, machinery or fixtures may be situate, and shall be listed and assessed in the name of the owner; if known,

What to be taxed.

Assessed in place where situate.—In whose name.

Exhibit 5d

REVISED LAWS MINNESOTA 1905

ENACTED APRIL 18, 1905 TO TAKE EFFECT MARCH 1, 1906

EDITED AND ANNOTATED BY
MARK B. DUNNELL

PUBLISHED UNDER CHAPTER 185, LAWS 1905

ST. PAUL
PUBLISHED BY THE STATE
1906

Ex. 5d

Ch. 3]

THE LEGISLATURE

§ 8

tively, in each of which districts one or more judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Washington, Pine, Chisago, and Kanabec: two judges.
2. Ramsey: six judges.
3. Olmsted, Wabasha, and Winona: one judge.
4. Hennepin: six judges.
5. Dodge, Rice, Steele, and Waseca: one judge.
6. Blue Earth and Watonwan: one judge.
7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena: two judges.
8. Carver, Le Sueur, McLeod, Scott, and Sibley: one judge.
9. Lyon, Redwood, Brown, Nicollet, and Lincoln: one judge.
10. Fillmore, Freeborn, Houston, and Mower: one judge.
11. Carlton, St. Louis, Lake, and Cook: three judges.
12. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, and Yellow Medicine: two judges.
13. Cottonwood, Murray, Nobles, Pipestone, and Rock: one judge.
14. Norman, Polk, Marshall, Kittson, Red Lake, and Roseau: two judges.
15. Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Clearwater, and Cass: two judges.
16. Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin: one judge.
17. Faribault, Martin, and Jackson: one judge.
18. Anoka, Isanti, Wright, and Sherburne: one judge.

7 (11)
09 - - 126

09 (12) 134

CONGRESSIONAL DISTRICTS

8. Composition—The state is hereby divided into nine congressional districts, in each of which one representative to the Congress of the United States shall be elected; said districts being composed of the following named counties, respectively:

1. Dodge, Fillmore, Freeborn, Houston, Mower, Olmsted, Steele, Wabasha, Waseca, and Winona.
2. Blue Earth, Brown, Cottonwood, Faribault, Jackson, Martin, Murray, Nobles, Pipestone, Rock, and Watonwan.
3. Carver, Dakota, Goodhue, Le Sueur, McLeod, Nicollet, Rice, Scott, and Sibley.
4. Chisago, Ramsey, and Washington.
5. Hennepin.
6. Benton, Cass, Crow Wing, Douglas, Hubbard, Meeker, Morrison, Sherburne, Stearns, Todd, Wadena, and Wright.
7. Big Stone, Chippewa, Grant, Kandiyohi, Lac qui Parle, Lincoln, Lyon, Pope, Redwood, Renville, Stevens, Swift, Traverse, and Yellow Medicine.
8. Aitkin, Anoka, Carlton, Cook, Isanti, Itasca, Kanabec, Lake, Mille Lacs, Pine, and St. Louis.
9. Becker, Beltrami, Clay, Clearwater, Kittson, Marshall, Norman, Otter Tail, Polk, Red Lake, Roseau, and Wilkin. ('01 c. 92)

CHAPTER 3

THE LEGISLATURE

9. Biennial and extra sessions—The legislature shall assemble at the seat of government on the first Tuesday after the first Monday in January of each odd-numbered year, and at such other times as it may be called by the governor to meet in extra session. (217)

10. Evidence of membership—For all purposes of organization of either house of the legislature, a certificate of election thereto, duly executed by the

auditor of the proper county, shall be prima facie evidence of the right to membership of the person therein named. (218)

11. Temporary employees—At the opening of each session of the legislature, the superintendent of the capitol shall employ the following assistants, who shall serve until their places are filled by action of the respective houses, and no longer: For the senate, two doorkeepers, one cloakroom keeper, and two pages; and for the house of representatives, two doorkeepers, three cloakroom keepers, and four pages. (223)

12. Same—Compensation—Each door and cloakroom keeper so temporarily employed shall be paid three dollars per day, and each page two dollars per day, for the time of his actual service; but none of them shall receive any pay whatsoever until the superintendent of the capitol shall have certified to the number of days of such service, and the amount due therefor. And no other person shall be paid for assistance rendered to either house during its organization. (223, 224)

13. Organization—At noon of the day appointed for the convening of the legislature, the members thereof shall meet in their respective chambers. The lieutenant governor shall call the senate to order; and the secretary of state, the house of representatives. In the absence of either of said officers, the oldest member present shall act in his place. The person so acting shall appoint, from the members present, a clerk pro tem., who shall call the legislative districts in the order of their numbers; and, as each is called, the persons claiming to be members therefrom shall present their certificates to be filed. All whose certificates are so presented shall then stand and be sworn. (219, 221)

14. Officers to be elected—Thereupon, a quorum being present, the respective houses shall elect, by 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 enrolling clerk, an engrossing clerk, a sergeant-at-arms, an assistant sergeant-at-arms, a postmaster, an assistant postmaster, and a chaplain. (220, 221)

See 1905 c. 52

15. Additional employees—Service, how computed and paid—Each house, after its organization, may appoint, and at pleasure remove, such necessary doorkeepers, cloakroom keepers, clerks, messengers, and other employees as are provided for by its permanent rules, or recommended by its committee on legislative expenses. All members, officers, and employees shall be paid by the day, counting the first and last days of each session and every intervening day; and, unless otherwise expressly provided by law, no officer or employee shall receive any other compensation for his services, whether rendered before, during, or after the session: Provided, that in no case shall pay be allowed for time preceding the election or appointment, nor after the membership or employment has ceased. (232)

16. Manner of election—Duties—Jury exemption—A majority of all the votes given upon the election or appointment of any officer or employee of either house shall be necessary to a choice. Such officers and employees, in addition to the duties prescribed by law, shall perform such services as may be required of them by rule or vote of the appointing body, or by direction of any committee thereof. During all sessions the members, officers, and employees of each house shall be exempt from duty as jurors. (226, 230)

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

1. The president of the senate and speaker of the house, ten dollars each.
2. Senators and representatives, five dollars each.

3. 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.

4. The assistant secretaries and assistant clerks, seven dollars each.

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

6. Messengers, not exceeding two dollars and fifty cents each.

7. 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.

8. 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.

9. 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. (230, 232-234)

18. **Same—How certified and paid—**On the eleventh day of the session, and on every tenth day thereafter, the secretary of the senate and the chief clerk of the house shall certify to the state auditor, in duplicate, the amount of compensation due each member, officer, and employee of their respective houses for the preceding ten days, and the aggregate thereof; and at the end of the session they shall include in the final certificate the amount due to each member for mileage, and the aggregate thereof. Suitable blanks for such certificates shall be furnished by the auditor. Upon receipt of one of such duplicates, with a certificate of approval thereof by the auditor, and his warrant for payment, the state treasurer shall forthwith pay to the several persons named the amount to which each is thereby shown to be entitled, taking his receipt therefor. No member, officer, or employee shall receive pay for the time of any unexcused absence, and the treasurer shall have credit hereunder only for sums actually disbursed. (238-243)

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19. **Contempts—**Each house may punish, as a contempt, any breach of its privileges, or of the privileges of its members, but only for one or more of the following offences:

07 - 19 - 319

1. Arresting or causing to be arrested any member or officer thereof, in violation of his privilege from arrest.

2. Disorderly conduct in its view and presence, or in the view and presence of any of its committees, tending to interrupt their proceedings.

3. Refusing to attend or be examined as a witness, before either house or any committee thereof, or before any person authorized by such house or committee to take testimony in legislative proceedings.

