

1938 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1938)
(Superseding Mason's 1931, 1934, and 1936 Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, and 1937 General Sessions, and the 1933-34, 1935-36, 1936, and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General; construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.



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48. "Standing appropriation" defined.

Act providing for state's participation in Century of Progress Exposition at Chicago in 1933, and appropriation therefor. Laws 1931, c. 415.

Appropriation of \$15,000. Laws 1933, c. 299.

49. Standing appropriations repealed.

Act Ex. Ses., Dec. 23, 1933, c. 16, §2, post §5887-11a.

amends this section insofar as it is inconsistent with §5887-11.

Wholesale dealer's license fees are to be paid to general revenue fund. Op. Atty. Gen., Jan. 15, 1934.

Liquor control commission has power to expend money from sale of tax stamps to administer various acts but cannot use revenue obtained by issuance of licenses, permits and sale of labels. Op. Atty. Gen., Feb. 20, 1934.

CHAPTER 3A

Organization of State Government.

ARTICLE I

53-1. Departments and agencies of state government created, established, and enumerated.

The title of this act satisfies the requirements of the constitution. 171M191, 213NW904.

Where contract is let to lowest bidder, who later discovers that he has omitted certain items in his calculations, officers may not modify the contract by adding the amount of such items, even though the total sum would be less than the next lowest bid, but must either let the contract to the next lowest bidder or call for new bids. Op. Atty. Gen., July 21, 1931.

Employees of state relief agency created for temporary purposes are employees of a department of state entitled to benefits of workmen's compensation act payable out of state compensation revolving fund. Op. Atty. Gen. (523g-19), Apr. 1, 1936.

ARTICLE II

53-2. Executive council—Composition of—Executive secretary—Appointment, etc.

Laws 1935, c. 30. \$500,000 for Drouth Relief, by State Executive Council.

Laws 1935, c. 33. Disabled Veterans' Relief, by State Executive Council.

Laws 1935, c. 51. "Minnesota Public Relief Fund."

Laws 1935, c. 380. Executive council to provide additional funds for trunk highway fund to obtain funds from U. S. Government.

Laws 1935, c. 383. State hospital for insane authorized.

53-3. Same—Powers and duties—Meetings

Act authorizing Executive Council to accept title to certain lands on behalf of state. Laws 1931, c. 235.

Act authorizing Executive Council to permit diversion or drainage of public waters. Laws 1931, c. 286, post §6430-1 to 6430-3.

Laws 1935, c. 233. Relief funds may be spent for safety inspection work on relief projects.

Mineral leases may be executed by executive council against land acquired by state under §2139-2. Op. Atty. Gen. (928c-13), June 1, 1937.

53-3½ a. Capitol grounds commission abolished.—

The Capitol Grounds Commissioners, created by Chapter 281, General Laws 1907, are hereby abolished. All duties conferred upon said Commissioners by said Chapter 281 and by Chapter 348, General Laws 1913, are hereby transferred to the Executive Council. (Act Apr. 1, 1929, c. 124, §1.)

State Executive Council has power to petition for vacation of city street for extension of capitol grounds. Op. Atty. Gen., Mar. 8, 1933.

53-3½ b. Disposition of funds.—All funds to the credit of said commissioners and any additional funds which may accrue subsequent to the passage of this act shall be used in improving and beautifying the New Capitol grounds, expenditures to made by the custodian of the New Capitol when authorized by the Executive Council. This act shall be subject to the provisions of Chapter 426, General Laws 1925. (Act Apr. 1, 1929, c. 124, §2.)

53-3½ c. Capitol grounds commissioners to be appointed by the governor—rules governing same.—

That within 30 days after the passage of this act, the governor shall appoint three resident freeholders of the State of Minnesota, for the term of three years, or such time as may be necessary for them to complete their duties as herein prescribed, who, together with the governor as an ex-officio member, shall constitute a board to be known as the "Capitol Grounds Commissioners." The persons so appointed shall within 10 days after their appointment, file with the secretary of state their written acceptances of such appointment, together with an oath to faithfully and honestly discharge the duties imposed upon them by

this act. Said appointees shall forthwith, after their qualification, upon call of the governor, meet and organize. The governor shall be ex-officio president of said board and they shall elect from their number a vice president and secretary, and shall keep a record of their proceedings, which shall, after the completion of their duties, be returned to and filed with the secretary of state.

A majority of said commissioners shall constitute a quorum for the transaction of business, and they shall hold such stated and special meetings as they may by rule prescribe.

The members of said commission shall serve without compensation but shall be entitled to be paid from the state treasury the actual and necessary expenses incurred by them in the transaction of their business, upon the due audit and allowance of such expenditures by said commissioners and upon due certification thereof to the state auditor.

It shall be the duty of the governor to fill all vacancies occurring in the membership of said board, prior to the making of its final report, with persons of like qualifications. (Act Apr. 22, 1907, c. 281, §1.)

53-3½ d. Capitol commission given right to sell or remove buildings upon lands acquired for beautifying capitol grounds.—It shall be the duty of said board of capitol grounds commissioners to proceed as soon as may be to take the necessary steps as herein authorized to acquire and secure by purchase or by condemnation under the right of eminent domain, or both, such lands adjoining or adjacent to the present new state capitol grounds as will, in their judgment, be requisite and necessary for the proper extension and enlargement of the grounds for the new state capitol building of Minnesota, and in such manner as to render the same more symmetrical in form, provided, however, that said commissioners shall incur no obligation in that behalf beyond the limit of the appropriation or appropriations which shall be made therefor. Said commissioners shall have the right, if in their judgment it is necessary, in and about the acquisition and improvement of such lands, to sell, remove or dispose of any building or buildings situated upon the lands so purchased and to grade, improve and beautify such grounds, and to call to their assistance the services of a landscape artist or architect, and any moneys heretofore or hereafter received by said commissioners on account of rents received from said buildings, or from the sale thereof, may be expended in the improvement of said grounds by said commissioners.

Said commissioners are authorized to enter into contracts with the owners of the land sought to be acquired for the sale and conveyance thereof, to the state of Minnesota for the purpose aforesaid, when in their judgment the same can be secured at a fair and reasonable price, they are authorized to proceed to acquire the same for the state by condemnation under the right of eminent domain, in the manner and under and pursuant to the terms and provisions of Chapter 41 of the Revised Laws 1905, and it shall be the duty of the attorney general to render all legal assistance necessary to carry out such condemnation proceedings as said commissioners may desire to institute in that behalf. (Laws 1907, c. 281, §2, as amended by Act Apr. 18, 1913, c. 348, §1.)

