

amounts of their respective claims, subject to any conditions set forth.

Sec. 2. To reimburse *C. F. Bowers* for damages to property from a fire resulting from negligence of state highway employees .....\$950.00

Sec. 3. To reimburse the *Chicago, Milwaukee, St. Paul and Pacific Railroad Company* for the alteration of its right-of-way and the instalation of culverts due to the construction of Trunk Highway No. 26 in Houston County, pursuant to the request of the Minnesota Highway Department.....\$405.97

Sec. 4. To reimburse *Jens Barstad* for damages to his crops due to improper drainage on Trunk Highway No. 23 .....\$225.00

Sec. 5. To reimburse the *Village of Crosby*, Minnesota, for monies paid by it in payment of judgments resulting from improper drainage on Trunk Highway No. 210 in said village .....\$5,000.00

Sec. 6. To reimburse *Henry Olson* for a fine and costs erroneously paid the Municipal Court of Detroit Lakes, and credited to highway patrol fines in the Trunk Highway Fund .....\$105.00

Approved April 26, 1947.

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CHAPTER 595—S. F. No. 337

[Coded as Section 260.125]

*An act relating to prevention of delinquency and crime; providing for methods of treatment, training and education of young persons, including persons under 21 years of age found delinquent or guilty of crime; creating a youth conservation commission; appropriating funds therefor; and amending Minnesota Statutes 1945, Section 260.13.*

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

[260.125] **Youth conservation act.** Section 1. Subdivision 1. **Purpose.** The purpose of this Act is to protect society more effectively by providing a program looking toward the prevention of delinquency and crime by educating the youth of the state against crime and by substituting for retributive

punishment methods of training and treatment directed toward the correction and rehabilitation of young persons found delinquent or guilty of crime.

**Subd. 2. Creation of commission.** There is hereby created a Youth Conservation Commission to provide and conduct a program looking toward the prevention of juvenile and youth delinquency and to provide and administer preventive and corrective training for persons committed to the Commission.

**Subd. 3. Personnel of commission; quorum; director appointed by Governor; compensation.** The Commission shall consist of five persons including the director of the division of public institutions, the chairman of the state board of parole, and three others appointed by the Governor, with the consent of the Senate. A majority shall constitute a quorum. The Governor shall designate one of the appointed members as the chairman, who shall be the full time director of the Commission. The director of the division of public institutions and the chairman of the state board of parole shall serve without additional compensation. The Director shall be responsible for the administration and enforcement of this act under the direction of the Commission. All other members shall serve on a per diem basis.

**Subd. 4. Term of office.** The term of office of the appointed members of the Commission shall be for four years, except that initially one shall be appointed for a four-year term, one for a three-year term, and the third for a two-year term. Members shall be eligible for reappointment.

**Subd. 5. Vacancy.** All appointments to a vacancy shall be made by the Governor and shall be for the unexpired term. Each member shall hold until the appointment and qualification of his successor.

**Subd. 6. Qualification of appointees.** All persons appointed to the Commission shall, in so far as possible, have legal and administrative ability, educational experience, and experience in the study of juvenile and youthful offenders, and in planning and conducting programs of prevention of juvenile and youth delinquency and crime and one shall be a juvenile court judge who is also a judge of probate. A person particularly well qualified for such appointment may be appointed, even though such person is not, at the time of the appointment, a resident of this State.

**Subd. 7. Salaries; expenses.** The salary of the director of the Commission shall be the sum of \$7200 per annum,

payable as hereinafter provided. Each of the other appointed members of the Commission shall receive as compensation the sum of \$15 per day for each day actually spent in the discharge of official duties. In addition to the compensation so provided, each of the members of the Commission shall be reimbursed for all expenses paid or incurred by him in the performance of his official duties. All of the expenses of the Commission shall be audited and allowed by the Commissioner of Administration and paid out of the funds appropriated by Subdivision 36 for that purpose. The Commission shall furnish such estimates of anticipated expenses and requirements as the Commissioner of Administration may, from time to time, require.

**Subd. 8. Removal.** The governor may remove any member of the Commission who fails to properly discharge his responsibilities as a member of the Commission. If requested by the member, the charges must be submitted in writing to such member and he shall be afforded an opportunity to be heard.

**Subd. 9. Cooperation with other agencies.** The Director of the Division of Social Welfare of the State Department of Social Security, and the Commissioner of Education shall advise, cooperate, and assist the Commission in carrying out the duties and responsibilities assigned to it by this Act and for these purposes they may attend meetings. Their facilities and services and those of other state agencies, particularly of the division of public institutions and of the state board of parole, shall be made available to the Commission upon such terms and as the Governor may direct.

**Subd. 10. Power to grant probation or commit to an institution.** Every order granting probation to, committing to an institution, granting and revoking parole and issuing final discharge to any person under the control of the Commission shall be made by the Commission, and the Commission may not delegate the making of such decisions to any other body or person.