4. Giving or offering a bribe to any member, or attempting, by menace or by any corrupt or improper means, directly or indirectly to control or influence a member in giving or withholding his vote. (227)

20. **Same—Punishment—**Punishment for contempt shall be by imprisonment, but the term thereof shall not extend beyond the session at which it is inflicted. Whenever either house shall direct the imprisonment of any person for a contempt, the keeper of the common jail of the county in which the seat of government is situated shall receive such person and detain him in close confinement during the term fixed by the order of commitment, or until he is discharged by vote of the committing body or by due process of law. (227, 228)

21. **Journals—**A journal of the daily proceedings in each house shall be printed and laid before each member at the beginning of the next day's session. After it has been publicly read and corrected, a copy of such journal, kept by the secretary and chief clerk, respectively, and a transcript thereof as approved, shall be certified by such secretary or clerk to the printer, who shall print the corrected sheets for the permanent journal. Executive messages, addresses, reports, communications, and all voluminous documents other than amendments to the constitution or to bills and resolutions and the

§ 22

EXECUTIVE DEPARTMENT

[Ch. 1

protests of members submitted under sec. 16, art. 4, of the constitution, shall be omitted from the journals, unless otherwise ordered by vote. (270, 271)

2-330, 281; 24-78; 38-143, 36+443; 45-451, 48+196; 55-401, 407, 56+1056.

22. Other records—Appendix to journals—Each house may determine, by rule or resolution, what number of copies of its journal shall be printed, and the form and contents of such other records as it may see fit to keep. In like manner it may cause to be printed, in an appendix to its journal, such documents as it shall desire to so preserve; but, if both houses shall order the same document to be so printed, it shall be inserted only in the appendix to the senate journal. (270, 271)

23. Election of United States Senator—Senators in Congress shall be elected and the election certified as provided by the statutes of the United States. All meetings of the two houses in joint assembly shall be held in the hall of the house of representatives. The speaker of the house shall preside over such assembly, and the clerk thereof shall be its secretary. The roll of the senate shall be called by its secretary, and that of the house by its clerk. The president of the senate and speaker of the house shall certify the result of such election in duplicate; setting forth the whole number of votes cast on the final ballot, and the number thereof received by each person voted for. One of such duplicates shall be delivered to the governor, and the other filed with the secretary of state. (245-254)

AMENDMENTS TO THE CONSTITUTION

24
05 - 168
05 - 212
05 - 233
07 - 477
07 - 478
07 - 479
07 - 480

24. Form of act—Submission—Every act for the submission of an amendment to the constitution shall set forth the section as the same will read in case the amendment is adopted, with such other matter only as may be necessary to show in what section or article the alteration is proposed. It shall be submitted and voted upon at the general election next ensuing, in the manner provided for by the general law relating to such elections. If adopted, the governor shall announce the fact by proclamation.

24-25
09 - - - 14

25
07 - 152

25
104-M - 284
116-NW 835

25. Statement by attorney general—Notice—At least four months preceding such election, the attorney general shall furnish to the secretary of state a statement of the purpose and effect of all amendments proposed; showing clearly the form of the existing sections, and of the same as they will read if amended. Prior to the election, the secretary of state shall give three weeks' published notice of such statement in each county of the state in which a qualified newspaper is published. He shall also forward to each county auditor a number of copies of such statement, in poster form, sufficient to enable him to supply at least six of such copies for each election district of his county. The auditor shall furnish such copies to the town, village, and city clerks, who shall give three weeks' posted notice thereof, and cause one copy to be conspicuously posted at each polling place on election day. Wilful or negligent failure by any official named to perform any duty imposed upon him by this section shall be deemed a misdemeanor. (310-315)

CHAPTER 4

EXECUTIVE DEPARTMENT

THE GOVERNOR

26. Custodian of state property—In addition to the powers and duties prescribed by the constitution, the governor shall be the custodian of all property of the state not especially intrusted by law to other officers, and may take possession thereof without legal process, and adopt such measures for its safe-keeping as he deems proper. (298)

Exhibit 5e

tion are had and taken for the condemnation and conversion of any of said lands, all of the provisions of an act approved March 9th, 1874, and entitled "An Act to provide for obtaining title to land, by the state of Minnesota for the use of the state" and all amendments thereto shall be applicable to all such proceedings, and all other provisions of law properly applicable, shall also be applicable to such proceedings.

Sec. 5. Mutilation a misdemeanor.—Any person who shall willfully cut, destroy or mutilate, or cause to be willfully cut, destroyed or mutilated, any tree, shrub, timber, evergreen or plants of any kind, shall be guilty of a misdemeanor and upon conviction thereof by any court having competent jurisdiction, shall be punished by a fine of not less than ten dollars, and not more than one hundred dollars for each offense, or be imprisoned in the county jail of Mower county, Minnesota, for not less than ten days or more than ninety days for each and every offense.

Sec. 6. \$5,000 appropriated.—For the purpose of carrying into effect the provisions of this act there is hereby appropriated out of the treasury of the state of Minnesota, payable out of any moneys not otherwise appropriated, the sum of \$5,000 or so much thereof as may be necessary to acquire the property hereinafter described and carry into effect the provisions of this act, and that any portion of said sum hereby appropriated, not used for the purpose of acquiring said land, shall at the option of said state auditor, be used for the purpose of improving said park.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 19, 1913.

CHAPTER 362—H. F. No. 776.

An Act to establish an additional normal school in northern Minnesota, and to provide for a commission to locate the same.

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

Section 1. Normal school for northern part of state.—The commission hereinafter provided for is hereby authorized and required, before October 1st, 1913, to select a location in the northern part of the state for an additional normal school, and when such location shall be decided upon by said commission as herein provided, such additional normal school is hereby established at such location. The community in which such normal school shall be located shall provide and donate to the

state a suitable site therefor, conveyance of which shall be made to the state at or before the official announcement of its determination by the commission.

Sec. 2. Commission to locate same.—The commission to determine the location of said normal school shall consist of five members to be selected within thirty days after the passage of this act by the governor, the lieutenant governor and the speaker of the house of representatives acting jointly. Said normal school shall be located at some point north of the line of the Northern Pacific railroad running from Duluth to Moorhead, and west of the line constituting the western boundary of St. Louis and Carlton counties. When the commission above provided for shall have decided upon the most suitable location for said normal school, it shall prepare and file with the secretary of state the designation of such location, describing the site furnished by the community, and thereupon such designation shall be final and shall not be subject to change by said commission.

Approved April 19, 1913.

CHAPTER 363—H. F. No. 777.

An Act to validate certain bonds heretofore purchased by the state board of investment with the funds of the state of Minnesota.

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

Section 1. "Municipality" construed.—The word "municipality" as used herein, shall be held to mean and include the various counties, cities, villages, boroughs, towns and school districts in the state of Minnesota.

Sec. 2. When bonds purchased by state shall never be questioned.—Whenever the state board of investment shall have heretofore purchased with the funds of the state of Minnesota, the bonds of any municipality in this state, the validity of any such bond shall never be questioned except on the ground that the same and the loan made thereon was not approved by the state board of investment; that the bond in question made the entire bonded indebtedness exceed fifteen (15) per cent of the assessed valuation of the taxable real property of the municipality issuing such bonds; that such bonds bear a lower rate of interest than three (3) per cent; that such bonds run for a shorter period than five years, or for a longer period than twenty years; or that the principal thereof was never paid by the state to, or received by, the officers of the municipality issuing the same; and no change of the boundary lines of any such

Exhibit 5f

JOINT RESOLUTION No. 12.

A joint resolution relating to a committee to be appointed for the purpose of investigating matters relating to fire prevention and rates charged for fire insurance in this state.

