

CHAPTER 333—H. F. No. 1389

An act relating to the establishment of a revolving fund to be known as the Minnesota Telephone Investigation Fund to be used for investigating telephone companies; requiring telephone companies to pay into said fund; amending the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 5311-2; repealing the 1938 Supplement to Mason's Minnesota Statutes of 1927, Sections 5311-3 and 5311-4, adding new provisions.

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

Section 1. Revolving fund for investigation of telephone rates.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 5311-2, is hereby amended so as to read as follows :

"5311-2. (a) Whenever the Commission in a proceeding initiated *upon its own motion*, shall deem it necessary to ascertain and determine the value of any telephone property subject to its jurisdiction, or to investigate its revenues and expenses for rate making purposes, such telephone company shall be charged with and pay such portion of the compensation and expense of the commission, its officers, legal counsel, agents and employees, including legal counsel and employees temporarily employed, and all reasonable expenses and costs occasioned in sustaining in any court the determination or action of the commission in such investigations, valuations or revaluations, as is reasonably attributable to such investigations, valuations or revaluations, pending or hereafter brought, provided an opportunity to be heard thereon shall first have been granted to such telephone company.

(b) The commission shall ascertain the costs, including the compensation and expenses of the commission, its officers, legal counsel, agents and employees, and shall determine the amount to be paid by the telephone company and shall render a bill therefor by registered mail to the telephone company. Such bills shall be rendered from time to time, but not more often than monthly, during the progress before the commission of such investigation, valuation or revaluation, or upon its conclusion; provided, that a bill for the expenses and costs of any litigation directly involving any determination or order of the commission in such investigations, valuations or revaluations, shall be so rendered by the commission from time to time during the pendency of such litigation or upon final adjudication by any court.

(c) *The amount of such bills so rendered by the commission shall be paid by the telephone company into the state treasury within 30 days from the date of rendition. The total amount which may be charged by the commission to any telephone company under authority of this section in 1939 shall not exceed one per cent and in any subsequent calendar year shall not exceed one-half of one per cent of such telephone company's gross operating revenues derived from intra-state telephone operations included within such investigation, valuation or revaluation in the last preceding calendar year. The amount assessed against a telephone company, not paid within 30 days after such rendition, shall draw interest at the rate of six per cent per annum.*

Sec. 2. Appropriation.—The sum of \$25,000 is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to establish and provide a revolving fund to be known as the "Minnesota Telephone Investigation Fund" for the use of the Railroad and Warehouse Commission and of the Attorney General in investigations, valuations and revaluations under Section one hereof. All sums paid by the telephone companies pursuant to Section one shall be credited to said revolving fund and shall be deposited in a separate bank account or accounts and not commingled with any other state funds or moneys, but any balance in excess of \$25,000 in said revolving fund at the end of each fiscal year shall be paid into the state treasury and credited to the general fund. The said sum of \$25,000 herein appropriated and all subsequent credits to said revolving fund shall be paid upon the warrant of the state auditor upon application of the commission or of the Attorney General to an aggregate amount of not more than one-half of such sums to each of them, which proportion shall be constantly maintained in all credits and withdrawals from said revolving fund.

Sec. 3. Provisions severable.—If any part, or parts, of the foregoing sections or subdivisions of this act, or the application thereof to any persons or circumstances be held invalid, no other section, subdivision, clause, sentence, or provisions of this act shall be affected thereby.

Sec. 4. Law repealed.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Sections 5311-3 and 5311-4, are hereby repealed.

Sec. 5. Application of act.—The provisions of this act

shall apply only to telephone companies operating within cities of the first and second classes.

Approved April 20, 1939.

CHAPTER 334—H. F. No. 1396

An act relating to the extension of the time of payment of ditch liens in certain cases; and to amend the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 6840-116.
Be it enacted by the Legislature of the State of Minnesota:

Section 1. Extension of time for payments of ditch liens in certain cases.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 6840-116, is hereby amended so as to read as follows:

"6840-116. At the time and place specified in said notice, if it shall appear that a petition in due form as required by this act has been filed and the notice of said hearing duly published, said board shall have jurisdiction of all property described in the ditch lien record referred to in said petition and all parties interested therein or holding any liens or incumbrances thereon and shall have full authority to hear all parties for or against granting such petition and may adjourn said hearing from time to time as they deem proper and if it shall further appear that default has been made in payment of the interest or principal on the installments due on the ditch lien in said proceedings or many of the parties owning land covered by such ditch lien in said proceedings are unable to pay the installments of principal due or which shall come due, or that the conditions are such that extension of the time of payment of the amounts remaining unpaid on the principal of the ditch lien is necessary to protect the credit of, or prevent loss to, the county, and said board, after full hearing, shall so find, then said board shall have full authority and may by order direct that the payment of the whole or a specified portion of the amount of the several installments of the lien which is payable under the terms of the lien statement and supplemental lien statement, if any, in such proceedings as shown on the auditor's lien record, for any or all of the years 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, and 1943, or one or more of such years shall be extended for a specified number of years not exceeding ten and direct the county auditor to enter on the ditch lien record of the