

CHAPTER 16

DEPARTMENT OF ADMINISTRATION

16.01 COMMISSIONER OF ADMINISTRATION.

HISTORY. 1939 c. 431 art. 2 s. 1; M. Supp. s. 53-4a.

EMERGENCY PURCHASES cannot be prevented by quo warranto. This is not allowable as a preventive of, or remedy for, official misconduct and cannot be employed to test the legality of official acts. State ex rel v Gravlin, 295 NW 654.

16.011 STATE AGENCY.

HISTORY. 1939 c. 431 art. 2 s. 2; M. Supp. s. 53-4b.

16.02 POWERS AND DUTIES.

HISTORY. 1939 c. 431 art. 2 s. 3; M. Supp. s. 53-18b; 1941 c. 381; 1941 c. 392; 1943 c. 270 ss. 1, 2; 1943 c. 359 s. 1; 1945 c. 65 s. 1; 1945 c. 446 ss. 1, 2.

SECTION HEADLINES are inserted by the secretary of state under legislative authority as a matter of convenience of reference. They do not determine construction. State ex rel v Erickson, 159 M 287, 198 NW 1000.

IN NEWSPAPER. It can legally be published in more than one St. Paul paper but only one, to be designated by the State Printer, can be paid for the publication out of any existing appropriation. 1912 OAG 567.

16.021 PERMITS GRANTED.

HISTORY. 1943 c. 357 s. 1.

16.022 CUSTODY OF PROPERTY IF FOUND.

HISTORY. 1943 c. 357 s. 2.

16.023 STATE'S SHARE OF PROPERTY PUT INTO REVENUE FUND.

HISTORY. 1943 c. 357 s. 3.

16.024 ADMINISTRATION REVOLVING FUND.

HISTORY. 1943 c. 440 ss. 1 to 4.

16.025 POWERS OF STATE OFFICIALS RELATING THERETO.

HISTORY. 1943 c. 440 s. 5.

16.03 DEFINITIONS.

HISTORY. 1939 c. 431 art. 2 s. 4; M. Supp. s. 53-18c.

16.04 ENUMERATION NOT EXCLUSIVE.

HISTORY. 1939 c. 431 art. 2 s. 4; M. Supp. s. 53-18c.

16.05 RULES.

HISTORY. 1939 c. 431 art. 2 s. 5; M. Supp. s. 53-18d.

16.06 TO PURCHASE SUPPLIES AND MATERIALS.

HISTORY. 1939 c. 431 art. 2 s. 6; M. Supp. s. 53-18e; 1945 c. 155.

The writ of-quo warranto is not the remedy for official misconduct and so not to be employed to test the legality of official action. Rule applied to proposed purchase of material by commissioner of administration without competitive bidding. State ex rel v Gravlin, 209 M 136, 295 NW 654.

16.07 COMPETITIVE BIDS.

HISTORY. 1939 c. 431 art. 2 s. 7; M. Supp. s. 53-18f; 1941 c. 281; 1941 c. 478; 1943 c. 556 s. 1.

Where under the provisions of Laws 1941, Chapter 478 the commissioner of highways hired a truck and operator, the employee was not under civil service, nor was he an independent contractor. The driver of the truck being injured was entitled to industrial compensation. Aslakson v Department, 217 M 524, 15 NW(2d) 22.

16.08 CONTRACTS AND PURCHASES.

HISTORY. 1939 s. 431 art. 2 s. 8; M. Supp. s. 53-18f; 1943 c. 556 ss. 1, 2; 1945 c. 370.

16.09 CONTRACTS AND LEASES APPROVED BY ATTORNEY GENERAL.

HISTORY. 1939 c. 431 art. 2 s. 9; M. Supp. s. 53-18h.

16.10 SIGNED BY HEAD OF DEPARTMENT.

HISTORY. 1939 c. 431 art. 2 s. 10; M. Supp. s. 53-18i.

16.11 MEMBERS OF DEPARTMENT NOT TO HAVE FINANCIAL INTERESTS IN CONTRACTS.

HISTORY. 1939 c. 431 art. 2 s. 11; M. Supp. s. 53-18j.

16.12 STANDARDS FOR SUPPLIES, MATERIALS, EQUIPMENT.

HISTORY. 1939 c. 431 art. 2 s. 12; M. Supp. s. 53-18k.

16.13 TRANSFER OF EMPLOYEES.

HISTORY. 1939 c. 431 art. 2 s. 13; M. Supp. s. 53-18L

16.14 COMMISSIONER TO PREPARE BUDGET.

HISTORY. 1939 c. 431 art. 2 s. 14; M. Supp. s. 53-18m.

Money willed to the state for benefit of state Soldiers Home, since enactment of Laws 1939, Chapter 431, Article 2, Section 14, is subject to laws relating to budgeting, allotting, and encumbering. OAG Dec. 5, 1944 (640a).