All other powers conferred on the Commission may be exercised by the Director or through his subordinates under rules established by the Commission. Any person subjected to an order of the Director or such subordinates may petition the Commission for review.

**Subd. 11. Certificate of preparation; filing.** No person may be committed to the Commission until it has certified in writing to the Secretary of State that it is prepared to dis-

charge its duties and functions and has filed certified copies thereof in the office of the clerk of the district court and with the probate court in each county. Before such filing a judge of said courts shall deal with persons convicted of a crime or found delinquent without regard to the provisions of this Act.

**Subd. 12. Declaration of minority of prisoner; proceedings not deemed criminal.** When in any criminal proceeding in a court of this state a person has been convicted of a felony or gross misdemeanor for which the judge has power under Section 13 to commit to the Commission, the judge of that court shall determine whether the person was less than 21 years of age at the time of apprehension from which the criminal proceedings resulted. Proceedings in a juvenile court in respect to a juvenile are not criminal proceedings.

**Subd. 13. Commitment of prisoner to commission; probation.** After a certificate has been filed with the clerk of the district court of any county as provided in Section [subdivision] 11, and except as hereinafter provided, the district court of such county shall commit to the Commission every person convicted of a felony or gross misdemeanor, who is found to be less than 21 years of age at the time of his apprehension and who is not sentenced to imprisonment for life, or in a county jail for 90 days or less, or to a fine only. This commitment shall be for the maximum term provided by law for the crime for which the person was convicted. Execution of sentence may be stayed by the court and the defendant placed on probation. This probation shall not be granted until an investigation and report shall have been made by the probation officer of the court, if there be one, otherwise to the extent that its facilities permit, by the Commission concerning the advisability thereof; but the granting or denial and the terms of probation shall be within the discretion of the court. If probation is granted, the court in its discretion may place the defendant under the supervision of the Commission, provided the Commission consents. Otherwise, such probation may be granted pursuant to law without regard to this Act.

**Subd. 14. Juvenile court may commit child to probationary care of Commission; terms.** In addition to the powers conferred by Minnesota Statutes 1945, Section 260.13, the juvenile court of any county not having a probation officer shall have the power in its discretion and with the consent of the Commission to place any child whom it has adjudged delinquent as defined in Minnesota Statutes 1945, Section 260.01, on probation in the care and custody of the Commission on

such terms and conditions as the court may prescribe. The Commission shall not have power by virtue thereof or by virtue of any commitment to it by a juvenile court, to place such child in any penal institution. Such juvenile court may also request, and it shall then be the duty of the Commission to make, an investigation and report to the court, either before or after the hearing, respecting the proper disposition which should be made of such child.

**Subd. 15. Minor convicted or found delinquent may not be imprisoned in any jail disapproved by Commission.** A person who is convicted of a felony or gross misdemeanor and who is found to be less than twenty-one years of age at the time of apprehension, and a person who has been found delinquent by a juvenile court, may not be imprisoned by virtue thereof in any jail which has been disapproved for that purpose by the Commission.

**Subd. 16. Upon commitment, the Commission may order the minor detained until further orders.** When a court commits a person to the Commission, it may order him conveyed forthwith to some place of detention approved or established or designated by the Commission or may direct that he be left at liberty until otherwise ordered by the Commission under such conditions as will insure his submission to any orders of the Director.

**Subd. 17. Certified copy of the warrant of commitment.** When a court commits a person to the Commission it shall promptly forward to the Commission a certified copy of the warrant of commitment.

**Subd. 18. Commission shall examine and study all pertinent circumstances of the life of person committed.** When a person has been committed to the Commission, the Commission under its rules shall forthwith examine and study him and investigate all of the pertinent circumstances of his life and the antecedents of the crime because of which he has been committed to it, and thereupon order such treatment as it shall determine to be most conducive to the accomplishment of the purposes of this Act. The court and the prosecuting and police authorities and other public officials shall make available to the Commission all pertinent data in their possession in respect to the case.

**Subd. 19. Placed on probation; order confinement; commit to State Training School; order release on parole; recommitment; revoke or modify order; discharge from control.** When a person has been committed to the Commission it

may (a) place him on probation under such supervision and conditions as it believes conducive to law-abiding conduct; (b) if he has been committed to the Commission upon conviction of a felony or gross misdemeanor, order his confinement to such reformatory, state prison, jail, or other place of confinement to which he might have been sentenced by the court in which he was convicted except for this Act. Such reformatories, state prisons, jails or other places of confinement are hereby required to accept such persons in like manner as though they had been committed by such court; (c) if he has been committed to the Commission by a juvenile court upon a finding of his delinquency, order his commitment to the State Training School for Boys or the Minnesota Home School for Girls and such schools shall accept such persons so committed to them; (d) order his release on parole from confinement under such supervision and conditions as it believes conducive to law-abiding conduct; (e) order re-confinement or renewed parole as often as the Commission believes; (f) revoke or modify any order, except an order of discharge, as often as the Commission believes to be desirable; (g) discharge him from its control when it is satisfied that such discharge is consistent with the protection of the public.

