

MASON'S MINNESOTA STATUTES

1927

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EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
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BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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CHAPTER 3A

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ARTICLE I.

53-1. Departments and agencies of state government created, established, and enumerated—The following departments and agencies of the state government are hereby created and established, to be designated and known respectively as follows: The Executive Council, the Department of Administration and Finance, the Department of Conservation, the Department of Drainage and Waters, the Department of Dairy and Food, the Department of Agriculture, the Department of Commerce, the Department of Health, the Department of Education, the Department of Highways, the Department of Labor and Industry, the Department of Public Institutions, the Department of Taxation and the Department of Rural Credit. All of said departments and all officials and agencies of the state government shall be subject to the provisions and limitations of this act. ('25, c. 426, Art. I, § 1)

The Railroad and Warehouse Commission is subject to the provisions of chapter 426, Laws of 1925. 165-268, 206+396.

ARTICLE II.

53-2. Executive Council—Composition of—Executive secretary—Appointment, salary, removal, and duties—The Executive Council, in this article called the council, shall consist of the governor, the attorney general, the state auditor, the state treasurer, and the secretary of state, of which council the governor shall be chairman. The council shall appoint, fix the salary of, and remove at pleasure an executive secretary who shall also be the secretary of the state board of pardons and of the state board of investment, and shall perform such other duties as may be assigned to him by the council. ('25, c. 426, Art. II, § 1)

Explanatory note—Secretary of state board of pardons, see § 10785, herein; secretary of state board of investment, see § 6304, herein. See also, § 53-45.

53-3. Same—Powers and duties—Meetings—The council shall have and exercise the rights and powers and perform the duties now by law vested in or imposed upon the board of timber commissioners, the state board of deposit, the Minnesota state land commission, and the state board of relief. It shall also

53¹
 29 — 124
 53¹
 Et seq.
 239nw 670
 See 534⁴
 See 534⁸
 See 3286
 See 4368
 53¹ and ^a
 34 — 67
 4398

53²
 248nw 747
 6030

53³
 31 — 263
 6394¹⁰
 29 — 246

exercise the authority and perform the duties vested in or imposed upon the state auditor, the state treasurer, and the attorney general under the provisions of Chapter 412, Laws 1921, and the duties imposed upon and vested in the governor, the attorney general, and the state auditor under the provisions of Chapter 110, Laws 1917. The council shall meet from time to time upon the call of the governor or upon the call of the executive secretary at the request of three or more of its members. ('25, c. 426, Art. II, § 2)

Explanatory note—Board of timber commissioners, see § 6347, et seq., herein.
 Board of deposit, see § 97, et seq., herein.
 Minnesota state land commission, see §§ 6528 to 6536, herein.

State Board of Relief, see § 126, herein.
 For Laws 1921, c. 412, see §§ 6403 to 6418.
 For Laws 1917, c. 110 see §§ 6428 to 6430, herein.

ARTICLE III.

53-4. Department of Administration and Finance—Commission of Administration and Finance—Comptroller—Commissioner of Budget—Commissioner of Purchases—Divisions of Commission—The Department of Administration and Finance shall be under the supervision and control of the Commission of Administration and Finance, in this article called the commission, which shall consist of three members, one to be known as the comptroller, one as the commissioner of the budget, and one as the commissioner of purchases. The commission shall be organized in three divisions: A comptroller's division in charge of the comptroller; a budget division in charge of the commissioner of the budget; and a purchase division in charge of the commissioner of purchases. ('25, c. 426, Art. III, § 1)

53-5. Commission of Administration and Finance—Appointment, terms of office, removal, and salaries—Vacancies—Quorum—Board of audit abolished and duties of vested in comptroller—The governor, by and with the advice and consent of the senate, shall appoint the members of the commission. The term of office of the members first appointed shall begin at the date this act takes effect and shall continue thereafter for the following periods: The comptroller until February 1, 1931; the commissioner of the budget until February 1, 1929; and the commissioner of purchases until February 1, 1927. Thereafter as reappointed the term shall be six years. The governor may remove any member of the commission at any time without cause. In case of a vacancy, it shall be filled for the unexpired portion of the term. A majority of the commission shall constitute a quorum. The comptroller shall be chairman of the commission. Each member of the commission shall receive a salary of \$5,000 per year, payable semi-monthly, and each shall devote his entire time to the duties of his office. The board of audit is hereby abolished and all the duties now by law vested in said board are imposed upon the comptroller. ('25, c. 426, Art. III, § 2)

Explanatory note—For board of audit, see § 96, et seq., herein.

53-6. Same—Powers enumerated—Offices—Employees—Hearings—Subpoenas—Witnesses—Contempt of commission—Recommendations to Legislature—The commission shall have the power to supervise and control the accounts and expenditures of the several officials, departments, and agencies of the state government and of the institutions under their control; the making of all contracts and the creation or incurrence of all financial or contractual obligations; the purchase, rental, or furnishing of all property,

equipment, supplies, or materials, and all telegraph, telephone, or lighting service; the construction and erection of all buildings and structures by or for the state or any such department, agency, or institution; the sale, disposition, use, or storage of all property belonging to the state; and at any time to examine the accuracy and legality of all accounts, receipts, and expenditures of state moneys and the use or disposition of state property; and it shall have the power, subject to the approval of the governor, to provide for its offices and necessary furniture, fixtures, and supplies, and to appoint and employ such officers, agents, assistants, clerks and other employes as the commission may deem necessary for the performance of its duties, and to fix their salaries and define their duties; the commission, with the approval of the governor, shall have authority to appoint an assistant or deputy for each member thereof with full authority to perform any of the duties imposed by this act upon the individual members of said commission, provided, that the governor may without cause remove any such assistant or deputy and shall have the power to examine, investigate, or make a survey of the organization, administration, and management of the various departments and agencies of the state government and the institutions under their control, to the end that greater efficiency and economy may be secured, better organization, reorganization, or consolidation of departments or functions effected, and all duplication of function, effort, or activity, so far as possible, eliminated; and for this purpose to hold hearings and prescribe rules and regulations for the conduct thereof, issue subpoenas for and compel the attendance of witnesses and giving of testimony and the production of books, records, accounts, documents, and papers; and any commissioner may administer oath to witnesses or take their affirmation. If any person shall fail or refuse to appear or testify regarding that upon which he may be lawfully interrogated, or to produce any books, records, accounts, documents, or papers material in the matter heard or to be heard by the commission, after having been lawfully required by order or subpoena of the commission, any judge of the district court in any county of the state, on application of the commission, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of a similar order or subpoena issued by such court. The commission shall recommend to the Legislature such changes in the laws of the state as it may deem necessary, if any, as a result of any such survey or investigation or otherwise in order to secure a better organization of the state government or greater efficiency or economy in administration. ('25, c. 426, Art. III, § 3)

53-7. Same—Classes, grades, titles, and salaries of employees of officials, departments and agencies of government and institutions—Other powers—The commission shall have the power to determine the classes, grades, and titles of the employes of the various officials, departments, and agencies of the state government and the institutions under their control; to fix the salary scales for the various classes, grades and titles of the employes of such officials, departments, agencies, and institutions; to require a complete record of the officers, assistants, and employes appointed thereby or employed therein, and to require the salaries of the same to be in conformity with the scale of compensation established hereunder; to transfer employes temporarily from one department or service to another when necessary to expedite the work of any de-

53' Et seq. :
 51 — 3 :
 29 — 263 :
 220nw 951 :
 Art 8 §4 :
 53' :
 31 — 233 :
 53' 4 :
 34 — 52 :
 1968' :
 Et seq. :

partment or agency; to prepare and prescribe classes of expenditures and revenue for the purpose of budget-making and accounting; to procure by lease, with the approval of the governor, office space and buildings for the use of the state government or any department, office, or institution thereof; to purchase, except as otherwise herein provided, all supplies and equipment for all officials, departments and agencies of the state government, including tools, machinery, and materials to be used by the state in the construction and maintenance of state highways; but the commission in its discretion may designate an officer or employe of any such department to make, under the general supervision and direction of the commission such purchases for the department in which such designation is so made as the commission may specify.

The authority of the commission to classify department employes and to establish a scale of compensation therefor shall not apply to the chief deputy appointed by any elective officer nor to the assistant secretary of state, nor to the assistant attorneys general not appointed by authority of this act, nor to employes of the state board of control, nor to employes at state institutions under the control of said board. ('25, c. 426, Art. III, § 4)

The act does not authorize it to fix the salary of individual employes. 165-268, 206+396.

The commission of administration and finance not having classified the employes of the Railroad and Warehouse Commission, nor fixed a scale of salaries for such employes, they were entitled to the salaries fixed by the Railroad and Warehouse Commission, and there was no legal ground for disapproving the estimate for such salaries. 165-268, 206+396.

53-8. Same—Approval of appropriations, expenditures, etc.—No appropriation to any official, department, or agency of the state government or to any institution under its control shall become available for expenditure thereby during any quarterly period of the fiscal year, or other less than quarterly period thereof fixed by rule of the commission, until such official, department, agency, or institution shall have submitted to the commission an estimate in advance, in such form as the commission shall prescribe, for such quarterly or other period, as the case may be, next ensuing of the amount required for each activity to be carried on and each purpose for which money is to be expended during said period, and until such estimate shall have been approved by the commission. Accounts shall be kept and reports rendered showing the expenditure for each such purpose.

The commission may approve estimates covering salaries and other fixed expenditures for a longer period than three months. It also shall have authority to modify or amend any estimate previously approved by it under such rules as it may prescribe. ('25, c. 426, Art. III, § 5)

53-9. Same—Supervision of construction of buildings, etc.—Powers of State Board of Control and printing commission transferred to—The commission, subject to the provisions of law governing the same, shall have and exercise all the rights and powers and perform all the duties now by law vested in or imposed upon the state board of control in relation to the erection and construction of buildings, the purchase of fuel or placing of insurance on buildings or their contents, and the purchase of supplies and materials, except that supplies, materials, furnishings and equipment to be used in or about the institutions under the control of said board, including supplies, equipment and materials for repairs to buildings, under its control, shall be purchased by said board under the supervision of said commission, not including in such excep-

tion, however, supplies, equipment and materials for the erection or construction of buildings nor the purchase of fuel; and, subject to the provisions of law governing the same, shall have and exercise the rights and powers, and perform all the duties now by law vested in or imposed upon the printing commission of the state. ('25, c. 426, Art. III, § 6)

Explanatory note—State Board of Control, see c. 25, herein.

State Printing Commission, see § 5671, et seq., herein.

53-10. Same—Powers as to purchase, etc., of supplies, etc.—The commission, subject to the approval of the governor, may make rules, regulations, and orders regulating and governing the manner and method of purchasing, delivering, and handling of, and the contracting for supplies, equipment, and other property for the various officials, departments, and agencies of the state government and institutions under their control. Such rules, regulations, and orders shall be uniform, so far as practicable, shall be of general or limited application, and shall include provisions for the following:

(1) The advertisement for and the receipt of bids for supplies and other property and the stimulation of competition with regard thereto;

(2) The purchase of supplies and other property without advertisement or the receipt of bids, where the amount involved will not exceed five hundred dollars when, in the judgment of the commissioner of purchases, it is expedient;

(3) The purchase of supplies and other property without competition, in cases of emergency requiring immediate action;

(4) The purchase of certain supplies, equipment, and other property by long or short term contracts, or by purchases or contracts made at certain seasons of the year, or by blanket contracts or orders covering the requirements of one or more departments, offices, and commissions;

(5) The time for submitting estimates for various supplies, equipment, and other property;

