

Section 601-11(4)r. **To use Australian ballot system.**—In every city of the third or fourth class, the city election shall be held and conducted under the Australian ballot system as provided by law for general elections. *Except in every city in which a system for the permanent registration of voters is in effect,* the name and residence of each person voting at such election shall be entered by the judges on an election register. The ballots shall be counted and preserved as at general election, except that the clerk shall be the final custodian thereof. After the ballots have been counted, the election board shall publicly announce the results and certify the same, together with the ballots, to the council. The results of the election shall be canvassed by the council and the candidate for each office who receives the highest number of votes therefor shall be declared elected thereto and shall be given a certificate of election by the city clerk.

Sec. 6. **Law amended.**—Mason's Supplement 1940, Section 601-11(4)s is amended to read as follows:

Section 601-11(4)s. **General election laws to apply.**—So far as practicable, all the provisions of this act relating to general elections, including the provisions relating to the arrangement of polling places, peace officers, challengers, procuring ballots, boxes and supplies, and all laws defining offenses and fixing penalties at general elections are hereby made applicable to city elections held in any city of the third or fourth class.

Approved February 20, 1943.

CHAPTER 60—H. F. No. 461

An act relating to the conservation and control of the public domain and natural resources of the state and to the organization, powers and duties of the agencies of the state government concerned therewith, repealing Laws 1931, Chapter 186, Laws 1937, Chapter 310, Laws 1939, Chapter 441, Section 40, and Mason's Supplement 1940, Sections 53-23¹/₂a to 53-23¹/₂h, inclusive and 53-23¹/₂l to 53-23¹/₂u, inclusive.

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

Section 1. **Department of Conservation continued.**—Subdivision 1. The department of conservation shall continue as now constituted, subject to the provisions of this act.

Subdivision 2. Department under supervision of Commissioner of Conservation.—The department shall be under the supervision and control of a commissioner of conservation, who shall be appointed by the governor by and with the advice and consent of the senate. The commissioner shall be chosen with regard to his knowledge, training, experience, and ability in administration of conservation work. The commissioner, if his appointment be approved by the senate at a regular session of the legislature, shall serve for a term expiring March 1 in the sixth calendar year following the calendar year in which such approval was given, and until his successor is appointed and has qualified. Appointment of a commissioner for the ensuing term may be made by the incoming governor at any time after taking office in the year in which the current term expires, but such appointee shall not take office until the expiration of such current term nor until approved by the senate unless there is a vacancy. In case of a vacancy the governor may appoint a commissioner to serve at the pleasure of the governor but not later than the next following March 1 in an odd numbered year and until a successor is appointed and has qualified as in case of the expiration of a regular term.

Subdivision 3. Salary—bond.—The salary of the commissioner shall be \$6,000 per year. He shall give a bond to the state in the sum of \$25,000.

Subdivision 4. Commissioner may appoint deputy.—The commissioner may appoint a deputy, to serve at his pleasure, who shall be in the unclassified service of the state. The deputy may exercise all the powers of the commissioner, subject to his direction and control. The deputy shall receive the same salary as the maximum prescribed for directors of divisions. He shall give a bond to the state in the sum of \$5,000.

Subdivision 5. May employ assistants.—The commissioner may employ such other assistants as may be necessary for his administrative staff and for the performance of such other functions of the commissioner or the department as are not assigned to the several divisions.

Sec. 2. Commissioner shall be administrative and executive head of department.—Subdivision 1. The commissioner of conservation shall be the administrative and executive head of the department. Subject to the provisions hereof and other applicable laws, he shall have the powers and duties herein prescribed. The enumeration of specific powers and duties herein shall not limit or exclude other powers or duties.

Subdivision 2. Duties.—The commissioner shall have charge and control of all the public lands, parks, timber, waters, minerals,

and wild animals of the state and of the use, sale, leasing, or other disposition thereof, and of all records pertaining to the performance of his functions relating thereto.

