

CHAPTER 16

DEPARTMENT OF ADMINISTRATION

Sec.	Sec.
16.01 Commissioner of administration	16.18 Receipts deposited with state treasurer
16.011 State agency	16.19 Suspense funds
16.012 Lease of space in certain state buildings to state departments	16.20 Percentage of receipts set aside for expenses
16.02 Powers, duties	16.21 Contingent appropriations
16.021 Permits to search for lost properties	16.22 Rights and powers transferred to commissioner; exceptions
16.022 Custody of property found	16.23 Office space assigned
16.023 State's share of property found put into general fund	16.24 Powers of commissioner of administration
16.0231 Lost or abandoned property	16.25 Commissioner to make rules
16.024 Revolving account	16.251 Public buildings; federal funds
16.025 Performance of certain work for state agencies	16.28 Purchases
16.026 State agency reports	16.32 Plans and specifications; limitations
16.027 Time to pay salaries of state officers and employees; deductions	16.34 Institutions, purchase of supplies
16.03 Definitions	16.365 Public contracts generally; preference
16.04 Enumeration not exclusive	16.381 Innate or project labor
16.05 Rules	16.51 Department of agriculture slogan
16.06 Supplies, materials; purchase	16.52 Printed matter
16.061 Definitions	16.53 On what matter printed
16.062 Commissioner of administration may handle federal surplus property	16.54 Mail to be delivered unstamped
16.063 Surplus property revolving fund; advances for certain expenses	16.55 Use labor-saving devices
16.064 Surplus property, storage transfer, reimbursement of revolving fund	16.56 Department to advance money for expenses
16.065 Delegation of duties by commissioner	16.61 Pamphlet of legal notices; preparation
16.066 Powers additional	16.62 Federal tax withholding
16.068 Federal aid acceptance	16.63 Salary deductions, authorization
16.07 Competitive bids	16.64 Stamps
16.08 Contracts and purchases, award of	16.66 Preservation of documents
16.09 Contracts and leases; approval; filing; forms	16.71 State employees merit award board
16.096 Advance deposits on Library of Congress items	16.72 State parking facilities
16.10 Signed by head of department	16.73 Sale of unused equipment, proceeds
16.11 Members of department, no financial interest in contracts	16.75 Central motor pool, establishment
16.12 Standards for supplies, materials, equipment	16.76 Reimbursements to departments or agencies
16.125 Transfer of functions of a department	16.77 Appropriations
16.13 Transfer of employees	16.78 Gasoline and petroleum products, source of supply for state agencies and departments
16.135 Work of department for another	16.80 Central services revolving fund
16.14 Commissioner to prepare budget	16.81 Misuse of state publications by state officers
16.141 Program budgeting	16.811 Publications by department of administration
16.15 Budget submitted to legislature	16.82 State buildings, disposal of old buildings
16.16 Allotment and encumbrance	16.83 State building code; policy
16.161 Budget and allotment system, refunds	16.84 Definitions, state building code
16.165 Federal aid administrative budgets, review	16.85 Powers of commissioner, state building code
16.17 Appropriations to revert to state treasury	16.86 Application of administrative procedure act; enforcement
16.171 Legislative appropriations	16.87 Adoption of building code by municipalities
16.172 Provisions inapplicable	16.871 State ceremonial building; statement of purpose and legislative intent
	16.872 Acceptance of state ceremonial building; use; maintenance
	16.88 Utility companies, permits to cross state owned lands
	16.89 Facsimile signatures

16.01 COMMISSIONER OF ADMINISTRATION. The department of administration shall be under the supervision and control of a commissioner of administration, in sections 16.01 to 16.23 also referred to as the commissioner, who shall be ex officio the state budget director and state purchasing agent.

The commissioner of administration, who shall be in unclassified service, shall be appointed by the governor, by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. On January 4, 1971, the term of the incumbent commissioner shall expire. In case of a vacancy, the governor may appoint a commissioner who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval.

[1939 c 431 art 2 s 1; 1949 c 739 s 1; 1951 c 713 s 3; 1969 c 1129 art 8 s 1] (53-4a)

16.011 STATE AGENCY. As used in this chapter, the term "agency of the state" or "state agency" means and includes every department, board, commission, officer, employee, and other agency of the state, including, without limiting the general effect of the foregoing, state colleges, state hospitals, state penal institutions, and other state institutions, enterprises, and activities, wherever located, but excepting the regents of the state university and persons and institutions under their control, and excepting all cities, villages, boroughs, towns, counties, school districts, and other municipal corporations or political subdivisions

of the state, and excepting the professional and regulatory examining and licensing boards enumerated in Mason's Minnesota Statutes of 1927, Chapter 35, and the 1938 Supplement to Mason's Minnesota Statutes of 1927, Chapter 35.

[1939 c 431 art 2 s 2; 1957 c 576 s 1, 2] (53-4b)

16.012 LEASE OF SPACE IN CERTAIN STATE BUILDINGS TO STATE DEPARTMENTS. The commissioner of administration may lease portions of the state owned building located at 117 West University Avenue, St. Paul, Minnesota, and the state owned building known as the centennial building to state departments and agencies and charge rent therefor on the basis of space occupied. Notwithstanding the provisions of any law to the contrary, all moneys collected as rent pursuant to the terms of this section shall be deposited in the state treasury and credited to the account known as the general fund.

[1959 c 28 s 1; 1969 c 399 s 1]

16.02 POWERS, DUTIES. Subdivision 1. Subject to other applicable provisions of Laws 1939, Chapter 431, as amended, and to other laws not inconsistent therewith, the commissioner shall have the powers and duties respecting all agencies of the state as set forth in this section.

Subd. 2. To purchase, rent, or otherwise provide for the furnishing of all supplies, materials, equipment, printing, and utility services, prescribe standard specifications therefor, to provide for inspecting and testing the same, and otherwise to enforce compliance with such specifications; to prescribe and designate classes of state printing.

Subd. 3. To prescribe time, manner, authentication, and form of making requisitions for supplies, materials, equipment, printing, and utility services and the manner and form in which claims therefor shall be submitted, allowed, and paid.

Subd. 4. To supervise and control the making of all contracts for building, highways, and other improvements, and to prescribe the amount of certified checks, deposits, or bonds to be submitted in connection with bids and contracts, when not otherwise provided for by law.

Subd. 5. To cause to be prepared plans and specifications for the construction, alteration, or enlargement of all state buildings, structures, and other improvements except highways and bridges; to approve such plans and specifications; to advertise for bids and award all contracts in connection with such improvements; to supervise and inspect all work relating thereto; after any contract for such an improvement is let, to approve all lawful changes in plans and specifications; to approve estimates for payment; and to accept such improvements when completed according to such plans and specifications.

Subd. 6. To maintain and operate the state capitol building, state office building, historical society building, the Normandale, Anoka-Ramsey, North Hennepin, Lakewood, Metropolitan, and South East Metropolitan Junior Colleges, the manpower services buildings in Minneapolis and St. Paul, the state department of health building, the surplus property building, and the grounds appertaining thereto, also, where deemed advisable and practicable by the commissioner, any other building or premises owned or rented by the state for the use of any state department or other administrative agency; provided, that this shall not apply to state hospitals or to educational, penal, correctional, or other institutions not enumerated in this subdivision the control of which is vested by law in some other agency.

Subd. 6a. To maintain and operate the state owned buildings in the capitol complex, the state department of health building, the manpower services building, and the grounds appertaining thereto, also, where deemed advisable and practicable by the commissioner, any other building or premises owned or rented by the state for the use of any state department or other administrative agency; provided, that this shall not apply to state hospitals or to educational, penal, correctional, or other institutions the control of which is vested by law in some other agency. The commissioner may purchase and furnish suitable uniforms for employees of the department when, in the opinion of the commissioner, a uniform is desirable and necessary.

Subd. 7. To provide for the periodical inspection and appraisal of all state property, real and personal, and for keeping current and perpetual inventories thereof, and to require all departments and agencies to make reports of the real and personal property in their custody at such intervals and in such form as he may deem necessary.

MINNESOTA STATUTES 1969

217

DEPARTMENT OF ADMINISTRATION 16.02

Subd. 8. To inspect all state power, heating, and lighting plants, and to make such rules regulating the operation thereof and to recommend such improvements therein as will promote economical and efficient operation.

Subd. 9. To supervise and control the making of necessary repairs to all state buildings and structures, except structures, other than buildings, under the control of the state highway department.

Subd. 10. To rent land and other premises when necessary for state purposes; provided, that no such land or premises shall be rented for a term exceeding two years at a time; except that, with the approval of the legislative advisory committee, the commissioner may lease land or premises for a term not exceeding five years, subject to cancellation upon 30 days written notice by the state for any reason except rental of other land or premises for the same use.

Subd. 11. To prepare a biennial budget, under the supervision of the governor-elect.

Subd. 12. To operate the allotment system.

Subd. 13. To provide for the printing and distribution of the capitol guide book, official reports, and other publications of all kinds, and to supervise and control the form of such reports and publications so as to coordinate them, avoid duplications, and make them useful and informative to the public.

Subd. 14. To rent out, with the approval of the governor, any state property, real or personal, not needed for public use, the rental of which is not otherwise provided for or prohibited by law. This shall not apply to state trust fund lands, or other state lands under the jurisdiction of the department of natural resources, or to property under the jurisdiction of the conservator of rural credit, or to lands forfeited for delinquent taxes or to lands acquired under section 298.22. No such property shall be rented out for a term exceeding two years at a time without the approval of the state executive council; and no such property shall ever be rented out for more than 25 years.

NOTE: Section 16.02, Subdivision 14, is also amended by Laws 1969, Chapter 528, Section 1, which reads: "Subd. 14. To rent out, with the approval of the governor, any state property, real or personal, not needed for public use, the rental of which is not otherwise provided for or prohibited by law; this shall not apply to state trust fund lands, or other state lands under the jurisdiction of the department of natural resources, or to property under the jurisdiction of the conservator of rural credit, or to lands forfeited for delinquent taxes; no such property shall be rented out for a term exceeding two years at a time excepting property rented out to the governing body of the board of park commissioners of any county, town, village, city or other local government unit for recreational purposes, provided that any such lease shall not be for a term to exceed fifty years, and property acquired under section 298.22. Any rentals of property heretofore made under Section 298.22 for more than two years are hereby validated. The 50 year leases authorized by this section shall also be applicable to property acquired by the highway department under the provisions of section 161.23."

Subd. 15. To have charge of all central store rooms and supply rooms serving more than one department now or hereafter established and operated by the state.

Subd. 16. To maintain and operate for state departments and agencies a central mailing service, and a duplicating division in which all duplication shall be done; to require that all equipment now or hereafter owned by the state be turned into the central duplicating division for use therein with the following exceptions:

(a) duplicating machines may be used in any department, institution, or state agency not located in St. Paul or Minneapolis, or in the state department of civil defense, or by the attorney general;

(b) the motor vehicle department may continue to fill the necessary data on motor vehicle license registration cards on duplicating machines or by duplicating process;

(c) the civil service department may continue to produce work of confidential nature on their own duplicating machines;

(d) the railroad and warehouse commission may utilize a duplicating machine for the purpose of issuing its orders and other work which is confidential until the time of its release.

The duplicating work to be done by the duplicating division shall be restricted to producing any form, booklet or pamphlet as follows:

(a) four pages or less, not to exceed 5,000 copies;

(b) over four pages and not to exceed 24 pages, not to exceed 1,000 copies;

(c) over 24 pages and not to exceed 50 pages, not to exceed 750 copies;

(d) over 50 pages, not to exceed 500 copies.

Subd. 17. To sell all public books and documents which are subject to sale.

Subd. 18. To transfer to or between state departments and agencies or to sell supplies, materials, and equipment which are surplus, obsolete, or unused, making proper adjustments in the accounts and appropriations of the departments or agencies concerned.

Subd. 19. To purchase from the state penal institutions and other state institutions all articles manufactured by them which are usable by the state.

Subd. 20. To make rules and regulations relative to travel of state officers and employees on state business and the expenses incurred thereon.

Subd. 20a. Notwithstanding any other law to the contrary, state employees shall be reimbursed for noon meals only if they are required to be away from their home stations overnight.

Subd. 21. To enter into a contract with any airline company regularly engaged in carrying passengers on schedule flights in interstate commerce for the establishment of an air travel account for the state of Minnesota, subject to such terms and conditions as may be necessary and proper to facilitate air travel by officers and employees of the state, and to deposit with the airline company not more than \$500 to the credit of such account. The sum of \$500 or so much thereof as may be necessary is hereby appropriated to the commissioner of administration out of the general fund in the state treasury for the purposes of this subdivision.

Subd. 22. To make rules and regulations relative to the expense of moving state officers and employees to new stations, subsistence, and such other expenses as may be necessary and incident to assignments to such stations, and to provide for the payment thereof by reimbursement of actual expenses or payment therefor at a daily flat rate.

Subd. 23. [Repealed, 1963 c 766 s 3]

Subd. 24. To provide for the sale and distribution of copies of laws and resolutions on file in the office of the secretary of state in accordance with the provisions of this subdivision, and as soon as practicable after their enactment:

(a) The commissioner shall establish charges for such laws and resolutions sufficient to cover the cost thereof but not exceeding 25 cents for laws or resolutions of two pages or less or 15 cents per page for each page in addition to two.

(b) Upon request, a member of the legislature, an elected constitutional officer or justice of the supreme court shall be furnished two copies of any law or resolution without cost;

(c) Fees established for the sale and distribution of laws and resolutions, including mailing and postage charges, may be accepted by the commissioner of administration in advance, and any unused portions amounting to one dollar or more may be returned to the person entitled thereto upon request, notwithstanding the provision of any other law prohibiting refunds;

(d) The secretary of state and the revisor of statutes shall cooperate with the commissioner of administration in order that he may furnish the services provided for in this subdivision;

(e) Moneys collected by the commissioner of administration under this subdivision shall be deposited in the central services revolving fund in the state treasury. Moneys in such fund are hereby appropriated annually to the commissioner for the purposes of carrying out the provisions of this subdivision.

Subd. 25. To raze unsightly or unsuitable buildings on, to fill excavations in, and to grade, land acquired in the capitol area and to pay the costs thereof from the appropriation for the land acquisition; to prepare sites for construction when construction is specifically authorized by law provided that the costs of such preparation may be paid from the appropriation for the construction. No activity or expenditure shall be commenced under this subdivision until the commissioner has consulted with and received the approval of the Capitol Area Architectural and Planning Commission.

[1939 c 431 art 2 s 3; 1941 c 381 s 1; 1941 c 392 s 1; 1943 c 270 s 1, 2; 1943 c 359 s 1; 1945 c 65 s 1; 1945 c 446 s 1, 2; 1947 c 365 s 5; 1953 c 745 s 5; 1955 c 323 s 1; 1955 c 547 s 1; 1961 c 557 s 1; 1965 c 599 s 1; 1969 c 399 s 1; 1969 c 554 s 1; 1969 c 567 s 3; 1969 c 780 s 1; 1969 c 957 s 3; 1969 c 976 s 6; 1969 c 1129 art 3 s 1; 1969 c 1139 s 67, 68] (53-18b)

16.021 PERMITS TO SEARCH FOR LOST PROPERTIES. Upon application therefor the commissioner of administration, referred to in sections 16.021 to 16.023 as the commissioner, is hereby authorized to grant a permit to search upon lands owned by the state for abandoned or lost property.

The commissioner may grant such permit upon such terms and conditions, including the division between the state and finder of the proceeds from such property, if unclaimed by the rightful owner, as he may deem proper. The commissioner may require from the applicant a bond conditioned upon the payment to the state of any damage to the premises whereon such search is to be conducted and for the faithful performance of the terms and conditions upon which such permit is granted.

[1943 c 357 s 1]

16.022 CUSTODY OF PROPERTY FOUND. All such lost or abandoned property, if found, shall be placed in the custody of the commissioner and held by him subject to the following provisions. If the rightful owner of such property is known to the commissioner, no publication of notice of the finding of such property shall be necessary. Notice shall be given to such owner by registered mail of the finding of such property and upon the payment by the owner of all expenses incurred in the search therefor such property shall be turned over to him. If the owner of such lost or abandoned property is unknown, the commissioner shall give two weeks' published notice in the county where such property is found of the finding thereof and elsewhere as the commissioner may determine. If within six months after the publication of such notice or the giving of notice by him the rightful owner thereof claims the property, it shall be turned over to him upon payment of the expenses incurred in finding the same and the cost of the publication of such notice.

If such property is not claimed within the time provided in this section, the commissioner, if such property is not money, is authorized if he determines the property to have sufficient value to have such property sold at public sale after two weeks' published notice thereof in the county wherein such property has been found and in such other newspapers as he may deem advisable. If the commissioner determines the property to not have sufficient value to justify the cost of publication and the expense of public sale he may destroy the property.

[1943 c 357 s 2; 1965 c 676 s 1]

16.023 STATE'S SHARE OF PROPERTY FOUND PUT INTO GENERAL FUND. All lost or abandoned moneys found under the permit granted hereunder, and the proceeds from the sale of other abandoned or lost property found under such permit, shall be deposited in the general fund. The commissioner shall authorize in a manner provided by law the payment to the finder of the share due him under the terms and conditions provided when permission to search therefor was granted. There is hereby appropriated from the general fund such amounts as may be necessary to pay to the finder the amount to which he is entitled under the terms and conditions of the permit granted to him.

[1943 c 357 s 3; 1969 c 399 s 1]

16.0231 LOST OR ABANDONED PROPERTY. Any lost or abandoned property found in buildings or on lands belonging to or under the control of the state of Minnesota including but not limited to highway right of ways and placed in the custody of the commissioner of administration shall be disposed of in accordance with section 16.022, so far as applicable, except that if the commissioner determines the property to not have sufficient value to justify the cost of publication and the expense of public sale he may destroy the property.

[1965 c 676 s 2; 1967 c 857 s 1]

16.024 REVOLVING ACCOUNT. Subdivision 1. **Creation.** There is hereby created in the general services revolving fund an account for the purpose of carrying on repair, centralized operation, maintenance exclusive of janitorial service, and improvement activities in connection with state property including buildings and other structures. Upon the certification of the commissioner of administration, the state auditor shall, effective June 30, 1969, make appropriate entries on his books to make the administration revolving fund created by Laws 1943, Chapter 440, an account in the general services revolving fund to be used for the purpose of financing the foregoing activities.

Subd. 2. **Appropriations.** Such account shall consist of the \$5,000 heretofore appropriated therefor, any appropriations now or hereafter made, and the moneys transferred to it as herein provided which are reappropriated to the commissioner of administration for the purposes of sections 16.024 and 16.025. There is hereby appropriated out of the general fund in the state treasury the sum of \$50,000 to be added

to the general services revolving fund and used by the commissioner of administration for the purposes of sections 16.024 and 16.025.

Subd. 3. Where kept. Such fund shall be in the state treasury and shall be paid out in the manner prescribed by law for moneys therein.

Subd. 4. Uses. Such fund shall be used for the purchase of raw materials, payment of salaries, wages, and other expenses necessary and proper in the conduct of the activities provided for in sections 16.024 and 16.025.

[1943 c 440 s 1-4; 1969 c 399 s 1; 1969 c 976 s 1, 2]

16.025 PERFORMANCE OF CERTAIN WORK FOR STATE AGENCIES. Subdivision 1. **Nature of work.** The commissioner of administration may repair, alter, or construct machinery, furniture, or other property for any officer, department, or agency of the state, or construct any partition or alter any arrangement of an office upon-written requisition by such officer or the head of such department or agency. Such requisition shall be subject to the allotment and encumbrance provisions of Laws 1939, Chapter 431. In addition to the foregoing, the commissioner may provide centralized operation and maintenance services, excluding janitorial cleaning, for such state owned buildings as are specified in section 16.02, subdivision 6. The commissioner shall charge and collect for such services in the manner prescribed in section 16.025, subdivision 2 for repairs, alteration, or construction.

Subd. 2. Transfer of funds. When such repairs, alteration or construction has been completed, the commissioner of administration shall present to the department or agency a detailed statement of the cost thereof. If the head of the department or agency approves the statement, he shall request the state auditor to transfer the amount thereof from the proper appropriation to the general services revolving fund and the state auditor is hereby authorized to make such transfer. If the head of any department or agency disapproves of any statement so presented, the dispute shall be submitted to the governor whose decision shall be final and binding upon the officer or the head of the department or agency.

Subd. 3. Request for transfer from fund to appropriation item. When the commissioner of administration shall have paid from his appropriation for salaries, supplies or expense for any materials or labor used for the purposes of sections 16.024 and 16.025, he shall request the state auditor to transfer the amount thereof from the proper appropriation of the department or agency to the appropriation item from which it was paid and the state auditor is hereby authorized to make such transfer.

[1943 c 440 s 5; 1969 c 976 s 3-5]

16.026 STATE AGENCY REPORTS. Subdivision 1. **Supervision by Commissioner.** The commissioner of administration shall supervise and control the making and distribution of all reports required by Laws 1955, Chapter 847, and shall prescribe the manner and form of issuing the same.

Subd. 2. Supervision of publications. The commissioner of administration shall supervise and control the making and distribution of publications of all kinds issued by the State of Minnesota and the departments and agencies thereof when not otherwise prescribed by law.

Subd. 3. Prescribe fees. The commissioner of administration may prescribe a schedule of fees to be charged for services rendered by the state or any department or agency thereof in furnishing to applicants therefor certified copies of records or other documents, certifying as to the nonexistence of such records or documents, and for such other reports, publications, or related material as may be applied for. The fees so prescribed by the commissioner of administration, unless the same are otherwise prescribed by law, shall be in an amount as nearly as may be to the fees prescribed by Minnesota Statutes, Chapter 357, for like or similar services; if there are no fees so prescribed by said chapter for a like or similar service, then the commissioner may establish a fee which shall be commensurate with the cost of furnishing such service. Nothing herein contained shall authorize the commissioner to furnish any service which is now prohibited or unauthorized by law.

Subd. 4. Sale of publications. The commissioner of administration may sell official reports and other publications of all kinds and may delegate the sale thereof to state departments and agencies and to establish facilities therefor within the department of administration and elsewhere within the state service.

Subd. 5. Use of fees. All fees prescribed by Laws 1955, Chapter 847, and other provisions of the law not inconsistent therewith for the rendering of the services herein provided shall be deposited in the state treasury by the collecting department or agency and the amounts thereof are hereby appropriated to the commissioner of administration for the purposes of Laws 1955, Chapter 847.

Subd. 6. Exceptions. Laws 1955, Chapter 847, shall not apply to the Regents of the University of Minnesota or to the State Agricultural Society.

Subd. 7. Rules. The powers conferred herein to the commissioner of administration are in addition to those powers and duties prescribed by Minnesota Statutes, Section 16.02. The commissioner of administration shall promulgate rules and regulations for the purposes of carrying out the duties herein imposed upon him but no such rule or regulation shall in any way limit the subject matter of any report or publication of any department or agency required to be made or authorized by law.

[1955 c 847 s 30-36; 1965 c 51 s 2]

NOTE: See also section 16.80.

16.027 TIME TO PAY SALARIES OF STATE OFFICERS AND EMPLOYEES; DEDUCTIONS. Subdivision 1. The commissioner of administration, with the approval of the governor, shall fix the time for payment of salaries due elective and appointive officers and employees of the state government. As herein determined said salaries shall be paid either monthly, semi-monthly or for each two week period; provided, however, that no employee whose salary is less than \$500 a month shall be paid on a monthly basis.

Subd. 2. Until the commissioner of administration, with the approval of the governor, exercises the power herein conferred, payment of salaries to elective and appointive officers and employees of the state government shall continue to occur in the manner now provided by law.

Subd. 3. In order to utilize modern accounting methods in processing payrolls, the commissioner of administration may adjust salaries of all state officers and employees whether fixed by statute or otherwise on an annual, monthly, semi-monthly, daily or other basis, so that they are payable in equal payments throughout the year. The salaries so adjusted shall be based on a year of 2088 working hours. Odd fractions may be dropped or added in order to permit equal payments throughout the year regardless of whether the computation slightly decreases or increases the fixed annual, monthly, semi-monthly, daily or other salary of the state officers or employees.

Subd. 4. If the commissioner provides for equal payments of salaries throughout the year, the payroll shall be allocated as provided in this subdivision.

(1) If the payroll period extends beyond one quarter of the year and into another quarter of the year, the amount of the payroll for such payroll period shall be chargeable to the respective allotments and encumbrances according to procedures to be established by the commissioner of administration and state auditor.

(2) This subdivision is applicable to salaries of state officers and employees payable in equal payments throughout the year notwithstanding any provision in Minnesota Statutes 1957, Chapter 16, and any act amendatory thereof relating to the budget, allotment, and encumbrance system. No provision of any subsequent law relating to the budget, allotment, and encumbrance system or to appropriations for the payment of salaries of state officers and employees shall be construed as inconsistent with this subdivision unless and except only so far as expressly provided in such subsequent act that the provisions of this subdivision shall not be applicable or shall be superseded, modified, amended, or repealed.

Subd. 5. Whenever in any law the duty is imposed upon the head of a state department or agency to make deductions from, or employer contributions on, the salaries and wages of state officers and employees for such purposes as are authorized or directed by law and to prepare or issue vouchers in connection therewith and the payroll for such officers and employees is prepared by the central payroll section of the department of administration, such duties as hereinbefore referred to shall devolve upon the commissioner of administration. Notwithstanding any other law to the contrary, where a state officer or employee directs, in writing, that a voluntary deduction shall be made from his salary or wages, the officer or employee shall file an original and one copy of his written instruction with the credit union, organization, association, agency, or carrier to which the deduction is to be paid and the in-

tended recipient of such deduction shall forward the original of the instruction, signed by the employee, together with such other information as the commissioner of administration may prescribe concerning the amount of the deduction or change therein to the head of the state department or agency who prepares the payroll involved.

[1957 c 414 s 1; 1961 c 222 s 1, 2; 1969 c 281 s 1]

16.03 DEFINITIONS. Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the following terms shall, for the purposes of sections 16.01, 16.02, and 16.03 to 16.23, be given the meanings subjoined to them.

Subd. 2. **Supplies, materials, and equipment.** The terms "supplies," "materials," and "equipment" mean and include any and all articles and things used by or furnished to any department or agency of the state government, including printing, binding, and publication of books and records, repairs, and improvements.

Subd. 3. **Utility services.** The term "utility services" means and includes any and all telephone, telegraph, postal, electric light, and power service, and any and all other services required for the maintenance, operation, and upkeep of buildings and offices.

[1939 c 431 art 2 s 4] (53-18c)

16.04 ENUMERATION NOT EXCLUSIVE. The enumeration of the things specified in section 16.03 shall not be deemed exclusive.

[1939 c 431 art 2 s 4] (53-18c)

16.05 RULES. The commissioner shall have power, with the approval of the governor, to make and amend rules and regulations, not inconsistent with law, respecting any matter within the scope of the powers and duties conferred by sections 16.01 to 16.23, which rules and regulations shall have the force and effect of law; provided, that every such rule or regulation affecting any person or agency, other than a member of the department of administration, shall be filed with the secretary of state, and shall not take effect until so filed.

[1939 c 431 art 2 s 5] (53-18d)

16.06 SUPPLIES, MATERIALS; PURCHASE. Subdivision 1. **Agencies may buy direct.** Under rules and regulations prescribed by him, the commissioner may authorize any agency of the state government to purchase directly specified supplies, materials, equipment, and utility services; provided, that in making such purchases the authorized agency shall call for bids and proceed otherwise in like manner as herein required in case of purchases by the commissioner.

Subd. 2. **Emergency purchases.** In emergencies, under rules and regulations prescribed by him, the commissioner may contract directly for the repair, rehabilitation, and improvement of any state owned structure or may authorize any agency to do so, and he may purchase or may authorize any agency to purchase directly any supplies, materials, equipment, or utility services for immediate use without calling for bids. An emergency for the purposes of this subdivision is an unforeseen occurrence or combination of circumstances which calls for immediate action in the public interest.

Subd. 3. [Repealed, 1957 c 808 s 8]

Subd. 4. **Purchases, accounting and reporting.** All regulations made by the commissioner under this section shall prescribe the manner in which purchases shall be made, not inconsistent herewith, and the manner of accounting for and reporting the same to the commissioner and the auditor; provided, that every such purchase shall be so reported within three days.

[1939 c 431 art 2 s 6; 1945 c 155 s 1; 1955 c 675 s 1; 1955 c 754 s 1, 2; 1969 c 279 s 1] (53-18e)

16.061 DEFINITIONS. Subdivision 1. For the purposes of this chapter, unless the context clearly indicates otherwise, the words, terms and phrases defined in this section shall have the meanings ascribed to them.

