

the basis of public necessity or emergency with the written approval of the governor, but the governor shall not approve the filling of any position until he has consulted with the legislative advisory committee created by Laws 1941, Chapter 497, and such committee has made its recommendation upon the matter. Such recommendation shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation. The provisions of this subdivision shall extend to any other agency to which the present authority of the legislative advisory committee may be transferred, but shall be deemed to be repealed in case such authority shall be abolished.

Sec. 61. Vetoed.

Sec. 62. LIMITATIONS ON APPROPRIATIONS.

All the foregoing appropriations herein contained are to be expended subject to the provisions of Laws 1939, Chapter 431. No appropriation shall become available for expenditure until such estimates as required by Section 16, Article II, of such act shall have been approved by the commissioner of administration. No obligation involving expenditure of money shall be entered into unless there is a balance in the appropriation available not otherwise encumbered to pay obligations previously incurred.

Sec. 63. FURNITURE PURCHASES FROM STATE REFORMATORY.

Provided, that insofar as practicable all furniture to be purchased from moneys made available in this act, shall be procured from the State Reformatory for Men, notwithstanding any other provisions to the contrary.

Approved April 25, 1955.

Invalid State of Naftalin, 246 Min 18, 74 NW 2d 229

CHAPTER 857—H. F. No. 1233

[Coded in Part]

An act relating to the organization and administration of the state government; appropriating money therefor; amending Minnesota Statutes 1953, Sections 9.011, Subdivision 2; 11.02; 11.03; 11.10, Subdivisions 1 and 2; 16.01; 215.02; 287.09; 298.22, Subdivisions 2 and 3; 610.37; 610.38; 626.33; 626.48; 637.10; 637.12; 638.07; repealing Minnesota Statutes 1953, Sections 9.011, Subdivision 3; 15.06; 16.13; 17.01; 17.05; 84.025, Subdivisions 1, 2, 3, 4 and 5; 84.54; 161.01; 161.02;

245.03; 256.04; 270.02, and other acts and parts of acts inconsistent herewith.

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

ARTICLE I

Section 1. [161.011] **Continuance of department.** *Subject to the provisions of this act and to other applicable laws, the department of highways is continued under the supervision and control of the commissioner of highways who shall have and exercise the rights and powers and perform the duties now prescribed by law.*

Sec. 2. [161.021] **Commissioner of highways.** *Subdivision 1. The commissioner of highways is appointed by the governor by and with the advice and consent of the senate for a four year term and until his successor is duly appointed and qualifies. The commissioner shall be subject to removal by the governor only for malfeasance or non-feasance in office, and shall be entitled to written notice of the charges against him and allowed a reasonable opportunity to be heard thereon. Any vacancy in the office of the commissioner shall be filled for the unexpired portion of the term. The commissioner may appoint a deputy with the consent of the governor. The deputy shall serve at the pleasure of the commissioner in the unclassified service of the state. The salary of such deputy is fixed by the commissioner with the approval of the governor except when otherwise expressly set by law. The deputy may perform and exercise every power, duty and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner. The commissioner may also appoint a confidential secretary or employee who shall serve at his pleasure and be in the unclassified service of the state.*

Subd. 2. Subject to the provisions of this act and to other applicable laws, the commissioner of highways is authorized to organize the department and to employ such officers, employees and agents as he may deem necessary to discharge the functions of his department, define the duties of such officers, employees and agents and to delegate to them any of his powers, duties and responsibilities, subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Subd. 3. All salaries and expenses connected with the department of highways shall be paid from the trunk highway fund and such moneys as are necessary therefor are hereby appropriated to the commissioner of highways from the trunk highway fund.

Subd. 4. Before entering upon the duties of his office, the commissioner of highways shall take and subscribe an oath and give his bond to the state of Minnesota, to be approved by the governor and filed with the secretary of state, for the sum of \$50,000, conditioned for the faithful performance of his duties.

Sec. 3. Repealer. Minnesota Statutes 1953, Sections 161.01 and 161.02, are hereby repealed.

Sec. 4. [161.21] Transfer of certain powers and duties of secretary of state to commissioner of highways. *All the powers and duties now vested in, or imposed upon the secretary of state relating to chauffeurs and school bus drivers' licenses are hereby transferred to, vested in, and imposed upon the commissioner of highways. The duties of the secretary of state in relation thereto are hereby abolished.*

Sec. 5. [161.22] Transfer of powers and duties of Minnesota Historic Sites and Markers Commission to commissioner of highways. *All the powers and duties now vested in, or imposed upon the Minnesota Historic Sites and Markers Commission under Minnesota Statutes 1953, Section 138.08, are hereby transferred to, vested in, and imposed upon the commissioner of highways. The Minnesota Historic Sites and Markers Commission is hereby abolished.*

Sec. 6. Effective dates. *The provisions of sections 1, 2 and 3 of this article shall take effect upon the first vacancy in the office of the commissioner of highways occurring after the enactment of this act. The provisions of sections 4 and 5 of this article are in force and effect on July 1, 1955.*

ARTICLE II

Section 1. [84.011] Continuance of department. *Subject to the provisions of this act and other applicable laws, the department of conservation shall continue to exercise all powers and duties vested in, or imposed upon the department of conservation or the commissioner of conservation.*

Sec. 2. [84.021] Commissioner of conservation.
Subdivision 1. *The commissioner of conservation is appointed by the governor by and with the advice and consent of the senate for a two year term which shall coincide with the term of the governor and until his successor is duly appointed and qualifies. The governor may remove the commissioner at any time at his pleasure. Any vacancy in the office of the commissioner shall be filled for the unexpired portion of the term. The commissioner may appoint a deputy with the consent of the*

governor. The deputy shall serve at the pleasure of the commissioner in the unclassified service of the state. The salary of such deputy is fixed by the commissioner with the approval of the governor except when otherwise expressly set by law. The deputy may perform and exercise every power, duty and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner. The commissioner may also appoint a confidential secretary or employee who shall serve at his pleasure and be in the unclassified service of the state.

