

offense, upon conviction thereof, fined not to exceed \$50; and, upon conviction of any second or subsequent offense, fined not to exceed \$100; and, upon each conviction, the person so convicted shall, in addition to the fine herein mentioned, pay all the cost of prosecution, including the expense incurred in examining and analyzing the article found to have been adulterated or misbranded; and all fines paid and collected for violations of sections 152.01, 152.03 to 152.08, and 152.13 shall be paid to the state board of pharmacy forthwith, the provisions of any statute, ordinance, or charter to the contrary notwithstanding. The fines so collected shall be kept in a separate fund by the board to be used in the enforcement of the provisions of sections 152.01, 152.03 to 152.08, and 152.13. The board may use, so far as it deems necessary, other moneys in its hands for this purpose.

(2) Any person who shall sell or give away any of the articles mentioned in section 152.02 in violation of sections 152.02 and 152.14 to 152.16, and any person who shall prescribe any of such articles to any one addicted to the habitual use of cocaine or any preparation or compound thereof in any form shall be punished by a fine of not less than \$50, nor more than \$100, or by imprisonment in the county jail for not less than 30, nor more than 90, days; and, if the person so offending shall be a licensed ~~physician, dentist, veterinarian, pharmacist, or assistant pharmacist, doctor of medicine, a doctor of osteopathy duly licensed to practice medicine, a licensed doctor of dentistry, a licensed doctor of veterinary medicine, or a licensed pharmacist or licensed assistant pharmacist~~, in addition to the penalty above described, such offender's license shall be revoked.

Sec. 11. *Minnesota Statutes 1965, Section 152.16, is hereby repealed.*

Sec. 12. *This act takes effect on and after July 1, 1967.*

Approved May 12, 1967.

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#### CHAPTER 409—S. F. No. 1482

*An act relating to counties; abolishing the board of auditors and transferring the functions thereof to the county board; amending Minnesota Statutes 1965, Sections 306.54, 385.06, 385.07, 385.08, 385.09, 385.10, 385.11, and 385.13; repealing Minnesota Statutes 1965, Section 385.16.*

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

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

Section 1. Minnesota Statutes 1965, Section 306.54, is amended to read:

**306.54 Counties; audits.** The first time in each year that the county board of county auditors of any such county shall examine and audit the accounts, books, and vouchers of the treasurer of the county, it shall make an examination of the county cemetery fund of the county. A statement of the condition of this fund shall be published as provided by section ~~385.06~~ in the official newspaper of the county, at the expense of the cemetery fund, which shall show the total of all moneys received under the provisions of sections 306.41 to 306.54 during the preceding calendar year and a statement of the total amount then in such county cemetery fund on the first day of such calendar year, and the amount and kind of securities in which such fund is invested and a statement of the amount of interest collected on the fund during that year; provided, that sections 306.41 to 306.54 shall not apply to any county in this state having a population of 50,000 or more according to the last United States census.

Sec. 2. Minnesota Statutes 1965, Section 385.06, is amended to read:

**385.06 Accounts audited. Subdivision 1. Audit.** The chairman of the county board; the county auditor and clerk of the district court in each county shall *may* constitute a board of auditors; the chairman of the county board shall be chairman, and the clerk of the district court shall be clerk of the board of auditors; and the board shall meet on the call of the chairman or of any two members of said board; and it shall be the duty of such board to carefully examine and audit such accounts, books, and vouchers of the county treasurer as will enable it to ascertain the kind, description, and amount of funds in the treasury of such county, or belonging thereto, at least three times each year, without previous notice to the treasurer. The board shall make report thereof, and of its acts and doings in the premises, to the county board, at its next meeting thereafter, and publish the result in at least one newspaper in the county. Such *The* county board of auditors shall also witness and attest the transfer and delivery of accounts, books, vouchers and funds by each outgoing treasurer to his successor in office, and report the same to the county board at its next meeting thereafter.

*Subd. 2. Board may employ assistants. The county board may employ the assistance of any county officer or employee or any public accountant where such assistance is deemed necessary by the*

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*county board to accomplish the internal audit or other functions involved. A public accountant is a person who for a period of three years prior to the date of such employment has been actively engaged in the practice of public accounting.*

Sec. 3. Minnesota Statutes 1965, Section 385.07, is amended to read:

**385.07 Funds, where deposited or invested.** All county funds shall be deposited promptly and intact by the county treasurer in the name of the county in one or more banks designated by the *county board of auditors*, who, before designating such depository, shall advertise in one or more newspapers published in its county, or if, in its opinion, the public interests require, in other counties, for at least two weeks for proposals. Such proposals shall state what security will be given to the county for the funds so deposited, and what interest allowed on monthly balances, on condition that such funds, with accrued interest, shall be held subject to draft and payment at all times on demand. Any such proposal shall also state what interest will be allowed on moneys deposited for any certain or definite period of time, naming such period, on the condition that such funds with accrued interest shall be held subject to draft and payment at the expiration of the period of deposit. If, after making such designation, *such the* board of auditors deems the surety given insufficient, it may require a new bond, or if, in its opinion, the public interests require, may vacate, revoke, or modify any such designation, and again advertise and designate a depository.

