

MASON'S MINNESOTA STATUTES

1927

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EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED
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 18

PUBLIC EXAMINER

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Office of public examiner abolished, and powers, etc., transferred to comptroller. See § 53-44, herein.

3274. Department established—Powers and duties—There is hereby established and continued within the state of Minnesota the department of public examiner, which shall have the duty and power to supervise all public accounts, to prescribe and install systems of accounts and reports, to inspect all records and transactions connected with the receipt, disbursement and custody of public funds, to investigate the use and security of all public appropriations and property, to ascertain the sources and condition of the public revenue, investments, loans and debt, to verify the public funds and examine and report upon the condition and security thereof, and the chief of this department shall be known as the public examiner. ('13 c. 555 § 1) [3227]

Section 14 repeals all inconsistent laws, etc. This act supersedes R. L. c. 18, as amended 1909 c. 449, and by 1905 c. 223 1907 c. 344, 1909 c. 264, and 1913 c. 154. 85-165. 197. 88+533. Supervision of co-operative marketing associations. '23 c. 264 § 30.

3275. Public examiner to be appointed by governor—**Bond**—The governor, by and with the advice and consent of the senate, shall appoint a public examiner for the term of three years and until his successor qualifies, and in case of a vacancy in such office the governor shall appoint a successor for the remainder of said term; provided, that nothing in this act shall affect the term of the present public examiner. Such examiner shall be a skilled accountant, and shall not at any time while in office hold any other public office, or own any stock or have any commercial interest in any corporation, co-partnership, property or business subject to supervision and examination by this department. He shall give bond to the state in the sum of twenty-five thousand dollars, to be approved by the governor and attorney general, conditioned for the faithful discharge of his duties. ('13 c. 555 § 2, amended '19 c. 425 § 1) [3228]

3276. Duties—State offices, institutions, properties, industries and improvements—Said 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 systems of accounts and financial reports. Once in each year without previous notice, he shall visit each of such offices, institutions and industries, and, so far as practicable, inspect such properties and improvements, and he shall 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 and the use and disposition of state appropriations and property, investigate the methods of purchase and sale and 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. ('13 c. 555 § 3) [3229]

85-41. 88+412.

3277. Reports of examinations—Violations of law—He shall prepare written reports of the conditions disclosed by such examinations, together with such directions and recommendations as he may deem required, filing one copy of such report with the governor, another copy with the officer, institution or society, whose accounts are examined, and file other copies open to public inspection during office hours in the department of public examiner. If any such examinations shall disclose malfeasance or misfeasance or non-feasance in office on the part of any officer or employe, an additional copy of such report shall be made, signed and verified and it shall be the duty of the public examiner to place such report with the governor, and the governor shall transmit the same to the attorney-general and the attorney-general shall institute and prosecute such civil proceedings against such delinquent officer, or upon his official bond or both, as will carry into effect the findings resulting from such examinations and secure to the state the recovery of any funds or other assets misappropriated and he shall institute such other proceedings as may secure compliance with the law. ('13 c. 555 § 4) [3230]

3278. Examination and supervision of county offices and institutions, etc.—All the powers and duties conferred and imposed upon the public examiner in the foregoing sections shall be exercised and performed by him in respect to the offices, institutions, public property and improvements of the several counties of the state of Minnesota. At least once in each year, the public examiner shall visit, without previous notice, each of such counties 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 subject to public inspection in the office of the public examiner, and another copy in the office of the county auditor of the county

3278
31 — 125
31 — 246

3276
29 — 250

thus examined; provided, that 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 said county, and it shall be the duty of such county attorney to institute such civil and criminal proceedings, as the law and the protection of the public interests shall require. ('13 c. 555 § 5) [3231]

3279. Cities of more than 50,000 inhabitants—All powers and duties herein conferred and imposed upon the public examiner with respect to state and county officers, institutions, property and improvements are hereby extended to cities of more than 50,000 inhabitants; provided, that for service of said examiner any such city shall pay into the state treasury the sum of \$7 per day and the expenses of such examination, such payment to be for not more than 100 days service in any one year and made to the state treasurer within thirty days after requisition therefor. Copies of the written report of the public examiner on the financial condition and accounts of such city shall be filed in his office and with the mayor, city council, and city comptroller thereof, and, with the city commissioners, if such city have such officers; provided, that, if such report disclose malfeasance, misfeasance, or non-feasance in office, copies thereof shall be filed with the city attorney thereof and with the county attorney of the county in which such city is located, and said officials of the law shall institute such proceedings, civil or criminal respectively as the law and the public interest require. ('13 c. 555 § 6) [3232]

3280. Other cities—The public examiner shall have like power and duty to supervise the accounts of all cities not included in section 7 hereof, and he shall have the authority to require in his discretion the financial officers of any city not included in said section to send all books, accounts, vouchers pertaining to the receipt, disbursement, and custody of its public funds to the office of the public examiner in St. Paul 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, and he may conduct examinations of accounts and records as he may deem the public interest to demand.

