

CHAPTER 10

GENERAL PROVISIONS RELATING TO EXECUTIVE DEPARTMENTS

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10.01 OFFICERS; ADDITIONAL DUTIES. The governor, secretary of state, auditor, treasurer, and attorney general shall keep their offices in rooms provided for them, respectively, in the capitol; and, in addition to the duties heretofore prescribed, shall severally render such other services and be subject to such further obligations as are required of or imposed upon them by law.

[R. L. s. 63] (117)

10.02 FISCAL YEAR. The period of 12 months, ending at midnight between June thirtieth and July first, is hereby designated as the fiscal year of the State of Minnesota.

[1919 c. 165 s. 1] (117-1)

10.03 APPROPRIATIONS AVAILABLE. All moneys appropriated to be available for a fiscal year ending July thirty-first of any designated year are hereby declared available for the purposes for which they were appropriated, for the corresponding fiscal year fixed by section 10.02 and described as ending at midnight between June thirtieth and July first; and all other laws relating to the financial affairs of the state and to a state fiscal year shall hereafter relate to the year ending on June thirtieth.

[1919 c. 165 s. 2] (117-2)

10.04 ANNUAL OR BIENNIAL REPORTS. All laws directing the preparation or publication of an annual or biennial report for a fiscal period, ending July thirty-first, or directing the performance of any other task or duty during such period, are hereby amended to read June thirtieth of the year designated.

[1919 c. 165 s. 3] (117-3)

10.05 OFFICE EQUIPMENT. The furnishing and equipment of their several offices, and all supplies, books, stationery, and postage necessary for the proper transaction of the public business in their charge, shall be paid for by the state; and all property, files, records, and documents of any kind appertaining to their respective offices shall be transferred to their successors, who shall give receipts and be accountable therefor.

[R. L. s. 64] (119)

10.06 ADDITIONAL EMPLOYEES. In addition to the clerical and other assistance expressly authorized, the several executive officers may employ, from time to time, such further help as shall be necessary to properly transact the business of their respective offices, and for whose appointment and compensation provision shall have been made by law. When not fixed by law, they may pre

scribe the pay and the duties of all employees, but the aggregate compensation shall not exceed the current appropriations therefor. All appointments of deputies, assistants, and employees shall be in writing, and filed with the secretary of state.

[R. L. s. 65] (120)

10.07 FEES OF DEPARTMENTS PAID INTO TREASURY. All fees of the several officers, boards, and departments of the state and which are property of the state shall be collected by such officers, boards, and departments and, together with any other receipts collected, shall be paid into the state treasury daily, unless such receipts are under \$50, in which event payment may be deferred until they aggregate such sum. The several state institutions shall make such payments on the first business day of each week. These provisions shall not apply to the state agricultural society. Not later than the fifth day of each month, such officer, board, department, or institution shall render to the state auditor an account for the preceding month of all moneys so received and paid over, specifying the items and sources thereof, in detail.

[1917 c. 462 s. 1; 1927 c. 307 s. 1] (121)

Note—This section may be superseded by the provisions of Laws 1939, Chapter 431.

10.08 EXAMINING BOARDS, REGISTRATION RECORDS, MONEYS COLLECTED; CERTAIN BOARDS STATE AGENCIES. The registration records of the following examining boards, without diminishing the powers of the boards, shall be filed in the office of the secretary of state: the board of registration for architects, engineers, and surveyors, the state board of accountancy, the board of automobile examiners, the state board of barber examiners, the state board of chiropody, the state board of chiropractic examiners, the board of dental examiners, the state board of electricity, the state board of medical examiners, the state board of nurse examiners, the state board of optometry, the state board of osteopathy, the state board of pharmacy, and the state veterinary examining board. All moneys collected by these several boards shall be paid into the state treasury, and the funds of each shall be credited to the proper board. These boards and the state art society, the state historical society, the Sibley House association, and the board of trustees of the teachers' insurance and retirement fund shall be construed to be agencies of the state government.

[1925 c. 426 art. 19 s. 1, all but last sentence] (53-47)

10.09 OFFICERS APPOINTED BY GOVERNOR, STATE EMPLOYEES; TERMS. Except as herein otherwise provided, the terms of all officers appointed by the governor hereunder shall begin upon the date when such officers qualify and assume their official duties, shall continue for the prescribed period thereafter, and until their successors are appointed and have qualified. The terms of office or employment of all state employees shall be at the pleasure of the appointing officer.

[1925 c. 426 art. 20 s. 1] (53-48)

10.10 RIGHTS, POWERS, AND DUTIES TRANSFERRED. Where rights, powers, or duties by law vested in or imposed upon any department, official, or agency of the state government are transferred to, vested in, or imposed upon another department, official, or agency thereof, such chapter shall be construed as transferring all rights, remedies, and obligations, including appropriations made to such department, official, or agency.

[1925 c. 426 art. 20 s. 3] (53-50)

10.11 COMPROMISE OF STATE CLAIMS. When the strict enforcement by the state of a demand for money or other property against any person is deemed by the attorney general to be impracticable or inequitable, he may submit the same to the executive council for compromise. The executive council shall consider the equities of the case, the situation and financial ability of the debtors, and the interests of the state and determine, in writing, upon what terms the demand in question should be settled as against all or any of the parties thereto. Thereupon the attorney general shall adjust the claim in accordance with such determination and shall execute, in behalf of the state, all papers necessary and proper to carry the compromise into effect and to release from such claim any and all parties thereto who shall seasonably comply with the conditions of the settlement so authorized.

[R. L. s. 67; 1929 c. 14] (122)

10.12 UNCOLLECTIBLE DRAFTS CANCELED. When any draft or account due to the state is found to be uncollectible by any department, it shall report such fact to the executive council, and the executive council may cancel such draft or account upon the approval of the attorney general.

[1929 c. 406 s. 1; 1949 c. 301 s. 1] (122-1)

10.13 CERTIFICATION BY PUBLIC EXAMINER. As soon as practicable after the close of each fiscal year, the public examiner shall certify to the executive council a list of uncollectible auditor's drafts and accounts due to the state which have accumulated during the preceding year or years.

[1929 c. 406 s. 2] (122-2)

10.14 CERTIFICATION BY EXECUTIVE SECRETARY. When any drafts or accounts are canceled under sections 10.12 to 10.15 the executive secretary shall make a certified list thereof to the auditor and treasurer, whose duty it shall be to cancel the record thereof in their offices.

[1929 c. 406 s. 3] (122-3)

10.15 TIME OF CANCELATION. No draft or account for a sum in excess of \$25 shall be canceled until more than six years after the issuance of such draft or the due date of such account, and nothing in sections 10.12 to 10.15 shall be construed as a cancellation or abandonment of the state's claim against the person or corporation against whom the canceled draft was drawn or account held, but the state shall nevertheless have authority to make collection thereof.

[1929 c. 406 s. 4] (122-4)

10.16 ALL UNEXPENDED APPROPRIATIONS CANCELED. It shall be the duty of the state auditor, at the close of each fiscal year, to cancel all unexpended appropriations, or balances of appropriations, which shall have remained undrawn for the period of one year after the expiration of the year during which they become available under the law; provided, that the governor, state treasurer, and attorney general may continue such appropriations or balances in force, temporarily, on recommendation of the state auditor. Nothing contained in section 10.16 or 10.17 shall be construed to interfere with or modify any law requiring the surplus in any fund or funds to be covered in the state treasury, at the end of any fiscal year, or at any other specified time.

[1907 c. 272 s. 1] (124)

10.17 OFFICIALS NOT TO EXCEED APPROPRIATION. When there has been an appropriation for any purpose it shall be unlawful for any state board or official to incur indebtedness on behalf of the board, the official, or the state in excess of the appropriation made for such purpose. It is hereby made unlawful for any state board or official to incur any indebtedness in behalf of the board, the official, or the state of any nature until after an appropriation therefor has been made by the legislature. Any official violating these provisions shall be guilty of a misdemeanor and the governor is hereby authorized and empowered to remove any such official from office.

[1907 c. 272 s. 2; Ex. 1919 c. 35 s. 11] (125)

10.18 STATE BONDS CHANGED INTO BONDS OF LARGER DENOMINATION. Any bonds or certificates of indebtedness heretofore or hereafter issued by the state and which are subject to registration as to both principal and interest shall be convertible into bonds or certificates of larger denominations in the manner herein provided.