53-3½e. Auditor to draw warrants.—When lands are acquired under the provisions of this act, either by purchase or by condemnation, said board of capitol grounds commissioners shall certify to the state auditor the purchase price thereof, or the amount of damages awarded, and thereupon the state auditor shall draw his warrant therefor, payable to the owner or persons interested in the land so acquired, out of any moneys which may have been appropriated for that purpose, the same to be delivered upon receipt of a proper deed of conveyance to the state, of the lands so purchased, or upon delivery of a proper receipt for the damages awarded in cases of condemnation. (Act Apr. 22, 1907, c. 281, §3.)

53-3½f. If insufficient appropriation is made.—In case the appropriation or appropriations made shall not be sufficient to pay for all lands purchased and the award for all lands condemned, or in case the awards or any of them are of such amount that said commissioners shall desire not to take the responsibility for the payment thereof, said commissioners shall report the same to the legislature at its next session after final confirmation of all the awards made, including any which may be made upon re-trial after appeal, and upon such report, if the legislature shall fail to approve the same, or to make the necessary appropriation to pay such award at the same or the next session to which such report is made, then all the proceedings which may have been taken for the acquiring of the lands so reported, the award for which has not been previously paid, shall be void and of no effect, but in such case the parties whose lands have been condemned in pursuance of this act, shall be paid the reasonable disbursements expended by them in such proceedings, the amount of such disbursements to be fixed and allowed by the court in which such condemnation proceedings are had and the same shall be paid out of any moneys in the treasury not otherwise appropriated. (Act Apr. 22, 1907, c. 281, §4.)

53-3½g. Vacation of streets.—In case any lands are acquired hereunder, which are separated from the present capitol grounds by any street or streets in the city of St. Paul, such streets shall be re-located upon the outer portion of the land so acquired, and that portion of such street or streets as at present located which separate the lands so acquired from the present capitol grounds shall be vacated and discontinued as public streets, and the same shall become a part of the capitol grounds, provided the city of St. Paul shall have the right to maintain and use all sewers and water pipes now constructed and laid therein. (Act Apr. 22, 1907, c. 281, §5.)

ARTICLE III

53-4. Department of Administration and Finance. 175M583, 222NW285; note under §53-6.

53-6. Same—Powers enumerated.

The board of regents, in the management of the University, is constitutionally independent of all other executive authority, and Laws 1925, c. 426, is unconstitutional insofar as it attempts to subject the control of University finances to the commission of administration and finance, in view of Laws 1851, c. 3. 175M259, 220N W951.

Laws 1925, c. 246 (§§53-1 to 53-2), modifies and amends the prior Highway Act to the extent of placing the making of contracts for constructing state highways under the control of the Commission of Administration and Finance. 175M583, 222NW285.

Laws 1933, c. 429, supersedes and excludes Laws 1925, art. 3, §§3 and 4, and gives conservator full authority to buy its own supplies, equipment, etc., and to hire, control and regulate its own employees. Op. Atty. Gen., May 24, 1933.

Conservator of rural credit may purchase printing independent of state printer. Op. Atty. Gen., May 24, 1933, Aug. 31, 1933.

Op. Atty. Gen. (517n), June 7, 1934; note under § 53-16.

State department may not enter into agreement with federal government to assume liability for injuries to federal emergency administration workers. Op. Atty. Gen. (523g-6), June 4, 1934.

Acceptance of proposal of dealer by purchase of installment of goods resulted in binding contract to take all of goods. Op. Atty. Gen. (707b-11), Aug. 3, 1934.

Commission of administration and finance has no power to cancel balance of term of existing lease of Douglas Lodge and substitutes new and longer lease therefor, but cancellation must be had through the executive council, after which new lease should be supervised and controlled by the commission of administration and finance. Op. Atty. Gen. (980b-31), May 13, 1935.

State board of control is proper state agency to enter into necessary contracts for erection of proposed state hospital and other buildings and improvements, and to make arrangements and enter into necessary contracts with federal government with reference to securing grants of aid, subject to power of commission of administration and finance to exercise supervision and control. Op. Atty. Gen. (88a-7), July 10, 1935.

Law does not permit commission of administration and finance to write a blanket fidelity insurance policy to cover employees in more than one department, but each department head shall procure and keep in effect such a policy, and commissioner of banks, commissioner of insurance and commissioner of securities are each directing heads of a department within such rule. Op. Atty. Gen. (980a-8), May 10, 1937.

53-7. Same—Classes, grades, titles, etc.

175M583, 222NW285; note under §53-6.

The commission of administration and finance may increase or diminish the compensation of the secretary-treasurer and his stenographer or assistant, whose offices are created by §§5706, 5712, but the compensation of "such officers, agents, assistants, clerks and other employees" of the board of medical examiners provided for by Laws 1929, c. 347, §10, 13, are to be fixed by the board of medical examiners, within the limitations of Laws 1929, c. 347, §13. Op. Atty. Gen., Oct. 16, 1929.

Industrial commission has power without restriction or restraint to appoint and remove certain designated employees or officials. Op. Atty. Gen., May 10, 1933.

Op. Atty. Gen., May 24, 1933; note under §53-6.

State board of medical examiners is not subject to supervision and control of department of administration and finance with respect to employment of attorney at law to procure evidence or fixing compensation. Op. Atty. Gen., Oct. 24, 1933.

Commission of Administration and Finance cannot change salary of secretary-treasurer of State Board of Hairdressing and Beauty Culture Examiners. Op. Atty. Gen. (33b-2), Feb. 25, 1935.

Commission of administration and finance has no authority to fix salary scale for secretary and other employees of State Employees' Retirement Association. Op. Atty. Gen. (331e), Feb. 25, 1935.

If particular state official department, agency or institution has authority, either pursuant to constitution, or pursuant to statutory provision apart from this act, to enter into a contract of employment or other obligation, commission of administration and finance has no authority to disallow salary claimed. Op. Atty. Gen. (980a-14), Apr. 12, 1935.

Department of rural credits does not have authority to spend money to pay salaries of its employees transferred to another department. Op. Atty. Gen. (770c-5), May 13, 1936.

53-8. Same—Approval of appropriations, etc.

175M583, 222NW285; note under §53-6.

Public employees' retirement association is under control of state and must furnish budget. Op. Atty. Gen., Aug. 8, 1933.

53-9. Same—Supervision of construction of buildings, etc.

Op. Atty. Gen. (707a-13), July 13, 1934; note under §53-6.

Federal process taxes apply on commodities purchased by board for state institutions. Op. Atty. Gen., Aug. 7, 1933.

This section is hopelessly inconsistent with and repugnant to Laws 1935, c. 383, §§4, 5, and the later act controls. Op. Atty. Gen. (88a-7), July 10, 1935.

State board of control may contract for railroad spur at St. Cloud Reformatory, subject to approval by commission of administration and finance. Op. Atty. Gen. (88a-10), Nov. 5, 1935.

53-10. Same—Powers as to purchase, etc., of supplies, etc.

Bids for construction of public works. Op. Atty. Gen., July 21, 1931; note under §53-1.

As affecting question whether commission of administration and finance is subject to federal excise tax upon tires purchased by it, the commission is performing an essential governmental function and is not operated for profit. Op. Atty. Gen. (980a-11), June 20, 1934.

Commission of administration and finance has no authority to fix kind of telephone service to be rendered to various departments of state government and to fix amount of charges to be paid. Op. Atty. Gen. (980a-9), Oct. 25, 1935.

If commission finds that physical nature of waterbearing sands is such that construction of a well involves exercise of ordinary technical and engineering skill and

precludes setting forth of specifications or letting of a contract on bids, an emergency may be declared and contract for drilling well let without advertising or bids. Op. Atty. Gen. (980h), Nov. 28, 1936.

53-11. Same—Director of personnel—Powers.

Op. Atty. Gen., May 10, 1933; note under §53-7.

53-12. Commissioner of budget—Duties—Budget estimate forms—Etc.

State relief agency does not come under jurisdiction of department of administration and finance as respects preparation and submitting of budget. Op. Atty. Gen. (549), Apr. 15, 1936.

State relief agency is not required to submit budgets to Department of Administration and Finance. Op. Atty. Gen. (980c-32), July 2, 1936.

It is not necessary for board of medical examiners to file budget with budget commissioner. Op. Atty. Gen. (303a-7), Nov. 10, 1936.

53-14. State Auditor—duties as to accounts, etc.

Act appropriating money for payment of claims against state. Laws 1931, c. 416.

Duties of state auditor and comptroller under this section. Op. Atty. Gen., Mar. 18, 1931.

53-16. Contracts involving expenditures without available appropriations, etc.

State officers could not lawfully stipulate that a void contract should be performed and a percentage of contract price be paid from state funds. Regan v. B., 188M 192, 247NW12. See Dun. Dig. 8828.

State department may not enter into agreement with federal government to assume liability for injuries to federal emergency administration workers. Op. Atty. Gen. (523g-6), June 4, 1934.

Signing of application for approval of emergency relief administration work projects, containing an agreement to carry workmen's insurance to protect workers, would be entering into a contract between the state and the federal government, which contract must be signed by the department of administration and finance and no other department of the state government, and even such department would have no authority to sign such an application in the absence of an appropriation by the legislature. Op. Atty. Gen. (517n), June 7, 1934.

Subject to this section adjutant general may under §2450 and Laws 1931, ch. 223, §3, pay part of costs of moving high tension lines crossing Camp Ripley. Op. Atty. Gen. (2c), Dec. 16, 1936.

53-17. Original bills, claims, demands, etc.

Duties of state auditor and comptroller under this section. Op. Atty. Gen., Mar. 18, 1931.

Matter of compromising claims of state is for the executive council and not the secretary of state or attorney general. Op. Atty. Gen. (928c-9), Dec. 20, 1935.

53-18a. Grants from U. S. to be used for stated purposes only.—All funds received by the state from the government of the United States as grants-in-aid for the purpose of assisting in paying old age benefits, or aid to dependent children commonly called "mothers' pensions", or aid to the blind, or for maternal and child health services, or for the care of crippled children, or for the care of neglected children and child welfare generally, or for vocational rehabilitation, or for the extension of public health services, or for any other public assistance or public welfare purpose shall be used solely for the purpose for which the grant was made, and any interest or income arising from the funds so granted shall be accredited by the State Treasurer to the particular account for which such grant was made, and shall be used solely for the purpose of such grant or shall be repaid to the United States Treasury as the proper authorities of the government of the United States may require. (Feb. 10, 1937, c. 25, §1.)

Sec. 2 of Act Feb. 10, 1937, cited, provides that the Act shall take effect from its passage.

ARTICLE IV

53-19 to 53-21.

Superseded by Laws 1931, c. 186, post, §§53-23½ to 53-23½k.

53-22. Department of conservation—powers, etc.

Superseded in part by Laws 1931, c. 186, post, §§53-23½ to 53-23½k.

53-23. Same—co-operation of employees—rules, etc.

See Laws 1931, c. 186, post, §§53-23½ to 53-23½k.

53-23½. [Superseded.]

Superseded by Act Apr. 21, 1937, c. 310, post §§53-23½l to 53-23½u.

This act is constitutional. State v. Finnegan, 188M54, 246NW521. See Dun. Dig. 8846d.

The Minnesota Tourist Bureau may not impose a fee for services rendered by it. Op. Atty. Gen., Feb. 21, 1933.

Every member of conservation commission is entitled to take part in determining whether commissioner shall be removed for cause and no member may be barred under claim of prejudice. Op. Atty. Gen., Mar. 24, 1933.

Powers of commission defined as including supervision and control over execution of policies. Op. Atty. Gen., Aug. 10, 1933.

Commission may formulate policies relating to personnel and exercise supervisory power over execution of such policies and may make regulations concerning manner of appointment and removals. Op. Atty. Gen. (9831), Nov. 4, 1935.

Conservation commission has no power to make regulations concerning taking of migratory waterfowl. Id.

53-23½ a. [Superseded.]

Superseded by Act Apr. 21, 1937, c. 310, post §§53-23½l to 53-23½u.

No public officer may prohibit the landing of aeroplanes in public water within game refuges for the purpose of conservation. Op. Atty. Gen., Sept. 26, 1931.

53-23½ b. [Superseded.]

