

CHAPTER 592—S. F. No. 850

[Coded]

An act establishing revolving fund for costs of care and support of children under the guardianship of the director of social welfare and appropriating money therefor.

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

Section 1. [256.013] **Revolving fund.** [Subdivision 1] **Establishment.** A revolving fund shall be established from which payment of costs of care and support of children who are both under guardianship of the director of social welfare and are under the direct supervision of the division of social welfare shall be made. The revolving fund shall be reimbursed by payment of the county share of costs by the county of commitment of such child or children and by payment of the state's share of costs from appropriations made in accordance with the provisions of section 260.38. In the event any county fails to pay its share of costs, the director of social welfare is authorized to withhold from funds due said county for any other purpose an amount sufficient to cover said county's debt to the revolving fund.

Sec. 2. [Subd. 2.] **Appropriation.** There is hereby appropriated to the director of social welfare out of the appropriation for aid to children under the guardianship of the director of social welfare the sum of \$20,000 for the creation and establishment of aforesaid revolving fund.

Approved April 21, 1953.

CHAPTER 593—S. F. No. 881

[Coded]

An act establishing a department of public welfare and repealing Minnesota Statutes 1949, Chapter 245.

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

Section 1. [245.03] **Department of public welfare established; commissioner.** There is hereby created and established a department of public welfare. A commissioner of public welfare shall be appointed by the governor with the advice and consent of the senate. The term of office of the commissioner first appointed shall expire February 1, 1959, after which the term of office of the commissioner shall be for a term of six years. The commissioner shall be selected on the basis of ability and experience in welfare and without regard to politi-

cal affiliations. The governor may remove the commissioner at any time for cause after notice and hearing. Subject to the provisions of this act and other applicable laws, now or hereinafter enacted, the commissioner shall have the power to organize his department in such manner as he may deem necessary, and to appoint a deputy commissioner in unclassified service. He shall also appoint such other subordinate officers, employees and agents as he may deem necessary to discharge the functions of the department and define the duties of such officers, employees and agents and to delegate to them any of his powers or duties subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated powers shall be written orders filed with the secretary of state. The salary of the commissioner shall be \$7,400 per year and he shall give bond in the sum of \$10,000. The salary of the deputy commissioner shall be in the sum of \$7,000 per year; provided further that the annual adjustment increment shall be \$300, and the basic salary herein provided adjusted in accordance with the provisions of Chapter 713, Laws of 1951, Section 2.

Sec. 2. [254.04] Powers, duties of director of social welfare, division of social welfare, director of public institutions, and division of public institutions transferred. All powers and duties now vested in or imposed upon the director of social welfare and the division of social welfare and upon the director of public institutions and the division of public institutions, by the laws of this state or by any law of the United States are hereby transferred to, vested in, and imposed upon the commissioner of public welfare. The commissioner of public welfare is hereby constituted the "state agency" as defined by the social security act of the United States.

Sec. 3. [245.05] Department of public welfare a continuance of former agencies. The department of public welfare to which the functions, powers, and duties of a previously existing department or other agency are by this act assigned and transferred shall be deemed and held to constitute a continuation of the former department or agency as to matters within the jurisdiction of the former department or agency, and not a new authority, for the purpose of succession to all rights, powers, duties, and obligations of the former department or agency as constituted at the time of such assignment or transfer, except as otherwise provided by this act, with the same force and effect as if such functions, powers and duties had not been assigned or transferred.

Sec. 4. [245.06] Pending proceeding, conduct of. Any proceeding, court action, prosecution, or other business or

matter undertaken or commenced prior to the passage of this act by a department or other agency, the functions, powers, and duties whereof are by this act assigned and transferred to the department of public welfare, and are still pending at the time of the passage of this act, may be conducted and completed by the new department in the same manner and under the same terms and conditions and with the same effect as though it were undertaken or commenced and were conducted or completed by the former department or agency prior to said transfer.

Sec. 5. [245.07] Transfer and delivery of property and employees by former agency heads. The head of a department or other agency whose functions, powers, and duties are by this act assigned and transferred to the department of public welfare shall transfer and deliver to such department of public welfare all contracts, books, maps, plans, papers, records, and property of every description within his jurisdiction or control, and shall also transfer thereto any or all employees engaged in the exercise of such functions, powers, or duties. The commissioner of public welfare to which such assignment or transfer is made is hereby authorized to take possession of said property, and shall take charge of said employees and shall employ them in the exercise of their respective functions, powers, and duties transferred as aforesaid, without reduction of compensation, subject, however, to change or termination of employment or compensation as may be otherwise provided by law.

Sec. 6. [245.08] Departments abolished. The department of social security, the division of social welfare, and the division of public institutions are hereby abolished and Minnesota Statutes 1949, Chapter 245, is hereby repealed.

Sec. 7. [245.09] Inconsistent acts. All other acts or parts of acts now in effect inconsistent with the provisions of this act are hereby repealed, superseded, modified, or amended so far as necessary to conform to and give full force and effect to the provisions of this act.

Sec. 8. [245.10] Unexpended funds of former department transferred. All unexpended funds appropriated to any department or agency for the purposes of any of its functions, powers, or duties which are transferred by this act to the department of public welfare are hereby transferred to such department of public welfare:

Sec. 9. [245.11] Invalidity, effect. In case any section, provision, or part of this act, or any application thereof, shall be declared unconstitutional or invalid, it shall not in any

way affect any other section, provision, or part hereof or any other application hereof.

Sec. 10. [245.12] Transfers of rights where effective. This act shall take effect and be in force from and after its passage; provided, that no transfer of functions, rights, powers, duties, or funds made by this act shall take effect until the commissioner of the department to whom the same are transferred shall have been appointed; taken his oath of office and filed oath and bond in the office of the secretary of state; and until then the former department or agency vested therewith shall continue to exercise and perform such functions, rights, powers, and duties, and to have charge of such funds.

Approved April 21, 1953.

CHAPTER 594—S. F. No. 934

[Not Coded]

An act relating to the filling of a vacancy in the office of chief of police in certain villages.

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

Section 1. Hibbing, filling vacancy in office of chief of police. In any village in this state which has a population in excess of 15,000 inhabitants, an assessed valuation of more than \$18,000,000 exclusive of money and credits, and in which a police civil service commission has been or is subsequently created under Laws 1929, Chapter 299; the police civil service commission, acting with a police committee, may fill any vacancy that occurs in the office of chief of police.

Sec. 2. Police committee. The police committee shall be composed of two members of the governing body of the village, and be appointed by that body.

Sec. 3. Term of chief of police. The person appointed to fill a vacancy in the office of chief of police shall hold his appointment for a term of two years or until his successor is appointed and qualifies. The appointment shall be made from among members of at least ten years standing in the village police department, and without examination relating to the qualifications of the person to hold the office.

Sec. 4. Restoration to rank, ex-chief of police. Where the period of service of a person appointed to fill the vacancy has terminated, he shall be restored to the rank held in the police department prior to his appointment as chief of police.