[1925 c. 151 s. 1] (125-1)

10.19 SURRENDER OF CONVERTED BONDS TO STATE TREASURER. The holder of any such bonds or certificates, whether in coupon or registered form, may surrender the same to the state treasurer for conversion, and he shall issue in lieu thereof one or more new fully registered bonds or certificates, as the case may be, of like maturity, aggregating in amount the bonds or certificates so surrendered for conversion. Bonds or certificates so converted may be reconverted into fully registered bonds of smaller denominations, but which shall not be for less than \$1,000.

[1925 c. 151 s. 2] (125-2)

10.20 BLANK BONDS PRINTED; RECITALS THEREIN. The state treasurer shall cause to be prepared and printed blank bonds and certificates to be used pursuant to the provisions of sections 10.18 to 10.23 and when issued they shall be signed by the state auditor and the state treasurer and attested by the secretary of state under the great seal of the state. Each such bond or certificate shall

contain a recital that it is issued in substitution for bonds or certificates which have been surrendered and shall describe the surrendered bonds or certificates by number, denomination, and date of maturity.

[1925 c. 151 s. 3] (125-3)

10.21 CANCELLATION OF SURRENDERED BONDS; RECITALS IN NEW BONDS. Upon the surrender of any bonds or certificates for conversion, the treasurer shall forthwith cancel the same and all coupons, if any, attached thereto and shall insert in the blank portions of the bonds or certificates issued in lieu thereof the number, amount, date of maturity, and name of the registered holder thereof, a description of the bonds or certificates surrendered therefor, and such other data or recitals as may be necessary to complete the same. The auditor and treasurer shall keep a record showing the number, amount, date of issue, and date of maturity of each such bond or certificate.

[1925 c. 151 s. 4] (125-4)

10.22 TERMS OF RECONVERTED BONDS. The holders of any reconverted bonds or certificates issued pursuant to sections 10.18 to 10.23 shall be entitled to the benefit of all stipulations, conditions, and recitals contained in the surrendered bonds or certificates.

[1925 c. 151 s. 5] (125-5)

10.23 DUPLICATES FOR LOST OR STOLEN REGISTERED STATE BONDS. If any registered bond or certificate is lost or stolen the owner thereof may procure a duplicate by furnishing the treasurer with proof of loss or theft. If such bond or certificate is registered as to principal only, no interest coupons shall be attached to the duplicate issued. Duplicates shall be issued upon the forms prescribed by sections 10.18 to 10.23 and shall state upon their face that they are issued in lieu of a lost or stolen bond or certificate and shall bear the same number as the original.

[1925 c. 151 s. 6] (125-6)

10.24 DUPLICATE BONDS ISSUED. When any bond, certificate of indebtedness, or other written obligation of the state, issued by the state or by any department, bureau, board, or other agency of the state government according to law, has been lost, destroyed, or stolen, a duplicate of such obligation, with unpaid interest coupons, if any, which were attached at the time of the loss, destruction, or theft, shall be issued to the owner, his guardian, or the representative of his estate, as hereinafter provided, upon the furnishing of satisfactory proof of ownership and of such loss, destruction, or theft to the authority empowered to approve indemnity bonds, as hereinafter provided, and upon the certification of the approval of such proof by such authority to the state treasurer.

[1929 c. 192 s. 1] (125-7)

10.25 EXECUTION OF DUPLICATES. Such duplicate obligation shall be prepared by the state treasurer and shall be an exact and complete copy of the original, including the signatures, but need not be a facsimile. Each duplicate obligation shall have written or printed thereon a certificate, the form of which shall be approved by the attorney general, stating, in substance, that the obligation is a duplicate issued pursuant to sections 10.24 to 10.27 with like force and effect as the original. The certificate shall be signed by the state treasurer, attested by the secretary of state, and sealed with the great seal of the state, and bear the approval of the attorney general as to the issuance of the duplicate and the form of the certificate. Each duplicate shall have plainly written or printed thereon across the face or upon the margin the word "duplicate." Each coupon attached to the duplicate obligation shall have plainly written or printed thereon in like manner the word "duplicate," followed by the date of issue and the signature or facsimile signature of the state treasurer.