Subd. 2. Subject to the provisions of this act and to other applicable laws, the commissioner is authorized to organize the department and to employ such officers, employees and agents as he may deem necessary to discharge the functions of his department, define the duties of such officers, employees and agents and to delegate to them any of his powers, duties and responsibilities subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Subd. 3. Before entering upon the duties of his office, the commissioner of conservation shall take and subscribe an oath and give his bond to the state of Minnesota, to be approved by the governor and filed with the secretary of state, for the sum of \$25,000, conditioned for the faithful performance of his duties.

Sec. 3. Repealer. Minnesota Statutes 1953, section 84.025, subdivisions 1, 2, 3, 4 and 5 are hereby repealed.

Sec. 4. Application of certain sections. *The provisions of sections 1, 2 and 3 shall apply to any vacancy in the office of the commissioner of conservation filled after February 28, 1955.*

Sec. 5. [84.022] Transfer of certain powers to the commissioner of conservation. *Subject to the provisions of this act, all the powers and duties now vested in, or imposed upon the division of forestry, the division of waters, the division of game and fish, the division of lands and minerals, the division of state parks, and the directors thereof, of the department of conservation, are hereby transferred to, vested in, and imposed upon the commissioner of conservation. The division of forestry, the division of waters, the division of game and fish, the division of lands and minerals, the division of state parks, and the offices of the directors thereof as heretofore constituted are hereby abolished.*

Sec. 6. [84.023] Powers and duties of State Geo-

graphic Board transferred to commissioner of conservation. *All the powers and duties now vested in, or imposed upon the State Geographic Board are hereby transferred to, vested in, and imposed upon the commissioner of conservation. The State Geographic Board as heretofore constituted is hereby abolished.*

Sec. 7. **Repealer.** Minnesota Statutes 1953, section 84.54, is hereby repealed.

Sec. 8. [84.024] **Powers and duties of Director of Division of Hotel and Resort Inspection transferred to commissioner of conservation.** *All the powers, duties and responsibilities now vested in, or imposed upon the director of the division of hotel and resort inspection under the provisions of Minnesota Statutes 1953, section 157.15 relating to the safety of boats used for hire are hereby transferred to, vested in, and imposed upon the commissioner of conservation, who shall have supervision and control of the administration of said law. The powers and duties of the director of the division of hotel and resort inspection and of any other department or agency of the state government in relation thereto are hereby abolished.*

Sec. 9. **Effective date.** *Except as otherwise provided for in section 4, the provisions of this article are in force and effect on July 1, 1955.*

ARTICLE III

Section 1. Minnesota Statutes 1953, section 626.33, is amended to read:

626.33 **Superintendent.** This bureau shall be under the supervision and control of a superintendent, who shall be appointed by the *attorney general, and who shall be in the unclassified service of the state.* The term of office of the superintendent shall be two years and shall coincide with the term of the *attorney general.* The incumbent shall serve until a successor is appointed and qualified. The *attorney general* may remove the superintendent at any time at his pleasure. Any vacancy shall be filled for the unexpired portion of the term. The superintendent shall devote his entire time to the duties of his office. The superintendent, from time to time, shall make such rules and regulations and adopt such measures as he deems necessary, within the provisions and limitations of sections 626.32 to 626.50, to secure the efficient operation of the bureau. The bureau shall cooperate with the respective sheriffs, constables, marshals, police, and other peace officers of the state in the detection of crime and the apprehension of criminals throughout the state, and shall have the power to

conduct such investigations as the superintendent may deem necessary to secure evidence which may be essential to the apprehension and conviction of alleged violators of the criminal laws of the state. The various members of the bureau shall have and may exercise throughout the state the same powers of arrest possessed by a sheriff, but they shall not be employed to render police service in connection with strikes and other industrial disputes.

Sec. 2. Minnesota Statutes 1953, Section 626.48, is amended to read:

626.48 Reports. The superintendent shall submit, annually, to the *attorney general* a detailed report of the operations of the bureau, of information about crime and the handling of crimes and criminals by state and local officials collected by the bureau, and his interpretations of the information, with his comments and recommendations. In such reports he shall, from time to time, include his recommendations to the legislature for dealing with crime and criminals and information as to conditions and methods in other states in reference thereto, and shall furnish a copy of such report to each member of the legislature.

ARTICLE IV

Section 1. **[270.011] Name.** *The name of the department of taxation is hereby changed to the department of revenue. The name of the commissioner of taxation is hereby changed to the commissioner of revenue. Subject to the provisions of this act and to other applicable laws, the department of revenue, under the supervision and control of the commissioner of revenue, except as to functions committed to the state board of tax appeals, shall continue to exercise all powers and duties vested in, or imposed upon the department of taxation or the commissioner of taxation as existing and constituted immediately prior to the enactment of this act.*

Sec. 2. **[270.021] Commissioner of revenue.** *Subdivision 1. The commissioner of revenue is appointed by the governor by and with the advice and consent of the senate for a two year term which shall coincide with the term of the governor and until his successor is duly appointed and qualifies. The governor may remove the commissioner at any time at his pleasure. Any vacancy in the office of the commissioner shall be filled for the unexpired portion of the term. The commissioner may appoint two deputies with the consent of the governor. The deputies shall serve at the pleasure of the commissioner in the unclassified service of the state. The salary of such deputies is fixed by the commissioner with the*

approval of the governor except when otherwise expressly set by law. The deputies may perform and exercise every power, duty and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner. The commissioner may also appoint a confidential secretary or employee who shall serve at his pleasure and be in the unclassified service of the state.