Subd. 2. The commissioner means the commissioner of administration who is the state agency designated herein to purchase, accept, and distribute surplus property made available by the federal government.

Subd. 3. Surplus property means commodities, equipment, materials, supplies, books, printed matter, and other property made available by the federal government to a governmental or non-profit organization.

Subd. 4. Governmental or non-profit organization means the State of Minnesota, its departments, agencies, political subdivisions, and other instrumentalities

thereof, and any non-profit and tax-exempt medical institution, hospital, clinic, health center, school, school system, college, university, or other institution organized and existing for any purpose authorized by federal law to accept surplus property.

[1957 c 808 s 1]

16.062 COMMISSIONER OF ADMINISTRATION MAY HANDLE FEDERAL SURPLUS PROPERTY. Subdivision 1. The commissioner is designated as the state agency to purchase, accept, and distribute surplus property made available by the federal government or any department or agency thereof to a governmental or non-profit organization for any purpose authorized by federal law and in accordance with any rules and regulations promulgated thereunder.

Subd. 2. The commissioner may purchase or accept surplus property for the State of Minnesota and may purchase or accept surplus property for the benefit of any other governmental or non-profit organization. And any such governmental or non-profit organization may designate the commissioner to purchase or accept surplus property for it upon such terms and conditions as may be mutually agreed upon.

[1957 c 808 s 2, 3]

16.063 SURPLUS PROPERTY REVOLVING FUND; ADVANCES FOR CERTAIN EXPENSES. Subdivision 1. In order to enable the commissioner to pay for surplus property received from the federal government for any governmental or non-profit organization, including the expenses of accepting and distributing such property, there is hereby created a surplus property revolving fund. Any moneys paid into said surplus property revolving fund are hereby appropriated to the commissioner for the purposes of sections 16.061 to 16.066.

Subd. 2. Not to exceed \$1,000 of the moneys credited to such fund may be advanced to the commissioner of administration or any state officer or employee engaged in performing duties under sections 16.061 to 16.066 for the purpose of defraying the expenses of travel, subsistence, toll charges, and other similar expenses, and in accordance with such requirements therefor as may be prescribed by the state auditor. Moneys so advanced when repaid shall be deposited in the state treasury to the credit of the surplus property revolving fund.

[1957 c 808 s 4; 1963 c 487 s 1]

16.064 SURPLUS PROPERTY, STORAGE TRANSFER, REIMBURSEMENT OF REVOLVING FUND. Subdivision 1. The commissioner may store surplus property until needed and any expenses incurred in connection therewith shall be paid from the surplus property revolving fund.

Subd. 2. Whenever the State of Minnesota or any of its departments or agencies operating pursuant to a legislative appropriation obtain surplus property from the commissioner the state auditor upon request of the commissioner shall transfer the cost thereof, including any expenses of accepting and distributing such property, from the appropriation of the state department or agency receiving the surplus property to the surplus property revolving fund. The determination of the commissioner as to the cost of such surplus property to the state department or agency receiving the same shall be final.

Subd. 3. Whenever any governmental or non-profit organization other than a state department or agency receives surplus property from the commissioner, such governmental or non-profit organization shall reimburse the surplus property revolving fund for the cost thereof, including the expenses of accepting and distributing the same, in such amount as the commissioner may determine. The commissioner may, however, require such governmental or non-profit organization to deposit in advance in the surplus property revolving fund moneys covering the cost of such surplus property and upon such terms and conditions as may be mutually agreed upon.

[1957 c 808 s 5]

16.065 DELEGATION OF DUTIES BY COMMISSIONER. The commissioner may delegate duties imposed upon him by sections 16.061 to 16.066 to the head of any state department or agency and to any of his subordinates. Such duties, if delegated, are to be exercised in the name of the commissioner and under his supervision and control.

[1957 c 808 s 6]

16.066 POWERS ADDITIONAL. Sections 16.061 to 16.066 are in addition to the powers now imposed upon or vested in state officers or departments and relating to their transactions with the federal government or any of its agencies.

[1957 c 808 s 7]

16.068 FEDERAL AID ACCEPTANCE. The commissioner of administration is hereby designated the state agency empowered to accept any and all moneys provided for or made available to this state by the United States of America or any department or agency thereof for the construction and equipping of any building for state purposes not otherwise provided for by law and other than University of Minnesota buildings in accordance with the provisions of federal law and any rules or regulations promulgated thereunder and is further authorized to do any and all things required of this state by such federal law and the rules and regulations promulgated thereunder in order to obtain such federal moneys.

[1965 c 882 s 12]

16.07 COMPETITIVE BIDS. Subdivision 1. **Application.** Except as otherwise provided by sections 16.01, 16.02, and 16.03 to 16.23, all contracts for construction or repairs and all purchases of and all contracts for supplies, materials, purchase or rental of equipment, and utility services shall be based on competitive bids, and all sales of property shall be to the highest responsible bidder after advertising for bids, as herein provided; provided, that competitive bids shall not be required for utility services where no competition exists or where rates are fixed by law or ordinance.

Subd. 2. **Publication of notice; expenditures over \$2,000.** If the amount of the expenditure or sale is estimated to exceed \$2,000, sealed bids shall be solicited by public notice inserted at least once in a newspaper or trade journal not less than seven days before the final date of submitting bids. The commissioner shall designate the newspaper or trade journal for such publication, and may designate different newspapers or journals according to the nature of the purchase or contract. The commissioner shall also solicit sealed bids by sending notices by mail to all prospective bidders known to him, and by posting notice on a public bulletin board in his office at least five days before the final date of submitting bids. All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of a contract shall be retained and made a part of a permanent file or record, and shall be open to public inspection. This subdivision shall not apply to the purchase of fibre used in the manufacture of binder twine, ply twines, and rope at the state penal institutions, which shall be purchased in accordance with such regulations as the commissioner may prescribe, requiring competitive bids as far as practicable.

Subd. 3. **Purchases or sales; \$1,000 to \$2,000.** All purchases or sales estimated to exceed in amount \$1,000 but not to exceed \$2,000, shall be made after receipt of sealed bids following at least three days notice posted on a public bulletin board in the office of the commissioner. The commissioner shall also solicit sealed bids by mail in such cases, in like manner as hereinbefore provided.

Subd. 4. **Purchases, sales, or rentals; less than \$1,000.** All purchases or sales the amount of which is estimated to be less than \$1,000 may be made either upon competitive bids or in the open market, in the discretion of the commissioner; but, so far as practicable, shall be based on at least three competitive bids which shall be permanently recorded. All rentals of equipment and animals with operators or drivers furnished the amount of which is estimated to be less than \$1,000 in any 30-day period shall be made in accordance with rules prescribed by the commissioner.

Subd. 5. **Standard specifications, security.** Contracts and purchases shall in all cases be based on the standard specifications prescribed by the commissioner in accordance with Laws 1939, Chapter 431, as amended, unless otherwise expressly provided. Each bidder for a contract shall furnish such security as the commissioner approves to insure the making of the contract for which he bids.

Subd. 6. **Advertisement of highway contracts.** Notwithstanding anything herein to the contrary, all contracts for the repair, improvement, maintenance, or construction of highways or highway bridges shall be advertised and let as now or hereafter provided by law for highway construction contracts.

Subd. 7. [Expired]

Subd. 8. **Bids not required.** With the approval of the commissioner of administration and under such regulations as he may prescribe, merchandise for resale at state park refectories or facility operations may be purchased without advertising for bids. Farm and garden products may be sold at the prevailing market price on the date of the sale without advertising for bids.

Subd. 9. [Expired]

Subd. 10. **Auction in lieu of bids.** The commissioner of administration in lieu of advertising for bids may sell buildings and other personal property owned by the state and not needed for public purposes at public auction to the highest responsible bidder. Such sale shall be made after publication of notice thereof in a newspaper of general circulation in the area where the property is located and such other advertising as the commissioner of administration may direct. Any of the property may be withdrawn from the sale prior to the completion of such sale unless the auction has been announced to be without reserve. If the sale is made at public auction a duly licensed auctioneer shall be retained to conduct such sale, his fees for such service to be paid from the proceeds, and there is appropriated from such proceeds an amount sufficient to pay such fees.

The commissioner may consign automobiles and trucks for sale at auction either to the general public or to licensed car dealers under such terms and conditions as are in the judgment of the commissioner most advantageous to the state.

Subd. 11. **Negotiated contracts.** In lieu of any of the other requirements of section 16.07 the commissioner of administration may negotiate a contract for the doing of public work at a state owned institution or installation where the cost does not exceed \$3,500 and where the head of the affected state department or agency requests the commissioner so to do. The commissioner shall cause to be prepared such plans and specifications for the public work as he deems the protection of the public interest to require.

Subd. 12. **Meat purchases.** The commissioner of administration may purchase meat for other state institutions from the vocational school maintained at Pipestone by Independent School District No. 583. The purchases shall be negotiated and made on terms agreeable to both parties. The provisions of chapter 16, relating to competitive bidding shall not apply to purchases made in accordance with this subdivision.

[1939 c 431 art 2 s 7; 1941 c 281 s 1; 1941 c 478 s 1; 1943 c 556 s 1, 2; 1945 c 370 s 2; 1947 c 112 s 1; 1947 c 238 s 1; 1949 c 189 s 1; 1951 c 36 s 1; 1951 c 343 s 1; 1953 c 568 s 1, 2; 1953 c 671 s 1; 1955 c 110 s 1; 1955 c 778 s 1-4; 1957 c 597 s 1; 1959 c 167 s 1; 1963 c 24 s 1; 1967 c 306 s 1; 1967 c 311 s 1; 1969 c 1007 s 1; 1969 c 1094 s 1] (53-18f)

16.071 [Expired]

16.08 CONTRACTS AND PURCHASES, AWARD OF All contracts and purchases made by or under the supervision of the commissioner or any state department or agency for which competitive bids are required shall be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery, and other conditions imposed in the call for bids. The commissioner shall have power to decide as to the lowest responsible bidder for all purchases. As to contracts other than for purchases, the head of the interested department or agency shall make the decision, subject to the approval of the commissioner. Any or all bids may be rejected, and a bid shall be rejected if it contains any alteration or erasure unless the alteration or erasure is corrected as herein provided. An alteration or erasure may be crossed out and the correction thereof printed in ink or typewritten adjacent thereto and initialed in ink by the person signing the bid. The person signing the bid shall also file a certificate with the bid explaining the correction of the alteration or erasure. The commissioner may reject the bid of any bidder who has failed to perform a previous contract with the state. In the case of identical low bids from two or more bidders, the commissioner may, at his discretion, utilize negotiated procurement methods with the tied low bidders for that particular transaction, so long as the price paid does not exceed the low tied bid price. A record shall be kept of all bids, with names of bidders and amounts of bids, and with the successful bid indicated thereon. Such record shall be open to public inspection. In any case where competitive bids are required and where all bids are rejected, new bids shall be called for as in the first instance, unless otherwise expressly provided by law.

[1939 c 431 art 2 s 8; 1963 c 400 s 1; 1967 c 312 s 1] (53-18g)

16.09 CONTRACTS AND LEASES; APPROVAL; FILING; FORMS. All contracts and leases shall be approved as to form and execution by the attorney general. A copy of every such contract or lease extending for a term longer than one year shall be filed with the state auditor. All purchase orders shall be made on a form prescribed by the attorney general.

[1939 c 431 art 2 s 9] (53-18h)

16.096 ADVANCE DEPOSITS ON LIBRARY OF CONGRESS ITEMS. Notwithstanding any other law to the contrary, the commissioner of administration may allow advance deposits by any department with the Library of Congress for items to be purchased from that federal agency.

[Ex1967 c 48 s 88]

16.10 SIGNED BY HEAD OF DEPARTMENT. Except as otherwise provided in sections 16.01 to 16.23, every contract shall be signed in behalf of the state by the head of the interested department or agency, and no purchase order or contract shall be valid or effective without the approval and signature of the commissioner and the counter-signature of the auditor, who shall certify that the appropriation and allotment have been encumbered for the full amount of the contract liability.

[1939 c 431 art 2 s 10; 1949 c 189 s 2] (53-18i)

16.11 MEMBERS OF DEPARTMENT, NO FINANCIAL INTEREST IN CONTRACTS. Neither the commissioner, nor any member of his department, nor any member of a standardization committee, shall be financially interested, or have any personal beneficial interest, directly or indirectly, in any contract or purchase order for any supplies, materials, equipment, or utility services used by or furnished to any department or agency of the state government, nor shall the commissioner, member of his department, or member of a standardization committee accept or receive, directly or indirectly, from any person, firm, or corporation to whom any contract or purchase order may be awarded, by rebate, gift, or otherwise, any money or any thing of value, or any promise, obligation, or contract for future reward or compensation. Any violation of this section shall be a felony and punishable accordingly.

[1939 c 431 art 2 s 11] (53-18j)

16.12 STANDARDS FOR SUPPLIES, MATERIALS, EQUIPMENT. The commissioner is authorized to establish, from time to time, and to enforce standards for all supplies, materials, and equipment in common use by officers and department of the state; to make, or cause to be made, any test, examination, or analysis necessary therefor; to require the assistance of any and all officers and departments therefor; to prepare, or cause to be prepared, proper and uniform specifications therefor; and to classify the requirements of the various agencies of the state government for the purpose of the use and application of such standard specifications.

[1939 c 431 art 2 s 12] (53-18k)

16.125 TRANSFER OF FUNCTIONS OF A DEPARTMENT. The authority of the commissioner of administration under sections 16.13 and 16.135, includes the authority to transfer functions of a department to another with the approval of the governor. In case of transfer of function the commissioner shall determine the fractional part of the appropriation to the department from which the function is transferred for the function and that part of the appropriation is hereby reappropriated to the department assigned the function. The commissioner shall forthwith report the transfers to the committee on finance in the senate and the committee on appropriations in the house of representatives.

[1969 c 1129 art 9 s 1]

16.13 TRANSFER OF EMPLOYEES. With the approval of the governor and the executive head of the department of civil service, if there be such a department, the commissioner may, in order to expedite the necessary work of any department or agency, or to eliminate duplication and promote economy and efficiency, transfer employees from one department or agency to another; provided, that no necessary work of the department or agency from which the transfer is made shall thereby be curtailed; and, provided, that the salaries of such employees shall be charged to the department or agency to which they are transferred.