WHEREAS, the fire losses in the state of Minnesota for the past thirty-nine years, as reported by fire insurance companies to the department of insurance, aggregate approximately \$77,000,000.00, and

WHEREAS, during the past thirty-nine years all fire insurance companies doing business in Minnesota, except township mutual companies, have collected premiums aggregating \$139,000,000.00 and returned to policyholders within our state, in payment of losses, an amount aggregating \$77,000,000.00, or approximately 55½ per cent of the premiums collected, and

WHEREAS, there is a gross discrimination practiced between our citizens by fire insurance companies in the rates of premium charged, which results to the advantage of the rich and to the disadvantage of the poor, and

WHEREAS, the state of Minnesota has not given any state official the power to make fire insurance rates, and

WHEREAS, such rates are now being made for most companies by an independent rating bureau, to-wit: General inspection company, and

WHEREAS, it is believed that insurance companies or their agents on their behalf have agreements to maintain the rates made by said general inspection company, and

WHEREAS, there is no appeal from the rates fixed by such inspection company, and there is no state official properly empowered to act for and on behalf of the assured; now, therefore,

Be It Resolved, by the senate and the house of representatives that a commission consisting of two members of the senate to be appointed by the lieutenant governor and two members of the house to be appointed by the speaker, together with the commissioner of insurance, be created and designated as the Minnesota fire prevention and insurance rating committee. It shall be the duty of the commissioner of insurance and his employes, upon his direction, to make all examinations and investigations required by the committee; employe such stenographers and assistants as the commissioner may deem necessary. Any member of the committee may administer oaths to any person appearing before it. It shall be the duty of the attorney general, or one of his assistants appointed thereto by him, to advise the committee and its members and to assist the committee in making such examinations as may be deemed expedient.

Said committee shall furnish a report of its findings to the governor on or before December 31st, 1914. The purpose of the creation of this committee is primarily:

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First. To devise ways and means for reducing our fire losses;

Second. To prevent discrimination in fire insurance rates, and

Third. In all possible ways to devise ways and means for giving the people of the state the greatest amount of fire insurance protection at the least possible cost to the assured.

It shall be the first duty of such committee to investigate the causes for our enormous fire losses, and to suggest remedies for the relief of our people as hereinafter provided.

It shall also be the duty of such committee to make a thorough investigation and examination into the methods of transacting business by all insurance companies, associations and insurers, of every kind, transacting the business of fire insurance, including all agencies whatever employed in the transaction of said business; to investigate into their expenses, the rates charged, and the manner of making the same; questions of discrimination between classes of property of insurers; all contracts for commissions or compensation of agents, and any discrimination thereunder; and, generally, to make any and all inquiry in regard to the transaction of the business of fire insurance, and the rates and cost of such insurance, and the expenses incident to such business; and the promotion of better protection against fire, and the reduction of fire losses. The mention of any particular lines of inquiry herein shall not limit in any measure the field of investigation which said committee is empowered to enter.

Provided, however, that if the appropriation provided for by a bill relating to the same subject is not made, this resolution shall be of no force or effect.

Approved April 24, 1913. .

JOINT RESOLUTION No. 13.

WHEREAS, there have been introduced in congress three bills (numbers H. R. 36, H. R. 4428, S. 2367), to afford federal protection to migratory game birds; and

WHEREAS, there is a very general sentiment in this state in favor of such protection, and an urgent request for the enactment of such law has been made, as appears by the numerous petitions received; now therefore,

Resolved, (the senate concurring), that congress be and hereby is requested to enact a law giving ample protection to migratory game birds.

Exhibit 5g

CHAPTER 461—H. F. No. 1123.

An act providing for the revision and codification of the game laws of the state of Minnesota.

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

Section 1. Appointment of five members for revision and codification of game laws.—That a commission of five members be and hereby is created, to consist of one member of the house of representatives to be appointed by the speaker, one member of the senate to be appointed by the lieutenant governor, one person to be appointed by the governor, the game and fish commissioner, and one member of the attorney general's force to be designated by the attorney general, to revise, codify and annotate the laws of this state relating to the preservation, protection and propagation of game and fish. Such appointments shall be made within ten days after the passage of this act, and before the adjournment of the present legislative session. Said commission shall designate one of their number to act as chairman.

Sec. 2. Duty of commission and report.—It shall be the duty of said commission to examine and compare the existing laws relating to game and fish, and the preservation, protection and propagation thereof in force in this state at the close of the present legislative session, together with the judicial interpretation and construction thereof, and to propose and recommend such revision and codification thereof as shall, in their opinion, simplify, harmonize and complete the same and they shall prepare the same in the form of a bill for introduction at the legislative session of 1919. Said commission shall file their report of such revision and codification, including the full text of all the laws recommended by them including annotations, with a full and complete index of the whole, with the game and fish commissioner, who shall cause to be printed and bound in pamphlet form five hundred copies of said report, on or before December 1, 1918, and immediately deliver a copy of such report to the governor, the attorney general, each justice of the supreme court, each district judge, each clerk of the district court, and each member elect of the state legislature, and the remaining copies shall be distributed by the game and fish commissioner to game protective associations, and other persons making request therefor. Said commission shall also submit, with its report, a list of all laws and parts of laws the repeal of which it shall recommend, giving the chapter number and title of each.

The printing of said report shall be done in the same manner as other state printing, according to the provision of subdivision 3 of paragraph 2267, chapter 34, Revised Laws of 1905.

Sec. 3. To serve without pay, but to be allowed expenses.—The members of said commission shall serve without pay for their services, but shall be allowed and paid their actual traveling and all other expenses necessarily incurred in the performance of said duties, not to exceed the sum of five hundred dollars in all. The game and fish commissioner through his office, without additional expense to the state, shall perform all the clerical work in connection with the work of said commission. Payment hereunder shall be made from time to time by the state treasurer upon warrants of the state auditor issued upon receipt of vouchers of said commissioners.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 19, 1917.

CHAPTER 462—H. F. No. 1221.

An act prescribing the manner of payment of all fees and other receipts of the several officers, boards, departments and institutions of the state into the state treasury.

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

Section 1. Fees and receipts of several state departments to be paid into state treasury daily.—All fees and other receipts of the several officers, boards and departments of the state and which is the property of the state shall be paid into the state treasury daily, unless such receipts are under \$50.00, in which event payment may be deferred until they aggregate such sum. The several state institutions shall make payments under this act on the first business day of each week; provided, that the provisions of this act shall not apply to the state agricultural society: Not later than the fifth of each month such officer, board, department or institution shall render to the state auditor an account for the preceding month of all moneys so received and paid over, specifying the items and sources thereof in detail.

Sec. 2. Section 111, general statutes 1913, and all other inconsistent acts are hereby repealed.

Approved April 20, 1917.

CHAPTER 463—H. F. No. 1270.

An act making it unlawful to interfere with or discourage the enlistment of men in the military or naval forces of the United States or of the state of Minnesota, and providing punishment therefor.

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

Exhibit 5h

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SESSION LAWS

RESOLUTION No. 1.

A concurrent resolution for the appointment of a special committee of the house and senate to consider bills relating to children.

WHEREAS, the governor of the state of Minnesota, in August, 1916, appointed a commission of twelve citizens to revise and codify the laws relating to children and to report its recommendations to him, and

WHEREAS, this commission has made its preliminary report recommending numerous changes to such laws, and is now about to make its final report embodying its recommendations in form of bills, and

WHEREAS, it is a matter of a common knowledge that the laws relating to children are in urgent need of revision and amendment to the end that the state may fairly fulfill its duties of guardianship over dependent, neglected, defective and delinquent children, and

WHEREAS, this is a matter of vital importance to all the citizens of this state regardless of political opinion or party affiliation;

Now, THEREFORE, be it resolved by this house, the senate concurring, that a special joint committee of the house and senate be appointed, seven members from the house, by the speaker of the house, and five from the senate, by the lieutenant governor, to consider the recommendations of said commission, as well as all other bills introduced which concern child welfare, and that this committee consider the same, hold public hearings thereon and introduce and recommend to the house and senate such bills as in its judgment will bring about the proper revision of the laws of this state relating to children.

RESOLUTION No. 2.

A concurrent resolution memorializing congress of the United States defining butter to mean "The food product, usually known as butter, and which is made exclusively from milk or cream, with or without common salt, and with or without additional coloring matter."

WHEREAS, the act of congress approved May 9, 1902, defines butter to mean "The food product usually known as butter and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter."

The act then declares that:

"Adulterated butter is hereby defined to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining or in any way producing a uniform, purified or improved product from different lots or parcels of melted or unmelted but-

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Congress of the United States of America be and the same is hereby urgently petitioned and requested to take such measures as may be necessary, first to provide adequate care and hospitalization for the disabled ex-service men of America, second to provide for the consolidation of the three agencies now dealing with the disabled ex-service men, third to decentralize the administration of the agencies dealing with the disabled ex-service men.