(6) Regulations to secure the prompt delivery of commissary and other necessary supplies;

(7) Standardization of forms for estimates, orders, and contracts;

(8) Standardization of specifications for purchasing supplies, equipment, and other property;

(9) Standardization of quality, grades, and brands to eliminate unnecessary number of commodities or of grades or brands of the same commodity;

(10) The purchase of supplies and other property locally upon permission, specific or otherwise, of the commissioner of purchases;

(11) The use and disposal of the products of state institutions;

(12) The disposal of obsolete, excess, and unsuitable supplies, salvage, waste materials, and other property, and the transfer of same to other departments, offices, and commissions;

(13) The storage of surplus supplies, equipment, and other property not needed for immediate use;

(14) The testing of commodities or supplies or samples thereof;

(15) Hearings on complaints in respect to the quality, grade, or brand of commodities or supplies;

(16) The waiver of rules in special cases.

The commissioner of purchases shall have immediate supervision of all purchases and contracts made by the commission and shall carry out and enforce such rules, regulations, and orders relative thereto as the commission may adopt. ('25, c. 426, Art. III, § 7)

53-11. Same—Director of personnel—Powers—The commission shall designate one of its members to serve as director of personnel, but the member so designated shall serve without additional compensation. The director of personnel, under the supervision and control of the commission, shall exercise its powers in all matters relating to employes of the state.

The commission shall require all persons who may be lawfully appointed, to answer a questionnaire as to age, sex, health, habits, character, and other qualifications, requisite to the performance of the duties of the respective positions. ('25, c. 426, Art. III, § 8)

53-12. Commissioner of budget—Duties—Budget estimate forms—Contents of budget—Duties of Governor—It shall be the duty of the commissioner of the budget to prepare a budget for all receipts and expenditures of the state government as herein provided not later than the first day of December in the year preceding the convening of the legislature. The commission shall furnish every department, official, and agency of the state authorized to expend state moneys with a sufficient number of budget estimate forms for its use. Each such department, official, or agency shall, not later than the first day of September preceding the convening of the legislature, file with the commission its estimates for all receipts and expenditures for each year of the succeeding biennium on the estimate forms so provided, a statement of its appropriations and expenditures for the two preceding fiscal years, and such other information as may be required by the commissioner of the budget, or the governor. The budget shall be classified and designated so as to show separately estimates and recommendations for: (a) expenses of administration, operation, and maintenance; (b) deficiencies, over-drafts, or unexpended balances in appropriations of former year; (c) new construction, additions, improvements, and other capital outlay; (d) interest on the public debt and sinking fund and serial bond requirements; and (e) all requests and proposals for expenditures for new projects and other undertakings; and shall include in detail definite recommendations of the governor relative to the amounts which should be appropriated therefor. The budget shall also include definite recommendations of the governor for financing the expenditure recommended, and the relative amounts to be raised from ordinary revenue, direct taxes, or loans. The commissioner of the budget may, subject to review and revision by the commission, approve, disapprove, or alter the estimates so submitted, and may make any investigations concerning them. The commissioner of the budget shall transmit the estimate of revenues and appropriations in detail with his recommendations and the recommendation of the commission for revision, if any, to the governor not later than the first day of December preceding the convening of the legislature, and shall also transmit a copy thereof to the governor-elect, if there be one. The governor shall, as soon as may be, after his inauguration, submit to the legislature a budget embracing the amounts in detail recommended by him to be appropriated for each department, office, or agency of the state government for each of the years of the next ensuing biennium, the estimated revenue from taxation and other sources, and an estimate of the amounts to be raised by taxation. In the exercise of the function of commissioner of the budget, the books, records, accounts, resources, and full co-operation of the comptroller's division shall be available to him, and the governor may call upon the comptroller for any information in

his possession relative to the finances of the state or for assistance in the preparation or review of the budget. ('25, c. 426, Art. III, § 9)

53-13. Comptroller—Powers and duties—Accounting systems—Statements of receipts and expenditures—The Comptroller shall keep such books of account as shall be necessary to properly carry out the provisions of this act, and, subject to the approval of the commission, shall formulate and prescribe for all departments a system of uniform records, accounts, statements, estimates, vouchers, bills, and demands with suitable books of instruction covering the installation and use thereof. The accounting system and forms so prescribed shall be adopted and employed in all such departments. The comptroller at all times shall have free access to the books, records, accounts and papers of the several departments, and shall verify all accounting statements included in department records before the publication thereof. The comptroller shall prepare and submit to the commission from time to time as required, a summary statement showing the receipts and expenditures of the various departments, the balances standing to the credit of each, and the expense of operation of each for the period covered by such statement, such statement to be in convenient form for publication if the commission shall so direct. ('25, c. 426, Art. III, § 10)

53-14. State Auditor—Duties as to accounts, claims, etc., against state—Audit and approval by comptroller—Reports by auditor to comptroller—The State Auditor shall examine every account, bill, claim, and demand against the state, and if previously authorized by the commission and if otherwise a legal and proper claim he shall approve the same and issue his warrant in payment thereof in the manner provided by law. The comptroller may require that all claims of a particular class approved for payment by the state auditor be submitted to him for further audit and approval, but this provision shall not apply to claims, salaries, or appropriations the exact amount of which has been previously fixed by the commission, or by law. Any person feeling aggrieved by the action of the auditor in approving or disapproving any claims, in whole, or in part, may appeal to the comptroller, who shall review the action of the auditor and his decision thereon shall be final. The comptroller also may review any other claim allowed by the auditor and either approve or disapprove same. The comptroller shall require the auditor to make periodical reports to him of all receipts and disbursements as shown by the books of his office. ('25, c. 426, Art. III, § 11)