Subd. 2. Subject to the provisions of this act and to other applicable laws, the commissioner of revenue is authorized to organize the department and to employ such officers, employees and agents as he may deem necessary to discharge the functions of his department, define the duties of such officers, employees and agents and to delegate to them any of his powers, duties and responsibilities, subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Subd. 3. Before entering upon the duties of his office, the commissioner of revenue shall take and subscribe an oath and give his bond to the state of Minnesota, to be approved by the governor and filed with the secretary of state, for the sum of \$200,000, conditioned for the faithful performance of his duties.

Subd. 4. The provisions of this section and of section 3 of this article shall take effect upon the first vacancy in the office of the commissioner of revenue occurring after the passage of this act.

Sec. 3. Repealer. Minnesota Statutes 1953, Section 270.02, is hereby repealed.

Sec. 4. [270.061] Certain powers of state auditor transferred to commissioner of revenue. *All the powers and duties now vested in and imposed upon the state auditor under the provisions of Minnesota Statutes 1953, Chapter 287, relating to the registry tax on real estate mortgages are hereby transferred to, vested in, and imposed upon the commissioner of revenue. The duties of the state auditor in relation thereto are hereby abolished.*

Sec. 5. Minnesota Statutes 1953, Section 287.09, is amended to read:

287.09 Mortgage on exempt property; property not directly taxed; receipt; apportionment of tax. *When any real estate situate in this state and described in any such mortgage is exempt from taxation under the Constitution of the State of Minnesota, Article 9, Section 1, the tax herein pro-*

vided shall be paid to the treasurer of the county in which such real estate is situate in the same manner as if such real estate was not exempt from taxation. When any real estate situate in this state and described in such mortgage is not exempt from taxation under such section, but is not taxed by direct tax upon the assessed valuation thereof, then the tax herein provided shall be paid to the *commissioner of revenue for deposit in the state treasury* and credited to the general revenue fund. The receipt thereof shall be endorsed upon the mortgage by the *commissioner of revenue*, and thereupon such mortgage shall be recorded or registered, as to such real estate, in any office in this state. When any such mortgage shall describe any real estate, part of which is not taxed by direct tax upon the assessed valuation thereof and part of which is so taxed or is exempt from taxation, the proportionate amount of the tax to be paid to the *commissioner of revenue* and to the county treasurer shall be determined in accordance with the proportionate value of the real estate included therein as such valuation shall be determined by the *commissioner of revenue* upon application of the mortgagee. The amount of the tax payable to the *commissioner of revenue* shall thereupon be paid to him, who shall endorse upon such mortgage that the proportionate amount of the tax payable to him has been paid and the balance of such tax shall be paid to the treasurer of the county where the mortgage is first presented for record or registration and shall be divided and paid to the treasurers of the other counties entitled thereto, as provided by section 287.08.

Sec. 6. **Effective date.** *Except for the provisions of section 2 and section 3 of this article, the other provisions thereof are in force and effect on July 1, 1955.*

ARTICLE V

Section 1. [45.11] **Department of commerce.** *Subdivision 1. The department of commerce is hereby created under the control and supervision of the commissioner of commerce, which office is hereby established. The commissioner of commerce is appointed by the governor by and with the advice and consent of the senate for a two year term which shall coincide with the term of the governor and until his successor is duly appointed and qualifies. The governor may remove the commissioner of commerce at any time at his pleasure. Any vacancy in the office of the commissioner of commerce shall be filled for the unexpired portion of the term. The commissioner of commerce may appoint a deputy with the consent of the governor. The deputy shall serve at the pleasure of the commissioner of commerce in the unclassified*

service of the state. The salary of such deputy is fixed by the commissioner of commerce with the approval of the governor except when otherwise expressly set by law. The deputy may perform and exercise every power, duty and responsibility imposed by law upon the commissioner of commerce when authorized so to do by the commissioner. The commissioner may also appoint a confidential secretary or employee who shall serve at his pleasure and be in the unclassified service of the state.

Subd. 2. Subject to the provisions of this act and to other applicable laws, the commissioner is authorized to organize the department and to employ such officers, employees and agents as he may deem necessary to discharge the functions of his department, define the duties of such officers, employees and agents and to delegate to them any of his powers, duties and responsibilities, subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Subd 3. Before entering upon the duties of his office, the commissioner of commerce shall take and subscribe an oath and give his bond to the state of Minnesota, to be approved by the governor, filed with the secretary of state, in the sum of \$25,000, conditioned for the faithful performance of his duties.

