

ments and such inspections made by electrical representatives of the State Board of Electricity, a copy of each inspection certificate shall be filed with the State Board of Electricity, together with a supervisory fee of 50 cents. For transient projects requiring temporary electrical service or for projects in process of construction, the person, firm, or corporation furnishing electric current shall not be required to obtain a certificate of inspection or an affidavit showing compliance with the requirements above stated, until completion of the projects. Any person who shall perform any services for another in installing or repairing electrical wires or apparatus without having complied with the provisions of sections 326.24 to 326.32 respecting registration and license, or who violates any provision of sections 326.24 to 326.32 is guilty of a misdemeanor.

Approved April 20, 1951.

CHAPTER 556—S. F. No. 986

[Not Coded]

An act providing for the establishment of the office of county budget and purchasing agent in each county of this state now or hereafter having a population of 550,000 or more; fixing his powers and duties, defining misconduct on the part of such agent, his assistants and employees, and prescribing a penalty therefor; amending Minnesota Statutes 1949, Section 375.21, Subdivision 2, Section 160.39 and Section 164.22.

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

Section 1. Hennepin County, budget and purchasing agent. Subdivision 1. Office established. The county board of each county of this state now or hereafter having a population of 550,000 or more may as of July 1st of any year after the passage of this act, establish the office of budget and purchasing agent, hereinafter referred to as the agent, appoint a qualified person to fill such office, and provide him with such office space, equipment, supplies and assistants as may be necessary to enable him to perform his duties.

Subd. 2. **Qualifications, term, salary.** The agent shall be a resident of the state and prior to his appointment he shall have had at least five years' experience as an executive of a private or public corporation of comparable size. His term of office shall be four years. His salary, which shall not be less than \$6,000 per annum, and the salaries of his assistants, shall be fixed by the county board and shall be paid at the time and in the manner as salaries of county officers generally.

Subd. 3. **Bonds.** The agent and his assistants shall devote their entire time to their official duties and before entering upon such duties each shall give bond to the county in such amount as shall be fixed by the county board. Such bonds shall be approved and filed in the same manner as are the official bonds of county officers.

Subd. 4. **Removal.** The agent may be removed by the county board during his term of office but only for incompetency or misconduct shown on hearing had upon due notice and upon stated charges. The burden of proving incompetency or misconduct shall rest upon the party making the allegation. The agent shall have a right of appeal to the district court from any resolution or order removing him and if reinstated shall be paid as though he had not been separated from his employment. His appeal shall stay the operation of the resolution or order for removal and shall be set down for immediate hearing by the district court and the burden of proof on such appeal shall be on the county board.

Sec. 2. **Powers, duties.** The agent shall have the following powers and duties with respect to county budgets:

(a) He shall prepare in cooperation with the county auditor and the heads of the several county departments, boards and commissions, including the sanatorium commission but not including the municipal building commission or county welfare board, all annual budget estimates of expenditures for the ensuing year and submit the same with his recommendations to the county board and file copies thereof with the county auditor on or before July 15 of each year.

(b) He shall prepare and furnish each department, board and commission with a sufficient number of budget estimate forms for its use on or before July 1 of each year. The forms shall be so prepared as to show in detail actual expenditures

for the two preceding years and the estimated expenditures for the ensuing year. The estimated expenditures shall be fully itemized as to character and object of expenditure and shall conform with the requirements of Minnesota Statutes 1949, Chapter 383.

(c) He shall supervise the preparation of such estimates and the county auditor and the head of each department, board and commission shall cooperate with him in the preparation thereof.

Sec. 3. Purchasing powers and duties. Subdivision 1. **Authority.** From and after January 1st next following the establishment of said office, the agent shall have authority and it shall be his duty:

(a) To purchase all goods, materials, supplies and equipment required by any department, board, commission or agency of the county, except as hereinafter set forth;

(b) To prepare or cause to be prepared all plans and specifications for such goods, materials, supplies and equipment;

(c) To transfer to or between county departments, boards, commissions and agencies, or to sell goods, materials, supplies and equipment which are surplus, obsolete or unused;

(d) To establish and operate a central mimeographing and multigraphing service for all county departments, boards and agencies at the county seat.