In lieu of deposits in banks the treasurer, upon direction of the county board of ~~auditors~~ shall purchase securities issued either by the government of the United States or by the following agencies of the United States: Federal Home Loan Banks, Federal Intermediate Credit Banks, Federal Land Banks, and the Federal National Mortgage Association as they deem in the best interest of the county, provided that any securities so purchased mature within ~~3~~ *three* years after purchase. Interest and profits which accrue from such investment shall, when collected, be credited to the general revenue fund of the county. Losses which result from such investment shall be chargeable to the general revenue fund of the county and not to the county treasurer or the board of ~~auditors~~.

Sec. 4. Minnesota Statutes 1965, Section 385.08, is amended to read:

**385.08 Capital stock.** Capital stock, for the purposes of section 385.07, shall include shares of capital stock of national or state banks, whether assessed in the name of the bank or of the

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stockholders thereof, and the personal and real property of private banks or bankers, or of the individual members of said banking firms liable for the debts of such banks or bankers, and assessed in any county in this state. In case such property is assessed in counties other than those in which the depository is situated, the assessment shall be certified by the auditor of the county in which the same is assessed, on application of the board of ~~auditors~~ of any county, and such application shall be renewed annually on January 1, and oftener if deemed necessary, and such certificate shall be attached to the bond of such depository. The treasurer is required from time to time to take notice of any changes in the assessment, and to limit the amount of the deposit accordingly. When a bank has been organized after the annual assessment in any year, and before the assessment for the following year, its paid-up capital and assets, less its liabilities, as the same appear from the sworn statement of the president or cashier thereof, may be treated as assessed capital.

Sec. 5. Minnesota Statutes 1965, Section 385.09, is amended to read:

385.09 **Bonds of depositories.** Every bank or banker, before being designated as a depository, shall deposit with the county treasurer a bond, to be approved by the county board, in at least double the amount to be deposited, payable to such county, and signed by not less than five resident freeholders as sureties; who shall, in the aggregate, qualify for the full penalty named in such bond. Any county in which there is no such bank or banker may be exempt from the foregoing provisions which relate to depositing its funds, if in the judgment of the ~~board of auditors~~ and the county board such deposit would be detrimental to its interest. In cases where the bond furnished by the depository is that of a surety company authorized to do business in this state, the amount of such bond need not be more than the amount to be deposited in such depository.

Sec. 6. Minnesota Statutes 1965, Section 385.10, is amended to read:

385.10. **Proposals by banks.** All bonds of depositories shall be given for the term of two years from the date of their approval by the county board, and renewed every two years thereafter; but in counties having no depository, *the boards of auditors board may advertise for proposals and designate depositories at any time when required by the public interests.*

Sec. 7. Minnesota Statutes 1965, Section 385.11, is amended to read:

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**385.11 Sureties.** The *county* board of auditors shall not accept, and ~~the county board~~ shall not approve, as sureties upon the bonds of depositories, stockholders or owners of such depositories, unless they are satisfied, upon full investigation, that their responsibility would in no wise be affected by the failure of the bank or banker in behalf of which the stockholders or owners sign as sureties.

Sec. 8. Minnesota Statutes 1965, Section 385.13, is amended to read:

**385.13 Public funds kept separate.** The public funds shall at all times be kept separate from any private funds of the treasurer or any private person, and all amounts found at any time in any of the county treasuries of the state, or officially deposited by the county treasurers, shall be deemed public funds, and, if in excess of the amount properly called for by the auditor's and treasurer's books and accounts, shall be turned over by the *county* board of auditors or by the public examiner to the county revenue fund.

Sec. 9. *Minnesota Statutes 1965, Section 385.16, is repealed.*

Approved May 12, 1967.

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#### CHAPTER 410—S. F. No. 1526

*An act relating to insurance; amending Minnesota Statutes 1965, Section 60.15.*

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

Section 1. Minnesota Statutes 1965, Section 60.15, is amended to read:

~~60.15~~ ~~Violations reported.~~ ~~When, upon examination or other evidence or information, it appears to the commissioner that any company, or any officer or agent thereof, has violated any provision of chapters 60 to 72, he shall report the facts to the governor, who shall cause proper proceedings to be taken in the premises.~~

*60.15 Insurance; violations reported. When, upon receipt of an examination report, the commissioner forwards to the company an order based on the report, he shall immediately report the fact to the governor and the attorney general. Within 20 days after submission of the report the commissioner shall submit to the governor*

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