

## CHAPTER 10

### GENERAL PROVISIONS

10.01	Offices; additional duties.	10.27	Bond, when canceled.
10.05	Office equipment.	10.275	Certificates of indebtedness issued by state, negotiability.
10.09	Officers appointed by governor, terms.	10.30	Employees' compensation revolving fund, reimbursement.
10.11	Compromise of state claims.	10.31	Misappropriation of money.
10.12	Uncollectible drafts canceled.	10.32	Additional compensation from contingent fund prohibited.
10.14	Certification by executive secretary.	10.37	Holding two appointive offices.
10.15	Time of cancellation.	10.38	Oath of office and bonds.
10.17	Officials not to exceed appropriation.		
10.24	Duplicate bonds issued.		
10.25	Execution of duplicates.		
10.26	Delivery of duplicates; bond.		

#### 10.01 OFFICES; ADDITIONAL DUTIES.

The governor, secretary of state, auditor, treasurer, and attorney general shall keep their offices in rooms provided for them, respectively, in the area known as the capitol, or as the capitol complex, or as the capitol area; 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.

**History:** (117) *RL s 63; 1967 c 624 s 1*

**10.02** [Repealed, 1984 c 628 art 2 s 4]

**10.03** [Repealed, 1984 c 628 art 2 s 4]

**10.04** [Repealed, 1961 c 561 s 17]

#### 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.

**History:** (119) *RL s 64*

**10.06** [Repealed, 1961 c 561 s 17]

**10.07** [Repealed, 1961 c 561 s 17]

**10.08** [Repealed, 1961 c 561 s 17]

#### 10.09 OFFICERS APPOINTED BY GOVERNOR, TERMS.

Except as otherwise provided, the terms of all officers appointed by the governor 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.

**History:** (53-48) 1925 c 426 art 20 s 1; 1969 c 9 s 4; 1973 c 35 s 2

**10.10** [Repealed, 1961 c 561 s 17]

#### 10.11 COMPROMISE OF STATE CLAIMS.

**Subdivision 1. Executive council's decision.** Except as provided in subdivision 2 hereof, 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, the attorney general 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.

**Subd. 2. Attorney general's authority to compromise.** Notwithstanding any other provisions of law to the contrary, the attorney general shall have authority to compromise taxes, penalties, and interest in any case referred to the attorney general, whether reduced to judgment or not, where, in the attorney general's opinion, it shall be in the best interests of the state to do so. A compromise made hereunder shall be in such form as the attorney general shall prescribe and shall be in writing signed by the attorney general, the taxpayer or taxpayer's representative, and the commissioner of revenue.

**History:** (122) *RL s 67; 1929 c 14 s 1; 1969 c 230 s 1; 1973 c 582 s 3; 1986 c 444*

## **10.12 UNCOLLECTIBLE DRAFTS CANCELED.**

**Subdivision 1. Over \$100.** When any draft or account for a sum in excess of \$100 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.

**Subd. 2. To \$100.** When any draft or account for a sum of not more than \$100 due to the state is found to be uncollectible by an agency, the agency head may cancel the draft or account upon the approval of the attorney general. When drafts or accounts are canceled under this subdivision the head of the canceling agency shall send a certified list of them to the commissioner of finance, who shall enter the cancellations on the department of finance's records.

**History:** (122-1) *1929 c 406 s 1; 1949 c 301 s 1; 1984 c 654 art 2 s 34*

**10.13** [Repealed, 1984 c 654 art 2 s 155]

## **10.14 CERTIFICATION BY EXECUTIVE SECRETARY.**

When any drafts or accounts are canceled by the executive council under sections 10.12 to 10.15 the executive secretary shall make a certified list thereof to the commissioner of finance and treasurer, whose duty it shall be to cancel the record thereof in their offices.