Sec. 2. [45.12] Powers of department of business development transferred to commissioner of commerce. *All the powers and duties now vested in, or imposed upon the department of business development and the office of the commissioner of business development are hereby transferred to, vested in, and imposed upon the commissioner of commerce. The department of business development and the office of the commissioner of business development are hereby abolished.*

Sec. 3. [45.13] Powers of Tri-State Water Commission, Great Lakes-St. Lawrence Tidewater Commission, St. Croix River Improvement Commission imposed on commissioner of commerce. *All the powers and duties now vested in, or imposed upon the Tri-State Waters Commission, the Great Lakes-Saint Lawrence Tidewater Commission and the Upper Mississippi and Saint Croix River Improvement Commission are hereby transferred to, vested in, and imposed upon the commissioner of commerce. The Tri-State Waters Commission, the Great Lakes-Saint Lawrence Tidewater Commission and the Upper Mississippi and Saint Croix River Improvement Commission as heretofore constituted are hereby abolished.*

Sec. 4. [45.14] **Powers of commissioner of Iron Range Resources and Rehabilitation imposed on commissioner of insurance.** *All the powers and duties now vested in, or imposed upon the office of commissioner of Iron Range Resources and Rehabilitation are hereby transferred to, vested in, and imposed upon the commissioner of commerce. The office of the commissioner of Iron Range Resources and Rehabilitation is hereby abolished.*

Sec. 5. Minnesota Statutes 1953, Section 298.22, Subdivision 2, is amended to read:

Subd. 2. There is hereby created the iron range resources and rehabilitation *committee*, consisting of seven members, three of whom shall be state senators appointed by the committee on committees of the Senate, and three of whom shall be representatives, appointed by the Speaker of the House of Representatives, their terms of office to commence on May 1, 1943, and continue until January 3rd, 1945, or until their successors are appointed and qualified. Their successors shall be appointed each two years in the same manner as the original members were appointed, in January of every second year, commencing in January, 1945. The seventh member of said *committee* shall be the commissioner of conservation of the state of Minnesota. Vacancies on the *committee* shall be filled in the same manner as the original members were chosen. All expenditures and projects made by the commissioner of *commerce* shall first be submitted to said Iron Range Resources and Rehabilitation *Committee* which shall recommend approval or disapproval or modification of expenditures and projects for rehabilitation purposes as provided by Laws 1943, Chapter 590, and the method, manner, and time of payment of all said funds proposed to be disbursed shall be first approved or disapproved by said *committee*. The *committee* shall biennially make its report to the governor and the legislature prior to the convening of each regular session. The expense of said *committee* shall be paid by the state of Minnesota from the funds raised pursuant to Laws 1943, Chapter 590.

Sec. 6. Minnesota Statutes 1953, Section 298.22, Subdivision 3, is amended to read:

Subd. 3. This *committee* is hereby authorized and directed to cause to be made a study of high labor costs mining in the state of Minnesota and of the policy and plans for future development of low grade ore, and to cooperate with and advise the commissioner of *commerce* in the development of the natural resources of the state of Minnesota:

Sec. 7. [45.15] **Financial control commission.** Sub-

division 1. The name of the department of commerce as established and existing under the supervision and control of the commissioner of banks, the commissioner of insurance and the commissioner of securities is hereby changed to the financial control commission. Subject to the provisions of this act and to other applicable laws, the financial control commission comprised of the commissioner of banks, the commissioner of insurance and the commissioner of securities shall continue to exercise all powers and duties vested in, or imposed upon the department of commerce as existing and constituted immediately prior to the enactment of this act.

Subd. 2. The financial control commission is within the department of commerce created and established by this act.

Subd. 3. Subject to the provisions of this act and to other applicable laws, the commissioner of commerce shall provide the financial control commission with all personnel, supplies and equipment, and other administrative services as may be required to enable the commission and the respective commissioners thereunder to perform the duties and obligations imposed by law.

Subd. 4. Except as otherwise provided in this section, and except as to the powers and duties of the fire marshal which by this act are transferred to the commissioner of labor all the provisions of law relating to the commissioner of banks, the commissioner of insurance and the commissioner of securities are in full force and effect.

Sec. 8. [45.16] Powers of compensation insurance board imposed upon financial control commission. *All the powers and duties now vested in, or imposed upon the compensation insurance board under Minnesota Statutes 1953, Chapter 79, are hereby transferred to, vested in, and imposed upon the financial control commission. The compensation insurance board as heretofore constituted is hereby abolished.*

Sec. 9. [45.17] Provisions, when effective. *Except as otherwise provided in this act, the provisions of this article are in force and effect when the commissioner of commerce is appointed and qualified. Until then the former departments or agencies vested with the functions, rights, powers, duties and funds, shall continue to exercise and perform such functions, rights, powers and duties and to have charge of such funds.*

ARTICLE VI

Section 1. [17.011] Name. *The name of the de-*

partment of agriculture, dairy, and food is hereby changed to the department of agriculture. The name of the commissioner of agriculture, dairy, and food is hereby changed to the commissioner of agriculture. Subject to the provisions of this act and to other applicable laws, the department of agriculture, under the supervision and control of the commissioner of agriculture, shall continue to exercise all powers and duties vested in, or imposed upon the department of agriculture, dairy, and food as existing and constituted immediately prior to the enactment of this act.

Sec. 2. [17.012] Commissioner of agriculture. *Subdivision 1.* The commissioner of agriculture is appointed by the governor by and with the advice and consent of the senate for a two year term which shall coincide with the term of the governor and until his successor is duly appointed and qualifies. The governor may remove the commissioner at any time at his pleasure. Any vacancy in the office of the commissioner shall be filled for the unexpired portion of the term. The commissioner may appoint a deputy with the consent of the governor. The deputy shall serve at the pleasure of the commissioner in the unclassified service of the state. The salary of such deputy is fixed by the commissioner with the approval of the governor except when otherwise expressly set by law. The deputy may perform and exercise every power, duty and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner. The commissioner may also appoint a confidential secretary or employee who shall serve at his pleasure and be in the unclassified service of the state.