53-15. Expenditures without appropriations forbidden—Exception—No money belonging to or for the use of the state shall be expended or applied by any official, department, or agency of the state government or any institution under its control, except in pursuance of an appropriation by law and upon warrant of the state auditor, except that the use of the grain inspection fund by the railroad and warehouse commission, as now provided in Section 5047, General Statutes 1923, is hereby authorized and continued as therein provided, subject to the provisions and limitations of this act. ('25, c. 426, Art. III, § 12)

53-16. Contracts involving expenditures without available appropriations to meet forbidden—No official, department, or agency of the state government or institution under its control shall enter into any contract, agreement, or obligation involving the expenditure of money unless or until the comptroller shall first

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31 -308
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certify that there is a balance in the appropriation from which such obligations is required to be paid which is not otherwise encumbered to pay obligations previously incurred. ('25, c. 426, Art. III, § 13)

53-17. Original bills, claims, demands, etc., kept in auditor's office—Certified copies of contracts filed with comptroller—The original bills, claims, demands, and vouchers on which money has been paid or may be paid by the state treasurer shall be kept in the state auditor's office, and all departments, officers, or commissions authorized to make contracts under which money may be payable from the treasury shall file with the comptroller certified copies thereof. ('25, c. 426, Art. III, § 14)

53-18. Orders and rulings of commission reviewed by Governor—The orders and rulings of the commission shall be subject to review by the governor on application of the directing officer of the department affected thereby. ('25, c. 426, Art. III, § 15)

ARTICLE IV.

53-19. Department of Conservation—Supervision and control by commissioner of forestry and fire prevention, commissioner of game and fish, and commissioner of lands and timber—The Department of Conservation shall be under the supervision and control of a commission consisting of the commissioner of forestry and fire prevention, the commissioner of game and fish, and the commissioner of lands and timber. ('25, c. 426, Art. IV, § 1)

Explanatory note—Forests and forest fires, see ch. 22. Game and fish, see ch. 32. Public lands, see ch. 40. See, also, § 53-45.

53-20. Commissioner of forestry and fire prevention—Commissioner of game and fish—Appointment, terms, salaries, and removal—State auditor ex officio commissioner of lands and timber—Acting commissioner of lands and timber—The commissioner of forestry and fire prevention and the commissioner of game and fish shall be appointed by the governor with the advice and consent of the senate for a term of two years beginning on the first Tuesday after the first Monday of each odd-numbered year, each to receive an annual salary of \$4000 per year, payable semi-monthly, and shall be subject to the direction of the governor and removable by him without cause. The state auditor shall be ex-officio commissioner of lands and timber. The auditor may at his discretion designate some properly qualified employe of his department to act for him and under his direction in the performance of such duties, pertaining to such department as may be designated in writing by the auditor. The auditor shall be responsible for the acts of said employe so designated and may remove or replace him at pleasure. ('25, c. 426, Art. IV, § 2)

53-21. Commissioner of forestry and fire prevention—Chairman of conservation commission—Powers, etc.—Commissioner of game and fish—Powers, etc.—Commissioner of lands and timber—Powers, etc.—The commissioner of forestry and fire prevention shall be chairman of the commission and shall have and exercise all the powers and rights and perform all the duties now by law vested in and imposed upon the state forester and the state forestry board, except as provided by this act. The commissioner of game and fish shall have and exercise all the duties, rights and powers now imposed upon and vested in the state game and fish commissioner. The state auditor acting as commissioner of lands and timber shall have super-

vision and control of the state lands and timber, as now provided by law. ('25, c. 426, Art. IV, § 3)

Explanatory note—Laws 1927, c. 248 reads as follows:

"Section 1. The commissioner of forestry and fire prevention appointed under Chapter 426, Laws 1925, under and as directed by the Conservation commission is hereby authorized to examine, classify, and make a list or tabulation of all lands owned by the state which are suitable for forestation or reforestation purposes; to make a printed report thereof in detail to the legislature at the beginning of its next regular session in January, 1929, together with his recommendations in respect to the manner, extent, and kind of aforestation or reforestation deemed by him proper for each such tract of state-owned land, or each class or group of tracts, as the case may be; and to cover and include in such report any and all data, information, and recommendations whatsoever which the said commissioner deems of importance to the legislature in respect to the establishment of a fixed and permanent policy or plan for the aforestation or reforestation of state-owned lands. One copy of such printed report shall be furnished to each member of the legislature; and one or more copies shall be filed in the office of the state auditor and there kept and preserved as a permanent record.

"Sec. 2. For the purposes of this act, the commissioner of forestry and fire prevention under and as directed by the Conservation commission is hereby authorized to employ such experts, clerical help, or other assistance, and to purchase or otherwise acquire such equipment or supplies, and to provide such offices for their use, as he may deem necessary. All expenses so incurred shall be paid by the state treasurer from the appropriation hereinafter made, upon warrants of the commissioner approved by the state auditor; and a general summary of such expenses as far as practicable, shall be included in said commissioner's report to the legislature.

"Sec. 3. There is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, the sum of \$35,000, or so much thereof as may be necessary, to pay all charges and expenses incurred pursuant to this act. Such amount, or any part thereof, shall be available as and when needed by said commissioner of forestry and fire prevention in carrying out the purposes of this act."

53-22. Department of Conservation—Powers, etc., enumerated—Lands withheld from sale—The Department of Conservation shall have and exercise all powers and rights and shall perform all the duties now by law imposed upon and vested in the Minnesota Land and Lakes Attraction Board, the Land Improvement Board, the Minnesota State Board of Immigration and the office of Commissioner of Immigration. Subject to the provisions of this act, the Department of Conservation shall have the care, improvement, supervision, control, and management of all state parks and state public camp grounds, and shall have and exercise all the rights, powers, and duties now imposed upon and vested in the state auditor, state forestry board, and the state forester insofar as they apply to state parks, state public camp grounds, state monument sites, and state lands withdrawn from sale as provided in this act. The Department of Conservation shall from time to time recommend to the state auditor a description of such lands as a majority of said commission shall in its judgment find desirable to be withheld from sale, for purpose of reforestation and timber reserves and for the preservation of water power sites and for other public purposes. The state auditor shall withhold from sale such lands, timber or water power sites as may be recommended by the Department of Conservation. ('25, c. 426, Art. IV, § 4)

53-23. Same—Cooperation of employes—Rules, regulations, etc.—The Department of Conservation shall provide for the cooperation of the employes of each division of said department, and for that purpose the rangers, patrolmen, game wardens, and other employes of said department shall perform such additional duties as may be prescribed by the department. The department shall from time to time make such rules, regulations, and recommendations as will best conserve such natural resources of the state as are placed under its charge. ('25, c. 426, Art. IV, § 5)

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ARTICLE V.