**Subd. 20. Vocational, physical and educational training.** As a means of correcting the socially harmful tendencies of a person committed to it, the Commission may, subject to the provisions of Sec. [subdivision] 24, require participation by him in vocational, physical, educational and corrective training and activities and such conduct and modes of life as seem best adapted to fit him for return to full liberty without danger to the public welfare.

**Subd. 21. Cooperation with state institutions and local peace officers.** The Commission may enter into agreement with the Division of Public Institutions, the State Board of Parole, with local probation officers or other public officials and with private agencies for separate care or special treatment of persons subject to the control of the Commission.

**Subd. 22. Cooperation with local probation officer.** Any person committed to the Commission from a county having a probation officer of a district or juvenile court may be placed on probation by the Commission only under the supervision of such probation officer who shall assume such supervision as though it were pursuant to a judgment or order of the district or juvenile court. Such probation officer shall cooperate with the Commission in providing treatment for

such person consistent with the purposes of this Act, but nothing herein shall give the Commission direction or control over such probation officer or require him or his subordinates to perform duties not otherwise required by law. If parole is granted by the Commission to such person after confinement to a penal institution or after commitment to the State Training School for Boys or the Minnesota Home School for Girls, the parole may be conditioned on like supervision with the consent of the district or juvenile court respectively of such county.

**Subd. 23. Inspection of institutional facilities.** The Commission may inspect all public institutions, agencies and departments whose facilities it is authorized to utilize and shall be given reasonable opportunity to examine or consult with persons committed to the Commission at all times.

**Subd. 24. Limitation on powers of commission.** This Act shall not be construed to give the Commission control over existing facilities, institutions or agencies; or to require them to serve the Commission inconsistently with their functions, or with the authority of their officers, or with the laws and regulations governing their activities.

**Subd. 25. Re-examinations of persons committed.** The Director shall make periodic re-examinations of all persons under control of the Commission for the purpose of determining whether existing orders in individual cases should be modified or continued in force. Those examinations may be made as frequently as the Commission directs and shall be made with respect to every person at least once annually.

**Subd. 26. Cessation of jurisdiction.** The control over a person committed to it in a criminal proceeding shall cease at the expiration of the term of his sentence for the crime for which convicted and he shall thereupon be entitled to a discharge and control of any delinquent child who has been committed to the Commission by a juvenile court shall cease on the twenty-first birthday of such child.

**Subd. 27. Discharge on 25th birthday; exceptions.** Unless previously discharged under the provisions of this Act, a person who has been committed to the Commission upon conviction of a crime shall be discharged by the Director and be given his liberty on his twenty-fifth birthday, unless the Commission shall determine that such discharge at that time would be dangerous to the public in which event the Commission shall terminate its control in the following manner: (1) If he be then on probation under the supervision of the probation officer of a district court, the future control and

disposition of the case shall be in all respects as though such probation were under the order of said court. (2) If he be then on probation, but not under the supervision of a local probation officer, or if he be on parole, control of him shall be transferred to the State Board of Parole who shall thereupon assume like control over him as though he were on parole following sentence of a court for a maximum term provided by law for the crime for which he was committed. (3) If he be then confined in a penal institution, the control of the Commission shall cease and such confinement shall be upon like terms and conditions as though it had been under sentence of court for the maximum term provided by law for the crime for which he was committed.

**Subd. 28. Imprisonment for life; assumption of control.** If a sentence of imprisonment for life is imposed upon a person who was under twenty-one years of age at the time of his apprehension, and if before he reaches the age of twenty-five the Board of Pardons commutes the sentence by committing him to the Commission, the Commission shall assume control over him pursuant to the provisions of this Act.

**Subd. 29. Institution of proceedings in probate court in cases of insanity or psychopathic personality.** Whenever the Director is of the opinion that there are grounds for believing that a person committed to it is insane, or a psychopathic personality as defined in the Minnesota Statutes 1945, Section . . . . . Director may institute proceedings in the probate court of the county in which such person then resides or is confined to determine whether he is insane or a psychopathic personality. If the court shall so find, he shall be transferred by the order of the court to the state asylum for the dangerous insane or to a state hospital for the insane at the discretion of the court, there to be kept and maintained as in the case of other insane persons. If, in the judgment of the superintendent of the asylum or hospital, his sanity is restored before the period of his commitment to the Commission has expired, he shall be returned by the director of public institutions to the Commission for further disposition or treatment under this Act.