BE IT FURTHER RESOLVED, that a duly authenticated copy of this resolution be transmitted to the Speaker of the House of Representatives of the United States; that another be transmitted to the President of the Senate and Congress of the United States; and also that copies be sent to each representative of the State of Minnesota in the United States Senate and House of Representatives.

Approved April 21, 1921.

RESOLUTION No. 13.

A resolution memorializing the congress of the United States to pass a protective tariff bill, on wool, mutton and lamb.

WHEREAS, the farmers of this state during the past year have received such low values for the products of the farm, and that said values are not commensurate with the cost of production; and

WHEREAS, the sheep breeders of this state, have experienced every known difficulty in the disposal of their wool crop and also that their mutton and lamb must compete with frozen mutton and lamb imported into this country;

BE IT THEREFORE RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MINNESOTA, the Senate concurring, that the Congress of the United States be, and the same hereby is, urgently petitioned and requested to establish a protective tariff on wool, mutton and lamb.

BE IT FURTHER RESOLVED, that a duly authenticated copy of this resolution be transmitted to the Speaker of the House of Representatives of the United States; to the President of the United States Senate and to each Senator and Representative of the state of Minnesota in the United States Senate and House of Representatives.

Approved April 23, 1921.

RESOLUTION No. 14.

Mr. Norton from the committee on Rules, recommends the adoption of the following Joint Resolution.

A Joint Resolution providing for the appointment of a committee

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to investigate, report upon, and make recommendations as to the feasibility of re-districting the judicial districts of this state.

WHEREAS, there is now pending before the Legislature several bills, the purpose of which is to add a judge to some of the Judicial districts of this state, and other bills changing the boundaries of the Judicial districts within the state and,

WHEREAS, some Judicial districts have more work than can be properly attended to, while others have very little legal work to do and,

WHEREAS, it is necessary that the members of the Legislature should ascertain fully and accurately the amount of legal work being done by each Judicial district within the state, with a view to re-districting the state into Judicial districts and equalizing the work to be done.

Now **THEREFORE BE IT RESOLVED**, that the Senate and House of Representatives of the State of Minnesota have a commission of five members appointed, consisting of two members of the Senate to be appointed by the Lieutenant Governor, three members of the House of Representatives to be appointed by the Speaker of the House.

That is shall be the duty of said commission:

First: to thoroughly and carefully investigate the amount of court work being done by each Judicial district in the state and each judge thereof.

Second: To make a written report to the Legislature on or before the fifth day of the Legislative Session in 1923 of the results of their investigation.

Third: to make such recommendations as to the redistricting of the Judicial districts of the state and the equalizing of the legal work of the several Judicial districts as to them may seem proper.

The members of such committee shall receive as payment in full for personal expenses the sum of fifteen dollars (\$15) per day for each day actually employed in the said work, and all of the expenses incurred by said committee shall be paid from the legislative expense fund by the Chief Clerk of House upon bills certified as correct by the Chairman of said Committee.

Approved April 23, 1921.

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STATE OF MINNESOTA,
DEPARTMENT OF STATE.

I, Mike Holm, Secretary of State of the State of Minnesota, do hereby certify that the foregoing Session Laws, proposed amendments to the constitution of Minnesota, and joint and concurrent resolutions, passed and adopted by the legislature of 1921, have been compared with the enrolled copies deposited in the office of the secretary of state, and they are true and correct copies of said enrolled laws, proposed amendments and joint and concurrent resolutions.

In witness whereof, I have hereunto set my hand and affixed the Great Seal of the state at the capitol, in St. Paul, this 15th day of May, A. D. 1921.

(Seal)

MIKE HOLM,
Secretary of State.

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Sec. 9. This act shall take effect and be in force from and after its passage.

Approved April 23, 1927.

CHAPTER 429—H. F. No. 1319.

An act providing for the revision and codification of the laws of the State of Minnesota relating to wild animals.

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

Section 1. Commission to revise game laws authorized.—That a commission of five members be and hereby is created, to consist of one member of the house of representatives to be appointed by the speaker, one member of the senate to be appointed by the lieutenant governor, one person to be appointed by the governor, the commissioner of game and fish, and one member of the attorney general's force to be designated by the attorney general, to revise, codify and annotate the laws of this state relating to wild animals and to the preservation, protection and propagation thereof. Such appointments shall be made forthwith after the passage of this act, and before the adjournment of the present legislative session if practicable. Said commission shall designate one of their number to act as chairman.

Sec. 2. Duties of commission.—It shall be the duty of said commission to examine and compare the existing laws relating to wild animals and to the preservation, protection and propagation thereof in force in this state and in all adjoining states and provinces of Canada at the close of the present legislative session, together with the judicial interpretation and construction thereof, and to propose and recommend such revision and codification of such laws of this state as shall, in their opinion, simplify, harmonize and complete the same and secure uniformity with the laws of adjoining states and provinces as far as practicable. They shall prepare the same in the form of a bill for introduction at the legislative session of 1929. Said commission shall file with the commissioner of game and fish their report of such revision and codification, including the full text of all the laws recommended by them including annotations and a list of all laws and parts of laws the repeal of which they shall recommend, giving the chapter number and title of each, with a full and complete index of the whole, on or before December 1, 1928, and the commissioner shall cause copies of said report to be made and delivered to the attorney general and to each house of the

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legislature as soon as convened. Additional copies may be made and distributed to members of the legislature and other officers and persons requesting the same, as far as practicable.

Sec. 3. Commissioner to perform clerical work.—The members of said commission shall serve without pay for their services, but shall be allowed and paid their actual traveling and all other expenses necessarily incurred in the performance of said duties, not to exceed the sum of five hundred dollars in all. The commissioner of game and fish through his office, without additional expense to the state, shall perform all the clerical work in connection with the work of said commission. Payment hereunder shall be made from time to time by the state treasurer upon warrants of the state auditor issued upon receipt of vouchers of said commissioners.

Sec. 4. Expenses.—The expenses incident to carrying out the provisions of this act may be paid out of any funds appropriated to the Commissioner of Game and Fish for the maintenance and operation of the Game and Fish Department.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 23, 1927.

CHAPTER 430—S. F. No. 1279

An act providing for an audit of state offices and accounts, and appropriating money therefor.

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

Section 1. Audit of state offices and accounts authorized.—The attorney general is hereby authorized and directed to make such examination and audit of the books, records and accounts of the offices of state treasurer and state auditor as he may deem necessary, and in the discretion of said attorney general any other departments or agencies of the state government receiving moneys payable to or from the state treasury, for the period beginning January 1, 1920, and for such period prior thereto as may be necessary to ascertain the facts in connection with any defalcation or shortages that may have occurred therein. Such examination and audit shall be made under the supervision of the said Attorney General by an independent auditor or firm of auditors not connected with any State Department, which auditor or firm of auditors shall be able to furnish a certificate of the result of his or its examination by a certified public accountant.

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surety are, except as herein expressly provided to the contrary, preserved.

Sec. 10. Effective until January 15, 1935.—This Act shall take effect and be in force from and after its passage until January 15, 1935, and it is hereby declared as legislative intent that an emergency exists under the police power of the state, rendering the passage of this Act necessary and advisable.

Sec. 11. Provision separable.—If any section, sub-section, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act.

Approved March 3, 1933.

CHAPTER 56—H. F. No. 1350

An act ratifying the proclamation of the Lieutenant Governor of Minnesota issued on March 4th, 1933, declaring a bank holiday and legalizing all action in compliance therewith and declaring a bank holiday commencing March 6th, 1933, and continuing until terminated by proclamation of the Governor, and authorizing the declaration of state banking holidays to conform with Federal Laws or Proclamations.

