

CHAPTER 32—H. F. No. 114

An act relating to the estates of certain wards of the director of social welfare and director of public institutions and amending Minnesota Statutes 1945, Section 256.93.

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

Section 1. Minnesota Statutes 1945, Section 256.93, is amended to read as follows :

256.93. Subdivision 1. **Director of social welfare; possession of estates. Limitations.** In any case where the guardianship of the person of any defective, illegitimate, dependent, neglected or delinquent child, has been committed to the director of social welfare, and in any case where the guardianship of the person of any feebleminded or epileptic person has been committed to the director of public institutions, the probate court having jurisdiction of such estate may on such notice as the court may direct and upon notice to the director to whose guardianship said person has been committed, authorize such director to take possession of the *personal* property in such estate, liquidate the same, and hold the proceeds thereof in trust for such ward, to be invested, expended and accounted for as provided by sections 256.88 to 256.92.

Subd. 2. **Annual report.** The director of social welfare and the director of public institutions shall annually or at such other times as the probate court may direct file with the court an account of moneys received and disbursed by each of them for their respective wards, pursuant to subdivision 1. Upon petition of the ward or of any person interested in such estate and upon notice to the director to whose guardianship such ward has been committed, the probate court may terminate such trust and require final accounting thereof.

Approved February 21, 1949.

CHAPTER 33—S. F. No. 88

An act relating to the duties and responsibilities of the public examiner; and amending Minnesota Statutes 1945, Sections 215.04, 215.05, 215.11, 215.13 and 215.21.

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

Section 1. Minnesota Statutes 1945, Section 215.04, is amended to read :

215.04. Powers and duties of examiner. The public examiner shall keep such books of account as shall be necessary to properly carry out the provisions of this chapter and 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 public examiner shall post-audit and make a complete examination and verification of all accounts, records, inventories, vouchers, receipts, funds, securities, and other assets of all state departments, boards, commissions, and other state agencies at least once a year, *if funds and personnel permit*, and oftener if deemed necessary or as directed by the governor or by the legislature. Audits may include detailed checking of every transaction or test checking as the public examiner deems best. The books of the state treasurer and state auditor may be examined monthly. The public examiner shall see that all provisions of law respecting the installation and use of accounting systems, books, records, and forms are complied with by all departments and agencies of the state government.

The powers and duties of the board of audit and of the former public examiner heretofore transferred to, vested in, and imposed upon the comptroller, are hereby transferred to, vested in, and imposed upon the public examiner.

Sec. 2. Minnesota Statutes 1945, Section 215.05, is amended to read :

215.05. Duties as to state offices, institutions, properties, industries and improvements. The public examiner shall exercise a constant supervision over the books and accounts of the several public offices, institutions, properties, industries, and improvements of the state, and over the financial records and transactions of public boards, associations, and societies supported, wholly or in part, by state funds. In all offices where the records of such public affairs are kept and the finances thereof handled, he shall enforce correct methods of accountancy and, in his discretion, prescribe and install sys-

tems of accounts and financial reports. Once in each year, *if funds and personnel permit*, without previous notice, he shall visit each of such offices, institutions, and industries and, so far as practicable, inspect such properties and improvements, thoroughly examine the books and accounts thereof, verifying the funds, securities and other assets, check the items of receipts and disbursements with the voucher records thereof, ascertain the character of the official bonds for the officers thereof and the financial ability of the bondsmen, inspect the sources of revenue thereof, the use and disposition of state appropriations and property, investigate the methods of purchase and sale, the character of contracts on public account, enforce a proper custody and depository for the funds and securities thereof, verify the inventory of public property and other assets held in trust, and ascertain that all financial transactions and operations involving the public funds and property of the state comply with the spirit and purpose of the law and are for the best protection of the public interest.

Sec. 3. Minnesota Statutes 1945, Section 215.11, is amended to read:

215.11 Examination of counties; fees. All the powers and duties conferred and imposed upon the public examiner shall be exercised and performed by him in respect to the offices, institutions, public property, and improvements of the several counties of the state. At least once in each year, *if funds and personnel permit*, the public examiner shall visit, without previous notice, each county and make a thorough examination of all accounts and records relating to the receipt and disbursement of the public funds and the custody of the public funds and other property. He shall prescribe and install systems of accounts and financial reports that shall be uniform, so far as practicable, for the same class of offices. A copy of the report of such examination shall be filed and be subject to public inspection in the office of the public examiner and another copy in the office of the auditor of the county thus examined. The public examiner may accept the records and audit, or any part thereof, of the division of social welfare in lieu of his examination of the county social welfare funds, if such audit has been made within any period covered by the public examiner's audit of the other records of the county. If any such examination shall disclose malfeasance, misfeasance, or non-feasance in any office of such county, such report shall be filed with the county attorney of the county, and it shall be his duty to institute such civil and criminal proceed-

ings as the law and the protection of the public interests shall require.

The county receiving such examination shall pay to the state the total cost and expenses of such examination, including the salaries paid to the examiners while actually engaged in making such examination. The *revolving fund* of the public examiner shall be credited with all collections made for any such examinations.

Sec. 4. Minnesota Statutes 1945, Section 215.13, is amended to read:

215.13. Other cities. The public examiner shall have like power and duty to supervise the accounts of all cities not included in section 215.12. He shall have the authority to require, in his discretion, the financial officers of any city not included in section 215.12 to send all books, accounts, and vouchers pertaining to the receipt, disbursement, and custody of its public funds to the office of the public examiner for examination. He may prescribe and install for such cities systems of accounts and reports, which shall be uniform for each class of cities and offices. He may conduct such examinations of accounts and records as he may deem the public interest to demand.

The report of such examination shall be filed with the mayor and city council or commission; and, in case of any violation of law, it shall be prosecuted, as provided in section 215.11 with respect to the examination of counties.

Sec. 5. Minnesota Statutes 1945, Section 215.21, is amended to read:

215.21 Municipality to pay cost of examination. Upon the examination of the books, records, accounts, and affairs of any city, village, town, or school district, as provided by law, such city, village, town, or school district shall be liable to the state for the total cost and expenses of such examination, including the salaries paid to the examiners while actually engaged in making such examination. The *revolving fund* of the public examiner shall be credited with all collections made for any such examinations.

Approved February 23, 1949.