

**31.44. Violations and penalties.** Subdivision 1. Any person violating, or failing to comply with, any of the provisions of Sections 31.01 to 31.17 and 31.28 to 31.43, or any of the provisions of any of the rules, regulations, definitions, standards, or rulings made and published thereunder, shall be guilty of a misdemeanor and, save as therein otherwise specifically provided, for each first offense shall be punished by a fine of not less than \$15.00, or by imprisonment for not less than 20 days, and for each subsequent offense, by a fine of not less than \$50.00, or by imprisonment for not less than 60 days.

Subd. 3. Whoever shall, without permission of the commissioner, use any brand, label, or device authorized by the commissioner, or who shall fail to furnish reports containing information required or within the time specified, or who shall fail to obey any lawful direction of the commissioner given by him in carrying out the provisions of sections 31.01 to 31.17 and 31.28 to 31.43, or shall use any raw materials, articles, or substances forbidden to be used in canning, packing, or preserving vegetables or fruits, or shall violate, or fail to comply with, any of the provisions of sections 31.01 to 31.17 and 31.28 to 31.43, or the rules or regulations made thereunder, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$25.00, nor more than \$100.00, or by imprisonment for not less than 30 days, nor more than three months, for each offense.

Approved March 31, 1949.

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#### CHAPTER 230—H. F. No. 1298

*An act relating to the payment of claims presented against existing appropriations without prior allotment or encumbrance; amending Minnesota Statutes 1945, Section 16.16.*

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

Section 1. Minnesota Statutes 1945, Section 16.16, is amended to read :

**16.16. Allotment and encumbrance.** *Subdivision 1. Allotment periods.* For the purposes of the quarterly allotment system, each fiscal year shall be divided into four quarterly allotment periods, beginning, respectively, on the first days of

July, October, January, and April; provided, that in any case where the quarterly allotment period is impracticable, the commissioner may prescribe a different period suited to the circumstances, not exceeding six months nor extending beyond the end of the fiscal year.

*Subd. 2. Funds to which system applies.* Except as otherwise expressly provided therein, the provisions of Laws 1939, Chapter 431, relating to the allotment system and to the encumbering of funds shall apply to appropriations and funds of all kinds, including standing or annual appropriations and dedicated funds from which expenditures are to be made, from time to time, by or under the authority of any agency, but shall not apply to appropriations for the courts or the legislature, nor to payment of unemployment compensation benefits. In the case of construction contracts and transactions for the acquisition of real estate for public purposes, where periodical allotments are impracticable, the commissioner may dispense therewith and prescribe such regulations as will insure proper application and encumbering of funds. Contingent funds appropriated for the governor or the attorney general shall not be subject to the provisions thereof relating to allotment, but shall be subject to the other provisions thereof relating to expenditure and encumbering of funds.

*Subd. 3. Appropriations available for allotment.* No appropriation to any agency shall become available for expenditure thereby during any allotment period until such agency shall have submitted to the commissioner an estimate in advance, in such form as the commissioner shall prescribe, for such allotment period next ensuing, of the amount required for each activity to be carried on and each purpose for which money is to be expended during that period, and until such estimate shall have been approved, increased, or decreased by the commissioner and funds allotted therefor, as provided in Laws 1939, Chapter 431.

*Subd. 4. Within the appropriation; procedure.* If the estimate is within the terms of the appropriation as to amount and purposes, having due regard for the probable further needs of the agency for the remainder of the fiscal year or other term for which the appropriation was made, and if there is a need for such appropriation for the next ensuing allotment period, the commissioner shall approve the same and allot the estimated amount for expenditure. Otherwise the commission-

er shall modify the estimate so as to conform with the terms of the appropriation and the prospective needs of the agency, and shall reduce the amount allotted accordingly. The commissioner shall act promptly upon all estimates, and shall notify every agency of its allotments at least five days before the beginning of each allotment period, and shall notify the state auditor. The total amount allotted to any agency for the fiscal year or other terms for which the appropriation was made shall not exceed the amount appropriated for such year or term.

*Subd. 5. Modification.* The commissioner shall also have authority at any time to modify or amend any allotment previously made by him, upon application of or upon notice to the agency concerned, and upon a showing of emergency or other cause; provided, no deficit or undue reduction of funds to meet future needs of such agency will result therefrom.

*Subd. 6. Reduction.* In case the commissioner shall discover at any time that the probable receipts from taxes or other sources for any appropriation, fund, or item will be less than was anticipated, and that consequently the amount available for the remainder of the term of the appropriation or for any allotment period will be less than the amount estimated or allotted therefor, he shall, with the approval of the governor, and after notice to the agency concerned, reduce the amount allotted or to be allotted so as to prevent a deficit. In like manner he shall reduce the amount allotted or to be allotted to any agency by the amount of any saving which can be effected upon previous estimates through a reduction in prices or other cause.

*Subd. 7. State auditor; accounting system.* There shall be kept in the office of the state auditor an accounting system showing at all times, by funds and items, the amounts appropriated for and the estimated revenues of such agency, the amounts allotted and available for expenditure, the amounts of expenditures or obligations authorized to be incurred, actual receipts and disbursements, actual balances on hand, and the unencumbered balances after deduction of all actual and authorized expenditures.

*Subd. 8. Payment within allotment and encumbrance; exceptions.* No payment shall be made and no obligation shall be incurred against any fund, allotment, or appropriation unless the state auditor shall first certify that there is a sufficient

unencumbered balance in such fund, allotment, or appropriation to meet the same. Every expenditure or obligation authorized or incurred in violation of the provisions of Laws 1939, Chapter 431, shall be *presumed invalid and shall be ineligible for payment until its validity is established as hereinafter provided*. Every payment made in violation of the provisions of Laws 1939, Chapter 431, shall be deemed illegal, and every official authorizing or making such payment, or taking part therein, and every person receiving such payment, or any part thereof, shall be jointly and severally liable to the state for the full amount so paid or received. If any appointive officer or employee of the state shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of Laws 1939, Chapter 431, or take part therein, it shall be ground for his removal by the officer appointing him, and, if the appointing officer be other than the governor and shall fail to remove such officer or employee, the governor may exercise such power of removal, after giving notice or [of] the charges and opportunity for hearing thereon to the accused officer or employee and to the officer appointing him. *Claims presented against existing appropriations without prior allotment or encumbrance may, upon investigation, review, and approval by the commissioner of administration be determined valid where the services, materials, and supplies for which payment is claimed have been actually rendered or furnished to the state in good faith without collusion and without intent to defraud. Thereafter the state auditor may draw his warrant in payment of such claims in the same manner in which other claims, properly allotted and encumbered prior to inception thereof, are paid.*

Approved March 31, 1949.

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CHAPTER 231—H. F. No. 725

*An act relating to township zoning, amending Minnesota Statutes 1945, Section 368.56, as amended.*

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

Section 1. Minnesota Statutes 1945, Section 368.56, as amended by Laws 1947, Chapter 501, Section 1, is amended to read: