

## CHAPTER 449—S. F. No. 816.

*An Act to amend Chapter 18 of Revised Laws 1905, as amended by Chapters 128 and 409 of General Laws of 1907, relating to the office of public examiner.*

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

Section 1. That chapter 18 of Revised Laws 1905, as amended by chapters 128 and 409 of General Laws of 1907, be and the same hereby is amended to read as follows:

“1580. **Term—Qualifications—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 it shall be filled by like appointment for the remainder of the term. Such examiner shall be a skilled bookkeeper and accountant, and shall not, at the time of his appointment or at any time while in office, hold any other public office under the state, or under any county, municipality or public institution therein. He shall give bond to the state in the sum of fifty thousand dollars, to be approved by the governor, conditioned for the faithful discharge of his duties.

“1581. **Duties—State institutions**—Said examiner shall exercise a constant supervision over the books and accounts of the several public educational, charitable, penal, and reformatory institutions of the state, and, in his discretion, shall prescribe and enforce correct methods of bookkeeping and accounting therein, and instruct the proper officers and employes in the use of such methods. At least twice in each year, at irregular intervals and without previous warning, he shall visit each of such institutions, and thoroughly examine its books and accounts, and inspect the items and purposes of its expenditures and the vouchers therefor.

“1582. **State and county officers**—He shall prescribe and enforce a correct, and, so far as practicable, a uniform system of bookkeeping by state and county auditors and treasurers, such as shall afford suitable checks upon their mutual action, and secure the supervision and safety of state and county funds. He shall expose faults and errors in systems of public accounting, and instruct state and county officers, when necessary, in proper methods. He shall ascertain the character and financial ability of present and proposed bondsmen of state and county officials, and may require new or additional bonds whenever he deems it necessary. From time to time, and as often as he shall think proper, he may require of any county treasurer a verified statement of his accounts. At least once in each year he shall visit state and county officials without previous warning, and examine their books, accounts, and vouchers, ascertain the items of their receipts and disbursements, verify and inspect the moneys, assets, and securities held by them on public account, and discover the amount

and character of any commission, percentage, or other charge for services unlawfully exacted by them. Should any such officer refuse to obey a lawful direction of the examiner, the attorney general shall promptly take action to enforce compliance therewith. The examiner shall report any failure of duty on the part of such officers to the governor, who may suspend the delinquent from the further performance of his duty until an examination can be had, or security obtained for the public funds.

“1583. **Financial officers of St. Paul**—All the powers and duties conferred and imposed upon the examiner by section 1582 shall be exercised and performed by him in respect to the comptroller, treasurer, and other revenue and financial officers of the city of St. Paul, and their respective offices. The city shall pay to the state treasurer six dollars for each day of service so rendered, not exceeding six hundred dollars in any one year, which payment shall be made within thirty days after requisition by the treasurer therefor.

“1584. **Gross earnings tax**—In like manner and with like powers the examiner shall at least once in each year 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 thereof bearing upon or evidencing their gross receipts upon which, under the law, taxes should be paid in this state, and report to the state treasurer the amount of such receipts for each calendar year; and he shall from time to time make like report of amounts so ascertained and not previously reported. All evasions and violations of law in respect to such gross earnings which the examiner may discover shall be reported by him to the governor forthwith.

“1585. **Subpoenas, witnesses, etc.**—In all matters relating to his official duties, the examiner shall have the same powers possessed by courts of law to issue subpoenas 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, 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.

“1586. **Refusal, obstruction, etc.**—Every person who shall refuse or neglect to obey any lawful direction of the examiner, or of his deputy, or any of his assistants; withhold any information,

book, record, paper, or other thing called for by him for the purposes 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.

"1587. **Deputy and assistants**—The examiner may appoint and at pleasure remove, a deputy examiner, four assistant public examiners, a first and second assistant corporation examiner, an executive clerk, and such other employes as may be necessary and for whose compensation provision is made by law. Such deputy and assistants shall each give bond to the state in the sum of \$10,000, and during the absence or disability of the examiner said deputy examiner shall perform all the duties of the office. The duties of the several 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 case the assistant may exercise all the powers of his principal necessary to the proper discharge of such duty.

"1588. **Biennial reports**—The examiner shall report to the governor biennially touching all his official acts, giving abstracts of the statistics and condition of the various offices, institutions 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.

"1589. **Salaries and expenses**—The salary of the public examiner shall be \$4,100 per year, which shall be in full compensation for his services. The salary of the deputy examiner and first assistant corporation examiner shall be \$2,400 per year each. The salaries of three assistant public examiners shall be \$2,100 per year each. The salaries of one assistant public examiner and of the second assistant corporation examiner shall be \$1,800 per year each; and of the executive clerk \$1,500 per year. The salaries of the several other employes subject to appointment by the public examiner shall be such sums as the examiner shall prescribe, and together with the expenses of the examiner and of 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.

"1590. There is hereby annually appropriated from any moneys in the state treasury not otherwise appropriated, a sum sufficient for the payment of the salaries of the persons so appointed."

Sec. 2. This act shall take effect and be in force from and after July 31, 1909.

Approved April 22, 1909.