**History:** (122-3) *1929 c 406 s 3; 1973 c 492 s 14; 1984 c 654 art 2 s 35*

## **10.15 TIME OF CANCELLATION.**

No draft or account for a sum in excess of \$500 shall be canceled until more than three 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.

**History:** (122-4) *1929 c 406 s 4; 1978 c 793 s 35; 1984 c 654 art 2 s 36*

**10.16** [Repealed, 1976 c 231 s 34]

## **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.

**History:** (125) 1907 c 272 s 2; Ex1919 c 35 s 11

**10.18** [Repealed, 1Sp1985 c 13 s 376]

**10.19** [Repealed, 1Sp1985 c 13 s 376]

**10.20** [Repealed, 1Sp1985 c 13 s 376]

**10.21** [Repealed, 1Sp1985 c 13 s 376]

**10.22** [Repealed, 1Sp1985 c 13 s 376]

**10.23** [Repealed, 1Sp1985 c 13 s 376]

#### **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, the owner's guardian, or the representative of the owner's 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.

**History:** (125-7) 1929 c 192 s 1; 1986 c 444

#### **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.

**History:** (125-8) 1929 c 192 s 2

#### **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, the owner's guardian, or the representative of the owner's 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 furnish 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 the treasurer to the commissioner of finance, 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.

**History:** (125-9) 1929 c 192 s 3; 1973 c 492 s 14; 1986 c 444

### 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.

**History:** (125-10) 1929 c 192 s 4

### 10.275 CERTIFICATES OF INDEBTEDNESS ISSUED BY STATE, NEGOTIABILITY.

Certificates of indebtedness and interest coupons appurtenant thereto, heretofore or hereafter issued by the state of Minnesota in anticipation of the collection of taxes and payable as to principal and interest exclusively from the proceeds of such taxes, shall be negotiable instruments within the meaning and for all purposes of the uniform commercial code, notwithstanding that they may be payable from a particular fund.

**History:** 1959 c 1 s 1; 1965 c 812 s 27

**10.28** [Expired]

**10.29** [Repealed, 1965 c 45 s 73]

### 10.30 EMPLOYEES' COMPENSATION REVOLVING FUND, REIMBURSEMENT.

In all cases where any state department owes the employees' compensation revolving fund, created by sections 176.591 to 176.611, for claims paid its employees, and no direct appropriation is made therefor, such department shall reimburse the revolving fund from the money appropriated for operation of the department.

**History:** (125-13) 1935 c 391 s 39; 1937 c 457 s 38; 1977 c 455 s 69; 1Sp1981 c 4 art 1 s 1

### 10.31 MISAPPROPRIATION OF MONEY.

It is illegal for any official or head of any state department, or any employee thereof, to use moneys appropriated by law, or fees collected for any other purpose than the purpose for which the moneys have been appropriated, and any such act by any head of a department, or any state official, is cause for immediate removal of the official or head of a state department from the position held with the government of this state.

**History:** (125-14) 1937 c 457 s 36; 1979 c 333 s 60; 1986 c 444

### 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 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 commissioner of finance is hereby prohibited from issuing a 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.

**History:** (127,128) 1909 c 395 s 1,2; 1971 c 23 s 1; 1973 c 492 s 14; 1986 c 444

# MINNESOTA STATUTES 1988

179

GENERAL PROVISIONS 10.38

- 10.33** [Repealed, 1965 c 45 s 73]
- 10.34** [Repealed, 1969 c 9 s 94; 1969 c 399 s 51]
- 10.35** [Repealed, 1969 c 9 s 94]
- 10.36** [Repealed, 1969 c 9 s 94]

## **10.37 HOLDING TWO APPOINTIVE OFFICES.**

Any appointive state office which the law provides shall be filled by the governor may be held by 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.

**History:** (128-1) 1925 c 353 s 1; 1986 c 444

## **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.

**History:** (53-46) 1925 c 426 art 18 s 3

- 10.39** [Renumbered 16A.133]
- 10.41** [Repealed, 1973 c 680 s 2]