53-24. Department of Drainage and Waters—Commissioner—Appointment, salary, powers and duties—The Department of Drainage and Waters shall be under the supervision and control of a commissioner of drainage and waters appointed by the governor, with the advice and consent of the senate, without term, at a salary of \$4,000.00 per year, payable semi-monthly. All the rights, powers and duties now by law vested in or imposed upon the commissioner of drainage and waters are hereby vested in and imposed upon the Department of Drainage and Waters, subject to the provisions and limitations of this act. ('25, c. 426, Art. V, § 1)

Explanatory note—State drainage commission, see § 6634, et seq., herein. See, also, § 53-45.

ARTICLE VI.

53-25. Department of Dairy and Food—Commissioner—Appointment, term, salary, powers, duties, etc.—Oil inspection by Director of Standards—Office of dairy and food commissioner abolished—The Department of Dairy and Food, subject to all the provisions and limitations of this act, shall be under the supervision and control of a dairy and food commissioner, appointed by the governor with the advice and consent of the senate, with term and salary as now provided by law. All the rights, powers and duties now by law vested in and imposed upon the Department of Dairy and Food, except that the rights, powers and duties of such commissioner as to oil inspection are hereby transferred to and vested in the Director of Standards under the Department of Labor and Industry.

The office of dairy and food commissioner is hereby abolished. ('25, c. 426, Art. VI, § 1)

Explanatory note—Dairy and food commissioner, see § 3793, et seq., herein.

ARTICLE VII.

53-26. Department of Agriculture—Commissioner—Appointment, term, salary, powers, and duties—Offices of commissioner of agriculture and inspector of apiaries abolished—The Department of Agriculture shall be under the supervision and control of a commissioner of agriculture appointed by the governor, with the advice and consent of the senate, with term and salary as now provided by law. All the rights, powers and duties now by law vested in or imposed upon the commissioner of agriculture are hereby vested in and imposed upon the Department of Agriculture, subject to the provisions and limitations of this act.

The offices of commissioner of agriculture and inspector of apiaries are hereby abolished. The powers, duties and authority of the inspector of apiaries are hereby transferred to and vested in the Department of Agriculture. ('25, c. 426, Art. VII, § 1)

Explanatory note—Department and commissioner of agriculture, see § 6023, et seq., herein.

Inspection of apiaries, see chapter 30a, herein.

53-27. Commissioner of Agriculture—Approval of expenditures—No expenditure of money for any purpose shall be made from any state appropriation to any agricultural, horticultural, florist, dairymen's crop improvement, poultry, livestock, or livestock breeder's association, society, or corporation or to any other association, society, or corporation of a similar nature not a part of or connected with the state government except upon the written approval of the commissioner of agriculture; provided that this section shall not apply to the state agricultural society nor to county agricultural associations or other societies or associa-

tions whose books and records are required by law to be audited by any state official as a prerequisite to such payment. ('25, c. 426, Art. VII, § 2)

ARTICLE VIII.

53-28. Department of Commerce—Commission—Commissioner of banks—Commissioner of insurance—Commissioner of securities—Divisions of commission—The Department of Commerce shall be under the supervision and control of a commission composed of a commissioner of banks, a commissioner of insurance, and a commissioner of securities. The commission shall be organized in three divisions: A banking division in charge of the commissioner of banks; an insurance division in charge of the commissioner of insurance; and a securities division in charge of the commissioner of securities. ('25, c. 426, Art. VIII, § 1)

Explanatory note—Department of banking and superintendent of banks, see § 5320, et seq., herein.

Department of insurance and commissioner of insurance, see § 3287, et seq.

State securities commission, see § 3977, et seq.

53-29. Commissioners—Appointment, terms, vacancies—Oath—Bonds—Quorum—Salaries—The governor, by and with the advice and consent of the senate, shall appoint the members of the commission. The term of office of the members first appointed shall begin at the date this act takes effect and shall continue thereafter for the following periods: The commissioner of banks until February 1, 1931; the commissioner of insurance until February 1, 1929; and the commissioner of securities until February 1, 1927. Thereafter, as appointments are made, the term of each member shall be six years. In case of a vacancy it shall be filled for the unexpired portion of the term. Each member of the commission, before entering upon the discharge of his duties, shall take, subscribe, and file with the secretary of state the oath of office prescribed by the constitution, and shall give bond to the state, the commissioner of banks in the amount of \$50,000, the commissioner of insurance in the amount of \$25,000.00, and the commissioner of securities in the amount of \$10,000.00, conditioned for the faithful discharge of his duties during his continuance in office and for the payment without delay to the officer or person entitled by law thereto of all moneys which shall come into his hands by virtue thereof. A majority of the commission shall constitute a quorum. Each commissioner shall receive a salary of \$4,500.00 per year, payable semi-monthly, and each shall devote his entire time to the duties of his office. ('25, c. 426, Art. VIII, § 2)

