

“Section 1. In each county of this state containing not less than fourteen nor more than twenty-five congressional townships and having a population of not less than 29,000 nor more than 33,000 inhabitants, according to the last preceding state or federal census, and having an assessed valuation of all property, including money and credits, as last fixed by the tax commission, of not less than twenty-four million nor more than forty million dollars, each county commissioner shall receive from the county in full payment for his services an annual salary of \$800.00, except that such commissioners may be allowed and paid in addition thereto their actual and necessary travelling expenses incurred and paid by them in the discharge of their official duties, *or if any commissioner shall use his own automobile in going to and from a meeting of the board, he shall be allowed not in excess of seven cents per mile necessarily traveled to and from such meeting*, provided that the total aggregate amount of travelling expenses of the county commissioners of any such county which may be so allowed and paid shall not exceed the sum of \$1,200.00 in any one year. Provided, this act shall not apply to any county in which the salaries of county commissioners are now fixed by special law.”

Approved April 17, 1931.

CHAPTER 186—H. F. No. 1150

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.

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

Section 1. **Department of conservation created.**—(a) There is hereby created a department of conservation under the supervision and control of a conservation commission.

(b) Said commission shall consist of five (5) members, who shall be appointed by the governor, with the advice and consent of the senate. The first appointments shall be made as soon as may be after this act shall have taken effect. The terms of office of the members first appointed shall begin when they are appointed and qualify and shall continue thereafter for the following period: two members until April 1, 1933; two members until April 1st,

1935; and the remaining member until April 1st, 1937. Upon the expiration of such terms and of all terms thereafter the governor shall appoint a successor to each member whose term expires, for a term of six (6) years. Vacancies in said commission shall be filled by appointment by the governor, within thirty (30) days after such vacancy occurs, for the balance of the unexpired term. Each member shall serve until his successor qualifies. Members shall serve without compensation, but shall receive actual and necessary travelling and other expenses incurred in the performance of their duties as such members. Members of the commission shall be persons having knowledge of and interest in conservation.

The commission shall formulate and direct the policies of the department.

(c) The commission shall employ a conservation commissioner for a term of six (6) years, removable at any time by the commission for cause, and whose salary shall be fixed by the commission, but not to exceed \$5,000.00 per year. Said conservation commissioner shall be a person having executive ability and experience and special training and skill in conservation work. He shall be the administrative head of the department of conservation and shall be responsible to the commission for the execution of its policies.

Sec. 2. Commissioner—powers and duties.—The commissioner of conservation shall have and exercise all of the powers and shall perform all of the duties now by law vested in or imposed upon the commissioner of forestry and fire prevention, the commissioner of game and fish, the commissioner of drainage and waters, the department of drainage and waters, and the department of conservation, as provided by Chapter 426, Laws 1925, and acts amendatory thereof, or by any other existing law. Said existing offices and departments, the powers and duties of which are vested in or imposed upon the commissioner by this section, are hereby abolished.

Sec. 3. Commissioner to be Commissioner of State Lands, etc.—Except as herein otherwise provided, the commissioner of conservation shall also have all of the powers and perform all of the duties now vested in or imposed upon the state auditor, acting as auditor, as commissioner of the state land office, or in any other capacity, ex-officio or otherwise, with respect to the public lands, timber, waters, and minerals of the state.

Sec. 4. Organization of department.—(a) The department of conservation shall be organized with a division of forestry, a division of drainage and waters, a division of game and fish, and a division of lands and minerals. 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 chosen with respect to their knowledge, experience and ability.

(b) Each division shall have charge of administering the activities indicated by its title and such other activities as may be assigned by the commissioner, subject to the right of the commissioner to revise and change assignments of any and all activities among the several divisions at any time as he may see fit; provided, that the administration of all state forests and other state lands acquired or set apart for forestry purposes, and the sale of all state timber, whether upon such lands or other state lands, shall be in charge of the division of forestry, and all necessary authority therefor is hereby vested in the director of said division and shall be exercised by him, and in that behalf the director of said division shall have all of the powers and perform all of the duties now vested in or imposed upon the state auditor, acting as auditor, as commissioner of the state land office, or otherwise, under the existing laws relating to the sale of state timber; provided further, that except as otherwise provided by the state constitution or by law, the director shall classify all the state lands and determine which thereof shall be administered for forestry purposes and which for agricultural or other purposes, subject to change from time to time as the director in his discretion may determine. The director of forestry shall have control of all state parks.

(c) Before entering upon the duties of his office each director shall take and file an oath of office in the same manner and form as other state officers, and shall give a bond to the state in the sum of \$5,000, conditioned as provided by law for other official bonds.

(d) Each director shall receive an annual salary of \$4,000.

(e) Each director, with the advice and approval of the commissioner, may appoint a deputy to serve at the pleasure of the director, and such deputy may exercise all the powers of the director, whether delegated from the commissioner or otherwise, subject to the direction and control of the director. Each director, subject to the approval of the commissioner, may employ, such other assistance as may be necessary to carry on the work of his division, as far as funds may be available therefor.

(f) The compensation of deputy directors and of division employees shall be fixed by the respective directors, within the limitations of available funds, subject to the approval of the commissioner.