Subdivision 3. Powers.—The commissioner shall have all the powers and duties prescribed for the commissioner of conservation by Laws 1931, Chapter 186, all the powers and duties therein prescribed for the conservation commission except the power to appoint a commissioner, and all other powers and duties now prescribed by law for the commissioner of conservation, the conservation commission, the department of conservation, its divisions, or the director of any division.

Subdivision 4. Powers.—The commissioner shall have all existing powers and duties now or heretofore vested in or imposed upon the state auditor in any capacity and not heretofore transferred to any other officer or agency with respect to the public lands, parks, timber, waters, and minerals of the state, and the records thereof; provided, that nothing herein shall divest the state auditor of any power or duty otherwise prescribed by law with respect to auditing, accounting, disbursement, or other disposition of funds pertaining to the matters herein specified, nor of any power or duty expressly vested in or imposed upon him by the following provisions of law:

(1) The provisions of Mason's Minnesota Statutes of 1927, Section 76, so far as the same pertain to the crediting of payments on account of state lands, timber, or other products to the proper funds, or to the depositing and keeping of conveyances and abstracts of title; also all other provisions pertaining to the filing or keeping of deeds, grants, or conveyances to the state or abstracts or other evidence of title to state property;

(2) All provisions pertaining to escheated property;

(3) Mason's Minnesota Statutes of 1927, Sections 2220, 6442 to 6449, inclusive, 6646, 6660, and 8223.

Subdivision 5. Powers.—The commissioner shall have all the powers and duties prescribed for the state auditor by Mason's Supplement 1940, Sections 5620-1 to 5620-13, inclusive, 6452-1 to 6452-13, inclusive, and 4031-75 to 4031-88, inclusive, with respect to the receipt, filing, keeping, and certification of reports, lists, and records of descriptions of lands, reserving to the state auditor all other powers and duties therein prescribed for him. The county auditor shall make and transmit to the state auditor all the certificates and reports therein required except certificates and reports of land descriptions, which shall be made and transmitted to the commissioner.

Subdivision 6. Powers.—The commissioner shall have all the powers and duties prescribed for the state auditor by Mason's Supplement 1940, Sections 5620-13½ to 5620-13½j, inclusive, as amended, and 2139-27b to 2139-27k, inclusive, as amended, with respect to the receipt, filing, and keeping of reports of sales of land and the execution of conveyances, reserving to the state auditor all other powers and duties therein prescribed for him. The county auditors shall make and transmit to the commissioner all the certificates and reports therein required to be made to the state auditor with respect to such sales and conveyances. The county treasurers shall make all reports of collections thereunder in duplicate and shall transmit a copy of each report to the state auditor and the commissioner.

Subdivision 7. Limitation of powers.—Except as otherwise expressly provided, nothing herein shall confer on the commissioner any authority over any property of the state devoted pursuant to law to any specific purpose under any officer or agency of the state other than the commissioner, or the department of conservation or its divisions.

Sec. 3. Divisions—directors—qualifications.—Subdivision 1. The department of conservation shall be organized with the following divisions: a division of forestry, a division of water resources and engineering, a division of game and fish, a division of lands and minerals, a division of state parks, and a tourist bureau. Each division shall be under the immediate charge of a director, subject to the general supervision and control of the commissioner. The directors shall be appointed by the commissioner, to serve at his pleasure, and shall be in the unclassified service of the state. They shall be chosen with regard to knowledge, training, experience, and ability in administering the work of their respective divisions.

Subdivision 2. Salaries and bonds of directors.—Each director shall receive an annual salary of \$4,000. Each director shall give a bond to the state in the sum of \$5,000, except the director of forestry and the director of game and fish, who shall each give a bond in the sum of \$15,000.

Subdivision 3. Directors may employ assistants.—Each director, with the approval of the commissioner, may employ such assistants as may be necessary for the work of his division. Each director, with the approval of the commissioner, may designate one of his employees as deputy director, and may revoke such designation at any time, regardless of the civil service status of such employee and without affecting such status. Each deputy director may exercise all of the powers of the director, subject to

his direction and control, including powers delegated by the commissioner unless otherwise prescribed by him.