Subd. 2. Limitation of authority. The agent's authority shall not extend to any purchases for either the county tuberculosis sanatorium, the municipal building commission, or the county welfare board nor to purchases made from the county attorney's contingent fund, the sheriff's revolving fund, the petty cash funds of the Home School for Boys and Home School for Girls, nor to the purchase of election supplies and ballots and assessment books and supplies required by law to be furnished by the county auditor.

Sec. 4. Revolving fund. The county board shall appropriate from the county revenue fund the sum of \$10,000 to be

used by the agent as a revolving fund for the purchase by him of supplies in common use in the various departments, boards and commissions of the county, and he shall have authority to purchase the same. Such supplies shall be issued by the agent to any department, board or commission requisitioning the same. The cost thereof shall be made a charge against the current fund of the particular department, board or commission by order of the agent issued to the county auditor at the time the requisition is filled. The agent shall at regular intervals file with the county board claims for the reimbursement of his revolving fund for supplies so issued on requisitions, setting out therein the amount charged to each board, department and commission, and the total thereof when allowed shall be credited to the agent's revolving fund.

Sec. 5. Provisions of act exclusive. Subdivision 1. Goods, materials, supplies, and equipment defined. The words "goods, materials, supplies and equipment", as used in Section 3, subdivision 1(a), shall be construed to mean any and all articles and things which shall be furnished to or used by any department, board, commission or agency of the county government, including any and all printing, periodicals, stationery, and the rental, repair and maintenance of equipment and machinery.

Subd. 2. Purchases or contracts forbidden. If any department, board, commission or agency of any such county government shall purchase or contract for any goods, materials, supplies or equipment, or shall sell any obsolete or unusable materials or equipment contrary to the provisions of this act, such order, contract or sale shall be void and of no effect. The head of such department, board, commission or agency shall be personally liable for the cost of such order or contract, and for the reasonable value of the materials or equipment sold, and if such order or contract is already paid for out of the county funds, the amount thereof may be recovered in the name of the county in an appropriate action instituted therefor. Property sold contrary to the provisions of this act, or the reasonable value thereof, may be likewise recovered in the name of the county.

Sec. 6. Rules. The agent, subject to the approval of the county board, shall adopt, promulgate, and from time to time amend and file with the county auditor rules and regulations for the following purposes:

(a) Prescribing the manner in which goods, materials, supplies and equipment shall be purchased, delivered, stored and distributed;

(b) Prescribing the forms for requisitions, the manner of their authentication, and their revision by the county purchasing agent;

(c) Prescribing the manner of inspecting all deliveries of goods, materials, supplies and equipment and of making chemical and physical tests of samples submitted with bids and samples of deliveries to determine compliance with specifications;

(d) Requiring reports by county departments, boards and agencies of stocks of supplies, obsolete or unusable goods, materials, supplies and equipment on hand and prescribing the form of such report;

(e) Providing for the sale and transfer to or between county departments, boards, commissions and agencies of goods, materials, supplies and equipment which are surplus with other departments, boards, commissions or agencies, and for the disposition by sale, after receipt of competitive bids of goods, materials, supplies and equipment which are obsolete and unusable;

(f) Determining whether a deposit is to be submitted with a bid on a purchase contract or sale, and if required, prescribing the amount and form thereof and providing that such deposit shall be forfeited if the successful bidder refuses to enter into a contract and post a contract bond within ten days after the award;

(g) Prescribing the procedure and form for securing from bidders and prospective bidders the data necessary to determine whether or not they are responsible;

(h) Prescribing the manner in which invoices for goods, materials, supplies and equipment delivered to any and all departments, boards, commissions and agencies of the county shall be submitted, examined and approved; and

(i) Providing for such other matters as may be necessary to give effect to the foregoing rules and provisions of this act.

Sec. 7. Competitive bids. Subdivision 1. Notices; provisions applicable. All purchases of, and contracts for goods, materials, supplies and equipment, and all sales of personal property which has become obsolete and unusable, shall be based wherever possible on competitive bids. If the amount of the expenditure or sale is estimated at \$1,000 or more, sealed bids shall be solicited by public notice and in all such cases the provisions of Minnesota Statutes 1949, Section 375.21, Subdivision 2, as hereby amended, shall apply, except that in case of purchases in connection with the construction and improvement of any road and in the improvement or erection of any bridge, the provisions of Minnesota Statutes 1949, Sections 160.39 and 164.22 as hereby amended shall apply. Such notice shall include a general description of the commodities to be purchased, or personal property to be sold, and shall state where bid blanks and specifications may be obtained and the time and place for the opening of bids. The agent shall also solicit sealed bids by sending requests by mail to prospective suppliers and by posting notice on a public bulletin board in his office.