Subd. 2. Subject to the provisions of this act and to other applicable laws, the commissioner of agriculture is authorized to organize the department and to employ such officers, employees and agents as he may deem necessary to discharge the functions of his department, define the duties of such officers, employees and agents and to delegate to them any of his powers, duties and responsibilities subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Subd. 3. Before entering upon the duties of his office, the commissioner of agriculture shall take and subscribe an oath and give his bond to the state of Minnesota, to be approved by the governor, and filed with the secretary of state, for the sum of \$25,000, conditioned for the faithful performance of his duties.

Subd. 4. Repealer. Minnesota Statutes 1953, Sections 17.01 and 17.05 are hereby repealed.

Subd. 5. The provisions of this section shall apply to any vacancy in the office of the commissioner of agriculture filled after February 28, 1955.

Sec. 3. Effective date. Except for the provisions of section 2 of this article, the other provisions thereof are in force and effect on July 1, 1955.

ARTICLE VII

Section 1. [245.011] Name. The name of the department of public welfare is hereby changed to the department of welfare. The name of the commissioner of public welfare is hereby changed to the commissioner of welfare. Subject to the provisions of this act and to other applicable laws, the department of welfare, under the supervision and control of the commissioner of welfare, shall continue to exercise all powers and duties vested in, or imposed upon the department of public welfare as existing and constituted immediately prior to the enactment of this act.

Sec. 2. [245.021] Commissioner of welfare. Subdivision 1. The commissioner of welfare is appointed by the governor by and with the advice and consent of the senate for a two year term which shall coincide with the term of the governor and until his successor is duly appointed and qualifies. The governor may remove the commissioner of welfare at any time at his pleasure. Any vacancy in the office of the commissioner of welfare shall be filled for the unexpired portion of the term. The commissioner of welfare may appoint a deputy with the consent of the governor. The deputy shall serve at the pleasure of the commissioner of welfare in the unclassified service of the state. The salary of such deputy is fixed by the commissioner of welfare with the approval of the governor except when otherwise expressly set by law. The deputy may perform and exercise every power, duty and responsibility imposed by law upon the commissioner of welfare when authorized so to do by the commissioner. The commissioner may also appoint a confidential secretary or employee who shall serve at his pleasure and be in the unclassified service of the state.

Subd. 2. Subject to the provisions of this act and to other applicable laws, the commissioner is authorized to organize the department and to employ such officers, employees and agents as he may deem necessary to discharge the functions of his department, define the duties of such officers, employees and agents and to delegate to them any of his powers, duties and responsibilities, subject to his control and under such conditions as he may prescribe. Appointments to exercise dele-

gated power shall be by written order filed with the secretary of state.

Subd. 3. Before entering upon the duties of his office, the commissioner of welfare shall take and subscribe an oath and give his bond to the state of Minnesota, to be approved by the governor, and filed with the secretary of state for the sum of \$25,000 conditioned for the faithful performance of his duties.

Sec. 3. Repealer. Minnesota Statutes 1953, Section 245.03, is hereby repealed.

Sec. 4. Applications of certain sections. *The provisions of sections 2 and 3 shall apply to any vacancy filled in the office of commissioner of welfare after the enactment of this act.*

Sec. 5. [256.041] State parole commission. *Subdivision 1. The name of the board of parole is hereby changed to the state parole commission. Subject to the provisions of this act and to other applicable laws, the state parole commission shall continue to exercise all powers and duties vested in, or imposed upon the state board of parole as heretofore constituted but in the department of welfare.*

Subd. 2. Subject to the provisions of this act and other applicable laws, the commissioner of welfare shall provide the parole commission with all personnel, supplies and equipment, and other administrative services as may be required to enable the commission to perform its duties.

Sec. 6. Minnesota Statutes 1953, Section 637.10, is amended to read:

637.10 Supervision over paroled and discharged convicts and probationers. *The commissioner of welfare, as far as possible, shall exercise supervision over paroled and discharged convicts and probationers, and, when deemed necessary for that purpose may appoint state agents, fix their salaries and allow them traveling expenses. He may also appoint suitable persons in any part of the state for the same purpose. Every such agent or person shall perform such duties as the commissioner may prescribe in behalf of or in the supervision of probationers and prisoners paroled or discharged from the state prison, the state reformatory, or other public prison in the state, including assistance in obtaining employment and the return of paroled prisoners. Such agents and such persons shall hold office at the will of the commissioner of welfare and the persons so appointed shall be paid reasonable compensation for the services actually performed by them.*

Sec. 7. Minnesota Statutes 1953, Section 637.12, is amended to read:

637.12 Rules as to paroles and final discharges. The state parole *commission* shall have power, from time to time, to make, alter, amend, and publish rules governing the granting of paroles and final discharges and the procedure relating thereto, and such other matters touching the exercise of the powers and duties conferred upon the *commission* by sections 637.01 to 637.13 as the *commission* may deem proper.

Sec. 8. **Repealer.** Minnesota Statutes 1953, Section 256.04, is hereby repealed.

