

# MINNESOTA STATUTES 1945 ANNOTATIONS

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SALARIES OF CERTAIN STATE OFFICERS, EMPLOYEES 350.06

## Other Public Rights and Privileges

### CHAPTER 350

#### SALARIES OF CERTAIN STATE OFFICERS AND EMPLOYEES

##### 350.01 AMOUNT.

HISTORY. 1913 c. 400 ss. 1 to 3; G.S. 1913 ss. 294 to 296; 1921 c. 379 s. 1; G.S. 1923 ss. 252 to 254; M.S. 1927 ss. 252 to 254; 1943 c. 664 s. 1.

##### 350.02 OFFICE OF GOVERNOR.

HISTORY. Organic Act s. 11; 1858 c. 77 s. 12; 1858 c. 87; P.S. 1858 c. 5 s. 12; 1860 c. 8 s. 1; 1864 c. 68 s. 1; 1865 c. 60 s. 1; G.S. 1866 c. 7 s. 1; 1870 c. 40; 1874 c. 114 s. 1; 1878 c. 29 s. 1; 1878 c. 70 s. 1; G.S. 1878 c. 7 s. 1; 1885 c. 40 s. 1; G.S. 1894 s. 530; R.L. 1905 s. 68; 1913 c. 400 s. 1; G.S. 1913 s. 294; 1917 c. 459; 1919 c. 364; 1921 c. 367; G.S. 1923 s. 252; M.S. 1927 s. 252; 1943 c. 664 s. 1.

##### 350.03 OFFICE OF SECRETARY OF STATE.

HISTORY. Organic Act s. 11; 1858 c. 57; P.S. 1858 c. 5 s. 18; 1860 c. 8; 1865 c. 60 s. 1; G.S. 1866 c. 7 s. 1; G.S. 1866 c. 122 s. 1; 1867 c. 101 s. 1; 1874 c. 111 s. 1; 1876 c. 96; 1878 c. 114; G.S. 1878 c. 7 s. 1; 1879 c. 32; 1883 cc. 147, 148; 1885 c. 290; 1887 c. 225; 1891 c. 163; 1893 c. 241; G.S. 1894 s. 530; R.L. 1905 s. 68; 1913 c. 400 s. 1; G.S. 1913 s. 294; 1915 c. 374 s. 6; 1917 c. 438 s. 4; 1919 c. 366; 1921 c. 197 s. 1; 1923 c. 407; 1923 c. 443 s. 3; G.S. 1923 s. 252; 1925 c. 422 s. 3; 1927 c. 439 s. 6; M.S. 1927 s. 252; 1929 c. 426 s. 7; 1931 c. 306 s. 7; 1933 c. 413 s. 7; 1941 c. 548 s. 12.

##### 350.04 OFFICE OF STATE AUDITOR.

HISTORY. R.S. 1851 c. 4 art. 1 s. 10; 1856 c. 5 s. 1; 1858 c. 65 ss. 1, 27; P.S. 1858 c. 5 ss. 19, 45; G.S. 1866 c. 7 s. 1; 1870 c. 41; 1878 c. 70 s. 1; G.S. 1878 c. 7 s. 1; 1881 c. 161; 1883 c. 146; 1887 c. 234; 1891 c. 163; G.S. 1894 s. 530; R.L. 1905 s. 68; 1913 c. 400 s. 1; G.S. 1913 s. 294; 1917 c. 439 s. 7; 1919 c. 462 s. 4; 1919 c. 486; G.S. 1923 s. 252; M.S. 1927 s. 252; 1939 c. 431 art. 3 s. 6; 1941 c. 548 s. 13.

Members of the legislature which enacted Laws 1913, Chapter 400, are not prohibited by Minnesota Constitution, Article 4, Section 9, from becoming candidates for state auditor at the ensuing primary election. State ex rel v Schmah, 125 M 104, 145 NW 794.

##### 350.05 OFFICE OF STATE TREASURER.

HISTORY. R.S. 1851 c. 4 art. 2 s. 5; 1856 c. 5 s. 2; 1858 c. 59 s. 1; P.S. 1858 c. 5 s. 48; 1865 c. 60; G.S. 1866 c. 7 s. 1; 1867 c. 101 s. 1; 1874 c. 111 s. 1; 1878 c. 71 s. 1; G.S. 1878 c. 7 s. 1; Ex. 1881 c. 47 s. 1; 1885 c. 254; 1889 c. 250 s. 1; G.S. 1894 s. 430; R.L. 1905 s. 68; 1913 c. 400 s. 1; G.S. 1913 s. 294; 1917 c. 150; 1919 c. 529; 1921 c. 505; G.S. 1923 s. 252; M.S. 1927 s. 252; 1941 c. 548 s. 14.