[1929 c. 192 s. 2] (125-8)

10.26 DELIVERY OF DUPLICATES; BOND. Such duplicate obligation when executed shall be delivered by the state treasurer to the owner of the original obligation, his guardian, or the representative of his estate; provided, such owner, guardian, or representative shall first file with the state treasurer a bond in the full amount of such obligation and unpaid interest to maturity, with sufficient sureties, approved by the same authority as state depository bonds, indemnifying the state against any loss thereon by reason of the existence of the original obligation or any coupon thereto attached, unless such bond is waived as hereinafter provided; and, provided, such owner, guardian, or representative shall fur-

nish satisfactory proof to the state treasurer that such original obligation and coupons have not been found or presented for payment up to the time of such delivery; and, if any thereof have been found or presented, duplicates shall be delivered only of such as have not been found or presented. A record of the issuance and delivery of each duplicate obligation and attached coupons shall be made by the state treasurer and forthwith reported by him to the state auditor, who shall also make a record of the same. Such duplicate obligations and coupons, when issued and delivered as hereinbefore provided shall have the same force and effect as the originals.

[1929 c. 192 s. 3] (125-9)

10.27 BOND, WHEN CANCELED. The authority empowered to approve the indemnity bond required by section 10.26 may waive such bond, in its discretion, at any time six years after the date of the maturity of such lost, destroyed, or stolen bond, certificate of indebtedness, or other written obligation of the state, in any special case where it deems that the person entitled to a duplicate is unable to furnish such indemnity bond without hardship and that it is improbable that the original obligation will ever be found or presented for payment. Such waiver shall be certified to the state treasurer.

[1929 c. 192 s. 4] (125-10)

10.28 CERTIFICATES OF INDEBTEDNESS TO PAY WARRANTS ON REVENUE FUND. When it becomes necessary in order to meet the current demands upon the revenue fund for the payment of warrants issued or to be issued against that fund for the payment of appropriations, the executive council, at any time prior to June 30, 1937, upon adopting a resolution determining such necessity, may issue and sell certificates of indebtedness of the state, payable out of the revenue fund, in such amount as may be necessary to pay the warrants, the certificates to be numbered serially and to be of such denomination and bear such dates of issue and of maturity and such rate of interest as the council shall determine; provided, that no certificate shall mature more than six months after the date of its issuance or sale, whichever is later; and, provided, that the aggregate amount of the certificates at any time outstanding shall never exceed \$9,000,000. If funds are not available to retire any such certificates at maturity, the same may be refunded by the issuance of new certificates, or may be extended by agreement with the holders thereof. Certificates issued and sold pursuant to the authorization of this section shall be retired out of the receipts of the revenue fund appropriated to the payment of the warrants issued against the fund but taken up with the proceeds of the certificates.

[*Ex.* 1934 c. 52; 1935 c. 255] (125-11)

10.29 MAY NOT HIRE PUBLICITY REPRESENTATIVE. No state department, bureau, or division, whether it operates on funds appropriated or receipts or fees of any nature, including, but not limited to, the department of rural credit, the highway department, and the game and fish division, shall use any of such funds for the payment of the salary or expenses of a publicity representative. The head of any such department, bureau, or division shall be personally liable for funds spent contrary to this provision.

This shall not be construed as preventing any such department, bureau, or division from sending out any bulletins or other publicity required by any state law or necessary for the satisfactory conduct of the business for which such department, bureau, or division was created.

[1935 c. 391 s. 38; 1937 c. 457 s. 40] (125-12)

10.30 EMPLOYEES' COMPENSATION REVOLVING FUND REIMBURSED. In all cases where any state department owes the employees' compensation revolving fund, created by sections 176.78 to 176.81, for claims paid its employees, and no direct appropriation is made therefor, such department shall reimburse the revolving fund from the funds available to it for supplies and expense.

[1935 c. 391 s. 39; 1937 c. 457 s. 38] (125-13)

10.31 ILLEGAL ACTS. It is hereby made illegal for any official or head of any state department, or any employee thereof, to use moneys appropriated by Laws 1937, Chapter 457, or fees collected for any other purpose than the purpose for which such moneys have been appropriated, and any such act by any head of a department, or any state official, is hereby declared to be illegal and be cause for immediate removal of such official or head of a state department from the

position he holds with the government of this state; or, if proof of such charge before any judge of any district court of this state, the court may cause such official or head of a state department to be removed upon proof being duly made of the misappropriation or for any other purpose than for which the appropriation was made, except in an emergency, and then only with the approval of the commissioner of administration.