Sec. 9. Minnesota Statutes 1953, Section 610.37, is amended to read:

610.37 Suspension of sentence. The several courts of record of this state having jurisdiction to try criminal causes shall have power, upon the imposition of sentence by such court against any person who has been convicted of the violation of a municipal ordinance or by law, or of any crime for which the maximum penalty provided by law is not life imprisonment in the state prison, to stay the execution of such sentence which the court has imposed when the court shall be of the opinion that by reason of the character of the person, of the facts and circumstances of his case, the welfare of society does not require that he shall suffer the penalty imposed by law for such offense so long as he shall thereafter be of good behavior, and at any time after the imposition of sentence in all cases where the sentence imposed is to a county jail, work farm or workhouse, any such court of this state shall have like power upon application of a prisoner and after notice to the county attorney. Before suspending sentence in any such case the court may require an investigation and a written report concerning the previous history and conduct of the offender by the county probation officer where such officer is provided by law and, in those counties or districts having no county probation officer, but in which the services of state parole and probation agents are available, by such state agent. For the information of the court the *commissioner of welfare* shall advise the clerk of court in each county in the district to which a parole and probation agent has been assigned, of such appointment and that services of such agent are available to the court.

Sec. 10. Minnesota Statutes 1953, Section 610.38, is amended to read:

610.38 Stay and probation. Such stay shall be for the full period of sentence; and during such time the person

so sentenced may be placed on probation under the supervision of a probation officer in counties where such officer is provided by law, and in other counties under the *custody* of the state parole *commission* or *under the supervision* of some discreet person who will accept such supervision and serve without pay, making report to the court as required. Nothing herein contained shall prevent juvenile courts, in appropriate cases, from placing persons on probation to the state parole *commission* for supervision. The court shall in each case set forth the reason for the order of probation and may make such terms and conditions of probation as are deemed suitable, and may require a recognizance or other surety, conditioned upon the performance of such terms and conditions and may enforce the same. Prior to the expiration of the sentence, but not until after one year from the time the person has been placed on probation, the court, or the parole *commission*, where the case has been referred to such *commission*, shall have the power, when in its judgment the facts in the case and the behavior of the probationer so warrants, to indefinitely suspend such sentence; provided, the period of suspension of sentence shall not exceed the maximum sentence imposed except where such maximum penalty is less than one year, when such stay may be for a period not exceeding one year, unless otherwise provided by law.

The court may, in its discretion, suspend sentence indefinitely. The court may make such order in or out of term, and at any place within the judicial district in which the case was tried. When a person is placed on probation under the *custody* of the state parole *commission*, the clerk of the district court shall, immediately upon the entry of the order of probation, certify a copy of the record of the case upon the blanks supplied by the state board of parole, set forth the reasons, terms, and conditions of probation, and deliver the same to the state parole *commission*; whereupon the custody of the person so placed on probation shall vest in that *commission* with the same power as is exercised over persons on parole from the state prison or state reformatory.

Sec. 11. **Effective date.** *Except as provided in the provisions of section 4 of this article, all other provisions thereof are in force and effect on July 1, 1955.*

ARTICLE VIII

Section 1. Subdivision 1. Minnesota Statutes 1953, Section 16.01, is amended to read:

16.01 **Commissioner of administration.** *Subdivision*
1. The department of administration shall be under the

supervision and control of a commissioner of administration, in sections 16.01 to 16.23 also referred to as the commissioner, who shall be ex officio the state budget director and state purchasing agent.

The commissioner of administration is appointed by the governor by and with the advice and consent of the senate for a two year term which shall coincide with the term of the governor and until his successor is duly appointed and qualifies. The governor may remove the commissioner at any time at his pleasure. Any vacancy in the office of commissioner shall be filled for the unexpired portion of the term. The commissioner may appoint a deputy with the consent of the governor. The deputy shall serve at the pleasure of the commissioner in the unclassified service of the state. The salary of such deputy is fixed by the commissioner with the approval of the governor except when otherwise expressly set by law. The deputy may perform and exercise every power, duty and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner. The commissioner may also appoint a confidential secretary or employee who shall serve at his pleasure and be in the unclassified service of the state.

Subd. 2. Subject to the provisions of this act and to other applicable laws, the commissioner of administration is authorized to organize the department and to employ such officers, employees and agents as he may deem necessary to discharge the functions of his department, define the duties of such officers, employees and agents and to delegate to them any of his powers, duties and responsibilities, subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Subd. 3. Notwithstanding any other law to the contrary, before entering upon the duties of his office, the commissioner of administration shall take and subscribe an oath and give his bond to the state of Minnesota for the sum of \$100,000 and file it with the secretary of state, conditioned for the faithful performance of his duties.

Subd. 4. The provisions of this section shall apply to any vacancy in the office of the commissioner of administration filled after February 1, 1955.

Sec. 2. Minnesota Statutes 1953, Section 9.011, Subdivision 2, is amended to read:

Subd. 2. The commissioner of administration is the secretary of the executive council.

Sec. 3. Repealer. Minnesota Statutes 1953, Section 9.011, Subdivision 3, is hereby repealed.

Sec. 4. [16.76] Powers of archives commission transferred to commissioner of administration. *All the powers, duties and responsibilities now vested in, or imposed upon the Minnesota State Archives Commission are hereby transferred to, vested in, and imposed upon the commissioner of administration. The Minnesota State Archives Commission is hereby abolished. Before destroying any records the commissioner of administration shall consult with the attorney general, the state auditor, and the director of the Minnesota Historical Society, each of whom shall have 30 days to notify the commissioner of administration that the records should not be destroyed. If either the attorney general, the state auditor or the director of the Minnesota Historical Society makes such a negative recommendation, the records shall not be destroyed.*

Sec. 5. [16.77] Powers and duties. *Subdivision 1. The commissioner of administration, with the approval of the governor, may, direct or authorize the performance of services for any department or agency of the state by any other department or agency thereof and may require appropriate transfer of funds to compensate for cost of such services. The commissioner shall prescribe all procedures for the guidance of state departments and agencies in carrying out the requirements of this section.*

Subd. 2. The commissioner of administration, with the approval of the governor, may, in order to expedite the necessary work of the state or to eliminate duplication and promote economy and efficiency, transfer employees from one department or agency to another.