##### 350.06 OFFICE OF ATTORNEY GENERAL.

HISTORY. R.S. 1851 c. 4 art. 3 s. 5; 1854 c. 21 s. 3; 1856 c. 5; 1860 c. 8; 1865 c. 60 s. 1; 1866 c. 122; G.S. 1866 c. 7 s. 1; 1867 c. 101; 1868 c. 39; 1870 c. 33; 1874 cc. 111, 114; 1878 c. 70 s. 29; G.S. 1878 c. 7 s. 1; 1881 c. 159; Ex. 1881 c. 49; 1885 c. 272 s. 6; 1887 c. 252; 1889 c. 272 s. 6; G.S. 1894 s. 530; 1905 c. 272 s. 2; R.L. 1905 ss. 57, 68; 1911 c. 56 s. 1; 1913 c. 400 s. 1; G.S. 1913 ss. 101, 294; 1917 c. 61 ss. 1, 3; 1919 c. 272 s. 1; 1921 c. 324; G.S. 1923 ss. 110, 252; M.S. 1927 ss. 110, 252; 1929 c. 382 s. 1.

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## 350.07 SALARIES OF CERTAIN STATE OFFICERS, EMPLOYEES

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### 350.07 OFFICE OF STATE LIBRARIAN.

HISTORY. Organic Act s. 17; 1851 c. 1; 1852 c. 11; 1856 c. 9; P.S. 1858 c. 5; 1861 c. 42; 1869 c. 46; 1870 c. 42; G.S. 1866 c. 7 s. 1; 1874 c. 111; 1878 c. 70 s. 1; G.S. 1878 c. 7 s. 1; 1881 c. 174; G.S. 1894 s. 530; 1903 c. 272 s. 2; R.L. 1905 s. 122; 1913 c. 400 s. 1; G.S. 1913 s. 294; Ex. 1919 c. 30 s. 2; Ex. 1919 c. 31 s. 1; G.S. 1923 s. 252; M.S. 1927 s. 252.

### 350.08 OFFICE OF RAILROAD AND WAREHOUSE COMMISSION.

HISTORY. 1885 c. 188 s. 4; 1887 c. 10 s. 19; G.S. 1878 Vol. 2 (1888 Supp.) c. 6 s. 77s; G.S. 1894 s. 397; R.L. 1905 s. 1956; 1913 c. 400 s. 1; G.S. 1913 s. 294; G.S. 1923 s. 252; M.S. 1927 s. 252; 1941 c. 548 s. 20.

### 350.09 OFFICE OF THE SUPREME COURT.

HISTORY. Organic Act s. 13; 1852 c. 28 s. 4; 1856 c. 39 s. 2; 1858 c. 89 s. 1; P.S. 1858 c. 57 ss. 13, 17; 1860 c. 8; 1860 c. 84 s. 3; 1864 c. 68; 1865 c. 60 s. 1; G.S. 1866 c. 7 s. 1; 1873 c. 111 s. 1; 1874 c. 114 s. 1; 1875 c. 136 s. 1; G.S. 1878 c. 7 s. 1; 1879 c. 32 s. 1; 1881 c. 80 s. 1; 1881 c. 103 s. 9; 1881 c. 160 s. 1; Ex. 1881 s. 41 s. 1; Ex. 1881 c. 97 s. 1; 1885 c. 98; 1887 c. 222 s. 1; G.S. 1878 Vol. 2 (1888 Supp.) c. 7 s. 1; 1889 c. 12 s. 1; 1893 c. 77 s. 1; 1893 c. 243 s. 3; G.S. 1894 ss. 375, 530, 2283, 7956, 7961, 7968; 1899 c. 270; 1901 cc. 3, 190; 1903 cc. 30, 272; R.L. 1905 ss. 77, 83 to 86, 122; 1913 c. 400 s. 1; G.S. 1913 s. 294; Ex. 1919 cc. 29, 30; 1921 c. 504; 1923 c. 377; G.S. 1923 s. 252; 1925 c. 268, M.S. 1927 s. 252; 1941 c. 548 s. 3; 1945 c. 507 s. 1.

