

THIRTY-SIXTH DAY

ST. PAUL, FRIDAY, FEBRUARY 27, 1925.

The Senate met at 10 o'clock A. M., and was called to order by the President.

Prayer by the Chaplain.

The roll being called the following Senators answered to their names :

| | | | | |
|------------|-----------|------------|------------------|------------------|
| Adams, | Denegre, | Kelson, | Orr, | Solberg, |
| Ahles, | Devold, | Landby, | Pederson, | Sorenson, |
| Arens, | Diesen, | Larson, | Peterson, E. P., | Stevens, |
| Bessette, | Dwyer, | Lee, | Peterson, N., | Sullivan, G. H., |
| Bonniwell, | Fickling, | Lennon, | Putnam, | Sullivan, J. D., |
| Boylan, | Frisch, | Lund, | Ribenack, | Sweet, |
| Bridgeman, | Gillam, | MacKenzie, | Rockne, | Thoe, |
| Buckler, | Hansen, | Madigan, | Romberg, | Thwing, |
| Cameron, | Hausler, | Memmer, | Rosenmeier, | Turnham, |
| Carley, | Jackson, | Millett, | Schmechel, | Wahlund, |
| Child, | Johnson, | Morin, | Serline, | Zamboni, |
| Cliff, | Just, | Nordlin, | Sletten, | |

Quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED.

Messrs. Brooks and Haagenson were excused for today.

Mr. Fickling was excused for next Monday's session.

Mr. Cashel was excused for today's and next Monday's session.

EXECUTIVE AND OFFICIAL COMMUNICATIONS.

STATE OF MINNESOTA,

EXECUTIVE DEPARTMENT.

St. Paul, February 26, 1925.

Hon. W. I. Nolan, President of the Senate.

Sir: Herewith I am returning without my approval Senate File No. 403 entitled:

"A bill for an act providing that in counties now or hereafter having a population of over one hundred fifty thousand (150,000) and not more than two hundred twenty-five thousand (225,000) inhabitants and an assessed valuation of over two hundred fifty million dollars

(\$250,000,000) exclusive of moneys and credits, no hospital for the detention, isolation, care or treatment of contagious diseases shall hereafter be erected within fifteen hundred (1500) feet of any school building or public park."

This bill is clearly an attempt to enact special legislation, violative not only of the right of home rule but of a recognized and well-defined constitutional inhibition.

It is not my purpose to decide whether there is danger to public health in the maintenance of hospitals for the detention, isolation, care or treatment of contagious diseases within fifteen hundred feet of a school building or public park. If there is such danger, it exists as well in a city of one thousand people as in one of 150,000, and there can, therefore, be no justification, under the constitution, for the enactment of a law which prohibits a thing in one city and permits it in all other cities.

If this bill were so drawn as to give the people of Duluth the right to determine for themselves the question of maintaining such a hospital, either by referendum or through any lawful agency of local government, or if it made the same prohibition applicable to all cities, there would be no constitutional objection to it. But such is neither the purpose nor the scope of the present enactment. It is on the other hand, an effort by the Legislature to enact a municipal ordinance for the city of Duluth. If the Legislature can enact this ordinance, it could enact any other, or it could repeal any ordinance of the city now effective. Such a construction would, of course, nullify every guarantee of home rule, and set aside every principle of municipal self-government.

I am reluctant to return this bill without my approval. If, however, I should fail to do so, I should violate my obligation to support the Constitution of the State of Minnesota.

Respectfully yours,

THEODORE CHRISTIANSON,

Governor.

INTRODUCTION OF BILLS.

Mr. Devold introduced—

S. F. No. 711, A bill for an act to appropriate money to pay claims of certain state employes or their dependents under the provision of Chapter 82, Laws 1921 as amended, consisting of compensation and medical and hospital expenses due on account of injury resulting from accident arising out of and in the course of employment by the State of Minnesota.

Which was read for the first time and referred to the Committee on Finance.

Mr. Zamboni introduced—

S. F. No. 712, A bill for an act appropriating \$1,164 to Harold S. Nelson in reimbursement for payments made by him in that amount for necessary repairs on the Owatonna armory.

Which was read for the first time and referred to the Committee on Finance.