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

Section 1. Certain Proclamation validated.—That certain proclamation made by the Lieutenant Governor of the State of Minnesota, acting in the absence of its Governor from the State at 8 o'clock A. M. on March 4, 1933, by which there was declared and proclaimed a temporary banking holiday mandatory for all banks in Minnesota, including state, national and private banks, savings banks and trust companies, is hereby in all respects ratified and confirmed and declared to be in all respects valid, and any and all action in compliance therewith taken by such banks and trust companies is hereby legalized and declared valid.

Sec. 2. Bank holiday legalized.—The Fourth day of March, 1933, is hereby declared to have been a banking holiday for all banks in Minnesota, including state and national banks, savings banks and trust companies, and to the extent that any such bank, savings bank or trust company has refrained from the transaction of any banking business on said day, such action is hereby in all respects legalized and declared valid.

Sec. 3. **Banking holiday declared.**—A Banking holiday is hereby declared in the State of Minnesota commencing as of the 6th day of March, 1933, and ending when and as the Governor of the State shall have by proclamation so declared. During such banking holiday all banks, state and national, savings banks and trust companies shall refrain from any banking business.

Sec. 4. **Banks prohibited from transacting business.**—By proclamation of the Governor, all state banks, savings banks or trust companies shall refrain from transacting any banking business on any day on which national banks shall be prohibited by Federal law or proclamation from transacting business.

Sec. 5. **Effective on passage.**—This Act shall be deemed effective from and after its passage.

Approved March 6, 1933.

CHAPTER 57—H. F. No. 1351

An act regulating the resumption of business by banks, savings banks and trust companies upon the termination of any banking holiday and prescribing the powers of the Commissioner of Banks and such banks in connection therewith.

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

Section 1. **Resumption of banking business—rules and regulations.**—Whenever any banking holiday, as such, shall have existed in this state and shall have been duly terminated, any bank, savings bank and trust company shall resume business under such rules, regulations and restrictions as the Commissioner of Banks may prescribe, which rules, regulations and restrictions may vary as to different banks, savings banks and trust companies and may contain any or all of the following amongst other provisions:

- (1) Prohibit or limit the withdrawal of currency or money by depositors in such banks, savings banks or trust companies or any of them.
- (2) Authorize any bank, savings bank or trust company to join with other banks, state and/or national, in forming an association for the issuance by said associations of secured certificates of indebtedness, to acquire such certificates of indebtedness for transaction of its business and to pledge from time to time any of its assets as security for any certificates so issued and acquired by it and to the extent

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Rivers in connection with the construction and maintenance of Trunk Highway No. 59.\$2,500.00

Subd. 3. Charles J. Peterson and Viola Peterson, his wife, of Red Wing, in reimbursement of damages to real and personal property owned by them alleged to have resulted from negligent raising of the elevation, failure to provide proper culverts, and improper construction of a dike in connection with the construction and maintenance of Trunk Highway No. 19.\$2,500.00

Subd. 4. Edward A. Flatten, in reimbursement of damages to real property alleged to have resulted from flood waters caused by a channel change made on the Root River near Houston, Minnesota, in connection with the construction of Trunk Highway No. 76.\$5,250.00

Subd. 5. Elmer Vathing, in reimbursement of damages to real property alleged to have resulted from flood waters caused by a channel change made on the Root River near Houston, Minnesota, in connection with the construction of Trunk Highway No. 76.\$3,000.00

Sec. 8. The monies appropriated herein shall be available from and after the passage and approval of this act.

Approved April 23, 1951.

CHAPTER 694—H. F. No. 1748

[Not Coded]

An act relating to civil defense, providing therefor, appropriating money therefor, and amending Minnesota Statutes 1949, Section 9.28, Subdivision 6.

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

Section 1. Citation. This act shall be known and may be cited as the "Minnesota Civil Defense Act of 1951".

Sec. 2. Declaration of policy. Subdivision 1. Because of the existing and increasing possibility of the occurrence of

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distasters of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action, and in order to insure that preparations of this state will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary:

(1) To create a State Civil Defense Agency, and to authorize the creation of local organizations for civil defense in the political subdivisions of the state;

(2) To confer upon the Governor and upon the governing bodies of the political subdivisions of the state the emergency and disaster powers provided herein; and

(3) To provide for the rendering of mutual aid among the political subdivisions of the state and with other states, and to cooperate with the federal government with respect to the carrying out of civil defense functions.

Subd. 2. It is further declared to be the purpose of this act and the policy of the state that all civil defense functions of this state be coordinated to the maximum extent with the comparable functions of the federal government, including its various departments and agencies, of other states and localities, and of private agencies of every type, to the end that the most effective preparations and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

Sec. 3. **Definitions.** As used in this act:

Subdivision 1. "Civil Defense" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage or other enemy hostile action. These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, air-raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restora-

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tion of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions.

Subd. 2. "Federal Government" means the United States of America.

Subd. 3. "Local Organization for Civil Defense" means an organization created in accordance with the provisions of this act by the state or a political subdivision to perform local civil defense functions.

Subd. 4. "Mobile Support Unit" means an organization for civil defense created in accordance with the provisions of this act by the state or a political subdivision to be dispatched by the Governor to supplement local organizations for civil defense in a stricken area.

Subd. 5. "Organizational Equipment" means equipment and supplies essential for civil defense in excess of equipment and supplies provided for normal operation of the state or a political subdivision to the acquisition of which the federal government will contribute.

Subd. 6. "Political Subdivision" means a county, city, village, borough, or town.

TITLE I — ORGANIZATION

Sec. 101. **Civil Defense Agency.** Subdivision 1. There is hereby created within the executive branch of the state government a department of civil defense, hereinafter called the "Civil Defense Agency", which shall be under the supervision and control of the Governor and a director of civil defense, hereinafter called the "state director". The state director shall be appointed by the Governor with the advice and consent of the senate; he shall not hold any other state office; he may be removed from office by the Governor at any time and shall be compensated at the rate of \$8,500 per annum, payable semimonthly.

Subd. 2. The Governor may employ such technical, clerical, stenographic and other personnel and fix their compensation, and may make such expenditures within the appro-

priation therefor, or, with the approval of the executive council, from other funds made available to him for purposes of civil defense as may be necessary to carry out the purposes of this act. Notwithstanding any other provision of law, all personnel shall be in the unclassified service of the state civil service.

Subd. 3. The state director and other personnel of the Civil Defense Agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing in the same manner as provided for personnel of other state agencies.

Sec. 102. **Civil Defense Advisory Council.** There is hereby created a Civil Defense Advisory Council, hereinafter called the "Council", which shall be composed of the lieutenant governor, president pro tem of the senate, speaker of the house of representatives, secretary of state, state auditor, state treasurer, attorney general, adjutant general, state director, the mayors of the cities of the first class, and four other persons not holding office or employment under the state, who, on account of vocations, employment or affiliations, shall be representative of agriculture, industry, labor and the League of Minnesota Municipalities, respectively, who shall be appointed by the Governor and shall serve at his pleasure. The council shall advise the Governor and the state director on all matters pertaining to civil defense. The Governor shall serve as chairman of the council, the lieutenant governor shall serve as vice-chairman thereof, and the members thereof shall serve without compensation, but may be reimbursed for their reasonable and necessary expenses incurred in the performance of their duties.

TITLE II — POWERS AND DUTIES

Sec. 201. **Governor.** Subdivision 1. The Governor has general direction and control of the Civil Defense Agency and has the power and duty to carry out the provisions of this act and, during a Civil Defense Emergency declared as existing under Section 301, may assume direct operational control over all or any part of the civil defense functions within this state.

Subd. 2. In performing his duties under this act, the Governor is authorized to cooperate with the federal government, with other states, and with private agencies, in all mat-

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ters pertaining to the civil defense of this state and of the nation.

Subd. 3. In performing his duties under this act and to effect its policy and purpose, the Governor is further authorized and empowered:

(1) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this act within the limits of the authority conferred upon him herein, with due consideration of the plans of the federal government and without complying with Minnesota Statutes 1949, Sections 15.041 to 15.049, inclusive, but no order, rule or regulation shall have the force and effect of law except as provided by Section 302.