[1939 c 431 art 2 s 13] (53-18l)

16.135 WORK OF DEPARTMENT FOR ANOTHER. In order to avoid duplication and to improve efficiency, the commissioner of administration may direct a

department or agency of the state to do work for another department or agency of the state or may direct a division or section of a department or agency of the state to do work for another division or section within the same department or agency and shall require reimbursement therefor. Moneys received by a department, agency, division or section as reimbursements shall be reappropriated to the account making the original expenditure in accordance with the transfer warrant procedure established by the state auditor.

[1965 c 901 s 66]

16.14 COMMISSIONER TO PREPARE BUDGET. Subdivision 1. **Budget estimate forms.** It shall be the duty of the commissioner, or his designated deputy, to prepare the budget for all state departments and agencies, subject to the approval of the governor. The commissioner shall furnish every department, official, and agency of the state authorized to expend state moneys with a sufficient number of budget estimate forms for its use by September first of each even-numbered year. The budget forms shall be so drawn as to show actual expenditures for the two preceding fiscal years, estimated expenditures for the current fiscal year, and estimates for each fiscal year of the succeeding biennium, the same data in respect to departmental receipts, and an estimated appropriation balance at the end of the current fiscal year. The estimated expenditures shall be classified to set forth the data by funds, organization units, character, and objects of expenditures, and the organization units may be subclassified by functions and activities. The department revenue estimates shall show the basis upon which the estimates were made and the factors involved in the same, and shall be classified so as to show receipts by funds, organization units, and sources of income.

Subd. 2. **Filing budget estimates.** Each such department, official, or agency shall, not later than the first day of October preceding the convening of the legislature, file with the commissioner its estimates in the form provided, including a full explanation of its requests for any increased appropriations and for the expansion of services and the addition of new activities, a statement of the work accomplished during the preceding biennium and the work proposed to be done for the next biennium, and a list of all employees, their titles, and their salaries. The commissioner shall prepare estimates for all departments, boards, and agencies that fail to file requests.

Subd. 3. **Report to governor-elect.** The commissioner shall report the budget estimates to the governor-elect immediately after his election, and shall make available to him all information, staff, and facilities in the department relating to the budget.

[1989 c 431 art 3 s 14] (53-18m)

16.141 PROGRAM BUDGETING. Subdivision 1. **Legislative policy.** The legislature finds that in the present era of increasing cost and complexity of state governmental operations with the attendant increase in sums requested and appropriated at each legislative session to enable state departments and agencies to perform their functions of service to the public, it is highly desirable that budgets considered by the legislature be stated in terms of services to the people in order to present fiscal policies in the context of services to be accomplished. The legislature therefore finds it desirable that future budgets and appropriations be stated in terms of programs and anticipated accomplishment rather than in terms of objects of expenditure. Program budgeting, herein defined as the arrangement of budgetary information into program categories in such a way as to emphasize the purposes for which state moneys are to be spent, will be of invaluable assistance to the legislature in its consideration of budgets and appropriations requests. It is believed that it will also assist departments and agencies in clearly stating and properly emphasizing their budgetary needs.

Subd. 2. **Establishment of program.** The commissioner of administration shall develop and implement a system of program budgeting for state departments and agencies; provided, that such program budgets need not comply with other provisions of law relating to the setting forth of expenditures by funds, organizational units, character and objects of expenditure. In order to facilitate such program budgeting, the commissioner may promulgate regulations applicable to the developing program budgeting plan governing the classification of expenditures and the content, preparation, and submission of budget requests and appropriation measures. (This is without prejudice to existing authority in respect to current budgeting procedures.) In order to assure an orderly transition from present budgeting methods, the com-

missioner shall, as soon as possible, select agencies and departments to implement a program budget system to be submitted to the 1971 regular session of the legislature for the 1971-73 biennium. At the 1971 regular session of the legislature, the commissioner of administration shall make recommendations to the legislature on the subject of any legislation or special appropriations which may be required for implementation of a complete system of program budgeting for all state departments and agencies. Such program budget system shall, to the greatest extent practicable, emphasize alternative approaches in the program development and criteria for performance evaluation and measurement. All state departments and agencies shall cooperate with the commissioner to assure implementation of program budgets which meet the requirements of the commissioner and which give due regard to the requirements of the various departments and agencies involved.

[1969 c 889 s 1, 2]

16.15 BUDGET SUBMITTED TO LEGISLATURE. Subdivision 1. **When to be submitted.** The governor shall, within three weeks after his inauguration, submit the budget to the legislature. The budget shall include two parts.

Subd. 2. Budget message. Part 1 of the budget shall consist of a budget message prepared by the governor, including his recommendations with reference to the fiscal policy of the state government for the coming biennium, describing the important features of the budget plan, embracing a general budget summary setting forth the aggregate figures of the budget so as to show the balanced relation between the total proposed expenditures and the total anticipated income, with the basis and factors on which the estimates are made, the amount to be borrowed, and other means of financing the budget for the ensuing biennium, compared with the corresponding figures for at least the last two completed fiscal years and the current year. The budget plan shall be supported by explanatory schedules or statements, classifying the expenditures contained therein by organization units, objects, and funds, and the income by organization units, sources, funds, and the proposed amount of new borrowing, as well as proposed new tax or revenue sources. The budget plan shall be submitted for all special and dedicated funds, as well as the general fund, and shall include the estimated amounts of federal aids, for whatever purpose provided, together with estimated expenditures therefrom.

Subd. 3. Detailed budget estimates. Part 2 of the budget shall embrace the detailed budget estimates both of expenditures and revenues. It shall also include statements of the bonded indebtedness of the state government, showing the actual amount of the debt service for at least the past two completed fiscal years, and the estimated amount for the current fiscal year and for the next two fiscal years, the debt authorized and unissued, the condition of the sinking funds, and the borrowing capacity. It shall also contain any statements relative to the financial plan which the governor may deem desirable or which may be required by the legislature.

Subd. 4. Further information furnished. The commissioner shall, upon request, furnish the governor or the legislature with any further information required concerning the budget, and shall, upon request, attend hearings of committees of the legislature in regard thereto.

[1939 c 431 art 2 s 15; 1969 c 399 s 1] (53-18n)

16.16 ALLOTMENT AND ENCUMBRANCE. Subdivision 1. **Allotment periods.** For the purposes of the quarterly allotment system, each fiscal year shall be divided into four quarterly allotment periods, beginning, respectively, on the first days of July, October, January, and April; provided, that in any case where the quarterly allotment period is impracticable, the commissioner may prescribe a different period suited to the circumstances, not exceeding 12 months nor extending beyond the end of the fiscal year.

Subd. 2. Funds to which system applies. Except as otherwise expressly provided therein, the provisions of Laws 1939, Chapter 431, relating to the allotment system and to the encumbering of funds shall apply to appropriations and funds of all kinds, including standing or annual appropriations and dedicated funds from which expenditures are to be made, from time to time, by or under the authority of any agency, but shall not apply to appropriations for the courts or the legislature, nor to payment of unemployment compensation benefits nor to the funds deposited in the state treasury for disbursement by the commissioner of highways when acting as the agent of a political subdivision pursuant to law. In the case of construction contracts and transactions for the acquisition of real estate for public purposes, where periodical allotments are impracticable, the commissioner may dis-

pense therewith and prescribe such regulations as will insure proper application and encumbering of funds. Contingent funds appropriated for the governor or the attorney general shall not be subject to the provisions thereof relating to allotment, but shall be subject to the other provisions thereof relating to expenditure and encumbering of funds.

Subd. 3. Appropriations available for allotment; estimates of expenses. No appropriation to any agency shall become available for expenditure thereby during any allotment period until such agency shall have submitted to the commissioner an estimate in advance, in such form as the commissioner shall prescribe, for such allotment period next ensuing, of the amount required for each activity to be carried on and each purpose for which money is to be expended during that period, and until such estimate shall have been approved, increased, or decreased by the commissioner and funds allotted therefor, as provided in Laws 1939, Chapter 431.

Subd. 4. Estimated expenditures within appropriation; approval; procedure. If the estimate is within the terms of the appropriation as to amount and purposes, having due regard for the probable further needs of the agency for the remainder of the fiscal year or other term for which the appropriation was made, and if there is a need for such appropriation for the next ensuing allotment period, the commissioner shall approve the same and allot the estimated amount for expenditure. Otherwise the commissioner shall modify the estimate so as to conform with the terms of the appropriation and the prospective needs of the agency, and shall reduce the amount allotted accordingly. The commissioner shall act promptly upon all estimates, and shall notify every agency of its allotments at least five days before the beginning of each allotment period, and shall notify the state auditor. The total amount allotted to any agency for the fiscal year or other terms for which the appropriation was made shall not exceed the amount appropriated for such year or term.

Subd. 5. Modification. The commissioner shall also have authority at any time to modify or amend any allotment previously made by him, upon application of or upon notice to the agency concerned, and upon a showing of emergency or other cause; provided, no deficit or undue reduction of funds to meet future needs of such agency will result therefrom.

Subd. 6. Reduction. In case the commissioner shall discover at any time that the probable receipts from taxes or other sources for any appropriation, fund, or item will be less than was anticipated, and that consequently the amount available for the remainder of the term of the appropriation or for any allotment period will be less than the amount estimated or allotted therefor, he shall, with the approval of the governor, and after notice to the agency concerned, reduce the amount allotted or to be allotted so as to prevent a deficit. In like manner he shall reduce the amount allotted or to be allotted to any agency by the amount of any saving which can be effected upon previous estimates through a reduction in prices or other cause.

Subd. 7. State auditor; accounting system. There shall be kept in the office of the state auditor an accounting system showing at all times, by funds and items, the amounts appropriated for and the estimated revenues of such agency, the amounts allotted and available for expenditure, the amounts of expenditures or obligations authorized to be incurred, actual receipts and disbursements, actual balances on hand, and the unencumbered balances after deduction of all actual and authorized expenditures.

Subd. 8. Payment within allotment and encumbrance; exceptions. No payment shall be made and no obligation shall be incurred against any fund, allotment, or appropriation unless the state auditor shall first certify that there is a sufficient unencumbered balance in such fund, allotment, or appropriation to meet the same. Every expenditure or obligation authorized or incurred in violation of the provisions of Laws 1939, Chapter 431, shall be presumed invalid and shall be ineligible for payment until its validity is established as hereinafter provided. Every payment made in violation of the provisions of Laws 1939, Chapter 431, shall be deemed illegal, and every official authorizing or making such payment, or taking part therein, and every person receiving such payment, or any part thereof, shall be jointly and severally liable to the state for the full amount so paid or received. If any appointive officer or employee of the state shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of Laws 1939, Chapter 431, or take part therein, it shall be ground for his removal by the officer appointing him, and, if the appointing officer be other than the governor and

shall fail to remove such officer or employee, the governor may exercise such power of removal, after giving notice of the charges and opportunity for hearing thereon to the accused officer or employee and to the officer appointing him. Claims presented against existing appropriations without prior allotment or encumbrance may, upon investigation, review, and approval by the commissioner of administration be determined valid where the services, materials, and supplies for which payment is claimed have been actually rendered or furnished to the state in good faith without collusion and without intent to defraud. Thereafter the state auditor may draw his warrant in payment of such claims in the same manner in which other claims, properly allotted and encumbered prior to inception thereof, are paid.

Subd. 8a. Periodic allotment. In the case of appropriations made for construction or other permanent improvement, including acquisition of real estate, equipment, repair, rehabilitation, appurtenances or utility systems, which appropriations do not lapse until the purposes for which the appropriations were made shall have been accomplished or abandoned, the commissioner of administration may dispense with periodic allotment and shall prescribe such regulations as will insure proper application and encumbrance of funds.

[1939 c 431 art 2 s 16; 1949 c 230 s 1; 1951 c 503 s 1; 1965 c 51 s 3; 1969 c 159 s 1; 1969 c 1155 s 12] (53-180)

16.161 BUDGET AND ALLOTMENT SYSTEM, REFUNDS. Notwithstanding the provisions of section 16.16, or any other law to the contrary, the payment of a refund for any purpose authorized by law shall be chargeable against the fund, appropriation, allotment, or encumbrance for the period in which the refund is paid.

[1967 c 674 s 1]

16.162 [Repealed, 1969 c 159 s 2]

16.165 FEDERAL AID ADMINISTRATIVE BUDGETS, REVIEW. Whenever any agency of the federal government shall require that as a condition to obtaining federal aid the state agency entrusted with the administration of such aid shall submit a budget of the contemplated expenditures for administrative purposes, the proposed budget for such expenditures shall, before it is submitted to the federal authorities for approval, first be approved by the governor and reported to the committee on appropriations in the House of Representatives and the committee on finance in the Senate while the legislature is in session and at other times to the legislative advisory committee.

[1953 c 461 s 1]

16.17 APPROPRIATIONS TO REVERT TO STATE TREASURY. Except as specifically provided for in appropriation acts, every appropriation or part thereof of any kind hereafter made subject to the provisions of this section remaining unexpended and unencumbered at the close of any fiscal year shall lapse and be returned to the general fund; provided, that an appropriation for construction or other permanent improvement shall not lapse until the purposes for which the appropriation was made shall have been accomplished or abandoned unless such appropriation has stood during the entire fiscal biennium without any expenditure therefrom or encumbrances thereon.

Except as otherwise expressly provided by law, the provisions of this section shall apply to every appropriation of a stated sum for a specified purpose or purposes heretofore or hereafter made from the general fund, but shall not, unless expressly so provided by law, apply to any fund or balance of a fund derived wholly or partly from special taxes, fees, earnings, fines, federal grants, or other sources which are by law appropriated for special purposes by standing, continuing, or revolving appropriations.

[1939 c 431 art 2 s 17; 1969 c 399 s 1] (53-18p)

16.171 LEGISLATIVE APPROPRIATIONS. Section 16.17 is inapplicable to appropriations made to the legislature, the senate, the house of representatives, or its committees or commissions. An appropriation made to the legislature, the senate, the house of representatives or their standing committees for a fiscal biennium or any part thereof shall be available for expenditure in either year of the biennium or for the fiscal year preceding or following the biennium. An appropriation made to a committee or commission of the legislature if unexpended during the first year of a fiscal biennium is available for expenditure during the second year thereof, but any unexpended balance remaining at the end of the biennium shall lapse and be returned to the fund from which appropriated.

