

DEPARTMENTS AND AGENCIES OF THE STATE

CHAPTER 15

DEPARTMENTS OF STATE IN GENERAL

15.01 DEPARTMENTS AND AGENCIES OF THE STATE.

While working a far-reaching change in the state government, L. 1925, c. 426, modifies prior statutes only to the extent needed to conform to the express or implied provision of the act. *State ex rel v Chase*, 165 M 268, 206 NW 396.

A public officer or employee appointed pursuant to statutory authority has no vested right to continuance in his position. The civil service act of 1939 abolished civil service rights enjoyed by state officers and employees under prior statutes and regulations, and established a new and complete system of civil service in all positions in classified service. *Reed v Trovatten*, 209 M 352, 296 NW 535.

Minnesota Historical Society is not a state department but a private corporation created by legislative act. L. 1849, c. 44. It is not subject to the reorganization act of 1939, L. 1939, c. 431. Employees are not under the state civil service act, L. 1939, c. 441. 1944 OAG 248, May 26, 1944 (230).

Problem of administration. 8 MLR 217.

Reorganization act of 1925. 10 MLR 40.

15.041 DEFINITIONS.

Railroad and warehouse commission rules and regulations must comply with sections 15.041 to 15.044. OAG May 9, 1947 (650).

Administrative law; judicial review; federal selective service act. 31 MLR 286.

Attorney and client; unauthorized practice of law; laymen practicing before state administrative commissions. 31 MLR 288.

15.042 RULES AND REGULATIONS.

Rules submitted to the attorney general for approval must be authenticated, identified, and expressed so that there is no uncertainty in substance or procedure. OAG July 10, 1945 (650).

Members of the legislature are not prohibited from practicing before state boards or commissions whose personnel is elected or appointed by the legislature or otherwise. OAG May 22, 1947 (280-H).

Necessity of express findings of fact to validate an administrative order. Delegation of power. 18 MLR 269, 291, 292; 19 MLR 763.

Administrative commissions and the judicial power. 19 MLR 261.

Tort liability of an administrative officer. 21 MLR 263.

Evidence before administrative tribunals in Minnesota. 23 MLR 68.

Judicial review of administrative orders; doctrine of "Negative Orders" abolished. 24 MLR 379.

Problems met in the trial of cases before administrative tribunals. 25 MLR 545.

Timing of judicial redress from erroneous administrative action. 25 MLR 560.

Judicial review of administrative determinations. 25 MLR 588.

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Judicial self-limitation in administrative law. 25 MLR 730.

Constitutionality of procedure under the fair labor standards act. 25 MLR 785.

Participation in railroad and warehouse commission proceedings as a basis for right to appeal. 25 MLR 938.

Admissibility of findings of an administrative board. 25 MLR 949.

Effect of inadequacy of hearing and inadequacy of notice to other affected parties. 26 MLR 258.

Enforcement of subpoena duces tecum; defenses thereto. 28 MLR 261..

Scope of judicial review of administrative decisions. 29 MLR 157. Administrative law; joinder of parties; consent decree; contempt, under the federal price control act. 31 MLR 614.

15.05 Renumbered 16.011.

15.055 PUBLIC EMPLOYEES NOT TO PURCHASE MERCHANDISE FROM STATE AGENCIES.

Although the cooperative store was granted free rent by the educational institution, and both students and members of the faculty could purchase student books and supplies upon becoming members, L. 1941, c. 58, ss. 1, 2, were not violated. OAG July 27, 1942 (90-F).

15.06 POWERS OF DEPARTMENT HEADS.

Since the commissioner of insurance has the undoubted right to pass on the competency and qualifications of applicants for licenses as agents, he has the right to set up standards of competency and qualification and use any reasonable means of ascertaining whether or not an applicant is competent and qualified. 1944 OAG 141, April 4, 1944 (256).

While there is no statute or civil service rule prohibiting employees in the classified employment from accepting outside employment outside of working hours, a department may by regulation forbid the practice, and a superintendent of a hospital may in contracting with a physician make an enforceable contract defining what, if any, outside practice is allowable. OAG July 9, 1947 (88-A-19).

15.17 OFFICIAL RECORDS.

Personnel records of a public employment retirement association are open to reasonable inspection by the public. OAG May 22, 1944 (331-B).

No fee has been fixed by statute for certifying a practitioner's record for record in another state, so the fees for certifying what is disclosed in the board's records should be a reasonable fee, based on the cost of furnishing same. It must not be so large as to constitute a tax. OAG July 10, 1946 (326-a), (326-b).

A state agency (Live Stock Sanitary Board) may deliver all records more than six years old to the Minnesota Historical Society as provided under sections 138.03 and 138.04. No public document less than six years old should be destroyed. OAG Aug. 12, 1946 (851-F).

15.18 DISTRIBUTION OF PUBLICATIONS.

HISTORY. L. 1947, c. 365, s. 1.