### 350.10 JUDGES OF THE DISTRICT COURT.

HISTORY. Organic Act s. 11; 1854 c. 21 s. 3; 1856 c. 5; 1858 c. 89 s. 2; P.S. 1858 c. 56 s. 18; G.S. 1866 c. 7 s. 2; 1867 c. 100 s. 1; G.S. 1878 c. 7 s. 2; 1881 c. 56 s. 1; G.S. 1894 s. 531; R.L. 1905 s. 122; 1907 c. 175; 1909 c. 252 s. 1; 1911 c. 205 s. 5; 1911 c. 301 s. 1; 1913 c. 150 s. 3; G.S. 1913 ss. 206, 209, 252; Ex. 1919 c. 30; 1921 c. 431; G.S. 1923 s. 252; 1927 c. 446 s. 1; M.S. 1927 s. 252; 1941 c. 195; 1945 c. 507 s. 2.

In construing Minnesota Constitution, Article 4, Section 11, in reference to the time and manner in which the governor may return a bill with his objections to same (veto): held, in computing the three-day period, Sunday, not holidays, is the only day to be excluded. The return need not be made when the legislature is in session. It may be made to any member or officer of the house where the bill originated. This bill related to salaries of judges of the district court. The bill was passed and presented to the governor April 13, 1927. He vetoed it and returned it to the legislature on April 18, 1927. April 15 was Good Friday, April 17 was Sunday. The veto was held to be too late, and ineffective. *State ex rel v Holm*, 172 M 162, 215 NW 200.

Judges of the district court are not eligible to take advantage of the public employees retirement act, Laws 1931, Chapter 307. 1934 OAG 682, March 25, 1933 (141d).

Comparison of judicial salaries with salaries of administrative officials. 23 MLR 81.

### 350.105 RETIREMENT COMPENSATION NOT INCREASED.

HISTORY. 1945 c. 507 s. 3.

### 350.11 AUTO HIRE PAID TO CERTAIN OFFICERS AND EMPLOYEES.

HISTORY. 1931 c. 331 ss. 1, 2; 1933 c. 13; 1935 c. 225 s. 1; M. Supp. ss. 254-47, 254-48.

This section does not affect the mileage of witnesses or jurors, sections 357.22, 357.26. 1934 OAG 271, Feb. 25, 1933 (260a-4).

This section does not prevent the allowance of one cent per mile for each additional passenger not to exceed ten cents per mile. 1934 OAG 758, March 10, 1933 (390a-12).

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Laws 1927, Chapter 220, does not place Hennepin county in a different class from other counties and is bound by the mileage allowance defined in Laws 1933, Chapter 13. 1934 OAG 244, May 22, 1933 (124j).

This section as amended by Laws 1913, Chapter 13, does not affect the mileage charge of a constable in transporting a prisoner to jail. 1934 OAG 637, Sept. 22, 1933 (847a-5).

Where the sheriff in serving warrants uses his own car, he may collect five cents per mile, even if no collections are made. (Seven cents since Laws 1935, Chapter 225, Section 1.) 1934 OAG 258, Dec. 26, 1933 (390a-12).

The mileage reimbursement paid to members of the county welfare board is not subject to the limitations of this section. 1938 OAG 142, Oct. 13, 1937 (104a-8).

The sheriff riding with a paid truck driver, hauling goods of poor persons to their place of legal settlement, cannot also charge mileage. OAG March 9, 1939 (390a-11).

The county board may determine the amount of the sheriff's charge within the maximum limitation. OAG March 15, 1939 (390a-11).

Section 384.06 authorizes the county auditor transportation expense when attending a county auditors' meeting called by the commissioner of taxation, and he may be reimbursed for use of his car according to the provisions of section 350.11. 1942 OAG 194, March 12, 1941 (104A-8).

Members of county welfare board may charge car mileage at rate of seven cents per mile. 1942 OAG 218, Sept. 29, 1941 (125A-64).

Sheriff's acting under Laws 1941, Chapter 158 (section 260.29), are to be paid mileage on certification by the judge of probate not to exceed five cents per mile. 1942 OAG 212, Aug. 5, 1941 (390A-11).

This section applies where the officer uses his own car. It does not apply where the official is authorized to use a rented or borrowed car. 1942 OAG 113, March 3, 1942 (104A-8).

The sheriff is not entitled to charge his county for services of subpoenas in criminal cases. He is entitled to be paid mileage at the rate fixed by the board not to exceed seven cents per mile. 1942 OAG 210, Oct. 21, 1942 (390A-11).

The sheriff in transmitting an offender committed by the juvenile court to a state institution receives the amount allowed as mileage by the court not to exceed seven cents per mile. OAG Dec. 2, 1944 (390a-12).