

CHAPTER 108—H. F. No. 446.

An act to provide for a county examiner of townships, villages, cities, school districts, and charitable and benevolent institutions in counties of this state having at any time a population of more than 100,000 inhabitants and an area of more than 5,000 square miles.

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

County examiner provided for in St. Louis county.—Section

1. In any county of this state having at any time a population of more than 100,000 inhabitants and an area of more than 5,000 square miles, it shall be the duty of the county auditor of such county to appoint a person of suitable qualifications and character, a resident of said county, for the term of two years, whose title shall be "Auditor's County Examiner," and whose duties and compensation shall be as fixed by this act. Such appointment before becoming effective shall be approved by the board of county commissioners.

Qualification.—Sec. 2. Such person so appointed shall qualify by taking and filing with said auditor the usual oath of office, and shall also file in like manner a bond in the penal sum of \$5,000, conditioned upon the faithful performance of his duties as such examiner, which bond shall be approved by the board of county commissioners and shall run to the county and be for the benefit of the county and of any and all persons who may suffer loss or damage by reason of the wilful failure of such examiner to faithfully discharge his official duties.

Salary.—Sec. 3. The salary of such examiner shall be \$2,500 per annum, to be paid from the county treasury in monthly installments as other county salaries are paid. In addition to such salary such examiner may be allowed by the county board his actual and necessary traveling expenses, not including board or lodging, as may be incurred by him in the performance of his official duties.

Duties of examiner.—Sec. 4. It shall be the duty of any examiner appointed under the provisions of this act to make, during each year of his office, a full, thorough and complete examination of the affairs of each township, village, city, school district and charitable and benevolent institution maintained or sustained wholly or partly by public contributions, in his said county, with reference to the method of keeping the books thereof and the accuracy of such books so kept, with reference to the mode of auditing and paying the bills thereof, with reference to the legal or illegal nature of the charges made for services rendered and supplies furnished to the same, with reference to the character

and amount of any and all assets and securities held by the officers thereof, with reference to the character and amount of any commissions, percentage or charges for services exacted by such officers without warrant of law, with reference to the bonded or other indebtedness thereof, the purposes for which it was contracted and proceeds thereof expended, with reference to the method and place of keeping the funds thereof and the safety of the place of deposit of any such funds, and, in general, with reference to any matter or thing which concerns the proper conduct of the public business of any such township, village, city, school district, or charitable or benevolent institution maintained or sustained wholly or partly by public contribution as aforesaid. He shall also, in all cases which seem to require it, instruct the officials of any such township, village, city or school district in the proper method of conducting the public business in his charge with such criticisms and suggestions as to the law applicable thereto as will tend to secure uniformity in the conduct of public business throughout said county. His investigation, examination and report concerning such charitable and benevolent institutions shall be confined to the funds received from public contributions and to the disposition made of such funds by such institutions.

Duties of officials and employes.—Sec. 5. To enable such examiner to perform the services herein required of him, the various officers and employes of any township, village, city, school district or charitable or benevolent institution maintained or sustained wholly or partly by public contributions, whose affairs he shall be hereunder directed to examine, shall afford all reasonable and needed facilities therefor, and it is hereby made the duty of any and all such officers, officials and employes to make returns and exhibits to the said examiner under oath in such form and at such time or times as he shall prescribe; and each and every person so required who shall refuse or neglect to make such return or exhibit or to give such information as may be required by said examiner shall be guilty of felony, and shall be liable on conviction to a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment in the state prison for a period not exceeding one year; and if any person, in making such exhibit or giving such information, or offering any statement required under this act, on his oath, shall knowingly swear falsely concerning the same, he shall be deemed guilty of perjury and punished accordingly. And the said inspector shall have full power and authority for the purposes herein named to administer oaths, to examine any of the books, papers, accounts, bills, vouchers or other documents or property of any such township, village, city, school district, or charitable or benevolent institution maintained or sustained wholly or partly by public contributions, and any

official or officials thereof and the custodian or custodians of any of the funds thereof.

Examiner to be under supervision of county auditor.—Sec. 6. Said examiner shall at all times be under the supervision of said county auditor and shall maintain his office in connection with the office of the county auditor, and shall make to said auditor monthly reports in detail of all the work done by him or examined by him during the preceding month, calling particular attention to any errors, irregularities, or criminal acts or omissions of any officer or body of officers, or private individual, of which he has become cognizant in the course of his official duties or otherwise. He shall in like manner furnish a duplicate of such report to the county attorney of said county, and neither said auditor nor said attorney shall make said report public, nor shall anyone be entitled to inspect said reports, as public documents, until not less than five days have elapsed after the adjournment of the next grand jury which convenes after the filing of said reports.

To report to grand jury.—Sec. 7. It shall be the duty of any examiner appointed under this act, upon the discovery by him of any act or practice on the part of any public officer or body of officers of any township, village, city, school district, or charitable or benevolent institution maintained or sustained wholly or partly by public contributions, in his county, which is criminal in its nature, to report the same to the grand jury of his county at their session next following any such discovery, together with all data obtained by him with reference thereto and the names of any and all persons cognizant of any facts pertinent thereto. It is hereby made the duty of any and all persons having in their possession books, papers, documents or other material which in the opinion of such examiner should be presented to such grand jury, to furnish and entrust the same to the said examiner for such purpose, and any person refusing or failing so to do shall be deemed guilty of felony and shall be liable on conviction to a fine not exceeding one thousand dollars (\$1,000) or imprisonment in the state prison for a period not exceeding one year.

Certain acts repealed.—Sec. 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Yearly reports to be published.—Sec. 9. At the end of each official year of said examiner, all of the previous monthly reports which have then become public documents shall be published in pamphlet form for free distribution among the inhabitants of said county, which publication shall be ordered by the county board, and the cost of which publication shall be paid out of the county treasury.

Approved March 25, 1909.