Superseded by Act Apr. 21, 1937, c. 310, post §§53-23½l to 53-23½u.

Authority to scale state timber is still vested in the surveyor general of logs and lumber, but is now subject to supervision of commissioner of conservation and director of division of forestry instead of state auditor. Op. Atty. Gen., June 27, 1933.

Commission of administration of finance has no power to cancel balance of term of existing lease of Douglas Lodge and substitutes new and longer lease therefor, but cancellation must be had through the executive council, after which new lease should be supervised and controlled by the commission of administration and finance. Op. Atty. Gen. (980b-31), May 13, 1935.

53-23½ c. [Superseded.]

Superseded in part by Act Apr. 21, 1937, c. 310, post §§53-23½l to 53-23½u.

Classification of state land as under authority of conservation department—public parks. Op. Atty. Gen. (330c-1), June 9, 1936.

Counties have no authority to permit cutting of timber upon tax delinquent lands within boundaries of state forests or game refuges, even though contract is let for purpose of obtaining money for relief of poor. Op. Atty. Gen. (27g), Dec. 10, 1936.

(a).

Division of game and fish has no authority to clean out and deepen an old county ditch, though improvement is sought by sportsmen to furnish more ready flow of water from one lake to another. Op. Atty. Gen., Apr. 10, 1933.

(b).

If raising water level in a lake will result in making a state park bordering on such lake a suitable place for recreation, conservation department may take steps to assist in making improvements and may contract with federal government to maintain improvements. Op. Atty. Gen. (330b-12), July 11, 1936.

53-23½ d. to 53-23½ f. [Superseded.]

Superseded in part by Act Apr. 21, 1937, c. 310, post §§53-23½l to 53-23½u.

53-23½ g. [Superseded.]

Superseded in part by Act Apr. 21, 1937, c. 310, post §§53-23½l to 53-23½u.

Op. Atty. Gen. (980b-31), May 13, 1935; note under 53-23½b.

53-23½ h. Appropriations.—All existing appropriations for any activities or purposes which by this act are placed in charge of the department of conservation or any division thereof are hereby transferred to said department or to the respective divisions having charge of such purposes—or activities, as the case may be, to be used for the same purposes as provided by the laws whereby such appropriations were made and in accordance with the provisions of said laws so far as not inconsistent herewith; provided, that the game and fish fund and all other funds now by law appropriated for any activity or purpose under the commissioner of game and fish are hereby transferred to the director of game and fish under this act, and said respective funds shall be continued and all moneys hereafter received for the purposes thereof shall continue to be placed therein as now provided by the laws relating thereto, and all of said funds are hereby appropriated and shall continue to be appropriated to said director of game and fish for the same purposes and under the same conditions as now

provided by the laws relating thereto under the commissioner of game and fish. (Act Apr. 17, 1931, c. 186, §9.)

Superseded in part by Act Apr. 21, 1937, c. 310, post §§53-23 ½ l to 53-23 ½ u.

State auditor may not transfer appropriations to department of conservation, such appropriations being made to state auditor for support of activities now within jurisdiction of department of conservation. Op. Atty. Gen., Feb. 10, 1933.

The Minnesota Tourist Bureau in the conservation department may not accept contributions to augment appropriations for magazine and newspaper advertising of state's natural resources. Op. Atty. Gen., Feb. 21, 1933.

53-23 ½ i. [Superseded.]

Superseded by Act Apr. 21, 1937, c. 310, post §§53-23 ½ l to 53-23 ½ u.

53-23 ½ j. [Superseded.]

Superseded by Act Apr. 21, 1937, c. 310, post §§53-23 ½ l to 53-23 ½ u.

Budget Commissioners may make available to the Conservation Commission from the salary and administrative appropriations of the various departments, an amount which would be the fair pro rata share of supervisory expense of the conservation commission. Op. Atty. Gen., July 24, 1931.

53-23 ½ k. [Superseded.]

Superseded by Act Apr. 21, 1937, c. 310, post §§53-23 ½ l to 53-23 ½ u.

Laws 1931, c. 263, post, §§6513-1 to 6513-8, places the state forests under the control of the commissioner of forestry and fire prevention.

53-23 ½ l. Department of conservation organized.—

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

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

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

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

(e) The Commissioner may appoint a deputy, to serve at his pleasure, who may exercise all the powers of the Commissioner, subject to his direction and control. Such deputy shall receive the same salary as hereinafter prescribed for Directors of Divisions. The Commissioner may employ such other assistants as may be necessary to carry on the work of the Department, and may fix the compensation of the persons employed as far as funds may be available therefor. The Commissioner shall establish a Merit System governing the employment, promotion, and discharge of all employees of the Department and the several Divisions thereof, except the Directors and the deputies of the Commissioner and the directors. (Apr. 21, 1937, c. 310, §1.)

53-23 ½ m. Commissioner of Conservation—duties and powers.—(a) The Commissioner of Conservation shall have and exercise all of the powers and shall perform all of the duties now by law vested in or imposed upon the Conservation Commission, as created under Chapter 186, Session Laws of 1931, and acts amendatory thereof, or by any other existing law. Said existing offices and departments, the powers and duties of which are vested in or imposed upon the Commissioner by this section are hereby abolished.

(b) The Conservation Commissioner shall be the administrative and executive head of the Department of Conservation and shall be responsible for the development of its program and the execution of its policies. He shall be responsible for a proper ac-

counting subdivision within the Department of Conservation and shall be responsible for all receipts and disbursements of the Department and its subdivisions. On the first of each calendar year he shall make an annual report of all departmental activities to the Governor. The financial records of his office shall be open, at all reasonable times, to the State Auditor and to the State Comptroller, and he shall biennially submit a proposed budget to the State Budget Commissioner. (Apr. 21, 1937, c. 310, §2.)

53-23 ½ n. Divisions of department.—(a) The Department of Conservation shall be organized with a Division of Forestry, a Division of Drainage and Waters, a Division of Game and Fish, a Division of Lands and Minerals, and a Division of State Parks. Each Division shall be under the immediate charge of a Director, subject to the general supervision and control of the Conservation Commissioner. The Directors shall be appointed by the Commissioner to serve at his pleasure.

