

V, Section 37, and Extra Session Laws 1959, Chapter 80, Sections 1 and 2, are repealed.

Approved April 20, 1961.

CHAPTER 447—S. F. No. 174

[Coded]

An act authorizing the establishment and operation of county purchasing departments.

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

Section 1. [392.06] **Creation of county purchasing department.** In order to effect economies through volume buying, and in order to promote competitive bidding and provide more efficient public service, the county board of any county may establish a county purchasing department. The county board may direct an existing county office, department or agency to perform the duties of the county purchasing department or may create a new department or agency for that purpose.

Sec. 2. [392.07] **Duties of purchasing department.**
Subdivision 1. The county purchasing department shall perform all acts necessary to the purchase or contract for all supplies, materials, equipment, and contractual services required by any or all county offices, departments or agencies. The county board shall select the county offices, departments or agencies to be serviced by the county purchasing department. The board may authorize any county office, department or agency designated by the board to purchase directly, without the intervention of the director of purchasing, certain specified supplies, materials, equipment, or contractual services, and shall designate the manner in which such purchases shall be made.

Subd. 2. The county purchasing department also shall perform the following duties:

(1) Prepare all specifications for supplies, materials and equipment;

(2) Transfer to or between county offices, departments or agencies, or sell supplies, materials, and equipment which is surplus, obsolete, or unused.

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

Sec. 3. [392.08] Director of purchasing; employees. The county board shall appoint a director of purchasing to direct and supervise the operations of the county purchasing department. The director of purchasing shall be qualified by training and experience for the position. The board may appoint an existing county officer to serve as director of purchasing. The board shall fix the salary of the director and shall require him to post such bond as the board determines necessary. The board shall provide the director with such assistants, office space, equipment, and supplies as may be necessary to carry out the duties of the office. Except for the director, who may be removed from that office by the board for reasons of misconduct or incompetency after due notice and hearing, all employees of the county purchasing department shall be employed in accordance with civil service regulations existing in the county, if any such regulations exist.

Sec. 4. [392.09] Rules and regulations. The county board shall promulgate such rules and regulations as are necessary to carry out the provisions of sections 1 to 5 and shall file them with the county auditor. The board may authorize any county office, department or agency designated by it to purchase supplies, materials, equipment or contractual services in the open market for immediate delivery in emergencies. It shall define such emergencies and designate the manner in which these purchases shall be made and afterwards reported to the director of purchasing.

Sec. 5. [392.10] Voidable purchases, contracts, and sales. The purchase or contract for any supplies, material, equipment, or contractual service by any county office, department or agency, or the sale of surplus, obsolete, or unusable supplies, material, or equipment by any county office, department or agency contrary to the provisions of sections 1 to 5 is voidable. The head of the office, department or agency is personally liable for the cost of such an order or contract and for the reasonable value of supplies, material, or equipment sold. If an order or contract has been paid for out of county funds, the amount may be recovered in the name of the county in an action brought for that purpose. Property sold contrary to the provisions of sections 1 to 5, or the reasonable value of the property, likewise may be recovered in the name of the county.

Sec. 6. [392.11] Laws not affected. Sections 1 to 5 are not intended to modify, amend, or repeal any law relating to counties in regard to bidding or any law existing

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at the time of passage of this act which authorizes the establishment or creation of a county purchasing agent or department, or a combined city and county joint purchasing arrangement.

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CHAPTER 448—S. F. No. 213

[Coded]

An act relating to highway patrolmen, amending Minnesota Statutes 1957, Section 161.03, Subdivision 21, and Subdivision 23, as amended.

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

Section 1. Minnesota Statutes 1957, Section 161.03, Subdivision 21, is amended to read:

Subd. 21. **[161.47, Subdivision 1.] Members; numbers, authority.** *The commissioner, of highways in the fiscal year 1962, is hereby authorized to employ and designate not to exceed 297 366 persons, and a chief supervisor, including the highway safety director, and a chief supervisor, and such assistant supervisors and sergeants as hereinafter provided, are provided by law, who shall comprise the Minnesota Highway Patrol. Commencing in the fiscal year 1963, and each year thereafter, the commissioner may increase, on a percentage basis as hereinafter provided, the number of persons in the highway patrol if he deems such increase or any portion thereof necessary to properly discharge the duties imposed upon the patrol. The percentage of personnel increase in the patrol in any year shall not exceed the percentage of increase in vehicular miles traveled in the state for the previous year. However the total increase in any one year shall not exceed 12 persons. The total overall complement of the highway patrol shall not exceed 378 persons. The members of the Minnesota Highway Patrol shall have the power and authority:*

(1) As peace officers to enforce the provisions of the law relating to the protection of and use of trunk highways.

(2) At all times to direct all traffic on trunk highways in conformance with law, and in the event of a fire or other emergency, or to expedite traffic or to insure safety,

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