Sec. 4. Vacancies—power of deputy.—In case of a vacancy in the office of commissioner or of any director, his deputy shall have all of the powers and perform all of the duties thereof until a successor, either as an acting or regular incumbent, has been appointed and has qualified; provided, no deputy commissioner serving as commissioner in the event of a vacancy shall have power to discharge a director or to revise or change the assignments of activities among the divisions of the department or to designate another deputy. While serving in such vacated office a deputy shall receive the same salary as the regular incumbent.

Sec. 5. Duties and powers of division heads.—Each division shall have charge of administering the activities indicated by its title and such other duties and functions as may be assigned by the commissioner, subject to the right of the commissioner to revise and change assignments of any and all activities or of specific duties or functions among the several divisions at any time as he may see fit. The commissioner may, by written order filed in the office of the secretary of state, delegate to the director of any division any of the powers or duties vested in or imposed upon the commissioner by this act or by any other law upon such conditions as he may prescribe and subject to modification or revocation at his pleasure. Such delegated powers and duties may be exercised or performed by the respective directors in their own names or in the name of the commissioner, as he may direct.

Sec. 6. Power of Commissioner.—The commissioner may authorize the performance of services for any division by any other division or by the department staff, and, with the approval of the commissioner of administration, may require appropriate transfers of funds to compensate for the cost of such service.

Sec. 7. Commissioner may accept gifts.—The commissioner may accept in behalf of the state all gifts or grants of lands or personal property tendered to the state for any purpose pertaining to the activities of the department of conservation or any of its divisions.

Sec. 8. Shall have seals.—The department of conservation and the several divisions thereof shall have seals in the form and design heretofore adopted, bearing the words "State of Minnesota, Department of Conservation," also, in case of a division seal, the title of the division. The seals may be used to authenticate the official acts of the commissioner or the directors, respectively, but omission or absence of the seal shall not affect the validity or force of any such act.

Sec. 9. Commissioner may furnish badges.—The commissioner may provide for the issuance at state expense of such badges and uniforms as he may deem necessary and suitable for officers or employees of the department and its divisions.

Sec. 10. Original records to be kept in offices of divisions.—Except as otherwise prescribed or required by law, the originals of all official records, orders, and other documents made, executed, or issued by or under the authority of the commissioner of conservation or the directors of the several divisions of the department shall be filed and kept in the respective offices where the same were made, executed, or issued, or in such other office in the department as the commissioner may direct.

Sec. 11. Duties transferred to Commissioner of Conservation.—Subdivision 1. So far as any duties herein vested in or imposed upon the commissioner of conservation are now exercised or performed by any other officer or agency of the state, such powers or duties are hereby transferred to the commissioner, subject to the provisions of this act, and all existing and unexpended appropriations for the purposes of such powers or duties are hereby transferred therewith, to be available for the same purposes under the commissioner but otherwise subject to the same conditions and limitations as the original appropriations.

Subdivision 2. **Appropriations to be transferred.**—Any unexpended appropriation made for the purposes of any activity or function which may be transferred by the commissioner at any time from one agency to another within the department shall be transferred therewith, to be available for the same purposes but otherwise subject to the same conditions and limitations as the original appropriation.

Sec. 12. Specific and inconsistent laws repealed.—Except as incorporated or referred to in this act, Laws 1931, Chapter 186, Laws 1937, Chapter 310, Laws 1939, Chapter 441, Section 40, Mason's Supplement 1940, Sections 53-231½a to 53-231½h, inclusive, and 53-231½l to 53-231½u, inclusive, are hereby repealed. All other acts and parts of acts inconsistent herewith are hereby repealed to the extent of such inconsistency.

Approved February 20, 1943.

CHAPTER 61—S. F. No. 160

An act relating to wild animals and authorizing the closing of certain waters to winter fishing.