

"3469. **Merger to be approved by commissioner of insurance.**—When any such fraternal benefit society shall propose to consolidate or merge its business, or to enter into any contract or reinsurance, or to assume or reinsure the whole or any portion of the risks of any other fraternal benefit society, the proposed contract in writing setting forth the terms and conditions of such proposed consolidation, merger or reinsurance shall be submitted to the legislative or governing bodies of each of said parties to said contract after 30 days' written notice by mail is given to all policy holders, stating the object of the meeting, and if approved by such legislative or governing bodies by a two-thirds vote, such contract, if so approved, shall be submitted to the commissioner of insurance of this state for his approval, and the parties to said contract shall at the same time submit a sworn statement showing the financial condition of each of such fraternal benefit societies as of the 31st day of December preceding the date of such contract; provided that such insurance commissioner may within his discretion require such financial statement to be submitted as of the last day of the month preceding the date of such contract. The commissioner of insurance shall thereupon consider such contract of consolidation, merger or reinsurance, and if satisfied that the interests of the certificate holders of such fraternal benefit societies are properly protected, and that such contract is just and equitable to the members of each of such societies and that no reasonable objection exists thereto, shall approve said contract as submitted. In case the parties corporate to such contract shall have been incorporated in separate states, or territories, such contract shall be submitted as herein provided to the commissioner of insurance of each of such incorporating states, or territories, to be considered and approved separately by each of such commissioners of insurance. When said contract of consolidation, merger or reinsurance, shall have been approved as hereinabove provided, such commissioner or commissioners of insurance shall issue a certificate to that effect, and thereupon the said contract of consolidation, merger or reinsurance shall be in full force and effect. In case such contract is not approved the fact of its submission and its contents shall not be disclosed by the commissioner of insurance."

Approved April 21, 1937.

CHAPTER 310—S. F. No. 135

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 organized.—(a) There is hereby created a Department of Conservation to be organized and administered as hereinafter provided under the supervision and control of a Commissioner of Conservation.

(b) The Commissioner shall be appointed by the Governor, by and with the consent of the Senate, for a term of six years and at an annual salary of not to exceed \$6,000.00 per year.

(c) The Conservation Commissioner shall be a trained executive with proven experience, education and skill in conservation work. The Commissioner shall be subject to removal by the Governor only for malfeasance or misfeasance in office and shall first be entitled to written notice of the charges against him and allowed a reasonable opportunity to be heard thereon.

(d) Before entering upon the duties of his office, the Commissioner shall take and file an oath of office in the same manner and form as other state officials, and shall give a surety bond to the State in the sum of \$25,000.00.

(e) The Commissioner may appoint a deputy, to serve at his pleasure, who may exercise all the powers of the Commissioner, subject to his direction and control. Such deputy shall receive the same salary as hereinafter prescribed for Directors of Divisions. The Commissioner may employ such other assistants as may be necessary to carry on the work of the Department, and may fix the compensation of the persons employed as far as funds may be available therefor. The Commissioner shall establish a Merit System governing the employment, promotion, and discharge of all employees of the Department and the several Divisions thereof, except the Directors and the deputies of the Commissioner and the directors.

Sec. 2. Commissioner of Conservation—duties and powers.—

(a) 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 Conservation Commission, as created under Chapter 186, Session Laws of 1931, 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.

(b) The Conservation Commissioner shall be the administrative and executive head of the Department of Conservation and shall be responsible for the development of its program and the execution of its policies. He shall be responsible for a proper accounting subdivision within the Department of Conservation and shall be responsible for all receipts and disbursements of the Department and its subdivisions. On the first of each calendar year he shall make an

annual report of all departmental activities to the Governor. The financial records of his office shall be open, at all reasonable times, to the State Auditor and to the State Comptroller, and he shall biennially submit a proposed budget to the State Budget Commissioner.

Sec. 3. Divisions 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, a Division of Lands and Minerals, and a Division of State Parks. Each Division shall be under the immediate charge of a Director, subject to the general supervision and control of the Conservation Commissioner. The Directors shall be appointed by the Commissioner to serve at his pleasure.

(b) Every such Division shall have charge of administering the activities indicated by its title, together with 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 in general the Division activities shall be as follows:

1. *DIVISION OF FORESTRY* . . . shall have the administration of all State Forests and other State lands acquired or set apart for forest purposes, including Fire Prevention, appraisal and sale of State timber as hereinafter provided.

2. *DRAINAGE & WATERS* . . . shall have administration over State waters and water power, including regulation of drainage, elimination of stream and lake pollution, and the establishment and maintenance of minimum lake levels and water storage basins, such minimum levels, however, at no time to be lower than the natural level in its original state of nature.

3. *DIVISION OF GAME & FISH* . . . shall have administration over game and fish, its propagation and protection, and the maintenance and development of public shooting grounds and game refuges.

4. *DIVISION OF LANDS & MINERALS* . . . shall have administrative authority over all State lands and minerals, the appraisal thereof, together with the sale or lease thereof as hereinafter provided.