(b) Every such Division shall have charge of administering the activities indicated by its title, together with such other activities as may be assigned by the Commissioner, subject to the right of the Commissioner to revise and change assignments of any and all activities among the several Divisions at any time as he may see fit; provided that in general the Division activities shall be as follows:

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

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

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

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

5. DIVISION OF PARKS . . . shall have administration of existing or acquired State Parks and the Director of such Division shall have the power to acquire, maintain and make available to the public under such rules and regulations as may be established by the Conservation Commissioner, suitable places for public recreation; to rent, lease or operate public service privileges and facilities in any State Park or Parks; to take, in the name of the State for the benefit of the public, by purchase, condemnation, or devise, lands and rights for public parks; to preserve and care for such public parks and by direction of the Conservation Commissioner and upon such terms as he may determine, acquire such other suitable lands or park property within the State as may be entrusted, donated or devised to the State by the United States, or by counties, cities, towns and villages, corporations or individuals for the purpose of public recreation, or for the preservation of natural beauty or natural features possessing historic value; provided that said Director shall not take or contract to take by purchase or condemnation any land or property for an amount, or amounts, beyond that which has been approved by the Conservation Commissioner.

6. Timber sales shall be had only after appraisal of the timber is made by the Division of Forestry and approved by the Conservation Commissioner. Land sales shall be had only after appraisal by the Division of Lands and Minerals, and the approval of the Conservation Commissioner. The actual sale of both

land and timber as provided herein shall be held by the Conservation Commissioner in the County Seats of the Counties in which the land or timber is situated and at such times as recommended by the Commissioner of Conservation.

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

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

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

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

(f) Every Director, with the advice and approval of the Conservation Commissioner, may appoint a deputy to serve at the pleasure of the Director, and such deputy may exercise all the powers of the Director, whether delegated from the Commissioner or otherwise, subject to the direction and control of the Director. Every Director, subject to the approval of the Commissioner, may employ such other assistants as may be necessary to carry on the work of his Division, as far as funds may be available therefor.

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

(h) In case of a vacancy in the office of Commissioner, or any Director, his deputy shall serve in his place and exercise all the powers and perform all the duties thereof until a successor is regularly appointed and qualified, excepting that such acting commissioner, or director, shall have no power to appoint another deputy nor to appoint any director nor to revise or change the assignments of activities among the several divisions of the Department. The salary of such acting incumbent shall be the same as that drawn by the Commissioner or Director whose place he temporarily takes. (Apr. 21, 1937, c. 310, §3.)

53-23 1/2 o. Delegation of powers.—The Commissioner of Conservation may, by written order filed in his office, delegate to the Director of any Division of the Department any of the powers or duties vested in or imposed upon the Commissioner by this act. Such delegated powers and duties may be exercised or performed by the respective Directors in their own names, or in the name of the Commissioner, as the Commissioner may direct. (Apr. 21, 1937, c. 310, §4.)

53-23 1/2 p. Seals, badges and uniforms.—(a) The Department of Conservation and the several Divisions thereof shall have seals. The seal of the Department shall have thereon the words "STATE OF MINNESOTA, Department of Conservation," with such suitable symbol or device as has been established under the provisions of Chapter 186, Session Laws of 1931 [§§53-23 1/2 to 53-23 1/2 k], and such seal or seals may be used to authenticate the official acts of the Commissioner when performed by him or his deputy. The seal of every Division shall be in like form, with the addition of the title of the Division, and may be used to authenticate the official acts of the Director of the Division; provided that the omission or absence of the seal shall not affect the validity or force of any act done or instrument executed by the Commissioner or by any Director.

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

of employees under the separate Divisions of the Department of Conservation. (Apr. 21, 1937, c. 310, §5.)

53-23 1/2 q. Order, etc., to be filed with commissioner.—Except as otherwise prescribed or required by law, the original of all official orders and other official documents issued or executed by the Commissioner of Conservation, or by the Directors of the several Divisions of the Conservation Department, shall be filed in the offices of the Department and shall be the property of the State of Minnesota. Such original orders, documents, and records shall have like force and effect as prima facie evidence in all cases as original records and documents made by other public officers in the performance of their official duties. (Apr. 21, 1937, c. 310, §6.)

53-23 1/2 r. Appropriations transferred.—All existing appropriations for any activity or purpose of the Department of Conservation, or of any Division thereof, are hereby transferred to said Conservation Department and to its respective Divisions, to be used for the purposes for which such appropriations were originally made. (Apr. 21, 1937, c. 310, §7.)

53-23 1/2 s. Provisions severable.—The provisions of this act shall be separable and if any provision hereof shall be declared invalid it shall not invalidate the transfer of any other power, duty, or right hereby established, or any other provision hereof. (Apr. 21, 1937, c. 310, §8.)

53-23 1/2 t. Inconsistent Acts repealed.—All acts, or parts of acts, inconsistent herewith are hereby superseded, modified, or amended so far as may be necessary to give full force and effect to the provisions of this act, provided, however, that nothing herein shall operate to exclude the application of Mason's Minnesota Statutes of 1927, Sections 4368 and 4369, and acts amendatory thereto, known as the Veterans' Preference Law. (Apr. 21, 1937, c. 310, §9.)

53-23 1/2 u. Effective July 1, 1937.—This act shall take effect and be in force from and after its passage with respect to the making of all appointments herein provided for, but with respect to the taking of office by the appointees and of all other matters, it shall take effect and be in force from and after July 1, 1937. (Apr. 21, 1937, c. 310, §10.)

ARTICLE V

53-24. Department of drainage and waters—commissioner, etc.

Superseded by Laws 1931, c. 186, §§53-23 1/2 to 53-23 1/2 k. Laws 1931, c. 186 superseded by Act Apr. 21, 1937, c. 310, ante, §§53-23 1/2 l to 53-23 1/2 u.

ARTICLE VI

53-25. Department of Dairy and Food, etc.

See §53-27 1/2 combining the Departments of Agriculture and of Dairy and Food.

ARTICLE VII

53-26. Department of Agriculture, etc.

Department of Dairy and Food and Department of Agriculture are consolidated. See Laws 1929, c. 387, ante, §53-27 1/2.

Office of Chief Oil Inspector is transferred from Director of Standards to Commissioner of Agriculture, who may also appoint a Deputy Chief Oil Inspector. See Laws 1929, c. 403, post, §53-27 1/2 a. See also Laws 1929, c. 425, post, §§3787-1 to 3787-21.

53-27. Commissioner of Agriculture, etc.

