

(1) That the county boards's order did not conform to the contents or prayer of the petition;

(2) That the order of the county board is contrary to the best interests of the school districts involved and contrary to the interests of a majority of the pupils of the districts affected.

Such appeal shall be taken by serving upon the county auditor within thirty days of the making of the order a notice of appeal specifying the grounds thereof. Such further proceedings shall be had upon such appeal as upon other appeals from the county board.

Sec. 9. This act shall be effective only after it has been approved by a resolution adopted by a majority of the members of the school board of Special School District No. 3 and the school board of Independent School District No. 704, and upon compliance with Laws of 1959, Chapter 368.

Approved April 14, 1961.

CHAPTER 379—H. F. No. 124

[Coded]

An act relating to county surveyors; establishing their qualifications and duties; providing for their appointment, election, and bonding; and providing for the termination of the office; repealing Minnesota Statutes 1957, Section 389.01.

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

Section 1. [389.011] **County surveyors; qualifications, appointment, election, termination of office, performance of duties, bond.** Subdivision 1. **Qualifications.** Any county surveyor elected or appointed after July 1, 1961, or any surveyor designated to perform the professional duties of a county surveyor after July 1, 1961, shall be registered in Minnesota as a land surveyor as provided in Minnesota Statutes 1957, Chapter 326. Such professional duties shall include any of the duties involved in the practice of land surveying as provided in Minnesota Statutes 1957, Chapter 326. Any county surveyor or other surveyor designated to perform the duties of a county surveyor at all times while holding such office or while such designation is in effect shall be duly registered in Minnesota as a land surveyor.

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Failure on the part of any such land surveyor to keep his registration current shall be deemed adequate grounds for the board of county commissioners to declare said office vacant and to appoint a properly qualified person to such office. As used in this section the term land surveyor shall mean a surveyor duly registered in Minnesota as a land surveyor.

Any county surveyor or other surveyor designated to perform the duties of a county surveyor after July 1, 1961, before entering upon his duties, in addition to such bond and oath of office as may be required to be filed, shall file a certified copy of his registration as a land surveyor for record with the register of deeds and each year thereafter while holding such office or designation shall file a certified copy of his certificate of registration for the then current year with the register of deeds on or before January 10 of each year.

Any county surveyor holding that office on July 1, 1961, who was elected or appointed for a term beginning on or before the first Monday in January, 1959, shall be deemed eligible for re-election or appointment to the office of county surveyor in the county in which he was last elected or appointed; and if he is subsequently elected or appointed to that office, and is not a registered land surveyor in lieu of a certificate of registration as a land surveyor, he shall file with the register of deeds a certified copy of his certificate of election or the resolution of appointment for the term beginning on or before the first Monday of January, 1959.

Subd. 2. Election, term, appointment, termination of office.

(1) In any county having less than 200,000 inhabitants and in which the office is vacant by reason of no person having been elected and qualified for the position, the board of county commissioners may by resolution duly adopted at least six months before the end of the term of office of the county surveyor, declare the office terminated. If such resolution is adopted no person shall be elected or appointed to the office of county surveyor so long as such resolution remains in effect. The county board by resolution adopted at least six months before the date of any general election may rescind its action terminating the office. Such resolution rescinding its action terminating the office shall state whether the office shall be filled henceforth by election or by appointment.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

If the resolution does not state that the office shall be filled by appointment the county surveyor shall be elected at the next general election according to law. If the office of county surveyor is to be filled by appointment the board of county commissioners shall within 30 days of said resolution appoint a land surveyor to such office.

In the resolution terminating the office the board of county commissioners may designate a land surveyor who shall perform all professional duties of a county surveyor as provided by law. As to any duties of a county surveyor which are not of a professional nature said duties shall be performed by the county engineer.

(2) In any county in which the office of county surveyor has not been abolished by law the board of county commissioners may by resolution duly adopted at least six months before the end of the term of the office of county surveyor declare its intention to fill the office by appointment. Having adopted such a resolution the board of county commissioners shall fill the office of county surveyor by appointment of a land surveyor to the office not less than 30 days before the end of the term of office of the incumbent. When so appointed the county surveyor shall serve for such term as determined by the board commencing upon the expiration of the term of the incumbent but not to exceed four years.

(3) In any county wherein the office of county surveyor has not been terminated or made appointive under the provisions of this act or abolished under other provisions of law, there shall be elected a county surveyor in the manner provided by law. The term of office of the county surveyor shall be four years and until his successor is elected and qualified, and begin on the first day of January next succeeding his election.

(4) If the office of county surveyor is vacant by reason of no qualified person having been elected to the office or the board of county commissioners having failed to appoint a person to the office or is otherwise vacant or if the office has been terminated and no land surveyor has been designated to perform the professional duties of the office and there are duties which prior to January 1, 1961, had been the responsibility of the county surveyor the officer requiring such duties to be performed may retain a land surveyor to perform such duties at the compensation set by the county board.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

Subd. 3. **Bond, oath.** Any county surveyor appointed or elected after July 1, 1961, before entering upon his duties shall give bond to the county, approved by the county board, in the sum of \$2,000 conditioned for the faithful discharge of his duties, which bond, with his oath, together with a certified copy of his registration as a land surveyor or his certificate of election shall be filed for record with the register of deeds.

Subd. 4. **Residence of surveyor.** Notwithstanding any other provision of law any land surveyor appointed by a board of county commissioners as a county surveyor or any land surveyor designated by the board to perform the duties of county surveyor need not be a resident of the county in which he is appointed as county surveyor or designated to perform the duties of county surveyor. Any county engineer may be elected or appointed county surveyor provided he is registered in Minnesota as a land surveyor.

Sec. 2. Minnesota Statutes 1957, Section 389.01 is repealed.

Approved April 14, 1961.

CHAPTER 380—H. F. No. 229

An act relating to game wardens, certain teachers, highway patrolmen, state employees, and public employees retirement funds; defining lawful investments; amending Minnesota Statutes 1957, Sections 352.06, 97.65, 135.04, Subdivision 4; 172.05, and 353.06.

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

Section 1. Minnesota Statutes 1957, Section 352.06, is amended to read:

352.06 Investment board to invest funds. *Subdivision 1. Securities generally, standard.* The retirement board shall, from time to time, certify to the state board of investment for investment such portions of the retirement fund as in its judgment may not be required for immediate use. The state board of investment shall thereupon invest the sum so certified in such securities as are duly authorized legal investments ~~for savings banks and trust companies,~~ *as defined in this section, provided, however, that any investments shall be made with the exercise of that degree of judg-*

Changes or additions indicated by italics, deletions by strikeout.