5. *DIVISION OF PARKS* . . . shall have administration of existing or acquired State Parks and the Director of such Division shall have the power to acquire, maintain and make available to the public under such rules and regulations as may be established by the Conservation Commissioner, suitable places for public recreation; to rent, lease or operate public service privileges and facilities in any

State Park or Parks; to take, in the name of the State for the benefit of the public, by purchase, condemnation, or devise, lands and rights for public parks; to preserve and care for such public parks and by direction of the Conservation Commissioner and upon such terms as he may determine, acquire such other suitable lands or park property within the State as may be entrusted, donated or devised to the State by the United States, or by counties, cities, towns and villages, corporations or individuals for the purpose of public recreation, or for the preservation of natural beauty or natural features possessing historic value; provided that said Director shall not take or contract to take by purchase or condemnation any land or property for an amount, or amounts, beyond that which has been approved by the Conservation Commissioner.

6. Timber sales shall be had only after appraisal of the timber is made by the Division of Forestry and approved by the Conservation Commissioner. Land sales shall be had only after appraisal by the Division of Lands and Minerals, and the approval of the Conservation Commissioner. The actual sale of both land and timber as provided herein shall be held by the Conservation Commissioner in the County Seats of the Counties in which the land or timber is situated and at such times as recommended by the Commissioner of Conservation.

7. The Commissioner of Conservation shall classify all the State lands and determine which thereof shall be administered for forestry purposes and which for agricultural or other purposes.

(c) Every Division Director shall be a person who, by education, training, and experience is especially qualified to administer the duties of his individual Division.

(d) Before entering upon the duties of his office, every Director shall take and file an oath of office in the same manner and form as other State officers, and shall give a surety bond to the State in the sum of \$5,000.00, excepting that the bonds for the Directors of Forestry and of Game and Fish shall be each and separately \$15,000.00.

(e) Every Director shall receive an annual salary of not more than \$4,000.00.

(f) Every Director, with the advice and approval of the Conservation 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. Every Director, subject to the approval of the Commissioner, may employ such other assistants as may be necessary to carry on the work of his Division, as far as funds may be available therefor.

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

(h) In case of a vacancy in the office of Commissioner, or any Director, his deputy shall serve in his place and exercise all the powers and perform all the duties thereof until a successor is regularly appointed and qualified, excepting that such acting commissioner, or director, shall have no power to appoint another deputy nor to appoint any director nor to revise or change the assignments of activities among the several divisions of the Department. The salary of such acting encumbent shall be the same as that drawn by the Commissioner or Director whose place he temporarily takes.

Sec. 4. Delegation of powers.—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. 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. 5. Seals.—(a) 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 has been established under the provisions of Chapter 186, Session Laws of 1931, and such seal or seals may be used to authenticate the official acts of the Commissioner when performed by him or his deputy. The seal of every 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; provided that the omission or absence of the seal shall not affect the validity or force of any act done or instrument executed by the Commissioner or by any Director.

(b) The Conservation Commissioner shall provide for the issuance of such badges and uniforms, at department expense, and regulate the use thereof, as may be necessary and suitable for the identification of employees under the separate Divisions of the Department of Conservation.

Sec. 6. Order etc., to be filed with commissioner.—Except as otherwise prescribed or required by law, the original 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 the Conservation Department, shall be filed in the offices of the Department and shall be the property of the State of Minnesota.

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.

Sec. 7. Appropriations transferred.—All existing appropriations for any activity or purpose of the Department of Conservation, or of any Division thereof, are hereby transferred to said Conservation Department and to its respective Divisions, to be used for the purposes for which such appropriations were originally made.

Sec. 8. Provisions severable.—The provisions of this act shall be separable and if any provision hereof shall be declared invalid it shall not invalidate the transfer of any other power, duty, or right hereby established, or any other provision hereof.

Sec. 9. Inconsistent Acts repealed.—All acts, or parts of acts, inconsistent herewith are hereby superseded, modified, or amended so far as may be necessary to give full force and effect to the provisions of this act, provided, however, that nothing herein shall operate to exclude the application of Mason's Minnesota Statutes of 1927, Sections 4368 and 4369, and acts amendatory thereto, known as the Veterans' Preference Law.

Sec. 10. Effective July 1, 1937.—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 of all other matters, it shall take effect and be in force from and after July 1, 1937.

Approved April 21, 1937.

CHAPTER 311—S. F. No. 200

An act to legalize conveyances of real property made by a married man or woman direct to his or her spouse, and the records of such conveyances.

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

Section 1. Conveyances legalized.—Wherever heretofore any register of deeds in this state has recorded any deed conveying real property within this state, made between the 18th and 22nd days of May, 1908, by married man or married woman direct to his or her spouse, which deed was not recorded until the year 1936 but which was otherwise legalized by Laws 1915, Chapter 218; the recording of any such deed, if in all other respects entitled to be recorded, is