53-30. Commissioners—Powers and duties enumerated—Colonization commission—The commissioner of banks, the commissioner of insurance, and the commissioner of securities, respectively, shall have and possess all the rights and powers and perform all the duties now vested by law in the superintendent of banks, the commissioner of insurance, and the state securities commission, respectively, except that applications for registrations of securities and brokers' licenses under Chapter 192, General Laws of Minnesota for 1925, and all matters pertaining to such registrations and licenses, application for the organization and establishment of new financial institutions under Chapter 86, General Laws of Minnesota for 1919, and acts amendatory thereof, applications by insuring companies for licenses to carry on business within the state, and all matters pertaining to such licenses, and applications for the consolidation of insuring companies transacting business within the state, shall be determined by the commission in the manner provided by

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the laws defining the powers and duties of the superintendent of banks, the commissioner of insurance, and the state securities commission, respectively, or, in the absence of any law prescribing the procedure, then by such reasonable procedure as the commission may prescribe; provided, that the commissioner of securities and the commissioner of insurance shall have power to suspend any registration or licenses issued in their respective divisions pending the final determination of any matter by the commission. The commission shall review and may affirm, reverse, modify, amend or abrogate all quasi-judicial acts of a single commissioner upon written request and application of the party aggrieved, such review to be held after such reasonable notice as the commission shall prescribe. The commissioner of banks shall be chairman and the commissioner of securities shall be secretary of the commission. The commission shall have power to provide for stated meetings, and special meetings may be called by the chairman, or by the other two members. The commission may confer upon the secretary authority to fix a time for hearings in accordance with such rules as may be adopted. The commissioner of securities may appoint and at pleasure remove a deputy commissioner of securities at a salary to be fixed by the commission of administration and finance. Said deputy shall, before entering upon the discharge of his duties, give bond to the state in the amount of \$5,000.00 conditioned for the faithful discharge of his duties during his continuance in office and for the payment without delay to the officer or person entitled by law thereto of all moneys which shall come into his hands by virtue thereof. During the disability of the commissioner of securities or absence from the seat of government, said deputy shall have and possess all the rights and powers and perform all the duties of said commissioner of securities.

The commissioner of securities shall have and possess all the rights and powers and perform all the duties now vested by law in the colonization commission. ('25, c. 426, Art. VIII, § 3)

Explanatory note—For Laws 1925, c. 192 as amended, see infra, §§ 33996-1 to 33996-28.

For Laws 1919, c. 86 see §§ 3997 to 4000.
For State colonization commission, see §§ 6058 to 6064. See, also, § 53-45.

53-31. Commissioner of insurance—Ex-officio state fire marshal—The commissioner of insurance shall be ex-officio state fire marshal, but he shall receive no additional compensation therefor. All the powers, duties, and rights now vested in or conferred upon the state fire marshal are hereby transferred to, vested in, and conferred upon the commissioner of insurance. ('25, c. 426, Art. VIII, § 4)

Explanatory note—State fire marshal, see § 5949, et seq., herein.

53-32. State Securities Commission, office of superintendent of banks, and office of commissioner of insurance abolished—The State Securities commission is hereby abolished. The office of superintendent of banks and the office of commissioner of insurance, except as provided in this article, are abolished. ('25, c. 426, Art. VIII, § 5)

Explanatory note—See § 53-28, and note thereunder.

ARTICLE IX.

53-33. Department of Health—Continued—The Department of health as now created under the title of the state board of health is hereby continued as now constituted with its present powers and duties, but subject to the provisions of this act. ('25, c. 426, Art. IX, § 1)

Explanatory note—State board of health, see § 5336, et seq.

53-34. Same—Powers and duties—Hotel inspectors and agents—Inspections and reports—The department of health shall have and exercise all of the authority and perform all the duties now by law imposed upon and vested in the state hotel inspector. With the advice and consent of the department of administration and finance, the department shall appoint and fix the compensation of a hotel inspector and such other inspectors and agents as may be required for the efficient conduct of the duties hereby imposed. These inspectors, by order of the department of administration and finance, may be required to inspect any or all food products subject to inspection by the Departments of Dairy and Food and of Agriculture and to investigate and report to such departments violations of the pure food laws and the regulations of the departments of dairy and food and of agriculture pertaining thereto. The reports of these inspectors to the departments of dairy and food and of agriculture shall have the force and effect of reports made or required to be made by the inspectors of such departments. ('25, c. 426, Art. IX, § 2)

Explanatory note—State hotel inspector, see § 5904, et seq.

Inspection of food, etc., see chapter 21, § 3788, et seq.

ARTICLE X.

53-35. Department of Education—Continued—The Department of Education shall continue as at present under the state board of education with its present powers, subject to the provisions of this act. ('25, c. 426, Art. X, § 1)

Explanatory note—State Board of Education, see § 2958, et seq.

ARTICLE XI.

53-36. Department of Highways—Continued—The Department of Highways as now created under the title of the commissioner of highways is hereby continued in charge of the commissioner of highways, who shall have and exercise the rights and powers and perform the duties now prescribed by law, subject to the limitations of this act. ('25, c. 426, Art. XI, § 1)

Explanatory note—Commissioner of highways, see § 2553, et seq.

ARTICLE XII.

53-37. Department of Labor and Industry—Continued—State industrial commission—The Department of Labor and Industry as now created by law is hereby continued in charge of the state industrial commission, which shall have and exercise the rights and powers and perform the duties now prescribed by law, subject to the limitations of this act. ('25, c. 426, Art. XII, § 1)

Explanatory note—Department of Labor and Industries, and Industrial Commission, see § 4033, et seq., herein.