[Ex1967 c 48 s 64]

16.172 PROVISIONS INAPPLICABLE. The office of revisor of statutes not being in the executive branch of the state government, the provisions of chapter 16, relating to departments and agencies in the executive branch are inapplicable to that office, including but not limited to allotment and encumbrance procedures prescribed by section 16.16, contract signing and approval requirements prescribed by sections 16.09 and 16.10, and rules and regulations of the department of administration prescribed pursuant to section 16.02, or any other law.

[1969 c 957 s 9]

16.18 RECEIPTS DEPOSITED WITH STATE TREASURER. All receipts from any source shall be deposited with the state treasurer each day, except as otherwise provided by law, and unless such receipts are under \$50 in which event payment may be deferred until they aggregate such sum; and at the same time a report of all receipts since the last previous report and of the disposition thereof shall be made to the auditor by the depositing agency. All moneys received by the treasurer during any month shall be credited by him and by the state auditor to the proper funds not later than the first day of the following month.

[1939 c 431 art 2 s 18; 1963 c 133 s 1] (53-18q)

16.19 SUSPENSE FUNDS. The state treasurer is hereby authorized, subject to the approval of the commissioner, to establish suspense funds for the purpose of making refunds therefrom when authorized by law, but such refunds shall be vouchered and audited as provided by Laws 1939, Chapter 431, for other state disbursements.

[1939 c 431 art 2 s 19] (53-18r)

16.20 PERCENTAGE OF RECEIPTS SET ASIDE FOR EXPENSES. Subdivision 1. It is hereby determined that a charge of five percent of the amounts received from the licenses and fees specified in this subdivision does not exceed the reasonable cost and value of the services rendered, or to be rendered, by the governor, the secretary of state, the state treasurer, the state auditor, the attorney general, the department of administration, the public examiner, the courts, and the legislature, in connection with the collection of such licenses and fees and the maintenance of the agencies concerned therewith. There is hereby imposed upon the gross receipts beginning July 1, 1957 from the receipts of all boards existing and established under Minnesota Statutes 1953, Chapters 146, 147, 148, 149, 150, 151, 153, 154, 155, 156, and 326, and any other board or commission now or hereafter existing for the purpose of determining the qualifications, and licensing, of persons seeking to practice their trade or profession in this state, a charge of five percent, such charge to be determined at the end of each quarter on the gross receipts for such period. The proceeds of such charge shall be paid into the state treasury and credited to the general fund.

Subd. 2. The commissioner of administration on or after July 1, of each year, beginning July 1, 1959, shall determine the costs of operating during the preceding fiscal year of the following state offices and departments, to-wit: the state auditor, the state treasurer, the department of administration, the state civil service, and the public examiner, which are attributable to the operations of the state department of highways and the division of game and fish of the department of natural resources respectively. The costs of the several state offices and departments enumerated above attributable to the operations of the state highway department and the division of game and fish of the department of natural resources respectively, during the preceding fiscal year hereinafter referred to as the attributable amount shall be the amount determined by the commissioner of administration as hereinafter provided.

(a) The attributable amount of the state highway department and of the division of game and fish respectively of the cost of operating the office of the state auditor shall be the amount of the salaries paid to employees who devote their entire time to highway matters or to game and fish matters as the case may be, plus the percentage of the amount expended for the salaries of all officers and other employees, except the employees no part of whose time is attributable to operation of the department of highways or the division of game and fish, of the office and for all supplies, and other expenses, which the total number of warrants issued by the state auditor for the department of highways or the division of game and fish is of the total number of warrants issued by the state auditor for all state purposes.

(b) The attributable amount of the state highway department and of the divi-

sion of game and fish respectively of the cost of operating the office of the state treasurer is the percentage of the amount expended for salaries, supplies and expense of the office, which the total number of warrants accepted on account of the operation of the department of highways or the division of game and fish is of the total number of warrants accepted for all state purposes.

(c) The attributable amount of the state highway department and of the division of game and fish respectively of the cost of operating the department of administration shall be the total of attributable amounts determined as follows:

(1) The attributable amount of the cost of operating the division of purchases is the percentage of the amount expended for salaries, supplies, and expense of the division which the number of requisitions for purchases issued for the department of highways or the division of game and fish, is of the total number of requisitions issued for all state purposes.

(2) The attributable amount of the cost of the general administration of the department of administration, the budget division, and the budget engineering division is the percentage of the amount expended for salaries, supplies and expenses thereof, which the total expenditures of the department of highways or the division of game and fish, is of the total expenditures for all state purposes.

NOTE: Minnesota Statutes 1957, Section 16.20, Subdivision 2, clause (2), was eliminated by Laws 1959, Chapter 344, Section 1. The clause was re-enacted by Laws 1959, Chapter 667, Section 2, with the bracketed material as new matter to read: "(2) The attributable amount of the cost of operating the office of the state printer is the percentage of the amount expended for salaries, supplies, and expense of the office which the total number of requisitions for printing for the department of highways [or the division of game and fish,] is of the total number of requisitions for printing issued for all state purposes."

(3) The attributable amount of the cost of furnishing utilities, custodial and maintenance services to the building, grounds and equipment constituting the state highway department's central office building by the department of administration is the actual cost thereof to the department of administration as determined by the commissioner of administration; but nothing herein shall govern the attributable amount of the cost of furnishing utilities, custodial, and maintenance services to the portion of the state highway department central office building occupied by the motor vehicle division.

(d) The attributable amount of the state highway department and of the division of game and fish respectively of the cost of operating the state civil service is the percentage of the amount expended for salaries, supplies and expense of the department, which the average number of employees of the department of highways or the division of game and fish, during the year is of the average number of employees employed by the state during the year.

(e) The attributable amount of the state highway department and of the division of game and fish respectively of the cost of operating the office of the public examiner is the amount expended by the office for salaries, supplies and expense in connection with auditing the department of highways or the division of game and fish.

(f) When the commissioner of administration has determined the total attributable amount of the cost of the offices and departments enumerated in this subdivision, he shall certify the amount so determined to the state auditor. The several amounts so certified by the commissioner of administration are hereby appropriated from the trunk highway fund in the case of the department of highways and from the game and fish fund in the case of the division of game and fish to the general fund in the state treasury as a reimbursement of moneys expended from the general fund by the several state officers and departments enumerated in this subdivision for salaries, supplies and expense expended for services, supplies and expense attributable to highway and to game and fish matters. Upon receipt of the certification of the commissioner of administration, the state auditor shall transfer from the trunk highway fund and from the game and fish fund to the general fund in the state treasury the amount certified by the commissioner of administration, and the state auditor is authorized and directed to make the appropriate entries in the records of the respective funds. The commissioner of administration shall transmit a duplicate original of the certification to the state treasurer who is authorized and directed to make the appropriate entries in his records.

Subd. 3. The commissioner of administration on or after July 1, of each year beginning July 1, 1955, shall determine the costs of the operation during the preceding fiscal year of the following state offices and departments: The state auditor, the state treasurer, the department of administration, state civil service, and the

public examiner, which is attributable to the operation of the state department of manpower services. The amount of the cost of the several state offices and departments enumerated above attributable to the operation of the state department of manpower services during the preceding fiscal year, hereinafter referred to as the attributable amount, shall be the amounts determined by the commissioner of administration as hereinafter provided.

(a) The manpower services department's attributable amount of the cost of operating the office of the state auditor shall be the percentage of the amount of salaries paid to all officers and other employees of the office except those employees no part of whose salaries are attributable to the operation of the department of manpower services and for all supplies, and other expenses which the total number of warrants processed by the state auditor for the administrative salaries, and administrative supplies and expense, exclusive of refunds and benefit payments, for the department of manpower services is to the total number of warrants issued by the state auditor for all state purposes.

(b) The department of manpower services' attributable amount of the cost of operating the office of the state treasurer shall be the amount paid to employees who devote their entire time to manpower services matters, plus the percentage of the amount expended for salaries, supplies, and expenses of the office which the number of warrants accepted on account of administrative salaries, and administrative supplies and expenses, exclusive of refunds and benefit payments, for the department of manpower services is of the total number of warrants accepted for all state purposes.

(c) The department of manpower services' attributable amount of the cost of operating the department of administration shall be the total of attributable amounts determined as follows:

(1) The attributable amount of the cost of operating the division of purchases is the percentage of the amount expended for salaries, supplies, and expense of the division which the number of requisitions for purchases issued for the department of manpower services is of the total number of requisitions issued for all state purposes.

(2) The attributable amount of the cost of the general administration of the department of administration, the budget division, and the budget engineering division is the percentage of the amount expended for salaries, supplies and expense thereof which the total expenditures, exclusive of refunds and benefit payments, of the department of manpower services is of the total expenditures for all state purposes.

(d) The manpower services department's attributable amount of the cost of operating the department of civil service is the percentage of the amount expended for salaries, supplies, and expense of the department, which the average number of employees of the department of manpower services during the year is of the average number of employees employed by the state during the year.

(e) The department of manpower services' attributable amount of the cost of operating the office of the public examiner is the amount expended by the office for salaries, supplies and expense in connection with auditing the department of manpower services.

(f) When the commissioner of administration has determined the total attributable amount of the cost of the offices and departments enumerated in this subdivision he shall certify the amount so determined to the state auditor. The several amounts so certified by the commissioner of administration are hereby appropriated from manpower services contingent fund to the general fund in the state treasury as a reimbursement of moneys expended from the general fund by the departments enumerated in this subdivision for salaries, supplies, and expense expended for services, supplies and expenses attributable to manpower services matters. Upon receipt of the certification of the commissioner of administration, the state auditor shall transfer from the manpower services contingent fund to the general fund in the state treasury the amount certified by the commissioner of administration and the state auditor is authorized and directed to make the appropriate entries in the records of the respective funds. The commissioner of administration shall transmit a duplicate original of the certification to the state treasurer who is authorized and directed to make the appropriate entries in his records.

Subd. 4. [Repealed, 1969 c 399 s 51]

Subd. 5. The term "state forest trust fund lands" as used in this subdivision, means any state school lands or other public lands subject to trust provisions under the state constitution and heretofore or hereafter set apart as state forest lands as provided by law.

Beginning July 1, 1955, the state auditor and the state treasurer shall keep a separate account of all receipts from the sale of timber or other revenue from such state forest trust fund lands, to be known as the state forest suspense account, specifying the trust funds interested in such lands and the receipts therefrom, respectively.

As soon as practicable after the close of each fiscal quarter from and after July 1, 1955, the commissioner of administration, upon information supplied by the commissioner of natural resources which the commissioner of natural resources is herewith directed to furnish, shall determine and certify to the state auditor and the state treasurer the total costs incurred by the state during such quarter under appropriations theretofore made for the protection, improvement, administration, and management of such state forest trust fund lands for forestry purposes as authorized by law, specifying the trust funds interested in such lands, respectively.

As soon as practicable after the end of each fiscal year, beginning with the year ending June 30, 1956, the state auditor and the state treasurer shall distribute the receipts credited to said state forest suspense account during such fiscal year as follows:

- (1) The total costs incurred by the state for the purposes aforesaid during such fiscal year and certified as hereinbefore provided shall be transferred to a special account to be known as the state forest development account.

- (2) The balance of said receipts shall be transferred to the state trust funds concerned in accordance with their respective interests in the lands from which the receipts were derived.

All moneys accruing and credited to said state forest development account from time to time are hereby appropriated to the division of lands and forestry in the department of natural resources, subject to the supervision and control of the commissioner of natural resources, for the purpose of planting, stand improvement, and forest development of such state forest trust fund lands for forestry purposes, to remain available until expended.

All the foregoing appropriations herein contained are to be expended subject to the provisions of law. No appropriation shall become available for expenditure until such estimates as required by law shall have been approved by the commissioner of administration. No obligation involving expenditure of money shall be entered into unless there is a balance in the appropriation available not otherwise encumbered to pay obligations previously incurred.

Subd. 6. The term "state trust fund lands," as used in this section, means any state school lands or other public lands subject to trust provisions under the state constitution.

Beginning July 1, 1955, the state auditor and the state treasurer shall keep a separate account of all receipts derived from the royalties on, or the sale or lease of, any minerals from such trust fund lands to be known as the state lands and minerals suspense account, specifying the trust funds interested in such lands and the receipts therefrom, respectively.

As soon as practicable after the close of each fiscal quarter after July 1, 1955, the commissioner of administration, upon the information supplied by the commissioner of natural resources, which the commissioner of natural resources is herewith directed to furnish, shall determine and certify to the state auditor and the state treasurer the total costs incurred by the state during such quarter under appropriations heretofore made for the administration and management of such trust fund lands by the division of lands and forestry, or any other agency so administering and managing, specifying the trust funds interested in such lands, respectively.

As soon as practicable after the end of each fiscal year beginning with the year ending June 30, 1956, the state auditor and the state treasurer shall distribute the receipts credited to the state lands and minerals suspense account during such fiscal year as follows:

- (1) All of the costs incurred by the state for the purposes aforesaid during such fiscal year and certified as hereinbefore provided, shall be transferred to the general revenue fund as reimbursement for appropriations heretofore made for the purposes aforesaid. The balances of said receipts shall be transferred to the

state trust funds concerned in accordance with their respective interests in the minerals from which the receipts were derived.

Subd. 7. In case any of the charges imposed upon the provisions of this section against any of the funds or receipts enumerated shall be held invalid, it shall not affect any other charge made hereunder. In case any of the charges imposed under the provisions of this section shall be held by any final determination by competent federal authority to conflict with the requirements of any federal grant so as to reduce the amount, the fund which otherwise shall be entitled thereunder so much of the proceeds of such charge as may be necessary to comply with the requirements of such grant are hereby appropriated to the agency concerned for the same purpose as the funds against which such charge was made.

Subd. 8. The commissioner of administration on or after July 1, of each year, beginning July 1, 1958 shall determine the costs of operating during the preceding fiscal year of the following state offices and departments, to-wit: The state auditor, the state treasurer, the department of administration, the state civil service, and the public examiner, which are attributable to the operations of the motor vehicle division and the petroleum tax division. The costs of the several state offices and departments enumerated above attributable to the operations of the activities of the motor vehicle division, as financed from the highway users tax distribution fund, and the activities of the petroleum tax division as financed by the highway users tax distribution fund, during the preceding fiscal year hereinafter referred to as the attributable amount shall be the amount determined by the commissioner of administration as hereinafter provided.