16.15 BUDGET SUBMITTED TO LEGISLATURE.

HISTORY. 1939 c. 431 art. 2 s. 15; M. Supp. s. 53-18n.

16.16 QUARTERLY ALLOTMENT PERIODS.

HISTORY. 1939 c. 431 art. 2 s. 16; M. Supp. s. 53-18o.

Formula for budgeting and allotment of appropriations to be disbursed by the director of social welfare. 1940 OAG 230, June 28, 1939 (640a).

Power of the departments to reduce expenditures when the demand exceeds the appropriation. 1940 OAG 279, Sept. 2, 1939 (640a).

16.17 APPROPRIATIONS TO REVERT TO STATE TREASURY.

HISTORY. 1939 c. 431 art. 2 s. 17; M. Supp. s. 53-18p.

16.18 RECEIPTS DEPOSITED WITH STATE TREASURER.

HISTORY. 1939 c. 431 art. 2 s. 18; M. Supp. s. 53-18q.

Formula for disposal of license fees paid to department of health; refundment; deposit with state treasurer. OAG Jan. 15, 1944 (454e).

16.19 SUSPENSE FUNDS.

HISTORY. 1939 c. 431 art. 2 s. 19. M. Supp. s. 53-18r.

16.20 FIVE PER CENT OF RECEIPTS SET ASIDE FOR EXPENSES.

HISTORY. 1939 c. 431 art. 2 s. 20; M. Supp. s. 53-18s.

As to the validity of this provision as it relates to certain highway funds, see *Cory v King*, 209 M 434, 296 NW 508; 214 M 541, 8 NW(2d) 614.

MOTOR VEHICLE AND GASOLINE TAXES. This charge is unconstitutional as imposed on all motor vehicle taxes and the $\frac{2}{3}$ of the gasoline tax put into the trunk highway fund by the constitution. *Cory v King*, 209 M 431, 296 NW 506; *Cory v King*, 8 NW 2nd 614.

16.21 CONTINGENT APPROPRIATIONS.

HISTORY. 1939 c. 431 art. 2 s. 21; M. Supp. s. 53-18t; 1941 c. 497 s. 1.

16.22 RIGHTS AND POWERS TRANSFERRED TO COMMISSIONER; EXCEPTIONS.

HISTORY. 1939 c. 431 art. 2 s. 22; M. Supp. s. 53-18u.

16.23 OFFICE SPACE ASSIGNED.

HISTORY. 1939 c. 431 art. 8 s. 11; M. Supp. s. 53-18 1L.

16.24 POWERS OF COMMISSIONER OF ADMINISTRATION.

HISTORY. 1925 c. 426 art. 3 s. 3; M.S. 1927 s. 53-6.

PURPOSE OF THE ACT is to give the commissioner of administration power to supervise and control the making of all contracts and the incurrence of all obligations by state agencies. This includes the power to prevent the making of contracts. *State ex rel v Chase*, 175 M 583, 222 NW 285.

The obvious intention is to include everything in the way of department or institution used as a means to any end of state government. *State ex rel v Chase*, 175 M 259, 220 NW 951.

LIMITATION. Commissioner of administration has no power to cancel a lease made by the state. 1936 OAG 81.

16.25 COMMISSIONER TO MAKE RULES.

HISTORY. 1925 c. 426 art. 3 s. 4; M.S. 1927 s. 53-7; 1939 c. 441 s. 39.

Consideration of allowed and prohibited political activities under Laws 1939, Chapter 441. 1940 OAG 286, April 26, 1940 (644c). See also Laws 1941, Chapter 394.

16.26 APPROVAL OF APPROPRIATIONS AND EXPENDITURES.

HISTORY. 1925 c. 426 art. 3 s. 5; M.S. 1927 s. 53-8.

16.27 SUPERVISION OF CONSTRUCTION OF BUILDINGS.

HISTORY. 1925 c. 426 art. 3 s. 6; M.S. 1927 s. 53-9.

MINNESOTA STATUTES 1945 ANNOTATIONS

16.28 DEPARTMENT OF ADMINISTRATION

272

16.28 PURCHASES.

HISTORY. 1925 c. 426 art. 3 s. 7; M.S. 1927 s. 53-10.

CONSTRUCTION. The "may" in "The commissioner of administration—may make rules, regulations and orders—" is mandatory. 1938 OAG 384.

Notice required before letting contracts for labor and materials for construction of buildings for state teachers' colleges. 1938 OAG 384, July 23, 1938 (980a-11).

NOTICE. The notice required before making purchases does not apply to money expended by the State Relief Agency. 1938 OAG 386.

16.29 PREPARATION OF BUDGETS.

HISTORY. 1925 c. 426 art. 3 s. 9; M.S. 1927 s. 53-12.