53-38. State industrial commission—Division of standards—Director of standards—Chief oil inspector—Chief boiler inspector—Dairy and food and oil inspectors—Supervision by Commission of Administration and Finance—Rules and regulations for state inspections—The industrial commission shall establish under its direction a division of standards and shall appoint one of its members to act as the head of this division under the title of director of standards. The offices of chief oil inspector, and chief boiler inspector are hereby abolished, and the authority conferred and the duties now imposed by law upon these officers are hereby transferred to, vested in, and imposed upon the

director of standards so appointed. The functions and duties prescribed in Chapter 20, General Statutes 1923, shall be performed by a Chief Oil Inspector appointed by the Director of Standards. The Chief Oil Inspector shall be a skilled and suitable person with experience and knowledge of petroleum and its by-products, and who is not interested in the manufacture of or dealing in such products. In the appointment of dairy and food and oil inspectors, Sections 3861 to 3864 inclusive, General Statutes 1923, shall apply subject to the provisions of this act and insofar as the same are not inconsistent therewith, provided, however, that the provisions of said sections shall be administered under the supervision of the commission of Administration and Finance.

The division of standards, with the approval of the commission, shall adopt and promulgate suitable rules and regulations relating to all state inspection, except grain inspection, the qualifications and activities of state inspectors performing duties under its direction or that of the commission or under the direction of other departments of the state government, and shall have and exercise all inspectional powers not specifically assigned by law to any other state department. ('25, c. 426, Art. XII, § 2)

Explanatory note—Inspection of food and other articles, see § 3788 et seq., herein.
Inspection of steam vessels and boilers, see § 5474, et seq., herein.

ARTICLE XIII.

53-39. Department of Public Institutions—State board of control—Advisory commission of state sanatorium for consumptives abolished—The Department of Public Institutions as now created under the title of the State Board of Control is hereby continued in charge of the state board of control, which shall have and exercise the rights and powers and perform the duties now prescribed by law, subject to the limitations of this act; and in addition thereto shall have and exercise the rights and powers and perform the duties conferred by law upon the advisory commission of the state sanatorium for consumptives and the Minnesota society for the prevention of cruelty. The advisory commission of the state sanatorium for consumptives is hereby abolished. ('25, c. 426, Art. XIII, § 1)

Explanatory note—State Board of Control, its powers, duties, etc., see § 4398, et seq., herein.
Advisory commission, see § 4543, herein.

ARTICLE XIV.

53-40. Department of Taxation—Minnesota Tax Commission—Powers and duties—The Department of Taxation as now created under the title of the Minnesota Tax Commission is hereby continued in charge of said commission, which shall have and exercise the rights and powers and perform the duties now prescribed by law, subject to the provisions and limitations of this act. ('25, c. 426, Art. XIV, § 1)

Explanatory note—Minnesota Tax Commission, see § 2354, et seq., herein.

ARTICLE XV.

53-41. Department of Rural Credit—Rural credit bureau—Appointment, salary, etc.—Powers, etc.—Minnesota Rural Credit Bureau abolished—The Department of Rural Credit shall be under the supervision and control of a rural credit bureau consisting of three members. The chairman and secretary shall be appointed by the governor, with the advice and consent of the senate, without term, at the salary now provided by law and one member of the bureau shall be ap-

pointed by the attorney general, without term, at the salary now provided by law who shall be an assistant attorney general. All the rights, powers and duties now by law vested in or imposed upon the Minnesota Rural Credit Bureau are hereby vested in and imposed upon the Department of Rural Credit, subject to the provisions and limitations of this act.

The Minnesota Rural Credit Bureau is hereby abolished. ('25, c. 426, Art. XV, § 1)

Explanatory note—Rural credits and Minnesota Rural Credit Bureau, see § 6030, et seq., herein.

ARTICLE XVI.

53-42. State Live Stock Sanitary Board—Continued—The State Live Stock Sanitary Board shall continue as at present constituted with its present powers and duties, subject to the provisions and limitations of this act. ('25, c. 426, Art. XVI, § 1)

Explanatory note—Live stock sanitation, see §§ 5395 to 5460, herein.

ARTICLE XVII.

53-43. State Agricultural Society—Continued—Powers—Statement of appropriations to—Books and accounts audited—The provisions of this act shall not apply to the state agricultural society, but such society shall continue to be subject to and shall continue to have and possess all powers, rights, and privileges granted by any and all laws applicable thereto in force at the time of the passage hereof, with the following exceptions: (1) that under section 9 of article 3 of this act the society shall be required on or before November 15 in the year preceding a session of the legislature to submit a statement covering its expenditures during the preceding biennium from state appropriations and its anticipated expenditures from state appropriations during the succeeding two years; (2) the society shall be subject to the supervision of the commission of administration and finance in the erection and construction of new buildings, the estimated cost of which shall be \$5,000.00 or more; (3) the books and accounts of said society shall be examined and audited annually by the comptroller at the close of its fiscal year and a full detailed report thereon made to the governor on or before the first Tuesday in January of the following year. ('25, c. 426, Art. XVII, § 1)

Explanatory note—State Agricultural Society, see § 7860, et seq., herein.

ARTICLE XVIII.

53-44. Office of Public Examiner abolished—Powers, etc., transferred to comptroller—The office of public examiner is hereby abolished, and the authority conferred and the duties imposed upon that officer by existing law are hereby transferred to, vested in, and imposed upon the comptroller. ('25, c. 426, Art. XVII, § 1)

Explanatory note—Department and office of public examiner, see § 3274, et seq., herein.

53-45. Board of visitors for state institutions, board of women visitors of Minnesota Home for Girls abolished—Board of visitors created—Soldiers bonus board, Minnesota land and lakes attraction board, state forestry board, state board of immigration, horseshoers' board of examiners, statute compilation commission, department of drainage and waters, offices of state game and fish commissioner, state forester, commissioner of immigration, commissioner of drainage and waters, and offices of secretary of state board of pardons and secretary of state board of investment abolished—The board of visitors for state institutions as

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defined by Section 4606, General Statutes 1923, and the board of women visitors of the Minnesota Home School for Girls as defined by Section 4484, General Statutes, 1923, are hereby abolished; and the authority conferred and the duties imposed upon these respective boards are transferred to, vested in, and imposed upon a board of visitors to be appointed by the governor, consisting of five members, at least two of whom shall be women. The term of office of the members of this board shall be two years, but that of the members first appointed hereunder shall expire on the first day of February, 1927. The soldiers bonus board, the Minnesota land and lakes attraction board, the land improvement board, the state forestry board, the state board of immigration, the horseshoers' board of examiners, the statute compilation commission, the farmers institute, the colonization commission, the department of drainage and waters, and the offices of the state game and fish commissioner, state forester, commissioner of immigration, commissioner of drainage and waters, and the offices of secretary of the state board of pardons and secretary of the state board of investment are hereby abolished. ('25, c. 426, Art. XVIII, § 2)

Explanatory note—Board of visitors for state institutions, see § 4606, et seq.