All purchases or sales of less than \$1,000 in amount may be made in the open market without newspaper notice, but wherever possible shall be based on at least three competitive bids.

Sales shall be made to the highest responsible bidder.

Subd. 2. Written bids; acceptance of bids. All bids for the furnishing of goods, materials, supplies and equipment estimated to cost \$1,000 or more shall be in writing accompanied by the required deposit and shall be securely sealed until opened as herein provided. Such bids shall be publicly opened by the agent at a meeting of the county board at a time specified in the published advertisement for bids, shall be read aloud by the agent and then tabulated by him and he shall sign the tabulation and immediately file a signed copy thereof with the county auditor. The agent shall accept the lowest bid and award the contract to such lowest bidder unless the agent on account of the quality or character of the goods, materials, or supplies proposed to be furnished by the lowest bidder or the financial responsibility and reputation of said bidder, deems it advisable that such bid be rejected; in which case the agent shall present to the county board a written statement of the reasons why such lowest bid should not be accepted and shall

advise the county board which bid in his judgment is the next lowest bid of a responsible bidder, and the county board may thereupon order the agent to accept that bid or reject all bids. When a formal contract is required or deemed advisable it shall be prepared by the agent and shall be executed on behalf of the county by the chairman of the county board and the agent and attested by the county auditor. All bids may be rejected by the agent and a new call for bids published if in the opinion of the agent the public interest may be best served thereby. The successful bidder shall, at the time of executing the contract, give bond conditioned as required by law.

Subd. 3. Fund apportionment not to be exceeded. The agent shall make no purchases or bargain for the expenditure of money from a fund, the payment of which, including the amount already expended or appropriated, shall exceed in any fiscal year the amount specifically apportioned to such fund at the beginning of such year. All purchases shall be paid upon itemized claims audited and allowed by the county board as required by law.

Sec. 8. Emergencies. In case of an emergency arising from breakage, damage or decay of any property of the county which cannot be allowed to wait for the time required to advertise for bids, the county board may authorize the agent to make specific purchases of goods, materials and supplies necessary to make the needed repairs without advertising for bids by resolution which shall find such emergency to exist.

Sec. 9. Financial interest forbidden. Neither the agent nor his assistants or employees shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any goods, materials, supplies or equipment furnished to or used by any department, board, commission or agency of the county government. Nor shall the agent, his assistants or employees accept or receive, directly or indirectly from any person, firm, or corporation to which any contract or purchase order may be awarded, by rebate, gift, or otherwise, any money or anything of value whatsoever, or any promise, obligation, or contract for future reward or compensation. Any violation of the provisions of this section shall be a felony and shall be punishable by fine or imprisonment, or both.

Sec. 10. **Salaries, payment.** The salaries of the agent and his assistants and the expenses of the agent for the year 1951 shall be paid out of the general revenue fund of the county.

Sec. 11. **Annual reports.** The agent shall submit to the county board at the time prescribed by it, an annual report on the work of his office.

Sec. 12. **Not to affect sections 471.34 to 471.37.** Nothing contained in this act shall modify, amend or repeal any of the provisions of Minnesota Statutes 1949, Sections 471.34 to [Section] 471.37.

Sec. 13. Minnesota Statutes 1949, Section 375.21, Subdivision 2, Section 160.39 and Section 164.22 are amended to conform with the provisions of this act.

Approved April 20, 1951.

CHAPTER 557—S. F. No. 987

[Section 5 Coded as Section 69.485.]

An act relating to firemen's relief associations in cities of the first class; amending Minnesota Statutes 1949, Sections 69.27, 69.44 as amended, 69.45 as amended and 69.48 as amended.

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

Section 1. Minnesota Statutes 1949, Section 69.27, is amended to read :

69.27. **Members.** A fireman under sections 69.25 to 69.53 is one who is regularly entered on the pay-roll of one of the fire departments serving on active duty with a designated fire company thereon or having charge of one or more of the companies and engaged in the hazards of fire fighting; and shall include all members of the electrical and mechanical divisions of these fire departments *and all others* who are