16.30 ORDERS AND RULINGS REVIEWED BY GOVERNOR.

HISTORY. 1925 c. 426 art. 3 s. 15; M.S. 1927 s. 53-18.

16.31 PAY-ROLL; TRIPLICATE ABSTRACT.

HISTORY. 1901 c. 122 s. 26; R.L. 1905 s. 1882; G.S. 1913 s. 4029; G.S. 1923 s. 4426; M.S. 1927 s. 4426.

16.32 PLANS AND SPECIFICATIONS.

HISTORY. 1901 c. 122 s. 29; R.L. 1905 s. 1884; 1909 c. 38 s. 1; G.S. 1913 s. 4031; G.S. 1923 s. 4428; M.S. 1927 s. 4428.

16.33 CONTRACTS FOR SUPPLIES.

HISTORY. 1901 c. 122 s. 30; R.L. 1905 s. 1885; G.S. 1913 s. 4032; G.S. 1923 s. 4429; M.S. 1927 s. 4429.

16.34 RULES.

HISTORY. 1901 c. 122 s. 31; R.L. 1905 s. 1886; G.S. 1913 s. 4033; G.S. 1923 s. 4430; M.S. 1927 s. 4430.

16.35 STATIONERY, FURNITURE, SUPPLIES; HOW BOUGHT.

HISTORY. 1917 c. 174 s. 1; M.S. 1927 s. 4431.

16.36 CONTRACTS FOR BUILDINGS; BIDS.

HISTORY. 1901 c. 122 s. 32; 1903 c. 335; R. L. 1905 s. 1887; G.S. 1913 s. 4034; G. S. 1923 s. 4432; M.S. 1927 s. 4432.

CONSTRUCTION. "Notice" means public notice in a qualified newspaper.

16.37 INSURANCE OF STATE BUILDINGS; FUEL.

HISTORY. G.S. 1878 Vol. 2 (1888 Supp.) c. 35 ss. 67 to 71; 1883 c. 118 s. 123; 1885 c. 168 s. 123; G.S. 1894 ss. 3639 to 3643; R.L. 1905 s. 1901; 1907 c. 259; 1913 c. 312 s. 1; G.S. 1913 s. 4049; G.S. 1923 s. 4450; M.S. 1927 s. 4450.

EXCEPTION. The state's interest in leasehold premises can be insured but not the owner's interest pursuant to a contract wherein part of the consideration was that the tenant (the state) insure the premises. 1940 OAG 38.

DEPARTMENTS OF STATE may insure against risk of loss of money and securities by theft or burglary. OAG Feb. 26, 1937 (249b-17).

MINNESOTA STATUTES 1945 ANNOTATIONS

273

DEPARTMENT OF ADMINISTRATION 16.62

16.38 DAY LABOR; WORK OF INMATES.

HISTORY. 1901 c. 122 s. 32; R.L. 1905 s. 1888; G.S. 1913 s. 4035; G.S. 1923 s. 4433; M.S. 1927 s. 4433.

16.51 DAIRY SLOGAN.

HISTORY. 1939 c. 29 s. 1; M. Supp. s. 5680-3; 1943 c. 483 s. 1.

16.52 PRINTED MATTER.

HISTORY. 1939 c. 29 s. 2; M. Supp. s. 5680-4; 1943 c. 483 s. 2.

16.53 ON WHAT MATTER PRINTED.

HISTORY. 1939 c. 29 s. 3; M. Supp. s. 5680-5; 1943 c. 483 s. 3.

16.531 DAIRY SLOGAN ON PRINTED MATTER FOR DURATION.

HISTORY. 1943 c. 483 s. 4.

16.54 MAIL TO BE DELIVERED UNSTAMPED.

HISTORY. 1929 c. 350 s. 2; 1939 c. 431 art. 2 s. 3 (15); M. Supp. s. 23-3.

16.55 USE LABOR-SAVING DEVICES.

HISTORY. 1929 c. 350 s. 3; 1939 c. 431 art. 2 s. 3 (15); M. Supp. s. 23-3.

16.56 DEPARTMENT TO ADVANCE MONEY FOR EXPENSES.

HISTORY. 1929 c. 350 s. 4; M. Supp. s. 23-4.

16.57 BILLBOARDS PROHIBITED ADJACENT TO CAPITOL.

HISTORY. 1929 c. 389 ss. 1, 2; M. Supp. ss. 23-5, 23-6.

See Young, Reorganization of the Administrative Branch of the Minnesota Government, 10 MLR 40.

16.61 PREPARATION OF FORMS BY STATE PRINTER.

HISTORY. 1921 c. 484 s. 7; 1937 c. 78 s. 1; M.S. 1927 s. 10940.

16.62 VICTORY TAX FUND.

HISTORY. 1943 c. 1.