Board of women visitors of Minnesota Home School for Girls, see § 4483, et seq.

Soldiers' Bonus Board created by Laws, 1919, Extra Sess., c. 49.

Minnesota land and lakes attraction board created by Laws 1919, c. 166.

State land improvement board, see § 6332.

State forestry board, see § 4001, et seq.

State board of immigration, see § 4338 et seq.

Horseshoers' board of examiners, see § 4388, et seq.

Minnesota Statute Compilation Commission, see § 10941, et seq.

Farmers' Institutes, see § 3092, et seq.

State colonization commission, see § 6058, et seq. See, also, § 53-30.

Department of Drainage and Waters, see § 6634 et seq. See, also, § 53-24.

State game and fish commissioner, see § 5627, et seq. See, also, §§ 53-19 to 53-23.

State forester, see § 4004. See, also, §§ 53-19 to 53-23.

Commissioner of immigration, see § 4340, et seq.

Commissioner of drainage and waters, see § 6634, et seq.

Secretary of state board of pardons, see § 10785. See, also, § 53-2.

Secretary of state board of investment, see § 6304. See, also, § 53-2.

53-46. Oath of office and bonds of officers enumerated in law—Unless otherwise provided by law, the several officials mentioned in this act shall take the oath of office and give bond, if required, in such sum as the commission of administration and finance may prescribe. ('25, c. 426, Art. XVIII, § 3)

ARTICLE XIX.

53-47. Registration records of certain examining boards kept by Secretary of State—Moneys collected by such boards paid into state treasury—Boards of certain societies and associations deemed agencies of state government—Investment of teachers' insurance and retirement fund invested by state board of investment—The registration records of the following examining boards, without diminishing the powers of said boards, shall be filed in the office of the secretary of state; the board of registration for architects, engineers and surveyors, the state board of accountancy, the board of automobile examiners, the state board of barber examiners, the state board of chiropody, the state board of chiropractic examiners, the board of dental examiners, the state board of electricity, the state board of medical examiners, the state board of nurse examiners, the state board of optometry, the

state board of osteopathy, the state board of pharmacy, and the state veterinary examining board. All moneys collected by the said several boards shall be paid into the state treasury and the funds of each shall be credited to the proper board. For the purposes of this act the said several boards and the Minnesota state art society, the Minnesota State Historical society, the Sibley House association, and the board of trustees of the teachers insurance and retirement fund, and the Minnesota war records commission shall be construed to be agencies of the state government. The investment of the teachers insurance and retirement fund and the sale of any securities belonging to such fund shall be made by the state board of investment, but the trustees of said fund shall determine the amount to be so invested or sold. ('25, c. 426, Art. XIX, § 1)

Historical note—Board of registration for architects, etc., see §§ 5697-1 to 5697-15.

State board of accountancy, see § 5698, et seq.

Board of automobile examiners, see § 2712.

State board of barber examiners, see §§ 5823 to 5846;

§§ 5846-1 to 5846-26.

State board of chiropody, see §§ 5768 to 5784.

State board of chiropractor examiners, see §§ 5724 to 5734.

Board of dental examiners, see §§ 5757 to 5767.

State board of electricity, see §§ 5872 to 5879.

State board of medical examiners, see §§ 5706 to 5720.

Board of nurse examiners, see §§ 5741 to 5756.

State board of optometry, see §§ 5785 to 5796.

State board of osteopathy, see §§ 5735 to 5739.

State board of pharmacy, see §§ 5797 to 5816.

State veterinary examining board, see §§ 5847 to 5851.

Minnesota State Art Society, §§ 3104 to 3109.

Teachers' insurance and retirement, see §§ 2936 to 2953.

Minnesota War Records Commission, see §§ 2535 to 2541.

ARTICLE XX.

Chapter 426 changes or modifies prior statutes only to the extent necessary to conform them to that act. 165-268. 206+396.

53-48. Terms of office of officers appointed by Governor and state employees—Except as herein otherwise provided the term of all officers appointed by the governor hereunder shall begin upon the date when such officers qualify and assume their official duties, and shall continue for the prescribed period thereafter and until their successors are appointed and have qualified. The term of office or employment of all state employees shall be at the pleasure of the appointing officer. ('25, c. 426, Art. XX, § 1)

53-49. Inconsistent acts repealed—All other acts or parts of acts now in effect inconsistent with the provisions of this act are hereby superseded, modified, or amended to conform to and give full force and effect to the provisions of this act. ('25, c. 426, Art. XX, § 2)

53-50. Application of law as to rights, powers, etc., transferred—Wherever in this act rights, powers or duties by law vested in or imposed upon any department, official or agency of the state government are transferred to, vested in or imposed upon another department, officer or agency thereof, this act shall be construed as transferring all rights, remedies and obligations including appropriations made to such department, official or agency. ('25, c. 426, Art. XX, § 3)

53-51. Partial invalidity of act—In case any section, provision or part of this act shall be declared unconstitutional it shall not in any way affect any other section, provision or part hereof. ('25, c. 426, Art. XX, § 4)

53-52. Time of taking effect of act—This act, so far as it directs appointments by the governor, shall take effect and be in force from and after its passage, but in all other respects it shall take effect and be in force from and after July 1, 1925. ('25, c. 426, Art. XX, § 5)

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