Department of Dairy and Food and Department of Agriculture are consolidated. See Laws 1929, c. 387, post, §§53-27 1/2 to 53-27 1/2 b.

53-27 1/2. Department of agriculture and department of dairy and food consolidated.—The departments of agriculture and dairy and food are hereby consolidated into a single department to be known as the department of agriculture and dairy and food. The department shall be under the supervision and control of a single commissioner appointed in the manner, for the term, and with the compensation now provided by law for the commissioner of agriculture,

and all rights, powers and duties now vested in and imposed by law upon the commissioner of agriculture and all duties imposed by law upon the commissioner of dairy and food are hereby transferred to and vested in such single commissioner under the title of Commissioner of Agriculture and Dairy and Food, subject, however, to the provisions of Chapter 426, Laws 1925 [§§53-1 to 53-52]. (Act Apr. 26, 1929, c. 387.)

Commissioner of agriculture has charge of removal of oil inspectors, and they are subject to his directions and orders. Op. Atty. Gen. (325a-10), Dec. 28, 1934.

53-27½ a. Oil inspection department transferred to department of agriculture.—The office of the Chief Oil Inspector, as created by Article 12, Section 2, Chapter 426, General Laws 1925 [§53-38], is hereby transferred to the Department of Agriculture, and all the powers in relation to the Chief Oil Inspector conferred upon the Director of Standards are hereby transferred to and conferred upon the Commissioner of Agriculture. (Act Apr. 26, 1929, c. 403, §1.)

53-27½ b. Commissioner of agriculture to appoint deputy chief oil inspector.—The Commissioner of Agriculture may appoint a Deputy Chief Oil Inspector and prescribe his powers and duties. (Act Apr. 26, 1929, c. 403, §2.)

ARTICLE VIII

53-28. Department of Commerce—Commission—Commissioner of banks—etc.

Banking division of department of commerce created pursuant to Laws 1909, ch. 201, as amended by Laws 1925, ch. 426, art. 8, is a department of state government within meaning of §9677-1, and legislature contemplated administration of amount of fidelity bond for those for whom legislature has not fixed amount. Op. Atty. Gen. (980a-8), May 5, 1937.

Where a variable clause appears in certificate of incorporation, commissioner of banks may insist on adoption of by-law fixing definite number of directors. Op. Atty. Gen. (29a-13), June 2, 1937.

53-29. Commissioners—Appointment, etc.

Act creating securities commission. Laws 1931, c. 382, post, §3996-29 to 3996-35.

53-30. Commissioners—Powers and duties enumerated—Colonization commission.

Where corporation amended its articles of incorporation so as to reduce par value of stock from \$100 per share to \$10 per share, and issued to its stockholders certificates for 10 shares of new stock in place of each share of \$100 par value of old stock, this was not a sale of shares of new stock and did not come within law requiring registration of stock. Mertz v. H., 194M636, 261 NW472. See Dun. Dig. 1125a.

Op. Atty. Gen. (249b-16), June 25, 1934; note under §3340.

ARTICLE IX

53-34. Same—Powers and duties—Hotel inspectors and agents—Inspections and reports.

Director of division of hotel inspection of Department of Health has right to issue order that all persons handling food and catering to public in a bakery and cafe keep his or her person clean and sanitary. Op. Atty. Gen. (238j), July 10, 1936.

ARTICLE XI

53-36. Department of Highways.

Laws 1925, c. 426 (§§53-1 et seq.) modifies and amends the prior Highway Act to the extent of placing the making of contracts for constructing state highways under the control of the Commission of Administration and Finance. 175M583, 222NW285.

ARTICLE XII

53-38. State industrial commission—Division of standards—etc.

See §§53-27½ a, 53-27½ b, transferring the office of Chief Oil Inspector to the Department of Agriculture.

Where lands are purchased by commissioner of highways for a use other than trunk highway purposes, state auditor has no right or authority to issue a warrant on trunk highway fund in payment thereof. State v. District Court, 196M44, 264NW227. See Dun. Dig. 8849.

ARTICLE XV

53-41. Department of rural credits, etc.

Act authorizing Department of Rural Credits to insure farm property acquired through foreclosures in certain mutual and township insurance companies. Laws 1931, c. 245, post, §6057-2.

Assistant attorney general member of rural credit bureau holds an office created by statute and thereby designated as "without term," and serves at pleasure of attorney general. State v. Poirier, 189M200, 248NW747. Employees of department of rural credit cannot be garnished. Op. Atty. Gen. (843i), Nov. 25, 1936.

53-44. Office of public examiner abolished—Powers, etc.

The appointment of an assistant public examiner is at the pleasure of the comptroller, and an honorably discharged soldier was not entitled to a preference. State v. Rines, 185M49, 239NW670. See Dun. Dig. 7986.

A county may not hire a private auditor to investigate ditch account. Op. Atty. Gen., Apr. 13, 1933.

A village may not employ a private auditor to examine alleged shortage in office of treasurer. Id.

ARTICLE XVIII

53-45. Board of Visitors, etc., abolished.—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 horse-shoers' 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 commissioners, 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; Apr. 20, 1929, c. 272.)

Laws 1917, c. 182 (§§4484, 4485), is repealed by Laws 1929, c. 273.

Laws 1929, c. 268, repeals Laws 1907, c. 441, relating to the State Board of Visitors.

53-46. Oath of office and bonds of officers enumerated in law.

Since the office of public examiner was abolished by §53-44, no part of §3275 is longer in effect, and amount of bond of comptroller is to be fixed by commission of administration and finance pursuant to §53-46. Op. Atty. Gen. (980a-8), May 6, 1937.

ARTICLE XIX

53-47. Registration records of certain examining boards, etc.

Minnesota Historical Society may use certain funds. Laws 1933, c. 31.

Fees collected by State Board of Accountancy are state funds from which authorized expenditures of the board may be made. Op. Atty. Gen. (882j-3), Dec. 10, 1934.

Receipts of state board of electricity should be deposited with state treasurer, from which disbursements must be made in payment of members of board and employees. Op. Atty. Gen. (290u), May 14, 1937.

ARTICLE XX

53-48. Terms of office of officers, etc.

The commission may discharge employees of the Department of Labor and Industry without cause. Op. Atty. Gen., July 3, 1931.

Industrial commission has power without restriction or restraint to appoint and remove certain designated employees or officials. Op. Atty. Gen., May 10, 1933.