[1937 c. 457 s. 36] (125-14)

10.32 ADDITIONAL COMPENSATION FROM CONTINGENT FUND PROHIBITED. In all cases where the compensation of an officer of the state is fixed by law at a specified sum, it shall be unlawful for any such officer or employee to receive additional compensation for the performance of his official services out of the contingent fund of the officer or the department, and it shall be unlawful for the head of any department of the state government to direct the payment of such additional compensation out of the contingent fund; and the state auditor is hereby prohibited from issuing his warrant upon such contingent fund in payment of such additional compensation.

Every person offending against the provisions of this section shall be guilty of a misdemeanor and punished by a fine of not exceeding \$100 or by imprisonment in the county jail for not exceeding 90 days.

[1909 c. 395 ss. 1, 2] (127, 128)

10.33 DEDICATED RECEIPTS. All so-called "dedicated receipts" of the state, consisting of fees for licenses, tags, permits, inspections, examinations, interest, tuition, support of patients or wards, and all other fees or moneys paid to the state for any purpose or from any source, which are not paid into or credited to any of the following funds: Minnesota poultry improvement board, Douglas lodge receipts, state parks, tuberculosis division receipts, division of examination and classification, Anoka state hospital, Hastings state hospital, Willmar state hospital, Fergus Falls state hospital, Rochester state hospital, St. Peter state hospital, school for feeble-minded, colony for epileptics, school for the blind, school for the deaf, state public school, state training school, home school for girls, sanatorium for consumptives, hospital for crippled children, the state institutions under the management, direction, and supervision of the director of public institutions, except the revolving and contingent funds of such institutions, shall be paid into the state treasury and credited to the general revenue fund of the state.

[1939 c. 435 s. 1] (121-1)

10.34 FUNDS PAID INTO STATE TREASURY. Each law of the state naming or establishing the funds set forth in section 10.33 or providing for payments into, or credits to, the same, whether such laws name, designate, or refer to such funds by the exact names given above or similar names, but the effect of which laws is to provide for payments into, or credits to, these funds, are hereby amended and superseded to the extent that all payments provided by those laws to be paid into these funds shall be paid into the state treasury and credited to the general revenue fund, and each and every section, clause, and paragraph providing for such payments into or credits to these funds designated in section 10.33 is hereby stricken from the laws of this state.

[1939 c. 435 s. 2] (121-2)

10.35 PAID OUT ON LEGISLATIVE APPROPRIATIONS ONLY. Each law of the state providing for payments from the funds designated in section 10.33, whether such laws name, designate, or refer to such funds by the exact names given above or similar names, but the effect of which laws is to provide for payments from these funds, is hereby amended and superseded to the extent that such payments shall not be made from such designated funds, but shall be made only from and in accordance with appropriations hereafter made by the legislature for such purposes.

[1939 c. 435 s. 3] (121-3)

10.36 CONSTRUCTION. Sections 10.33 to 10.36 shall not be construed as in any way affecting or superseding any appropriations hereafter made by the legislature to the funds named in section 10.33 or any appropriations hereafter made for the purpose of carrying on the work or activities now paid from such funds.

[1939 c. 435 s. 4] (121-4)

10.37 HOLDING TWO APPOINTIVE OFFICES. In filling any appointive state office which the law provides shall be filled by the governor, he may appoint to such office a person already holding a state office and such person may hold both such offices and perform the functions and duties thereof; but such person shall receive only the salary by law provided for the office first held.

[1925 c. 353] (128-1)

10.38 OATH OF OFFICE AND BONDS. Unless otherwise provided by law, the several officials mentioned in Laws 1925, Chapter 426, shall take the oath of office and give bond, if required, in such sum as the commissioner of administration may prescribe.

[1925 c. 426 art. 18 s. 3] (53-46)

10.39 LOANS DEDUCTED FROM SALARIES. The heads of the various departments of the government of the State of Minnesota are hereby authorized, by and with the written consent of any employee of any state department, to deduct from the salary of such employee such sum or sums as may be agreed to by such employee for the payment of any moneys borrowed from any state employees' credit union or for the purpose of creating a savings account in behalf of such employee as the case may be.

[1941 c. 464]