Subd 3. An act of the commissioner under subdivision 1 or subdivision 2 of this section requires consultation with the legislative advisory committee in the manner set out in Minnesota Statutes 356.17, Subdivision 1(c).

Sec. 6. Repealer. Minnesota Statutes 1953, Section 16.13, is hereby repealed.

Sec. 7. [16.78] Schedule of fees for services. *The commissioner of administration may prescribe a schedule of fees to be charged for services rendered by the state or any department or agency thereof in furnishing to applicants therefor certified copies of records or other documents, certificates as to the nonexistence of such records or documents, and for such other material as may be applied for. The fees so prescribed by the commissioner of administration, unless*

the same are otherwise prescribed by law, shall be in an amount as nearly as may be to the fees prescribed by Minnesota Statutes 1953, Chapter 357, for like or similar services; if there be no fees so prescribed by said chapter for a like or similar service, then the commissioner may establish a fee which shall be commensurate with the cost of furnishing such service. Nothing herein contained shall authorize the commissioner to furnish any service which is now prohibited or unauthorized by law.

Sec. 8. Effective date of certain sections. *Sections 5, 6, and 7 are in effect on and after the enactment of this act.*

Sec. 9. Effective date. *Except as otherwise provided in sections 1 and 8 of this article, the other provisions of the article are in force and effect on July 1, 1955.*

ARTICLE IX

Section 1. [16.81] Certain powers of state auditor transferred to commissioner of administration. *All the powers and duties now vested in or imposed upon the state auditor relating to the keeping of the general books of account of the state are hereby transferred to, vested in, and imposed upon the commissioner of administration. The auditor shall continue to perform the duties of preauditing and shall maintain such control records and accounts as these duties require. The commissioner of administration after consultation with the auditor and the post-auditor, as now or hereafter constituted by law, shall formulate and prescribe for all departments and agencies of the state a system of uniform records, accounts and procedures with suitable instructions governing the installation and use thereof. The auditor shall at all times have access to the general books of account of the state. The commissioner of administration shall at all times have access to the files and records of the auditor.*

Sec. 2. [3.90] Legislative post-audit. *The office of legislative post-audit is created in the legislative branch of the government. The method of appointment of the director of this office, his qualifications, his compensation, his term of office, provisions for his removal and definition of his duties will be established by concurrent resolution of the legislature.*

Sec. 3. [11.11] State investment council. *The name of the state board of investment is hereby changed to the state investment council. Subject to the provisions of this act and other applicable laws, the state investment council shall continue to exercise all powers and duties vested in, or*

imposed upon the state board of investment as heretofore constituted.

Sec. 4. Minnesota Statutes 1953, Section 11.02, is amended to read:

11.02 State treasurer as secretary. *The state treasurer shall perform the duties of the secretary of the state investment council under its direction. The responsibility for the safe investment of all state trust funds, under its jurisdiction, shall remain with the board.*

Sec. 5. Minnesota Statutes 1953, Section 11.03, is amended to read:

11.03 Secretary, duties. *The secretary shall, under the direction of the state investment council, have general supervision of the investigation of applications for loans, the negotiation of new investments, examination of securities, and the records of municipalities applying for loans, and such other work relative to the trust funds of the state as shall be required by the investment council. He shall report to the investment council all relevant facts in connection therewith. The secretary under the direction of the investment council may employ expert investment counsel to aid him in the performance of his duties. Any personnel so employed by the secretary are in the unclassified service of the state.*

Sec. 6. Minnesota Statutes 1953, Section 11.10, Subdivision 1, is amended to read: .

11.10 Money of state, investment. Subdivision 1. **Money in state treasury not currently needed.** *When there shall be any money in the state treasury that is not currently needed, the state treasurer shall certify to the state investment council the amount thereof. The investment council may then invest said amount, or any part thereof, in treasury bonds, certificates of indebtedness, bonds or notes of the United States of America or bonds, notes or certificates of indebtedness of the State of Minnesota, all of which must mature not later than three years from date of purchase.*

Sec. 7. Minnesota Statutes 1953, Section 11.10, Subdivision 2, is amended to read:

Subd. 2. Certification that invested funds are currently needed. *When it shall appear to the state treasurer that any invested funds are needed for current purposes before the maturity dates of the securities held, he shall so certify and it shall then be the duty of the investment council to order the sale or conversion into cash of securities of the amount so certified.*

Sec. 8. Minnesota Statutes 1953, Section 638.07, is amended to read:

638.07 Records, rules; secretary, duties. The board of pardons shall keep a record of every petition received and of every pardon, reprieve, or commutation of sentence granted or refused, and the reasons assigned therefor, and shall have a seal, with which every pardon, reprieve or commutation of sentence shall be attested. It may adopt such additional necessary and proper rules and regulations as are not inconsistent herewith. *The commissioner of welfare or his designee shall be the secretary of the board, who shall have charge of and keep its records and perform such other duties as the board may from time to time direct. He is hereby authorized and empowered to serve subpoenas and other writs or processes necessary to return parole violators to prison, and to bring before the board witnesses to be heard in matters pending before it. The records and all the files shall be kept and preserved by the secretary, and shall be open to public inspection at all reasonable times.*

Sec. 9. [9.36] **Powers of publication board transferred to executive council.** *All the powers and duties now vested in, or imposed upon the publication board under Laws 1945, Chapter 590, are hereby transferred to, vested in, and imposed upon the executive council. The publication board under Laws 1945, Chapter 590, as heretofore constituted is hereby abolished.*