(a) (1) The motor vehicle division's attributable amount of the cost of operating the office of the state auditor shall be the percentage of the amount of salaries paid to all officers and other employees of the office except those employees no part of whose salaries are attributable to the operation of the motor vehicle division and for all supplies and other expenses which the total number of warrants processed by the state auditor for administrative salaries, administrative supplies, and expense, and the motor vehicle contingent fund and such other appropriations that are now or hereafter financed or reimbursed out of the highway users tax distribution fund by the legislature is of the total number of warrants issued by the state auditor for all state purposes.

(2) The petroleum tax division's attributable amount of the cost of operating the office of the state auditor shall be the percentage of the amount of salaries paid to all officers and other employees of the office except those employees no part of whose salaries are attributable to the operation of the petroleum tax division and for all supplies and other expense which the total number of warrants processed by the state auditor for administrative salaries, administrative supplies and expense, gasoline tax refunds and bond premiums for gasoline tax collectors and such other appropriations that are now or hereafter financed or reimbursed out of the highway users tax distribution fund by the legislature is of the total warrants issued for all state purposes.

(b) (3) The motor vehicle division's attributable amount of the cost of operating the office of the state treasurer is the percentage of the amount expended for salaries, supplies and expense of the office which the total number of warrants accepted on account of the motor vehicle division's appropriations that are now or hereafter financed or reimbursed out of the highway users tax distribution fund, is of the total of the warrants accepted for all state purposes.

(4) The petroleum division's attributable amount of the cost of operating the office of the state treasurer is that percentage of the amount expended for salaries, supplies and expense of the office, which the total number of warrants accepted on account of the petroleum division's appropriations which are now or hereafter financed or reimbursed out of the highway users tax distribution fund, is of the total number of warrants accepted for all state purposes.

(c) The motor vehicle and petroleum division's attributable amounts of the cost of operating the department of administration shall be the total of attributable amounts determined as follows:

(1) The attributable amount of the cost of operating the division of purchases is the percentage of the amount expended for salaries, supplies, and expense of the division which the number of requisitions for purchases issued for the divisions of motor vehicles and petroleum, is of the total number of requisitions issued for all state purposes.

(2) The attributable amount of the cost of the general administration of the

department of administration, the budget division, and the budget engineering division is the percentage of the amount expended for salaries, supplies, and expenses thereof, which the total expenditures of the motor vehicle division, and petroleum tax division is of the total expenditures for all state purposes.

(d) The motor vehicle division's and the petroleum tax division's attributable amount of the cost of operating the state civil service is the percentage of the amount expended for salaries, supplies, and expense of the department, which the average number of employees of the motor vehicle division, and petroleum tax division during the year is of the average number of employees employed by the state during the year.

(e) The motor vehicle division's, and the petroleum tax division's attributable amount of the cost of operating the office of the public examiner is the amount expended by the office for salaries, supplies and expense in connection with auditing the motor vehicle division, and the petroleum tax division.

(f) The attributable amount of the cost of furnishing utilities, custodial and maintenance services in the portion of the state highway department central office building occupied by the motor vehicle division by the department of administration is the actual cost thereof to the department of administration as determined by the commissioner of administration.

(g) When the commissioner of administration has determined the total attributable amount of the cost of the offices and departments enumerated in this subdivision, he shall certify the amount so determined to the state auditor. The several amounts so certified by the commissioner of administration are hereby appropriated from the highway users tax distribution fund to the general fund in the state treasury as a reimbursement of moneys expended from the general fund by the several state officers and departments enumerated in this subdivision for salaries, supplies and expense expended for services, supplies and expense attributable to motor vehicle and petroleum tax matters. Upon receipt of the certification of the commissioner of administration, the state auditor shall transfer from the highway users tax distribution fund to the general fund in the state treasury the amount certified by the commissioner of administration, and the state auditor is authorized and directed to make the appropriate entries in the records of the respective funds. The commissioner of administration shall transmit a duplicate original of the certification to the state treasurer who is authorized and directed to make the appropriate entries in his records.

Subd. 9. Except as otherwise provided by law, each state department, agency, state activity, semi-state activity or board (hereinafter designated as "state agency" for the purposes of this section) whose financial affairs are audited by the public examiner shall reimburse the public examiner for the cost of such audits. Such reimbursements shall be determined by multiplying the actual costs thereof as determined by the public examiner by the percentage that the appropriation from sources other than the general fund bears to the total of appropriations to such state agency. The proceeds of such reimbursement shall be deposited to the credit of the public examiner's revolving fund and the general fund in the state treasury, in the amount which is applicable to each such fund. Such sums of money to cover the costs of such audits and available to such state agency are hereby appropriated for the purpose herein stated. The collection by the public examiner of the cost of an audit as provided herein may be waived in whole or in part by the executive council if the members thereof determine that it is in the public interest not to require any state agency to pay for the cost thereof as provided by this section. If any state agency or the public examiner desires that the cost of an audit be waived in whole or in part, the matter shall be reported to the commissioner of administration who shall then submit the same to the executive council together with his recommendations.

Subd. 10. At least once each year on or after July 1, and at such other times as he may deem appropriate, the commissioner of administration, beginning July 1, 1965, in addition to making the determinations required of him by the provisions of Minnesota Statutes, Section 16.20, may determine the costs of providing, during the preceding fiscal year or part thereof, any or all utility services, as defined in Minnesota Statutes, Section 16.03, Subdivision 3, to the various departments and agencies of the state whose activities are financed wholly or partly with dedicated funds and for which departments and agencies utility services were paid from general fund appropriations made to the department of administration. As used in the

foregoing, dedicated funds shall include, but not be limited to, annual appropriations made by the legislature, open, standing, continuing, and revolving appropriations, so-called dedicated receipt accounts, and federal funds. When the commissioner of administration has determined the amount of the cost of such utility services for each department and agency of the state he shall certify the amount so determined to the state auditor. The several amounts so certified by the commissioner of administration are hereby appropriated from the applicable dedicated funds to the general fund in the state treasury as a reimbursement of moneys expended from the general fund by the department of administration for utility services attributable to such dedicated funds. Upon the receipt of the certification of the commissioner of administration, the state auditor shall transfer from the applicable dedicated funds to the general fund in the state treasury the amount certified by the commissioner of administration, and the state auditor is authorized and directed to make the appropriate entries in the records of the respective funds. The commissioner of administration shall transmit a duplicate original of the certification to the state treasurer who is authorized and directed to make the appropriate entries in his records.

The commissioner of administration may, in like manner, determine the costs of providing any or all such utility services to users, other than departments and agencies of the state, which are quartered in the capitol group of buildings and for which such utility services were paid from general fund appropriations made to the department of administration. When the commissioner of administration has made such determination he shall bill such users for the costs attributable to each and the users shall pay the commissioner of administration for the amount so billed. Such amounts when received by the commissioner of administration shall be deposited in and for the benefit of the general fund.

[1939 c 431 art 2 s 20; 1955 c 714 s 1, 2; 1957 c 140 s 1; 1957 c 852 s 1-4; 1959 c 344 s 1-4; 1959 c 667 s 1, 2; 1961 c 571 s 1; 1965 c 901 s 57 subd 6; 1967 c 314 s 1; 1967 c 905 s 9; 1969 c 399 s 1; 1969 c 567 s 3; 1969 c 1129 art 3 s 1] (53-18s)

16.201 [Repealed, 1955 c 714 s 3]

16.21 CONTINGENT APPROPRIATIONS. There is hereby authorized one general contingent appropriation for each year of the biennium in such amount as the legislature may deem sufficient. Transfers from such appropriation to the appropriations of the various departments and agencies may be made by the state auditor subject to the following provisions:

(1) Transfers may be authorized by the commissioner of administration not exceeding \$2,000 for the same purpose for any quarterly period;

(2) Transfers exceeding \$2,000, but not exceeding \$5,000, may be authorized by the commissioner of administration with the approval of the governor;

The provisions of Laws 1939, Chapter 431, as amended, shall not be construed to prevent the appropriation of separate contingent funds to the governor and the attorney general, or to limit the use of these funds as otherwise authorized by law.

With the approval of the governor and by agreement of the heads of the departments or agencies concerned, any appointive subordinate officer or employee of a department or agency may be employed by or assigned to perform duties under another department or agency.

[1939 c 431 art 2 s 21; 1941 c 497 s 1] (53-18t)

16.22 RIGHTS AND POWERS TRANSFERRED TO COMMISSIONER; EXCEPTIONS. All the rights, powers, and duties now by law imposed upon and vested in the commission of administration and finance, the constituent members thereof, the state printing commission, and the state expert printer, except those transferred by Laws 1939, Chapter 431, to the state auditor and the public examiner, are hereby transferred to and imposed upon the commissioner of administration. The commissioner of administration shall appoint a qualified printer, who shall be known as the state printer, and may delegate to him the exercise of the existing rights, powers, and duties heretofore appertaining to the state printing commissioner and the state expert printer, subject to the control of the commissioner. The commission of administration and finance is hereby abolished. The state printing commission is hereby abolished. The offices of comptroller, commissioner of the budget, commissioner of purchases, and state expert printer are hereby abolished. All the rights, powers and duties of the governor relating to the control, care, operation, and maintenance of the state capitol and grounds and

to the appointment of employees therefor are hereby transferred to, vested in, and imposed upon the commissioner of administration.

[1939 c 431 art 2 s 22] (53-18u)

16.23 OFFICE SPACE ASSIGNED. The commissioner shall assign and re-assign the office space in the capitol and other state buildings so far as necessary to carry out the purposes of Laws 1939, Chapter 431, and to make an equitable division of available space among the several departments and agencies.

[1939 c 431 art 8 s 11] (53-1L)

16.231 [Repealed, 1955 c 303 s 7]

16.24 POWERS OF COMMISSIONER OF ADMINISTRATION. The commissioner shall have the power to supervise and control the accounts and expenditures of the several officials, departments, and agencies of the state government and of the institutions under their control; the making of all contracts and the creation or incurrence of all financial or contractual obligations; the purchase, rental, or furnishing of all property, equipment, supplies, or materials, and all telegraph, telephone, or lighting service; the construction and erection of all buildings and structures by or for the state or any such department, agency, or institution; the sale, disposition, use, or storage of all property belonging to the state; and at any time to examine the accuracy and legality of all accounts, receipts, and expenditures of state moneys and the use or disposition of state property; and he shall have the power, subject to the approval of the governor, to provide for his offices and necessary furniture, fixtures, and supplies, and to appoint and employ such officers, agents, assistants, clerks, and other employees as he may deem necessary for the performance of his duties, and to fix their salaries and define their duties. The commissioner, with the approval of the governor, shall have authority to appoint an assistant or deputy, with full authority to perform any of the duties imposed upon him; provided, that the governor may, without cause, remove such assistant or deputy, and shall have the power to examine, investigate, or make a survey of the organization, administration, and management of the various departments and agencies of the state government and the institutions under their control, to the end that greater efficiency and economy may be secured, better organization, reorganization, or consolidation of departments or functions effected, and all duplication of function, effort, or activity, so far as possible, eliminated; and, for this purpose, to hold hearings and prescribe rules and regulations for the conduct thereof, issue subpoenas for and compel the attendance of witnesses and giving of testimony and the production of books, records, accounts, documents, and papers; and the commissioner may administer oaths to witnesses or take their affirmations. If any person shall fail or refuse to appear or testify regarding that upon which he may be lawfully interrogated, or to produce any books, records, accounts, documents, or papers material in the matter heard or to be heard by the commissioner, after having been lawfully required by order or subpoena, any judge of the district court in any county of the state, on application of the commissioner, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of a similar order or subpoena issued by such court. The commissioner shall recommend to the legislature such changes in the laws of the state as he may deem necessary, if any, as a result of any such survey or investigation, or otherwise, in order to secure a better organization of the state government or greater efficiency or economy in administration.

[1925 c 426 art 3 s 3] (53-6)

16.25 COMMISSIONER TO MAKE RULES. The commissioner of administration shall have the following powers: to approve or reject the compensation schedules submitted by the civil service board for the various classes, grades, and titles of the employees of the various officials, departments, and agencies of the state government and institutions under their control; to require a complete record of the officers, assistants, and employees appointed thereby or employed therein, and to require the salaries of the same to be in conformity with the scale of compensation established pursuant to law; to prepare and prescribe classes of expenditures and revenue for the purpose of budget-making and accounting; to procure by lease, with the approval of the governor, office space and buildings for the use of the state government or any department, office, or institution thereof; to purchase, except as otherwise provided in Laws 1925, Chapter 426, as amended, all supplies and equipment for all state officials, departments, and agencies of the state government, including tools, machinery, and materials to be used by the state in

the construction and maintenance of state highways; but the commissioner, in his discretion, may designate an officer or employee of any such department to make, under the general supervision and direction of the commissioner, such purchases for the department in which such designation is so made as he may specify.

The authority of the commissioner to approve or reject a scale of compensation therefor shall not apply to the unclassified service as prescribed by the state civil service law.

[1925 c 426 art 3 s 4; 1939 c 441 s 39] (53-7)

16.251 PUBLIC BUILDINGS; FEDERAL FUNDS. Where an amount is payable to a creditor of the state from a project account which is financed partly with federal funds and such project is one included in appropriations now or hereafter made to the commissioner of administration for public buildings and equipment therefor and such amount cannot be timely paid because of a deficiency of money in such project account caused by a delay in the receipt of federal funds, the commissioner may provide such money as is needed to pay the amount by temporarily transferring such sum from any other appropriation made to him in the same act as contains the project account wherein the deficiency has occurred. Such moneys as are required therefor are hereby appropriated for such purpose. When the delayed federal funds are received the commissioner shall cause the amount of money transferred to be returned to the account from whence it came.

