

CHAPTER 16

DEPARTMENT OF ADMINISTRATION

NOTE: ANTECEDENT LAWS.

The board of audit was created by L. 1873, c. 34, s. 1. A department of administration and finance was created by the reorganization act of 1925 (L. 1925, c. 426, art. 3), organized in three divisions: a comptroller's division in charge of the comptroller; a budget division in charge of the commissioner of the budget; and a purchase division in charge of the commissioner of purchases. The board of audit and the office of public examiner were abolished and their duties imposed upon the comptroller.

L. 1939, c. 431, art. 2, created the department of administration under the supervision and control of a commissioner of administration, who succeeded to certain powers and duties of the commission of administration and finance, and of the state printing commission, both commissions being abolished. He succeeded to the powers and duties of the governor in the control of the state capitol and grounds.

The powers and duties of the board of audit and the former public examiner, theretofore vested in and imposed upon the comptroller were transferred to the newly created office of public examiner. Certain powers were returned to and imposed upon the state auditor.

16.01 COMMISSIONER OF ADMINISTRATION.

See, *State ex rel v Chase*, section 15.01.
The 1925 reorganization act. 10 MLR 40.

16.011 STATE AGENCY.

University of Minnesota though independent in many ways, is subject to certain executive control through the commissioner of administration. *State ex rel v Chase*, 175 M 259, 220 NW 951.

16.02 POWERS AND DUTIES.

HISTORY. Amended by L. 1947, c. 365, s. 4.

The commission of administration and finance under the powers given it by L. 1925, c. 426, possessed the discretionary power to disapprove the contract with the relators on the ground that the proposal of another bidder on the highway contract was lower when given the meaning which the commission found was intended therein. *State ex rel v Babcock*, 175 M 583, 222 NW 285.

Where a city invites bids for the furnishing and installation of parking meters according to the city's specifications and a bidder makes a bid offering to install the meters according to the bidder's specifications, and where installation according to the bidder's method would give him a substantial benefit or advantage which he would not enjoy if installation were made according to the city's method, there is a material variance between the bid and the city's specifications which requires rejection of the bid. After bids have been received and opened, no material change may be made in any bid. *Coller v City of St. Paul*, 223 M 376, 26 NW(2d) 835.

Commissioner cannot by regulation authorize a travel allowance to employees of six cents per mile during the months of November to March. OAG Feb. 8, 1946 (980-A-15).

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The commissioner of administration cannot exchange state property such as a lookout tower for similar property owned by the federal Indian service. OAG Feb. 27, 1946.

Commissioner of administration may engage services of an agent to care for the rental of property owned by the state, and acquired by virtue of L. 1945, c. 315. OAG March 3, 1947 (980-a).

Under the reorganization act, the commissioner of administration is responsible for the operation of the allotment system. The railroad and warehouse commission must submit in such detail as requested, estimates of the number of and salary allowed to employees in the grain inspection department. OAG June 18, 1947 (215-a-3).

Errors in formation of bids on construction contracts. 16 MLR 137.

16.06 TO PURCHASE SUPPLIES AND MATERIALS.

In case of an emergency the commissioner of administration may allow a state agency to expend in excess of \$1,000 to repair property in constant use, without calling for bids. OAG Feb. 15, 1946 (707-A-13).

16.07 COMPETITIVE BIDS.

Amended by L. 1947, c. 112, s. 1; L. 1947, c. 238, s. 1.

"Lowest responsible bidder" does not necessarily mean lowest bidder whose pecuniary ability to perform contract is deemed best. Commission may reject lowest bid if, in the exercise of honest discretion, another seems better for object to be accomplished. Before variation from specifications will be deemed to destroy competitive character of bid for public contract variation must be a substantial and material one beneficial to the successful bidder. OAG Oct. 15, 1946 (707-a-4).

The contract must follow the advertisement for bids, and all bids should conform to the proposal set forth in the advertisement; so that, where the advertisement asks for bids on four separate parts of the whole, the bids must conform to the separation of the proposal. OAG June 4, 1947 (707-a-4).

16.14 COMMISSIONER TO PREPARE BUDGET.

Since the passage of L. 1939, c. 431, any money decreed by will for the use of the soldiers home board is subject to the laws and rules relating to allotting, budgeting, and encumbering. OAG Dec. 5, 1944 (640a).

16.16 QUARTERLY ALLOTMENT PERIODS.

Sections 268.05, 268.13, 16.16 and 16.17 support the action of the director of the division of employment and security in entering into an interstate arrangement relating to reciprocal wage credits. OAG Nov. 29, 1946 (885-B).

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16.17 APPROPRIATIONS TO REVERT TO STATE TREASURY; EXCEPTIONS.

Sections 268.05, 268.13, 16.16, and 16.17 support the action of the director of the division of employment and security in entering into an interstate arrangement relating to reciprocal wage credits. OAG Nov. 29, 1946 (885-B).

16.18 RECEIPTS DEPOSITED WITH STATE TREASURER.

Minnesota Historical Society is a private corporation and not a state agency; it is not controlled by the reorganization act, L. 1939, c. 431; nor by the civil service

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act. The fact that it accepts a state appropriation does not make the corporation an agency of the state, but by acceptance of the appropriation it consents to the conditions imposed by the legislature. 1944 OAG 248, May 26, 1944 (230).

16.20. FIVE PER CENT OF RECEIPTS SET ASIDE FOR EXPENSES.

L. 1941, c. 548, authorizing the transfer of sufficient funds from the trunk high-way fund to compensate the state agencies for the expense of servicing activities attributable to highway matters, is valid. *Cory v King*, 214 M 535, 8 NW(2d) 614.

16.21 CONTINGENT APPROPRIATIONS.

Appropriations under L. 1945, c. 609, s. 45, subd. 4, may be supplemented to provide funds for payment of specific claims. OAG May 13, 1947 (770-F).

16.22 RIGHTS AND POWERS TRANSFERRED TO COMMISSIONER; EX-CEPTIONS.

NOTE: L. 1849, c. 14, provided that at each annual session of the legislature the council and house of representatives by joint ballot should select a public printer to serve for the term of one year. As amended and codified these provisions are found in R. S. Ter. 1851, c. 15, and P. S. 1858, c. 14. By L. 1874, c. 7, the secretary of state, state treasurer, and state auditor were made ex-officio commissioners of public printing. As amended, the law is found in G. S. 1878, c. 5, ss. 1 to 58.

L. 1893, c. 75, directed the commissioners to employ a "state printing expert." G. S. 1894, ss. 259 to 297, were rewritten and superseded by L. 1897, c. 269, and as modified and revised are found in R. L. 1905, ss. 2265 to 2279. Laws relating to the state printing commission and the state expert printer were again rewritten in L. 1919, c. 441; liberally amended, L. 1925, cc. 228 and 359; and compiled in Mason's 1927, ss. 5671 to 5684. By the 1939 reorganization act, (L. 1939, c. 431, s. 22) the state printing commission was abolished and all its powers and duties, including the appointment of a state expert printer, were imposed upon and vested in the commissioner of administration.

16.231 SPACE ASSIGNED FOR USE BY HANDICAPPED PERSONS.

HISTORY. L. 1947, c. 602, s. 1.