On petition of the freeholders of any such city to the number of one freeholder for each one hundred inhabitants, the public examiner shall conduct an examination of the accounts and funds of such city; the city treasurer of such city within thirty days after requisition therefor to pay to the state treasurer for such services at the rate of \$6 per day and expenses for each day of such examination. The report of such examination shall be filed with the mayor and city council or commission, and in case of violation of law shall be prosecuted, as provided in section 7 with respect to the examination of counties. ('13 c. 555 § 7) [3233]

Section 7 should read section 6, which is § 3279. herein.

3281. School districts, towns and villages—All powers and duties of the public examiner herein imposed and conferred with respect to the supervision, inspection and examination of books and accounts of cities in section 8 hereof are herewith extended to all school districts, towns and villages of this state; provided, that the public examiner shall conduct an examination of the records of any such town, village, or school district on the petition of ten freeholders thereof, and the town, village, or school receiving such examination shall pay the state for the same at the rate of \$5 per day and expenses. A copy of the report of such ex-

amination shall be filed subject to public inspection, with the clerk of the town, village, or school district receiving such examination, and an additional copy with the county auditor; provided, that if such report disclose malfeasance, misfeasance, or non-feasance in office, the public examiner, shall file such copy with the county attorney of the county in which such school district, town or village is located, and said county attorney shall institute such proceedings as the law and the public interest require. ('13 c. 555 § 8) [3234]

Section 8 should read section 7, which is § 3280; herein.

3282. Gross earnings for taxation—In like manner and with like powers, as provided by section 3 [3229] hereof, the public examiner, at least once a year, so far as practicable, shall visit all railroad and other corporations and companies which are required by law to pay taxes to the state upon a gross earnings basis, examine their books of account and all other records and papers bearing upon or evidencing their gross earnings upon which, under the law, taxes should be paid in this state, and certify to the Minnesota tax commission the amount of such taxable earnings; and in case he shall discover errors and omissions in the gross earnings as reported by such companies, he shall certify the amount of such omitted earnings, together with the additional taxes and penalties due for collection as provided by law. All evasions and violations of the law in respect to such gross earnings taxes, which the public examiner may discover he shall report to the governor, the Minnesota tax commission and attorney-general, and said officials shall institute such proceedings as the law and the public interest require. ('13 c. 555 § 9) [3235]

Section 3 [3229] is § 3276. herein.

3283. Subpœnas, witnesses, etc.—In all matters relating to his official duties, the examiner shall have the powers possessed by courts of law to issue subpœnas and cause them to be served and enforced. All state and county auditors, treasurers, and other public officials, and their respective deputies and employees, all officers, directors, and employees of all railway and other companies required by law to pay taxes to the state upon a gross earnings basis, and all persons having dealings with or knowledge of the affairs or methods of such companies, and likewise all corporations, firms and individuals having business involving the receipt, disbursement, or custody of the public funds shall at all times afford reasonable facilities for such examinations, make such returns and reports to the examiner as he may require, attend and answer under oath his lawful inquiries, produce and exhibit such books, accounts, documents, and property as he may desire to inspect, and in all things aid him in the performance of his duties. ('13 c. 555 § 10) [3236]

114-346, 131+489; 131-120, 154+752.

3284. Refusal, obstruction, etc.—Every person who shall refuse or neglect to obey any lawful direction of the examiner, or his deputy, or any of his assistants; withhold any information, book, record, paper, or other thing called for by him for the purpose of examination; wilfully obstruct or mislead him in the execution of his duties; or swear falsely concerning any matter stated under oath, shall be guilty of a felony, the minimum penalty whereof shall be a fine of one thousand dollars, or imprisonment in the state prison for one year. ('13 c. 555 § 11) [3237]

3285. Biennial reports—The examiner shall report to the governor biennially touching all his official acts,

giving abstract of the statistics and condition of the various offices, institutions, municipalities, and corporations to which his duties relate, and making such recommendations as he may deem proper, which report shall be printed and included in the volume of executive documents. ('13 c. 555 § 12) [3238]

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239nw 670
See
4368-69

3286. Assistants and employes and bonds to be given—For the exercise of the powers and performance of the duties imposed and conferred upon him by this act, the public examiner may appoint, and at pleasure remove, a deputy examiner, fifteen assistant public examiners, an executive clerk, and such other employes as may be necessary for whom provision is made by law. Such deputy and assistant examiners shall each give bond to the state in the sum of five thousand dollars. During the absence or disability of the public examiner, the deputy examiner shall perform the duties of the office. The duties of the assistants and

other employes shall be such as the examiner may prescribe, and any of them may be assigned to perform any special duty imposed by this chapter upon the examiner or his deputy. In such cases the assistants may exercise all the powers of his principal necessary to the proper discharge of such duty. The salaries of the public examiner and his appointees as above enumerated shall be such as are fixed by law. The salaries of the several other employes subject to appointment by the public examiner shall be such sums as the examiner may prescribe and, together with the expenses of the examiner and his deputy and assistants and other employes, necessarily incurred in the discharge of their duties and in the administration of the office, shall be paid out of the contingent fund provided for such office; and such salaries and expenses shall not exceed the aggregate sums appropriated and allowed therefor by law. ('13 c. 555 § 13, amended '19 c. 425 § 2) [3239]

CHAPTER 19

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