[1969 c 1159 s 18]

16.26 [Repealed, 1961 c 561 s 17]

16.27 [Repealed, 1961 c 561 s 17]

16.28 PURCHASES. The commissioner of administration, subject to the approval of the governor, may make rules, regulations, and orders regulating and governing the manner and method of purchasing, delivering, and handling of, and the contracting for supplies, equipment, and other property for the various officials, departments, and agencies of the state government and institutions under their control. Such rules, regulations, and orders shall be uniform, so far as practicable, shall be of general or limited application, and shall include provisions for the following:

- (1) The advertisement for and the receipt of bids for supplies and other property and the stimulation of competition with regard thereto;
- (2) The purchase of supplies and other property without advertisement or the receipt of bids, where the amount involved will not exceed \$500, when in the judgment of the commissioner it is expedient;
- (3) The purchase of supplies and other property without competition in cases of emergency requiring immediate action;
- (4) The purchase of certain supplies, equipment, and other property by long or short term contracts, or by purchases of contracts made at certain seasons of the year, or by blanket contracts or orders covering the requirements of one or more departments, offices, and commissions;
- (5) The time for submitting estimates for various supplies, equipment, and other property;
- (6) Regulation to secure the prompt delivery of commissary or other necessary supplies;
- (7) Standardization of forms for estimates, orders, and contracts;
- (8) Standardization of specifications for purchasing supplies, equipment, and other property;
- (9) Standardization of quality, grades, and brands to eliminate unnecessary number of commodities or of grades or brands of the same commodity;
- (10) The purchase of supplies and other property locally upon permission, specific or otherwise, of the commissioner;
- (11) The use and disposal of the products of state institutions;
- (12) The disposal of obsolete, excess, and unsuitable supplies, salvage, waste materials, and other property, and the transfer of same to other departments, offices, and commissions;
- (13) The storage of surplus supplies, equipment, and other property not needed for immediate use;
- (14) The testing of commodities or supplies or samples thereof;
- (15) Hearings on complaints in respect to the quality, grade, or brand of commodities or supplies;
- (16) The waiver of rules in special cases.

The commissioner shall have immediate supervision of all purchases and contracts made, and shall carry out and enforce such rules, regulations, and orders relative thereto as he may adopt.

[1925 c 426 art 3 s 7] (53-10)

16.29 [Repealed, 1961 c 561 s 17]

16.30 [Repealed, 1961 c 561 s 17]

16.31 [Repealed, 1961 c 561 s 17]

16.32 PLANS AND SPECIFICATIONS; LIMITATIONS. Subdivision 1. The commissioner of administration shall prepare plans for all improvements or buildings costing more than \$1,000, for which he may recommend an appropriation. These plans shall be paid for out of any money in the state treasury, not otherwise appropriated, but when an appropriation has been made for the purpose of constructing such building, the fund from which payment for plans was made shall be reimbursed from such appropriation, and no part of the balance shall be expended until the commissioner has secured suitable plans and specifications, prepared by a competent architect, and accompanied by a detailed statement of the amount, quality, and description of all material and labor required for the completion of the work; and no plan shall be adopted, and no improvement made or building constructed, that contemplates the expenditure for its completion of more money than the appropriation therefor, unless otherwise provided in the act making the appropriation. In no event shall the commissioner direct or permit any expenditure beyond that appropriated or contemplated by law, and any agent of the commissioner violating this provision shall be guilty of a gross misdemeanor.

Subd. 2. Notwithstanding any provision in this section to the contrary, the commissioner may after consultation with the legislative building commission, adopt a plan, provide for an improvement, or construct a building that contemplates expenditure for its completion of more money than the appropriation therefor, if the excess money is provided by the United States government and granted to the state of Minnesota under federal law or any rule or regulation promulgated thereunder. Such federal money, for the purpose of this section, shall be deemed a part of the appropriation for the project.

[R L s 1884; 1909 c 38 s 1; 1965 c 354 s 1] (4428)

16.33 [Repealed, 1961 c 561 s 17]

16.34 INSTITUTIONS, PURCHASE OF SUPPLIES. The commissioner of administration shall make specific rules as to the manner in which supplies shall be purchased and contracts made for the several institutions, so as to insure competition and publicity. Any person desiring to sell supplies to an institution, who shall file with the chief executive officer thereof, and with the commissioner, a memorandum showing his address and business, shall be afforded an opportunity to compete for the furnishing of supplies, under such rules and limitations as he may prescribe. In purchasing supplies, preference shall be given to Minnesota dealers when it can be done without loss to the state. Samples furnished shall be properly marked and preserved for six months after purchase of such supplies.

[R L s 1886] (4430)

16.35 [Repealed, 1961 c 561 s 17]

16.36 [Repealed, 1961 c 561 s 17]

16.365 PUBLIC CONTRACTS GENERALLY; PREFERENCE. Subdivision 1. When a public contract is to be awarded to the lowest responsible bidder a resident bidder shall be allowed a preference as against a non-resident bidder from a state which gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the non-resident bidder.

Subd. 2. Resident bidder as used in this section means a person, firm or corporation authorized to engage in business in the state of Minnesota and having a bona fide establishment for the doing of business within the state of Minnesota on the date when any bid for a public contract is first advertised or announced, and includes a foreign corporation duly authorized to engage in business in Minnesota and having a bona fide establishment for the doing of business within the state.

Subd. 3. The provisions of subdivisions 1 and 2 shall not apply to any contract for any project upon which federal funds are available for expenditure.

[1959 c 47 s 1; 1959 c 139 s 1]

16.37 [Repealed, 1965 c 45 s 73]

MINNESOTA STATUTES 1969

241

DEPARTMENT OF ADMINISTRATION 16.62

16.38 [Repealed, 1961 c 561 s 17]

16.381 INMATE OR PROJECT LABOR. At any state institution or any state park or in the maintenance of any state armory, appropriations for construction, improvements, or maintenance may be expended through the use of inmate or project labor when authorized by the commissioner of administration with the concurrence of the head of the interested state department for the fiscal year 1958 and thereafter.

[*Ex*1957 c 2 s 16]

16.51 DEPARTMENT OF AGRICULTURE SLOGAN. On all printed matter used, and distributed by the department of agriculture, there shall be printed thereon, wherever practicable, in as conspicuous a place and as prominent a type as may be consonant with good taste, the following words or slogan:

"FOR YOUR HEALTH AND PROSPERITY
SUPPORT MINNESOTA'S
FOOD INDUSTRY"

[1939 c 29 s 1; 1943 c 483 s 1; 1969 c 154 s 1] (5680-3)

16.52 PRINTED MATTER. The term, "printed matter," as used in sections 16.51 to 16.53, includes all letterheads, vouchers, circulars, pamphlets, booklets, reports, literature, and other like printed material used by the department of agriculture.

[1939 c 29 s 2; 1943 c 483 s 2; 1969 c 154 s 2] (5680-4)

16.53 ON WHAT MATTER PRINTED. It shall be within the direction of the state printer, after consultation with the commissioner of agriculture, to determine upon what printed matter it is reasonably and practicably possible to print the slogan, and he shall carry out the provisions of sections 16.51 to 16.53.

[1939 c 29 s 3; 1943 c 483 s 3; 1969 c 154 s 3] (5680-5)

16.531 [Expired]

16.54 MAIL TO BE DELIVERED UNSTAMPED. All official mail of any state department or other state agency occupying quarters either in the capitol or in adjoining state buildings shall be delivered unstamped to the central mailing station. Account shall be kept of the postage required on such mail, which shall be a proper charge against the department or agency delivering such mail.

[1929 c 350 s 2; 1939 c 431 art 2 s 3 (15)] (23-2)

16.55 USE LABOR-SAVING DEVICES. In the handling of mail at the central mailing station the commissioner of administration shall make use of labor-saving devices and machines when it is found economical to do so.

[1929 c 350 s 3; 1939 c 431 art 2 s 3 (15); 1969 c 110 s 1] (23-3)

16.56 DEPARTMENT TO ADVANCE MONEY FOR EXPENSES. To provide funds for the payment of postage, each department or agency shall make advance payments, from time to time, to the commissioner of administration sufficient to cover its postage obligations for at least 60 days.

[1929 c 350 s 4; 1969 c 110 s 2] (23-4)

NOTE: See also section 16.80.

16.57 [Repealed, 1969 c 1150 s 7]

16.61 PAMPHLET OF LEGAL NOTICES; PREPARATION. The state printer shall biennially issue a pamphlet containing a description and facsimile copy, and style of composition, as near as may be, of all notices required by law to be published by public officials in a newspaper in this state, for distribution; such forms of official notices to be prepared by the attorney general before being issued for distribution by the state printer, and such forms when so prepared and so issued shall become a guide for public officials in the publication of such official and legal notices in newspapers.

[1921 c 484 s 7; 1937 c 78 s 1; 1969 c 151 s 1] (10940)

16.62 FEDERAL TAX WITHHOLDING. Subdivision 1. **Creation.** There is hereby created and established the Victory Tax Fund in which shall be deposited all deductions made pursuant to this section. The state treasurer shall be ex-officio the custodian of all moneys deposited with him to the credit of the victory tax fund and his general bond to the state shall cover all liability for his acts as custodian thereof. Such moneys shall be subject to all provisions of law governing the keeping and disbursement of state moneys, so far as applicable, except as otherwise herein provided.

Subd. 2. **Commissioner to act as agent for the United States.** The commissioner of administration is authorized and empowered to cooperate with and act

as agent for the United States of America in the collection of any tax now or hereafter imposed by the United States of America upon any officer or employee of the state of Minnesota or his salary or wages which is to be collected by withholding it from the salary or wages of the officer or employee. The head of each department of the state is hereby required to cause such tax to be withheld by causing the necessary deduction to be made from the salary or wages of each of said persons on every payroll abstract and to approve one voucher payable to the state treasurer, custodian, victory tax fund, for the aggregate amount so deducted from the salaries or wages covered by said payroll abstract, provided that deductions from salaries or wages of officers or employees paid direct by any institution or agency of the state shall be made by the officer or employee authorized by law to pay such salaries or wages. Whenever an error has been made with respect to a deduction hereunder, proper adjustment shall be made by decreasing or increasing subsequent deductions. All warrants and checks for deductions hereunder shall be remitted promptly to the state treasurer who shall deposit the amount thereof to the credit of the victory tax fund. The money so deposited with the state treasurer shall be paid out upon authorization of the commissioner of administration by state warrant payable to the proper federal authority or such other person as may be authorized by law of the United States of America to receive the same. Such portion of said fund as may be necessary to discharge the obligation of the State of Minnesota to the United States of America now or hereafter imposed by any law of the United States of America requiring deductions from salaries or wages is hereby appropriated for such purpose.

Subd. 3. Commissioner to make reports. The commissioner of administration shall, as required by proper federal authority, make all necessary reports of deductions made hereunder and cause the moneys so deducted to be paid out as herein provided.

Subd. 4. Officers and employees to report to commissioner as required. All officers and employees shall prepare and transmit to the commissioner of administration such information and forms as he may require for the purposes of this section.

[1943 c 1 s 1-4]

16.63 SALARY DEDUCTIONS, AUTHORIZATION. Every officer and employee of the state may purchase and pay for bonds, stamps, and other securities issued by the federal government by directing in writing to the appropriate officer of the department where he is employed that deductions of the amount specified by him be made from his salary. The head of each department of the state is hereby required to cause such deduction to be made from the salary of each said persons on every payroll abstract and to approve one voucher payable to the state treasurer for the aggregate amount so deducted from the salaries covered by said payroll abstract, provided that deductions from salaries of officers or employees paid direct by any institution or agency of the state shall be made by the officer or employee authorized by law to pay such salaries, and remitted by him to the director by check payable to the state treasurer with a statement showing the amount of each of such deductions and the names of the officers and employees on whose account the same have been made. The money so deposited with the state treasurer shall be paid out on authorization of the governor by state warrant payable to the proper federal authority or to the officer or employee from whose salary the money was deducted, as the case may require.

[1951 c 678 s 1]

16.64 STAMPS. Subdivision 1. As used in this section "stamps" includes all liquor stamps, fermented malt beverage stamps, and other stamps, tokens, or forms evidencing the payment of taxes or fees of any kind due to the state.

Subd. 2. All officers and members having custody of these stamps shall be accountable therefor at all times. They shall keep such records and make such reports as the state auditor directs.

Subd. 3. Upon purchasing or contracting for these stamps, the commissioner of administration, with the advice and approval of the state treasurer, shall designate and design the form and denomination thereof, prescribe such requirements, and provide for such supervision of the manufacture and delivery thereof as is necessary to prevent forgery, misappropriation, and fraud. The printer or manufacturer of any stamps, shall deliver the stamps upon completion to the officer or employee of the state entitled to their custody. At the time of delivery he shall execute in tripli-

cate a sworn statement stating the kind and number of the articles printed or manufactured and delivered, the precautions taken to prevent forgery, misappropriation, and fraud in connection therewith, and such other information as is required by the commissioner of administration and the state treasurer. One statement shall be delivered with the article described therein to the officer or employee of the state receiving the articles, one to the commissioner of administration, and one to the state auditor. No claim for payment for any such articles shall be allowed until these statements are delivered.

Subd. 4. All stamps which are salable for cash without further certification or authentication shall be delivered, when printed or manufactured, to the state treasurer, who shall have the exclusive right to sell them.

Subd. 5. Other stamps shall be delivered to and issued by the state treasurer. The state treasurer shall issue daily duplicate reports to the state auditor and liquor control commissioner showing the sales of stamps, the denominations thereof, and the persons purchasing them.

Subd. 6. Refunds to any purchaser for money paid for any stamps returned unfit for use or otherwise unused may be made upon such proof as is required by the state auditor. If the state auditor finds the proof to be correct, he may draw his voucher upon the state treasurer for the amount to be paid.

Subd. 7. The forging, with intent to defraud, of any stamp, evidencing, or intending to evidence, the payment of any tax or fee due to the state or any plate, die, or other device for the printing or manufacture of any such stamp is forgery. Every such stamp which is salable for cash, without further authentication or certification for the purposes of payment of any such tax or fee is deemed to be of the value of the amount of money designated thereon and for which the same is salable, and theft thereof is punished accordingly.

Subd. 8. The provisions of this section shall not exclude the application of any other laws, not inconsistent herewith, relating to the same subject matter, but are supplementary thereto.

[1955 c 863 s 21; 1965 c 35 s 1]

16.66 PRESERVATION OF DOCUMENTS. Subdivision 1. **Lamination process.** The commissioner of administration shall acquire necessary machinery and equipment to provide for the effective preservation of documents by a process of lamination and shall provide an operator therefor who shall be in the classified service of the state under the state archivist.

Subd. 2. **Documents treated for preservation.** Upon request made by any department head of a state agency, or by the governing body of any governmental subdivision of the state, the commissioner of administration shall treat any document for preservation by lamination.

Subd. 3. **Fee schedule.** The commissioner of administration shall determine and publish a fee schedule to be charged the department or agency or governmental subdivision for the service of documentary preservation authorized by this section. The schedule shall be reasonably calculated to provide the service at cost to public agencies.