(2) To prepare a comprehensive plan and program for the civil defense of this state, such plan [plan] and program to be integrated into and coordinated with the civil defense plans of the federal government and of other states to the fullest possible extent, and to coordinate the preparation of plans and programs for civil defense by the political subdivisions of this state, such plans to be integrated into and coordinated with the civil defense plan and program of this state to the fullest possible extent;

(3) In accordance with such plan and program for the civil defense of this state, to procure supplies and equipment, to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of civil defense organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of civil defense personnel in time of need;

(4) To make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for civil defense, and to plan for the most efficient emergency use thereof;

(5) On behalf of this state, to enter into mutual aid arrangements with other states and to coordinate mutual aid plans between political subdivisions of this state;

(6) To delegate any administrative authority vested in

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him under this act, except the power to make rules and regulations, to provide for the subdelegation of any such authority;

(7) To appoint, in cooperation with local authorities, metropolitan area directors when practicable;

(8) To cooperate with the President and the heads of the armed forces, the civil defense agency of the United States and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the civil defense of the state and nation, including the direction or control of (a) black-outs and practice black-outs, air-raid drills, mobilization of civil defense forces, and other tests and exercises; (b) warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith; (c) the effective screening or extinguishing of all lights and lighting devices and appliances; (d) shutting off water mains, gas mains, electric power connections and the suspension of all other utility services; (e) the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or attack; (f) public meetings or gatherings; and (g) the evacuation and reception of the civilian population;

(9) To contribute, with the approval of the executive council, to a political subdivision, within the limits of the appropriation therefor, not more than 25 per cent of the most [cost] of acquiring organizational equipment which meets standards established by him;

(10) To formulate and execute, with the approval of the executive council, plans and regulations for the control of traffic in order to provide for the rapid and safe movement over public highways and streets of troops, vehicles of a military nature, materials for national defense and war or for use in any war industry, for the conservation of critical materials or for civil defense purposes, and to coordinate the activities of the departments or agencies of the state and of the political subdivisions thereof concerned directly or indirectly with public highways and streets, in a manner which will best effectuate such plans.

Sec. 202. Acceptance of offers of assistance. Subdivision 1. Wherever [whenever] the federal government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, services, equip-

ment, supplies, materials, or funds by way of gift, grant or loan, for purposes of civil defense, the state, acting through the Governor, or such political subdivision, acting with the consent of the Governor and through its governing body, may accept such offer and upon such acceptance the Governor of the state or governing body of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer, but no moneys or other funds shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.

Subd. 2. Whenever any person, firm or corporation shall offer to the state or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of civil defense, the state, acting through the Governor, or such political subdivision, acting through its governing body, may accept such offer and upon such acceptance the Governor of the state or the governing body of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer, but no moneys or other funds shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.

Sec. 203. **Utilization of all facilities.** In carrying out the provisions of this act, the Governor and the governing bodies of the political subdivisions of the state are directed to utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the state and of the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the Governor and to the civil defense organizations of the state upon request.

Sec. 204. **Mobile support units.** The Governor or his duly designated representative is authorized to create and establish such number of Mobile Support Units as may be necessary to reinforce civil defense organizations in stricken

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areas and with due consideration of the plans of the federal government and of other states. He shall appoint a commander for each such unit who shall have primary responsibility for the organization, administration and operation of such unit.

Sec. 205. Local organizations. Subdivision 1. Each political subdivision of this state is hereby authorized and directed to establish a local organization for civil defense in accordance with the state civil defense plan and program, but no town shall establish a local organization for civil defense without approval of the state director. Each local organization for civil defense shall have a director who shall be appointed forthwith in a city, village or borough by the mayor thereof and in a county or town by the county board and town board, respectively, and who shall have direct responsibility for the organization, administration, and operation of such local organization for civil defense, subject to the direction and control of such governing body. Each local organization for civil defense shall perform civil defense functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of section 203, 207 and 302 of this act or any other applicable provisions of law. A county local organization for civil defense shall have jurisdiction throughout the county outside of any city, village or borough, or of a town which has a local civil defense organization.

Subd. 2. With approval of the Governor, two or more political subdivisions which are contiguous for civil defense purposes may enter into agreements determining the boundaries of the geographic areas of their respective civil defense responsibilities or providing for a common civil defense organization which, for the purposes of this act, shall be a local civil defense organization.

Sec. 206. Appropriations, local governmental subdivisions. Subdivision 1. Each political subdivision shall have the power to make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision for the payment of expenses of its local organization for civil defense.

Subd. 2. To provide moneys for civil defense purposes authorized by this act, a political subdivision is empowered to levy annually upon all taxable property in the political sub-

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division, except as provided in subdivision 4 of this section, a tax in excess of and over and above all taxing limitations in such amount as may be necessary to pay such expenditures. The total amount of a tax levied under authority of this section shall not exceed 20 cents per capita based on the last federal regular or special census, except in a political subdivision in which such tax will not produce a total amount of \$1,000 in which event a tax sufficient to produce \$1,000 or so much thereof as may be necessary may be levied.

Subd. 3. (1) To provide moneys for the purchase of organizational equipment which is to be paid for in part by the federal government, a political subdivision is empowered to levy a tax upon all taxable property in the political subdivision, except as provided in subdivision 4 of this section, in excess of and over and above all taxing limitations, including those provided in subdivision 2 of this section, in such amount as may be necessary to pay its share of the cost of such organizational equipment, provided that the Governor has approved the purchase thereof.

(2) Each political subdivision which has initiated the purchase of organizational equipment shall have the power:

(a) To pay into the state treasury, in trust, its share of the cost of organizational equipment required by the federal government to be paid in advance.

(b) To pay into the state treasury, in trust, its share of the reimbursement of the federal government by the state as part of its share of the cost of organizational equipment purchased for the political subdivision and initially wholly paid for from the federal treasury.

Subd. 4. When levied by a county, the taxes authorized in subdivisions 2 and 3, respectively, of this section, shall be spread wholly and exclusively upon property within the portion of the county over which the county local organization for civil defense has jurisdiction as provided in Section 205, Subdivision 1, of this act.

Subd. 5. To provide funds for civil defense purposes in 1951, a political subdivision may, at any time after the passage of this act and prior to October 1, 1951, levy any tax authorized by this section and may issue certificates of indebtedness in an-

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ticipation of the collection and payment of such tax. Such levy shall be separate from and in addition to any other levy made in 1951 and collectible in 1952 for civil defense purposes. The total amount of such certificates, including principal and interest, issued shall not exceed 90 per cent of the amount of such levy and shall be payable from the proceeds of such levy and not later than December 31, 1952. They shall be issued on such terms and conditions as the governing body may determine and shall be sold as provided in Minnesota Statutes 1949, Section 475.60. During 1951, any political subdivision may make appropriations for civil defense purposes from the proceeds of such certificates or otherwise without complying with statutory or charter provisions requiring that expenditures be based on a prior budget authorization or other budgeting requirement.

Sec. 207. Mutual aid arrangements. Subdivision 1. The director of each local organization for civil defense may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal civil defense aid and assistance in an emergency too great to be dealt with unassisted. Such arrangements shall be consistent with the state civil defense plan and program, and in time of emergency it shall be the duty of each local organization for civil defense and the members thereof to render assistance in accordance with the provisions of such mutual aid arrangements.

Subd. 2. The director of each local organization for civil defense may, subject to the approval of the Governor, enter into mutual aid arrangements with civil defense agencies or organizations in other states for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted.

Sec. 208. Orders, rules, regulations; enforcement. It shall be the duty of every organization for civil defense established pursuant to this act and of the officers thereof to execute and enforce such orders, rules and regulations as may be made by the Governor under authority of this act. Each such organization shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under his authority.

TITLE III—EMERGENCY POWERS

Sec. 301. Actual attack, sabotage, etc. In the event of

an actual enemy attack upon the United States, which means the several states, the District of Columbia, the Territories of Alaska and Hawaii 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 in this title, Title III, of this act, 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 in this title, Title III, of this act; provided, however, that 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 reimbursement which he, she, it or they may have under the provisions of this act.

