

MINNESOTA STATUTES 1953 ANNOTATIONS

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STATE BOARD OF INVESTMENT 11.05

10.14 CERTIFICATION BY EXECUTIVE SECRETARY

HISTORY. 1923 c 437 s 3; 1929 c 406 s 3; M Supp s 122-3.

10.15 TIME OF CANCELATION

HISTORY. 1923 c 437 s 1; 1929 c 406 s 4; M Supp s 122-4.

10.17 OFFICIALS NOT TO EXCEED APPROPRIATION

Where an appropriation is made for the specific purpose of paying indemnities, the sum so appropriated may not be used for any other purpose. OAG Dec. 15, 1947 (9-A-24).

10.26 DELIVERY OF DUPLICATES; BOND

Transferability and creditors' rights and taxation relating to federal Series E bonds. 32 MLR 158.

10.28 . Obsolete.

10.29 PUBLICITY REPRESENTATIVE

NOTE: See Ex1951 c 1 s 54.

10.30 EMPLOYEES' COMPENSATION REVOLVING FUND, REIMBURSEMENT

A state department operating under general revenue fund without appropriations to reimburse the state compensation revolving fund is required to reimburse such fund from unencumbered and unexpended appropriations for supplies and expenses. OAG June 29, 1950 (9-A-21).

10.33 DEDICATED RECEIPTS

The commissioner of administration must provide for periodical inspection and appraisal of state property, real and personal. The doctrine "de minimis non curat lex" applies. The state agencies are required on request to make reports to the department of administration as are needed to keep current and perpetual inventories kept by the commissioner. The state agency is required to report to the commissioner when supplies, materials, or equipment are no longer of use to the department. The commissioner may transfer such property to another agency in need of same and if not needed, may sell same. The proceeds from such sale will be credited to certain funds under the conditions of sections 10.33 to 10.36 and 16.18. OAG Mar. 21, 1952 (980-A).

CHAPTER 11

STATE BOARD OF INVESTMENT

11.01 INVESTMENT OF PERMANENT TRUST FUNDS

A county may sell ditch bonds to the state board of investment without calling for a special election. OAG Aug. 7, 1950 (38-G).

11.05 APPROPRIATION FOR INVESTMENT

HISTORY. 1875 c 105 s 1; GS 1878 c 38 s 45; 1885 c 102 s 6; GS 1894 s 4006; RL 1905 s 2436; MS 1927 s 6313; 1945 c 312 s 1.

MINNESOTA STATUTES 1953 ANNOTATIONS

11.08 STATE BOARD OF INVESTMENT

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11.08 ESCHEATED PROPERTY; REPORT; SALE

Section 94.09 pertains specifically to the sale of real estate that escheats to the state and was first enacted in 1909. Section 11.08, enacted in 1941, applies to escheated property other than money and was not enacted to repeal section 94.09. The purpose of section 11.08 was to authorize the sale of escheated assets consisting of securities, bonds, mortgages, and property other than real property or money. OAG April 29, 1948 (700-D-28).

Conveyance of land by state, title to which was acquired by escheat, carries with it no obligation on the part of the state to furnish abstract of title. OAG Aug. 12, 1949 (700-D-28).

11.10 INVESTMENT OF MONEY IN STATE TREASURY NOT CURRENTLY NEEDED

HISTORY. 1949 c 110 s 1-3.

Like other funds created by the constitution, the state road and bridge fund is inviolate. Moneys in that fund may only be used for the purposes set forth in the Constitution, Article IX, Section 16, and may not lawfully be comingled with other moneys of the state. The constitution neither authorizes nor prohibits the investment of such moneys pending the time when they will be needed for distribution as provided by the constitution and the statutes. The legislature by Laws 1949, Chapter 110, lawfully set forth a proper method of investment. OAG Mar. 22, 1950 (454-E).

STATE DEPARTMENTS AND AGENCIES

CHAPTER 15

DEPARTMENTS OF STATE IN GENERAL

15.01 DEPARTMENTS AND AGENCIES OF THE STATE

Federal reorganization act of 1947. 32 MLR 150.

Bias of administrative officers. 32 MLR 199.

The administrative procedure act. 32 MLR 217.

Administrative discretion in insurance matters. 32 MLR 259.

15.04 POWERS CONTINUED

While an employee's civil service rights are not property, they are rights entitled to protection of the law. On certiorari it is not the province of the court to reweigh the evidence and to determine which of conflicting versions of the facts should be adopted; but where the evidence as a matter of law compels a certain finding and the administrative finding is to the contrary, the finding so made constitutes error of law, which it is the duty of the court to reverse. Where on certiorari an administrative agency's determination is reversed, the court's decision as to the rule governing the rights of the parties is final and conclusive upon the agency. Certiorari may be used as ancillary to mandamus, and where mandatory rights are established on certiorari they will be enforced by mandamus. *State ex rel v. Civil Service Board*, 226 M 240, 32 NW(2d) 574.

An appeal under Section 43.12 to the state civil service board from an allocation of an employee to a position by the civil service director entitles the employee-appellant to a public trial de novo before the state civil service board with all the incidents of a trial before a court of law, including the right of subpoena, production of witnesses and documents, or taking of testimony, examination and cross-examina-