(g) In case of a vacancy in the office of commissioner or of any director, his deputy shall become acting incumbent of the office and shall have and exercise all the powers and perform all the

duties thereof until a successor is regularly appointed and qualified, except that such acting incumbent shall have no power to appoint another deputy, nor shall any such acting incumbent of the office of commissioner have power to appoint directors or to revise or change the assignments of activities among the divisions of the department. Before taking office every such acting incumbent shall take and file an oath of office as such and give bond to the state in the same amount and upon the same conditions as required for the regular incumbent of the office. While acting as such incumbent, such deputy shall receive the same salary as a regularly appointed incumbent of the office. All other subordinate officers and employees appointed by any commissioner or director whose office has become vacant shall continue to hold their respective positions and to exercise the powers and discharge the duties thereof, notwithstanding such vacancy, until their respective successors are appointed and qualified or until their services are regularly terminated according to law.

Sec. 5. Commissioner may delegate powers.—(a) The commissioner of conservation may by written order filed in his office delegate to the director of any division of the department any of the powers or duties vested in or imposed upon the commissioner by this act, 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 the commissioner may direct.

Sec. 6. Department to have seals.—The department of conservation and the several divisions thereof shall have seals. The seal of the department shall have thereon the words, "State of Minnesota, Department of Conservation", with such suitable symbol or device as the first commissioner serving under this act shall prescribe, and may be used to authenticate the official acts of the commissioner when performed by him or his deputy. The seal of each division shall be in like form, with the addition of the title of the division, and may be used to authenticate the official acts of the director of the division, whether acting in his own name or in the name of the commissioner, and whether performed by the director or his deputy. Provided, that the omission or absence of a seal shall not affect the validity or force of any act done or instrument executed by the commissioner or by any director.

Sec. 7. To be under provisions of existing law.—So far as not inconsistent herewith, all matters governed by this act shall be subject to the provisions of Chapter 426, Laws 1925, and acts amendatory thereof, so far as applicable; and provided further, that

the compensation of all officers and employees under this act shall be payable in the same manner as the compensation of other state officers and employees.

Sec. 8. Orders and documents to be filed.—Except as otherwise prescribed or required by law, the originals of all official orders and other official documents issued or executed by the commissioner of conservation or by the directors of the several divisions of said department shall be filed in the offices of the respective officers issuing or executing the same. The commissioner and the several directors may also keep such records of their official acts and other activities of their respective offices as they deem necessary. Such original orders, documents, and records shall have like force and effect as prima facie evidence in all cases as original records and documents made by other public officers in the performance of their official duties, and certified copies thereof made in the manner provided by law shall have like force and effect as certified copies of records or documents required or permitted to be kept by other public officers.

Sec. 9. Appropriations.—All existing appropriations for any activities or purposes which by this act are placed in charge of the department of conservation or any division thereof are hereby transferred to said department or to the respective divisions having charge of such purposes—or activities, as the case may be, to be used for the same purposes as provided by the laws whereby such appropriations were made and in accordance with the provisions of said laws so far as not inconsistent herewith; provided, that the game and fish fund and all other funds now by law appropriated for any activity or purpose under the commissioner of game and fish are hereby transferred to the director of game and fish under this act, and said respective funds shall be continued and all moneys hereafter received for the purposes thereof shall continue to be placed therein as now provided by the laws relating thereto, and all of said funds are hereby appropriated and shall continue to be appropriated to said director of game and fish for the same purposes and under the same conditions as now provided by the laws relating thereto under the commissioner of game and fish.

Sec. 10. Provisions separable.—The provisions of this act shall be separable, and if any provision hereof, whether transferring any power, right, or duty, or relating to any other matter, shall be declared invalid, it shall not invalidate the transfer of any other power, right, or duty hereby made or any other provision hereof.

Sec. 11. Inconsistent acts repealed.—All acts or parts of acts inconsistent herewith are hereby superceded, modified, or amended so far as necessary to give full force and effect to the provisions of this act; provided, that nothing in this act shall oper-

ate to exclude the application of Mason's Minnesota Statutes of 1927, Sections 4368, and 4369, and acts amendatory thereof, known as the veterans' preference law, to any matter governed by this act.

Sec. 12. **Effective July 1, 1931.** This act shall take effect and be in force from and after its passage with respect to the making of all appointments herein provided for, but with respect to the taking of office by the appointees and all other matters it shall take effect and be in force from and after July 1, 1931.

Approved April 17, 1931.

CHAPTER 187—S. F. No. 304

An act to amend Section 2833 General Statutes 1923 defining the duties of treasurers of school districts.

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

Section 1. **Duties of treasurer of school districts.**—Section 2833 General Statutes 1923 is hereby amended to read as follows:

“Section 2833. The treasurer shall receive and be responsible for all moneys of the district, and shall disburse the same on orders signed by the clerk and countersigned by the chairman, or other vouchers authorized by law. Each order shall state the fund on which it is drawn, the name of the payee, and the nature of the claim for which such order is issued. He shall keep an account of each fund, and of all receipts and disbursements, showing the source of all such receipts and the nature and purpose of such disbursements, and within three days preceding the annual meeting shall file with the clerk a detailed financial statement of the district, showing all receipts and disbursements, and the nature of the same, the moneys on hand and the purposes to which the same are applicable, the credits of the district, and its outstanding liabilities, and the nature thereof. Such report, together with his vouchers, shall be examined by the board, and, if found correct, approved by resolution, entered in the records. If incomplete or inaccurate, a further or amended report may be required by the board. Such report, when complete, shall be laid before the annual meeting, to be in like manner approved. He shall make such further reports as may from time to time be called for by the board, and shall perform all duties usually incumbent on such officer. Every order drawn for the payment of teachers' wages, and for any other lawful purpose, after having been presented to the treasurer for pay-