Sec. 302. Orders, rules, regulations of Governor; to have effect of law. All orders, rules and regulations promulgated by the Governor under authority of Section 201, subdivision 3, paragraph (1), when approved by the executive council and a copy thereof has been filed in the office of the secretary of state, shall have, during a Civil Defense Emergency, the full force and effect of law. All rules, regulations, and ordinances of any agency or political subdivision of the state inconsistent with the provisions of this act, or with any order, rule, or regulation having the force and effect of law issued under the authority of this act, shall be suspended during the period of time and to the extent that such conflict exists.

Sec. 303. Assistance between political subdivisions. Subdivision 1. Whenever the public interest requires it on account of an imminent emergency, the Governor may, in his discretion, authorize and direct the police, fire-fighting, health, or other force of any political subdivision, herein call [called] the sending political subdivision, to go to the assistance of another political subdivision, herein called the receiving political subdivision, and to take and use for such purpose such personnel, equipment, and supplies of the sending political subdivision as the Governor may direct.

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Subd. 2. While so engaged, the officers and members of such forces shall have the same powers, duties, rights, privileges and immunities as if they were performing like service in the sending political subdivision and shall be considered to be acting within the scope of and in the course of their regular employment, as employees of such sending political subdivision.

Subd. 3. The receiving political subdivision shall reimburse the sending political subdivision for all supplies used and the compensation paid to all officers and members of the forces so furnished during such time as the rendition of such aid prevents them from performing their duties in the sending political subdivision, for the actual traveling and maintenance expenses of such officers and members while rendering such aid, and the cost of all insurance covering such officers and members while so engaged. Any claim for such loss, damage or expense in use of equipment or supplies or for additional expenses incurred in the operation or maintenance thereof shall not be allowed unless within 90 days after the same is sustained or incurred an itemized notice of such claim, verified by an officer of [or] employee of the municipality having knowledge of the facts, is filed with the clerk of the receiving political subdivision.

Subd. 4. It shall be the policy of the state to reimburse the sending political subdivision for any loss or damage to equipment used outside of the corporate limits of the sending political subdivision and to reimburse the sending political subdivision for any additional expenses incurred in the operation and maintenance thereof outside such corporate limits. Any claim for such loss, damage or expense in use of equipment or for additional expenses incurred in the operation or maintenance thereof shall not be allowed unless within 90 days after the same is sustained or incurred an itemized notice of such claim, verified by an officer or employee of the sending political subdivision having knowledge of the facts, is filed with the state director.

Sec. 304. **Persons required to assist.** Subdivision 1. During a Civil Defense Emergency, the governor, the state director or a member of a class of members of a state or local civil defense organization designated by the Governor, may, when necessary to save life or property, (1) require any person, except members of the federal or state military forces and officers of the state or a political subdivision, to perform services for civil defense as directed by any of the persons

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first above described, and (2) commandeered, for the time being, any motor vehicle, tools, appliances or any other property.

Subd. 2. The owner of any property so commandeered shall be promptly paid just compensation for the use thereof and all damages done to the property while so used for civil defense purposes. The Governor or the governing body of the political subdivision concerned, respectively, according to the use thereof, shall make a formal order determining the amount of such compensation. The owner may appeal to the district court of the county in which such property was commandeered if, within 30 days from the date of such order, he serves upon the Governor or the political subdivision concerned and files with the clerk of such court a written notice of appeal setting forth the order appealed from and, in detail, the amount claimed as compensation. Upon such appeal, the issue shall be the amount of damages to which the appellant is entitled. It may be noticed for trial as in the case of a civil action and the court may require other parties to be joined and to plead therein when necessary to a proper determination of the questions involved. The cause shall be tried without a jury de novo and the court shall determine the damages and the person or persons entitled thereto. Except as herein otherwise provided, the trial shall be conducted and the cause disposed of according to the rules applicable to civil actions in the district court. The court in its discretion may award to the prevailing party the costs and disbursements of the appeal.

Subd. 3. Any able-bodied person required to perform services for civil defense who refuses, neglects, or otherwise fails to perform the services required under subdivision 1 shall be guilty of a misdemeanor and punished by imprisonment in the county jail for not less than ten days or more than 90 days.

Sec. 305. Mobile Support Units called to duty. Subdivision 1. Mobile Support Units shall be called to duty upon orders of the Governor and shall perform their functions in any part of the state, or, upon the conditions specified in this section, in other states.

Subd. 2. Personnel of Mobile Support Units while on active duty, whether within or without the state, shall: (1) if they are employees of the state, have the powers, duties, rights, privileges and immunities and receive the compensation

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incidental to their employment; (2) if they are employees of a political subdivision, and whether serving within or without such political subdivision, have the powers, duties, rights, privileges and immunities and receive the compensation incidental to their employment; and (3) if they are not employees of the state or a political subdivision thereof, receive compensation by the state of \$5.00 per day and have the same rights and immunities as are provided by law for the employees of this state. All personnel of Mobile Support Units shall, while on duty, be subject to the operational control of the authority in charge of civil defense activities in the area in which they are serving, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

Subd. 3. The state shall reimburse a political subdivision for the compensation paid and actual and necessary travel, subsistence and maintenance expenses of employees of such political subdivision while serving as members of a Mobile Support Unit and for all payments for death, disability or injury of such employees incurred in the course of such duty, and for all losses of or damage to supplies and equipment of such political subdivision resulting from the operation of such Mobile Support Unit.

Subd. 4. Whenever a Mobile Support Unit of another state shall render aid in this state pursuant to the orders of the Governor of its home state, and upon the request of the Governor of this state, this state shall reimburse such other state for the compensation paid and actual and necessary travel, subsistence and maintenance expenses of the personnel of such Mobile Support Unit while rendering such aid, and for all payments for death, disability or injury of such personnel incurred in the course of rendering such aid, and for all losses of or damage to supplies and equipment of such other state or a governmental subdivision thereof resulting from the rendering of such aid; provided, that the laws of such other state contain provisions substantially similar to this section.

Subd. 5. No personnel of a Mobile Support Unit of this state shall be ordered by the Governor to operate in any other state unless the laws of such other state contain provisions substantially similar to this section.

Sec. 306. Governor, authority to enter into contracts.
The Governor, during a Civil Defense Emergency, is, not-

withstanding any other provision of law, empowered to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and the safety of property, and providing emergency assistance to the victims of such disaster; to exercise the powers vested by this subdivision in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contract, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, for example, but not limited to, publication of calls for bids, provisions of the civil service act and rules, provisions relating to low bids and requirements for the budgeting and allotment of funds. All contracts shall be in writing, executed on behalf of the state by the Governor or a person by him delegated in writing so to do, and shall be promptly filed with the state auditor, who shall forthwith encumber funds appropriated for the purposes of the contract for the full contract liability and certify thereon that such encumbrance has been made.

Sec. 307. Political subdivisions, authority to enter into contracts. During a Civil Defense Emergency, each political subdivision is, notwithstanding any other provision of law, empowered to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision is authorized to exercise the powers vested by this subdivision in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, for example, but not limited to, publication of ordinances and resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets.

TITLE IV — MISCELLANEOUS PROVISIONS

Sec. 401. Functions declared governmental. All functions hereunder and all other activities relating to civilian defense are hereby declared to be governmental functions.

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The state, the political subdivisions thereof, other agencies of the state or a political subdivision thereof, and, except in cases of wilful misconduct, the officers, agents, employees or representatives of any of them, engaged in any civil defense activities, while complying with or attempting to comply with this act or any rule, regulation or order made pursuant to the provisions of this act, shall not be liable for the death of or any injury to persons, or damage to property, as a result of such activity. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this act, or under the Workmen's Compensation Law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

Sec. 402. Holders of out-of-state licenses; powers, duties. During a Civil Defense Emergency, any person who holds a license, certificate or other permit issued by a state of the United States, evidencing the meeting of qualifications for professional, mechanical or other skills, may render aid involving such skill in this state. The license, certificate or other permit of such person while so rendering aid shall have the same force and effect as if issued in this state.