Sec. 10. **Effective date.** *The provisions of this article are in force and effect on July 1, 1955.*

ARTICLE X

Section 1. [15.41] **Transfer of powers.** *Except as otherwise herein provided, all the powers, duties and functions conferred by law upon and required to be performed by the several state departments, boards, divisions and other administrative agencies mentioned in this act, at the time of the enactment of this act, shall hereafter be exercised, performed and administered by the commissioners of the several departments, the commissions, committees and agencies herein specified.*

Sec. 2. [15.42] **Existing powers continued.** *All now existing powers, duties and functions heretofore exercised by any department, division, board or other agency abolished by this act, or by the head of any such department, division, board or agency, shall be exercised by the head of the department or by the agency to which the same are herein assigned.*

Sec. 3. [15.43] Department or agency heads, powers. *Except as otherwise expressly provided by law, the commissioner or head of any state department or agency shall have the following powers: (1) to designate subordinate officers or employees, to serve at his pleasure, with full authority to act for him, but subject to his control; and in case of a vacancy in the office of such commissioner or head, such subordinate officers and employees shall discharge the duties of the office which have been delegated to them until the vacancy is filled.*

In case of a vacancy in the office of such commissioner or head, and authority does not exist in any subordinate officer or employee to discharge necessary duties of the office until the vacancy is filled, the governor may designate subordinate officers or employees in the department or agency to perform the necessary duties thereof until such time as the vacancy is filled.

(2) To delegate to any of his subordinate officers or employees the exercise of such of his powers or duties as he may deem advisable, subject to his control; provided, that every such delegation shall be made by written order, filed with the secretary of state.

(3) To appoint all subordinate officers and employees in his department and agency and to prescribe their duties and fix their compensation if not otherwise fixed by law; provided that all departments and agencies hereunder shall be subject to the provisions of the state civil service act so far as applicable.

(4) To prescribe rules and regulations not inconsistent with law and the rules and regulations of the department of administration, for the conduct of his department or agency.

Sec. 4. [15.44] Application of phrases. *Whenever in any other general law, or resolution of the legislature heretofore or hereafter adopted, or in any document, record, or proceeding authorized by the same, any word or phrase is used in reference to or descriptive of any department, agency, or officer, or employee thereof, or their respective activities, whose powers, duties, or activities are by this act assigned or transferred, such word, phrase, or reference shall hereafter, unless the context or provisions of this act otherwise require, be deemed to refer to, include, and describe such department, agency, officer, or employee as by this act is charged with carrying out said powers, duties, and activities, as the context and provisions of this act may require.*

Sec. 5. [15.45] Department to which functions of previously existing agency are transferred, a continuation of that agency. *Any department or other administrative agency 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. 6. [15.46] Pending proceedings continued. *Any proceedings, 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 another department or agency, and still pending at the time of the passage of this act, may be conducted and completed by the new department or agency 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. 7. [15.47] Property to be delivered to successor, acceptance. *Except as otherwise provided in this act, the head of a department or other agency whose functions, powers, and duties are by this act assigned and transferred to another department or agency shall transfer and deliver to such other department or agency all contracts, books, maps, plans, papers, records, and property of every description within his jurisdiction or control. The head of such other department or agency to which such assignment or transfer is made is hereby authorized to take possession of said property.*

Sec. 8. Repealer. *Minnesota Statutes 1953, Section 15.06, is hereby repealed.*

Sec. 9. [15.48] Reappropriation of unexpended funds. *All unexpended funds appropriated to any department, board or other agency for the purposes of any of its functions, powers, or duties which are transferred by this act to another department, commission or agency, are hereby transferred to such department or agency. Where unexpended funds appropriated to any department, board or agency for the purposes of any of its functions, powers or duties are changed by this*

act so that the functions, powers or duties are changed by this one department, commission or agency, the commissioner of administration shall allocate the appropriation between the state departments, commissions or agencies concerned.

Sec. 10. [15.49] **Transfer of employees.** *Except as otherwise provided in this act, all persons in the classified service of the state and employed by any department, board or agency for the purpose of any of its functions, powers or duties which are transferred by this act to another department, commission or agency, are hereby transferred to such other department, commission or agency. The positions of all persons in the unclassified service of the state and employed by any department, board or agency for the purposes of any of its functions, powers or duties which are transferred by this act to another department, commission or agency, are hereby abolished. Notwithstanding the provisions of Minnesota Statutes 1953, Section 43.20, any person in the unclassified service whose position is abolished hereunder may be employed as a provisional appointee for not to exceed 12 months following the date of the abolishment of his position.*

Sec. 11. [15.50] **Official seals.** *The commissioner or head of any state department may have an official seal which he may use to authenticate his official acts, but no official act of a commissioner or head of a department is invalidated if not authenticated with the official seal.*

Sec. 12. *All 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 give full force and effect to the provisions of this act.*

Sec. 13. *Except as otherwise provided herein, this act is in force and effect on and after its enactment.*

Approved April 25, 1955.

CHAPTER 858—H. F. No. 791

[Coded in Part]

An act relating to school district reorganization; amending Minnesota Statutes 1953, Sections 122.05, 122.06, 122.07, 122.08, 122.09, 122.10, 122.20, 122.23, 122.28 and Section 122.01, Subdivision 1; repealing Minnesota Statutes 1953, Sections 122.111, 122.12, 122.553; Laws 1953, Chapter 744, Section 13.