Removal from public office in Minnesota. 20MinnLaw Rev721.

ARTICLE XXI

MINNESOTA COMMISSION ON INTERSTATE COOPERATION

53-61. Senate committee on interstate cooperation established.—There is hereby established a standing committee of the Senate of this state, to be officially known as the Senate Committee on Inter-state Cooperation, and to consist of five senators. The members and the chairman of this committee shall be designated in the same manner as is customary in the case of the members and chairman of other standing committees of the Senate. In addition to the regular members, the president of the Senate shall be ex-officio an honorary non-voting member of this committee. (Apr. 21, 1937, c. 315, §1.)

53-62. House committee on interstate cooperation established.—There is hereby established a similar standing committee of the House of Representatives of this state, to be officially known as the House Committee on Inter-state Cooperation, and to consist of five members of the House of Representatives. The

members and the chairman of this committee shall be designated in the manner as is customary in the case of the members and chairmen of other standing committees of the House of Representatives. In addition to the regular members, the Speaker of the House of Representatives shall be ex-officio an honorary non-voting member of this committee. (Apr. 21, 1937, c. 315, §2.)

53-63. Governor's committee on interstate cooperation established.—There is hereby established a committee of administrative officials and employees of this state to be officially known as the Governor's Committee on Inter-state Cooperation, and to consist of five members. Its members shall be: the Budget Director or the corresponding official of this state, ex-officio; the Attorney General, ex-officio; the chief of the staff of the State Planning Board or the corresponding official of this state, ex-officio; and two other administrative officials or employees to be designated by the Governor. If there is uncertainty as to the identity of any of the ex-officio members of this committee, the Governor shall determine the question, and his determination and designation shall be conclusive. The Governor shall appoint one of the five members of this Committee as its chairman. In addition to the regular members, the Governor shall be ex-officio an honorary non-voting member of this committee. (Apr. 21, 1937, c. 315, §3.)

53-64. Minnesota commission on interstate cooperation.—There is hereby established the Minnesota Commission on Interstate Cooperation. This Commission shall be composed of fifteen regular members, namely:
The five members of the Senate Committee on Interstate Cooperation,

The five members of the House Committee on Interstate Cooperation, and

The five members of the Governor's Committee on Interstate Cooperation.

The Governor, the President of the Senate and the Speaker of the House of Representatives shall be ex-officio honorary non-voting members of this Commission. The Chairman of the Governor's Committee on Interstate Cooperation shall be ex-officio Chairman of this Commission. (Apr. 21, 1937, c. 315, §4.)

53-65. Senate council and House council of American legislators.—The said standing Committee of the Senate and the said standing Committee of the House of Representatives shall function during the regular sessions of the legislature and also during the interim periods between such sessions during the term of their respective offices and until their successors are designated by the President of the Senate and the Speaker of the House, respectively; and they shall respectively constitute for this state the Senate Council and House Council of the American Legislators' Association. The incumbency of each administrative member of this Commission shall extend until the first day of February next following his appointment, and thereafter until his successor is appointed. (Apr. 21, 1937, c. 315, §5.)

53-66. Functions of committees.—It shall be the function of this Commission:

(1) To carry forward the participation of this state as a member of the Council of State Governments.

(2) To encourage and assist the legislative, executive, administrative and judicial officials and employees of this state to develop and maintain friendly contact by correspondence, by conference, and otherwise, with officials and employees of the other States, of the Federal Government, and of local units of government.

(3) To endeavor to advance cooperation between this State and other units of government whenever it seems advisable to do so by formulating proposals for, and by facilitating:

- (a) The adoption of compacts,
- (b) The enactment of uniform or reciprocal statutes,

- (c) The adoption of uniform or reciprocal administrative rules and regulations,
- (d) The informal cooperation of governmental offices with one another,
- (e) The personal cooperation of governmental officials and employees with one another, individually,
- (f) The interchange and clearance of research and information and
- (g) Any other suitable process.

(4) In short, to do all such acts as will, in the opinion of this Commission, enable this State to do its part, or more than its part in forming a more perfect union among the various governments in the United States and in developing the Council of State Governments for that purpose. (Apr. 21, 1937, c. 315, §6.)

53-67. Powers and duties.—Commission shall establish such delegations and committees as it deems advisable, in order that they may confer and formulate proposals concerning effective means to secure interstate harmony, and may perform other functions for the Commission in obedience to its decisions. Subject to the approval of the Commission, the member or members of each such delegation or committee shall be appointed by the Chairman of the Commission. State officials or employees who are not members of the Commission on Inter-state Cooperation may be appointed as members of any such delegation or committee, but private citizens holding no governmental position in this state shall not be eligible. The Commission may provide such other rules as it considers appropriate concerning the membership and the functioning of any such delegation or committee. The Commission may provide for advisory boards for itself and for its various delegations and committees, and may authorize private citizens to serve on such boards. (Apr. 21, 1937, c. 315, §7.)

53-68. Shall report to Governor.—The Commission shall report to the Governor and to the Legislature within fifteen days after the convening of each regular legislative session, and as such other times as it deems appropriate. Its members and the members of all delegations and committees which it establishes shall serve without compensation for such service, but they shall be paid their necessary expenses in carrying out their obligations under this act. The Commission may employ a secretary and a stenographer, it may incur such other expenses as may be necessary for the proper performance of its duties, and it may, by contributions to the Council of State Governments, participate with other states in maintaining the said Council's district and central secretariats, and its other governmental services. (Apr. 21, 1937, c. 315, §8.)

53-69. Informal titles.—The Committees and the Commission established by this Act shall be informally known, respectively, as the Senate Cooperation Committee, the House Cooperation Committee, the Governor's Cooperation Committee and the Minnesota Cooperation Commission. (Apr. 21, 1937, c. 315, §9.)

53-70. To be joint governmental agencies.—The Council of State Governments is hereby declared to be a joint governmental agency of this state and of the other states which cooperate through it. (Apr. 21, 1937, c. 315, §10.)

53-71. Secretary of State to inform other officials of Act.—The Secretary of State shall forthwith communicate the text of this measure to the Governor, to the Senate and to the House of Representatives, of each of the other states of the Union, and shall advise each legislature which has not already done so that it is hereby memorialized to enact a law similar to this measure, thus establishing a similar commission, and thus joining with this State in the common cause of reducing the burdens which are imposed upon the

citizens of every state by governmental confusion, competition and conflict. (Apr. 21, 1937, c. 315, §11.)