Sec. 403. Communists not to be hired or used. No person shall be employed or associated in any capacity in any civil defense organization established under this act who advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows:

"I,, do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the Constitution of the State of against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm)

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that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this state by force or violence; and that during such time as I am a member of the (name of civil defense organization), I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States, or of this state, by force or violence."

Sec. 404. Political activities forbidden. No organization for civil defense established under the authority of this act shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a legitimate labor dispute.

Sec. 405. Violations, penalties. Unless a different penalty or punishment is specifically prescribed, any person who wilfully violates any provision of this act or any rule, order or regulation having the force and effect of law issued under authority of this act is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$10.00 or more than \$100, or by imprisonment for not more than 90 days.

Sec. 406. Limitation of powers. Nothing in this act shall be construed to authorize the Governor or the director:

(1) By subpoena or otherwise to require any person to appear before him or any other person or to produce any records for inspection by him or any other person, or to examine any person under oath; and

(2) To remove summarily from office any person, other than a person appointed under this act, except as now provided by law or as herein specifically authorized.

TITLE V — APPROPRIATIONS

Sec. 501. There is appropriated from any moneys in the general revenue fund in the state treasury not otherwise appropriated to the Governor the sums hereinafter named, or so much thereof as may be necessary, to-wit: \$158,000 for the fiscal year ending June 30, 1952, and \$158,000 for the fiscal year ending June 30, 1953, which may be expended in effecting the purposes of this act; and also \$27,500 to be available July 1, 1951, for the necessary equipment of the control center.

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Sec. 502. Subdivision 1. There is appropriated out of moneys in the general revenue fund in the state treasury not otherwise appropriated to the Governor for acquisition of organizational equipment for state use and for contributions to political subdivisions under authority of Section 206, subdivision 3, paragraph (1), the sum of \$172,000 for each of the fiscal years ending June 30, 1952, and 1953, respectively.

Subd. 2. (1) Moneys appropriated in subdivision 1 hereof or paid into the state treasury, in trust, pursuant to Section 206, Subdivision 3, paragraph (2) (a), may be paid into the federal treasury, in trust, as its share of the cost of organizational equipment ordered by the state required by the federal government to be paid in advance.

(2) Moneys appropriated in subdivision 1 hereof or paid into the state treasury, in trust, pursuant to Section 206, Subdivision 3, paragraph (2) (b), may be paid to the federal government as reimbursement of the state's share of the cost of organizational equipment purchased for the state or a political subdivision when delivery thereof is requested by the state and initially wholly paid for from the federal treasury.

Sec. 503. All unencumbered balances of funds heretofore appropriated by the executive council for civil defense purposes are hereby reappropriated to the Governor for such purposes.

Sec. 504. Subdivision 1. Minnesota Statutes 1949, Section 9.28, Subdivision 6, is amended to read:

9.28 Subd. 6. **May borrow money.** (1) For the purpose of carrying out the provisions of this section, when even an emergency exists, the executive council, within the limitations hereinafter prescribed, is authorized to borrow such a sum of money as shall in its judgment be necessary and sufficient. The executive council shall not expend or borrow, under authority of this section, more than \$200,000 during any fiscal year.

(2) *During the period when the Governor is authorized to exercise the emergency powers and duties conferred and imposed upon him by Section 301 of this act, the executive council, in addition to any other authority conferred upon it in this subdivision, is empowered for the purpose of provid-*

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ing the moneys, necessary for subdivision 2 of this section to borrow such moneys as may be required for the purposes of subdivision 2 of this section, but not more than \$500,000, and to allocate moneys so borrowed to the Governor.

Subd. 2. The moneys allocated to the Governor under authority of subdivision 1 of this section are hereby appropriated to the Governor for the purposes of this act. The moneys appropriated in this subdivision may be expended only during the existence of the period when the Governor is authorized to exercise the emergency powers and duties conferred and imposed upon him by Section 301 of this act.

Approved April 23, 1951.

CHAPTER 695—S. F. No. 2

An act relating to the state civil service, providing for basic rates of pay and cost of living adjustments thereunder; amending Minnesota Statutes 1949, Section 43.123, Subdivisions 1 and 2, and adding new provisions.

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

Section 1. Minnesota Statutes 1949, Section 43.123, Subdivisions 1 and 2, are amended to read as follows:

43.123. Investigation. Subdivision 1. The director shall, during the month of March, 1952, make an investigation and determine whether there has been a change in the average cost of living in the cities of this state since January 1, 1952, as shown by the December, 1951, indices published by the bureau of labor statistics of the United States department of labor. The director shall make a similar investigation during the month of March every year thereafter based on the *December index of the previous year* published by the bureau of labor statistics of the United States department of labor.

Subd. 2. (1) If upon any investigation provided for in subdivision 1 the director shall ascertain that the average cost of living index is more than 107 and not more than 114 he shall so notify the commissioner of administration, and the

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In any city of the first class where no automatic or compulsory retirement plan affecting such teachers has been established, every teacher coming within the provisions of this act who shall have attained the age of 70 years as of June 30, 1942, and any teacher who shall have attained the age of 69 years as of June 30, 1943, and any teacher who shall have attained the age of 68 years as of June 30, 1944, and thereafter any teacher who shall have attained the age of 68 as of June 30 of any year, shall be automatically retired and severed from the service in the respective school system.

In any city of the first class, the plan, subject to the approval of the city council of such city, may provide that any member applying for an annuity shall be entitled to an annuity on the single life plan, or its actuarial equivalent under any optional method of retirement provided in the articles of the association, from city deposits at least equal to \$2.00 per month for each year of teaching service in such city. Such annuity payments shall not commence until the member has reached the age of 55 years, and has completed 20 years of teaching service in such city, *or until the member has reached the age of 62 years if he has not completed 20 years of teaching service in such city.* Where the aggregate of the city deposit to the credit of such member will not provide the minimum annuity prescribed, the city deposit shall be increased in the year of retirement to the amount necessary to provide such minimum annuity. Except as herein provided, the provisions for city deposits in such plan in any city of the first class shall not be altered by the provisions of this paragraph. City deposits as used herein is hereby defined as that portion of the fund to be raised by taxation upon the property of the city.

Approved February 26, 1951.

CHAPTER 26—H. F. No. 6

An act relating to the executive council of the Minnesota Historical Society; amending Territorial Laws 1856, Chapter 15, Section 2, as amended.

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

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Section 1. Territorial Laws 1856, Chapter 15, Section 2, as amended by Laws 1875, Chapter 101, is amended to read:

Sec. 2. Executive council. *Beginning March 15, 1951, the executive council of the Society shall consist of the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, the State Auditor, and the State Treasurer as ex officio members, and 30 members of the Society who shall be elected by the Society. Of the 30 members first elected, ten shall be elected for a term of one year, ten for a term of two years, and ten for a term of three years. Thereafter each member of the Society elected to the executive council shall be elected for a term of three years. The members elected to the executive council shall hold their office until their successors are elected and qualify. At the regular annual meeting of the Society successors shall be elected for those members of the executive council whose terms expire during that calendar year. The executive council shall elect a president, three vice presidents, a treasurer, and a secretary, and appoint such officers, agents, and collaborators of the Society, resident and non-resident, as it may deem necessary or useful, and shall have custody of all the property, real and personal, of the Society, and shall frame such by-laws for the government of the Society as it may deem expedient, and do all other things, not consistent with this act, essential to the prosperity of the Society.*

Approved February 28, 1951.

CHAPTER 27—H. F. No. 205

An act relating to the duties of clerks of the district court relating to births and deaths; amending Minnesota Statutes 1949, Section 144.201, Subdivision 2, and Section 144.202.

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

Section 1. Minnesota Statutes 1949, Section 144.201, Subdivision 2, is amended to read:

Subd. 2. **Parents notified; Certificate corrected.** Upon