**Subd. 30. Appeal or stay of sentence.** The right of a person convicted of a crime to a new trial or to an appeal from the judgment of conviction, or to a stay of sentence or to admission to bail is not affected by this chapter.

**Subd. 31. Restoration of civil rights.** Whenever a person committed to the Commission upon conviction of a crime

is discharged from its control other than by expiration of the maximum term of commitment as provided under this Act, or under the provisions of Section [subdivision] 27, such discharge shall, when so ordered by the Commission restore such person to all civil rights and shall have the effect of setting aside the conviction and nullifying the same and of purging such person thereof.

**Subd. 32. Development of constructive programs; cooperation with other agencies.** The Commission shall be charged with the duty of developing constructive programs for the prevention and decrease of delinquency and crime among youth and to that end shall cooperate with existing agencies and encourage the establishment of new agencies, both local and state-wide, having as their object the prevention and decrease of delinquency and crime among youth; and the commission shall assist local authorities of any county or municipality when so requested by the governing body thereof, in planning, developing and coordinating their educational, welfare, recreational and health activities or other constructive community programs, which have as their object the Conservation of Youth.

**Subd. 33. Report annually to the Governor; recommendations.** The Commission shall report annually to the Governor upon its work including therein the number of persons committed to it, the number upon probation or parole, the number confined by it in penal or other institutions of the state, such information as it may have as to the causes of crime and delinquency among youth, and such other information relative to its activities as it may consider desirable or useful to the public. It may include in such report recommendations and suggestions for the prevention or decrease of such delinquency and crime. These reports may be published by the Commission and upon publication they shall become public records.

**Subd. 34. Upon written order of director local official may retake any absconding person under the control of the Commission.** The written order of the Director is authority to any peace officer, or to any parole or probation officer or other supervising agent of the Commission, to retake and place in actual custody any person under the control of the Commission; but any such parole or probation officer may, without order or warrant, when it appears to him necessary in order to prevent the escape or to enforce discipline, take and detain such person and present him before the Director for his action.

Subd. 35. **Rules and regulations.** The Commission may make and shall enforce all rules appropriate to the proper accomplishment of its functions.

Subd. 36. **Appropriation.** There is hereby appropriated the sum of \$50,000 for the year ending June 30, 1948, and \$75,000 for the year ending June 30, 1949.

Subd. 37. **Implied repeals.** All laws inconsistent with this Act are hereby repealed.

Sec. 2. Minnesota Statutes 1945, Section 260.13, is hereby amended to read as follows:

**260.13. Hearing; continuance; commitment by court; parole; discharge.** In the case of a delinquent child the court may continue the hearing from time to time and may place the child in the care or custody of a probation officer, and may allow the child to remain in his own home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required, and subject to be returned to the court for further or other proceedings whenever such action may appear to be necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer and the further order of the court, or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of board of such child, until suitable provision may be made for the child in a home without such payment. *Otherwise, and unless disposition of a delinquent child is made pursuant to Section 1, subdivision 14, of this act, a child found delinquent shall be committed by the court to the Youth Conservation Commission or to an institution established by law or incorporated under the laws of this state that may care for delinquent children, or to any place provided by the town or county, suitable to the care of such children, but the court shall not commit a delinquent child to the state training school for boys or the Minnesota Home School for Girls.* In appropriate cases the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent children. In no cases shall a child be held under any such commitment beyond the age of 21 years. A child committed to such an institution or association shall be subject to the control of the board of managers thereof.

Every child committed to the *Youth Conservation Commission* shall be subject to the guardianship of the director of social welfare.

Approved April 28, 1947.

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CHAPTER 596—S. F. No. 350

[Not Coded]

*An act relating to tax levies in certain villages; amending Laws 1933, Chapter 72, Section 9.*

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

Section 1. Laws 1933, Chapter 72, Section 9, is amended to read as follows:

Sec. 9. **Levy for library purposes.** The amount which may be included by any such village in its annual tax levy in each year hereafter made for general corporation and for library purposes shall be 28 mills on the dollar of the taxable valuation of the village, less the amount herein required to be set aside to pay principal and interest on the refunding bonds herein authorized.

Approved April 28, 1947.

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Chapter 597—S. F. No. 928

*An act to amend Section 501.11 (6) Minnesota Statutes 1945, so as to permit continuance of pension, profit sharing, and stock bonus trusts for the benefit of employees of an employer for a period longer than permitted by the rule against perpetuities.*

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

Section 1. Section 501.11 (6) of Minnesota Statutes 1945, is hereby amended to read as follows:

501.11. **Purposes of express trusts.** (6) For the beneficial interests of any person, whether such trust embraces real or personal property or both, when the trust is fully expressed and clearly defined on the face of the instrument