53-72. Effective immediately.—This act shall take effect immediately. (Apr. 21, 1937, c. 315, §12.)

53-73. Acts severable.—If any clause or other portion of this Act is held to be invalid, that decision

shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that all such remaining portions of this Act are severable, and that it would have enacted such remaining portions if the invalid portions had not been included in this Act. (Apr. 21, 1937, c. 315, §13.)

CHAPTER 4

Executive Department

THE GOVERNOR

55. Secretary, etc.

Superintendent has no power to enter into an agreement with an employee's union concerning seniority rights of employees, number of working hours, wages, and settlement of disputes. Op. Atty. Gen. (707b-11), May 6, 1935.

56. State capitol.

Senate has no right by resolution to control use of rooms and furniture while it is not in session. Op. Atty. Gen., June 12, 1933.

56-1. Governor to assign space in building.—The governor shall determine the particular departments, officers and agents of the state government, to be assigned to the building to be erected hereunder, and in the order of such assignment may prescribe the reasonable rental charge to be paid for the space assigned therein to any department, the cost of maintenance of which is payable from the receipts of such department or agency, the amount of such rental to be applied toward the cost of maintenance of the building to be erected hereunder. (Act Apr. 23, 1929, c. 309, §6.)

The above provision constitutes §6 of Act, April 23, 1929, c. 309, creating the State Building Commission to serve during the erection of the state office building. The other sections of the act are temporary and are omitted from this compilation. Sections 1, 2 and 3 of the act were amended by Laws 1931, c. 61, and Laws 1931, c. 79. Section 2 was again amended by Laws 1931, c. 106.

Members of the state legislature are not eligible to serve as members of the state building commission. Op. Atty. Gen., June 5, 1931.

The office of a member of the 1929 legislature did not terminate until January 1, 1931, and he cannot be eligible to serve as a member of the state building commission created by Laws 1929, c. 301, until January 1, 1932. Op. Atty. Gen., June 5, 1931.

Governor may decide whether department of rural credit shall be assigned space in state office building and whether there shall be a rental charged, and if he decides that it should take space from private party, conservator may rent outside space from a private party under a lease for a reasonable time. Op. Atty. Gen. (770c-6), Mar. 24, 1937.

58. Powers of.

Governor cannot remove village constable. Op. Atty. Gen., Aug. 31, 1933.

STATE TREASURER

81. Duties—Bond.

General bond of state treasurer does not cover unemployment compensation. Op. Atty. Gen. (885q-1), Apr. 14, 1937.

88. Revenue fund temporarily filled. For the purpose of supplying deficiencies in the revenue fund, the treasurer may temporarily borrow from other public funds sums not exceeding in the aggregate six million dollars in any year; provided that no fund shall be so impaired thereby that all proper demands thereon cannot be met. (R. L. '05, §48; G. S. '13, §86; 21, c. 52; Apr. 23, 1935, c. 239.)

Sec. 2 of Act Apr. 23, 1935, cited, provides that the act shall take effect from its passage.

89. Gifts—Acceptance.

Gifts of land may be made to state for benefit of state teachers college of St. Cloud to be used as a municipal forest if state auditor, governor and state treasurer determine that it is for best interest of state and institution to accept same. Op. Atty. Gen. (359a-9), June 11, 1937.

95-1. Disposition of certain moneys.—All moneys received by the state treasurer in his official capacity

from persons making such payment without disclosing their identity or without direction as to application shall be covered into the state treasury and credited to the general revenue fund. The treasurer shall keep a record of moneys so received and credited, noting therein the date of receipt, date of payment into the treasury, and such other information as he may have at hand concerning each item so received and credited. (Act Mar. 22, 1929, c. 85.)

95-2. State Treasurer's revolving fund created.—That a revolving fund of twenty thousand dollars (\$20,000.00) be created, to be kept in the State Treasurer's office for the purpose of cashing drafts, checks, and state warrants, which shall be cleared from day to day in the usual manner. (Act Feb. 23, 1935, c. 19, §1.)

95-3. Appropriations.—There is hereby appropriated, the sum of twenty thousand dollars (\$20,000.00) from the revenue fund of the State, not otherwise appropriated, and the State Auditor is hereby authorized and directed to issue a state warrant on the state revenue fund, payable to the State Treasurer, in the amount of twenty thousand dollars (\$20,000.00) and the State Treasurer is authorized and directed to procure cash on said warrant for the purpose of carrying out the use thereof as above outlined. The State Treasurer shall at all times be liable to the State under his bond for the full amount of said \$20,000.00. (Act Feb. 23, 1935, c. 19, §2.)

BOARDS OF AUDIT AND DEPOSIT

98. Designation as depositories of state funds—Interest, etc.

174M583, 219NW916; note under §106.

179M143, 228NW613.

Op. Atty. Gen., Mar. 5, 1929; note under §1973-1.

Sureties on bonds securing state deposits held not released by the consolidation or merger of the bank with another bank. 173M406, 217NW360.

Moneys of University of Minnesota placed in designated depositories is state money on which interest must be paid notwithstanding federal banking act of 1933, §11. Op. Atty. Gen., Oct. 9, 1933.

Deputy registrars of motor vehicles are not liable for funds after depositing them in a bank designated by the state as a state depository. Op. Atty. Gen. (632a-17), Apr. 22, 1935.

99. Surety bond—interest on time deposits—maximum amount of deposits.—Before any bank or trust company shall receive state funds it shall give to the state a corporate surety bond. If corporate surety bond is furnished the board of deposit may fix a limit of deposit equal to the penalty named in such bond. More than one corporate surety bond may be furnished, the aggregate thereof to equal the amount required. Depository bonds shall include the condition that there shall be paid to the state treasurer, or his order upon demand, or if a time deposit when due, at any place in this state designated by him, free of exchange, all of the state funds deposited in the depository furnishing such bond at any time while the same shall be in force, with interest upon time deposits at the rate agreed upon and approved by the board. The board of deposit shall fix the limit of deposit to be made in any depository. Depository bonds shall be approved by the board and filed with the treasurer. (As Am. Apr. 22, 1937, c. 351, §1.)

174M583, 219NW916; note under §106.

179M143, 228NW613.