Subd. 4. **Privately-owned documents preserved.** Any privately-owned document may be laminated by the commissioner of administration upon payment of the fees specified therefor in regulations at the same rate as public documents, if the commissioner determines that such privately-owned documents are affected with a public interest in their preservation.

[1955 c 724 s 1-4]

16.71 STATE EMPLOYEES MERIT AWARD BOARD. Subdivision 1. **Membership.** Within the office of the commissioner of administration is created and established the Minnesota State Employees Merit Award Board, herein called the board, composed of five members, appointed by the governor, each of whom is a state officer or employee. The term of the first board shall begin July 1, 1955, and expire February 1, 1957. Thereafter terms of office shall be two years. Members shall be appointed by the governor and serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of duty. Vacancies in membership shall be filled by appointment of the governor for the remainder of the unexpired term. The board shall annually elect a member to be chairman.

Subd. 2. **Duties.** The board shall

(1) formulate, establish and maintain plans to encourage and reward unusual

and meritorious suggestions and accomplishments by state employees promoting efficiency and economy in state government;

(2) appoint committees to consider suggestions and accomplishments of state employees, make recommendations thereon to the board;

(3) render merit awards to state employees in accordance with such plans.

Subd. 3. Assistance. The commissioner of administration shall assign for the use of the board such personnel, facilities, and equipment required for the proper performance of its work. The commissioner of administration, on behalf of the board, may require assistance from any state department of any of its personnel and facilities.

Subd. 4. Awards. The board may determine the nature and extent of the merit awards to be made under this section which may include, but shall not be limited to, the following:

(1) Certificates, medals and other appropriate insignia;

(2) Cash awards.

Subd. 5. Rules. The board shall have power to adopt and promulgate rules and regulations governing the operation of plans established under this section, the eligibility and qualifications of state employees participating therein, the character and quality of suggestions and accomplishments submitted for consideration, the method of their submission and the procedure for their review nominations for merit awards, and the kind and value of such awards, and such other rules and regulations as may be deemed necessary or appropriate for the proper administration of this section and for the accomplishment of the purposes thereof.

[1955 c 753 s 1-5]

16.72 STATE PARKING FACILITIES. Subdivision 1. **Powers and duties of commissioner of administration.** No motor vehicle, either privately or publicly owned, may be parked upon any parking lot or facility owned or operated by the state of Minnesota except as authorized by this section. The operation and supervision of all such parking lots and facilities are vested in the commissioner of administration. He may fix and collect rents, charges, or fees in connection with and for the use of any parking lot or facility so owned and operated by the state within the cities of St. Paul and Minneapolis; provided, that this shall not apply to any such lot or facility the control of which is vested by law in a state agency other than the department of administration.

The commissioner may purchase and furnish suitable uniforms for employees of the department who are engaged in activities related to section 16.72, for which a uniform is desirable and necessary in the opinion of the commissioner. There is annually appropriated to the commissioner, from moneys collected as parking lot rents, charges, and fees, sufficient money to purchase and furnish such uniforms.

Subd. 2. Rules and regulations. The commissioner of administration may adopt and enforce rules and regulations governing the parking of motor vehicles upon any such parking lot or facility so owned and operated by the state. Such rules and regulations shall be enacted in conformity with law and copies thereof shall be posted at every parking lot and facility the operation and use of which is governed by such rules and regulations.

Subd. 3. Removal and impounding of vehicles. Any motor vehicle parked upon any parking lot or facility owned and operated by the state not in conformity with the rules and regulations of the commissioner of administration governing the operation and use thereof shall be deemed a public nuisance and the commissioner of administration shall provide for the abatement of such nuisance by rules and regulations, including provision for the removal and impounding of such motor vehicle. The cost of such removal and impounding shall be a lien against the motor vehicle until paid.

Subd. 4. Violations. Any person, state official, elective or appointed, firm, association, or corporation which violates any of the provisions of this section or any rule or regulation made by the commissioner of administration hereunder is guilty of a misdemeanor and upon conviction thereof shall be punished in the manner provided by law.

Subd. 5. Moneys collected. All moneys collected by the commissioner of administration as rents, charges, or fees in connection with and for the use of any parking lot or facility are appropriated to the commissioner of administration for the purpose of operating, maintaining, and improving parking lots or facilities owned or operated by the state of Minnesota and to carry out the purposes of this section.

Subd. 6. **Legislative parking resolutions.** The provisions of this section shall not affect rules of parking adopted by resolution of the legislature during legislative sessions.

[1957 c 575 s 1-3; 1959 c 192 s 1; 1965 c 823 s 1; 1969 c 152 s 1, 2]

16.73 SALE OF UNUSED EQUIPMENT, PROCEEDS. Whenever the commissioner of administration sells supplies, materials and equipment of any state department or agency which are surplus, obsolete or unused, the proceeds of such sale are hereby appropriated to the department or state agency for whose account such sale was made to be used and expended by such department or agency for the purchase of similar needed supplies, materials and equipment at any time during the biennium in which the sale occurred.

[1957 c 142 s 1]

16.75 CENTRAL MOTOR POOL, ESTABLISHMENT. Subdivision 1. The commissioner of administration as soon as practicable shall establish a central motor pool of passenger motor vehicles, and pick up and panel trucks of not more than one ton carrying capacity each, hereinafter referred to in this section as trucks, used by departments and agencies of the state government having the principal offices in the city of St. Paul and may provide for branch central motor pools at other places within the state.

Subd. 2. The commissioner of administration may direct any state department or agency to transfer to him any passenger motor vehicle or truck presently assigned to it for the central motor pool or any branch thereof. To the extent that funds are available therefor the commissioner may purchase or otherwise acquire additional passenger motor vehicles and trucks as he may deem necessary for the central motor pool or any branch thereof. The title to all motor vehicles assigned to or purchased or acquired for the central motor pool or any branch thereof shall be in the name of the department of administration.

The commissioner of administration upon request of any department or agency may transfer to the central motor pool any passenger motor vehicle or truck for the purpose of disposing of it. The department or agency transferring such vehicle or truck shall be paid therefor from the motor pool revolving account established by section 16.77 in an amount equal to two-thirds of the average wholesale price of such vehicle or truck as determined from the midwest edition of the National Automobile Dealers Association official used car guide.

Subd. 3. The commissioner of administration shall be responsible for the control, regulation, acquisition, operation, maintenance, repair, and disposal of all motor vehicles of the central motor pool or any branch thereof. The commissioner of administration may employ a director and such other personnel as may be necessary for the operation of the central motor pool or any branch thereof. All personnel so employed are in the classified service.

Subd. 4. The commissioner of administration may contract with the head of any state department or agency operating facilities available for the maintenance, repair, and storage of state-owned motor vehicles so as to provide for maintenance, repair, and storage of motor vehicles of the central motor pool or any branch thereof. He may also maintain or contract with any person in the manner provided by law for such storage and repair facilities as he may deem necessary for the motor vehicles of the central motor pool and any branch thereof, and may provide for or contract with any person in the manner provided for by law providing reasonable maintenance, repair, or storage facilities in connection therewith.

All moneys received by the head of any department or agency pursuant to a contract with the commissioner of administration are annually appropriated to said head of the department or agency for the same purposes as funds expended by him for the operation of state-owned facilities for the maintenance, repair, and storage of vehicles.

Subd. 5. The motor vehicles in the central motor pool or any branch thereof shall be available for official state business only. Each state department and agency requiring the services of a motor vehicle shall requisition it from the central motor pool or any branch thereof on either a temporary or permanent basis. No privately owned motor vehicle shall be used for official state business except when authorized by the commissioner of administration.

Subd. 6. Each state department or agency using the facilities of the central motor pool or any branch thereof shall reimburse the commissioner of administration for the services provided in accordance with the schedule of charges which

the commissioner of administration shall establish. Such schedule of charges shall include reasonable overhead costs including vehicle depreciation and other costs, including public liability or property damage insurance, incurred in the operation of the central motor pool, or any branch thereof.

Subd. 7. The commissioner of administration shall establish all rules and regulations necessary for the efficient and economical operation, maintenance, repair, and replacement of state-owned motor vehicles in the central motor pool or any branch thereof. The regulations shall include the requirements for keeping records and reports and all schedules used as a basis for charging departments and agencies for the services furnished. They shall also provide for periodic reimbursements by the department or agency using the motor pool services. The commissioner of administration by rule or regulation shall also provide for the uniform marking and coloring of all such motor vehicles. The provisions of the Administrative Procedures Act shall not apply to such rules and regulations.

Subd. 8. The provisions of this section shall not apply to motor vehicles of the highway patrol, the university of Minnesota, or to motor vehicles of any other department or agency which are specially equipped for the needs of such department or agency.

[1961 c 575 s 1; 1963 c 398 s 1; 1965 c 824 s 1; 1969 c 111 s 1-5]

16.76 REIMBURSEMENTS TO DEPARTMENTS OR AGENCIES. The commissioner of administration shall reimburse any department or agency whose motor vehicles have been paid for with funds dedicated by the constitution for a special purpose and which are assigned to the central motor pool or any branch thereof. The amount of reimbursement for any such motor vehicle shall be the average wholesale price therefor as determined from the midwest edition of the national automobile dealers association official used car guide. The sum of \$400,000 or so much thereof as may be necessary is appropriated to the commissioner of administration from the general fund in the state treasury for the purpose of this section.

[1961 c 575 s 2; 1969 c 399 s 1]

16.77 APPROPRIATIONS. A motor pool revolving account is established in the state treasury. All moneys or reimbursements received by the commissioner of administration from the operation of the central motor pool or any branch thereof shall be deposited in the state treasury and credited to this account. The sum of \$438,000 is hereby appropriated from any moneys in the state treasury, not otherwise appropriated, to the central motor pool account in the state treasury. All moneys in the state treasury credited to the central motor pool account are annually appropriated to the commissioner of administration for the purpose of carrying out the terms and provisions of section 16.75. Whenever the unobligated amount of money in the state treasury credited to the motor pool revolving account exceeds the sum of \$438,000 at the end of any fiscal year, the unobligated amount in excess thereof shall be transferred to the general fund in the state treasury.

[1961 c 575 s 3; 1969 c 399 s 1]

16.78 GASOLINE AND PETROLEUM PRODUCTS, SOURCE OF SUPPLY FOR STATE AGENCIES AND DEPARTMENTS. Subdivision 1. The commissioner of administration may require a department or agency having facilities for the storage and distribution of gasoline and other petroleum products to furnish gasoline and other petroleum products to any other department or agency and shall require payment to compensate for the cost of such products. The commissioner shall prescribe all procedures for the guidance of state departments and agencies in carrying out the requirements of section 16.78.

Subd. 2. Moneys paid by one department or agency to another department or agency to compensate for the cost of products furnished under subdivision 1 are hereby annually appropriated to the department which furnishes such products.

[1961 c 600 s 1]

16.80 CENTRAL SERVICES REVOLVING FUND. Subdivision 1. There is appropriated to the commissioner of administration annually all moneys in the central services revolving fund in the state treasury, which fund is hereby created. The following enumerated items are hereby transferred to and deposited in such revolving fund:

The balances of moneys heretofore appropriated and originating with:

\$5,000 from the state institutions contingent fund (in 1918) for the purposes of Laws 1917, Chapter 174.

\$5,000 from the state institutions contingent fund (in 1920) for the purposes of Laws 1917, Chapter 174.

\$15,000 by Laws 1941, Chapter 548, Section 22(5).

\$20,000 by Extra Session Laws 1951, Chapter 1, Section 24(3).

\$17,500 by Laws 1957, Chapter 929, Section 17(6) and fees of the commissioner of administration for copies of documents and records appropriated by Minnesota Statutes, Section 16.026.

\$10,000 from the general contingent fund to the state department revolving fund on June 7, 1960.

\$30,000 for the Minnesota administrative rules revolving fund by Minnesota Statutes, Section 15.047, Subdivision 3.

\$1,500 for a revolving fund for republishing the official state capitol guide books and history by Laws 1937, Chapter 396.

\$250,000 for a state department revolving fund by Laws 1957, Chapter 929, Section 17(11).

Deposits for postage obligations appropriated by Minnesota Statutes, Section 16.56.

All fees prescribed by Laws 1955, Chapter 847, and other provisions of the law not inconsistent therewith for the rendering of the services therein provided shall be deposited in the state treasury by the collecting department or agency and credited to the central services revolving fund.

All moneys in the state treasury credited to the central services revolving fund and any moneys which may hereafter be deposited therein are hereby appropriated annually to the commissioner of administration for the following purposes:

- (a) The operation of a central store and equipment service;
- (b) The operation of a central duplication and reproduction service;
- (c) The purchase of postage and related items, and the refund of postage deposits, necessary to the operation of a central mailing service;
- (d) The operation of a documents service as prescribed by section 16.026;
- (e) The publication of administrative rules and regulations as prescribed by section 15.047;
- (f) The publication of the official state capitol guide books and history as prescribed by Laws 1937, Chapter 396, as amended;
- (g) The performing of services for any other state department or agency in conformity with Laws 1957, Chapter 929, Section 17(11).

The portions of the central services revolving fund utilized for computer services and heretofore transferred to the computer services revolving fund in the state treasury in accordance with the provisions of Extra Session Laws 1967, Chapter 48, Section 20, Subdivision 13, Clause c. shall continue to be part of such computer services revolving fund. All moneys in the computer services revolving fund are appropriated annually to the commissioner of administration for the operation of the division of computer services.

The remaining portions of the central services revolving fund heretofore transferred to the general services revolving fund in the state treasury at the time the computer services revolving fund was established shall continue to be part of such general services revolving fund. All moneys in the general services revolving fund are appropriated annually to the commissioner of administration for the operation of the division of publications and central services.

The payroll clearance revolving fund in the state treasury established at the time the computer services and general services revolving funds were established shall continue to be used for the purpose of paying the salaries and wages of officers and employees of the state government. The payments made from the payroll clearance revolving fund shall be reimbursed from the salary accounts against which the payments are a proper charge. The state treasurer may borrow from other public funds in the state treasury such sums of money as are necessary to make the payments from the payroll clearance revolving fund until such fund is reimbursed from the appropriate salary accounts; provided, however, that no fund shall be so impaired thereby that all proper demands cannot be met.

Except as specifically provided for by other statutory provisions, each department or agency shall reimburse the computer services and general services revolving funds for the cost of all services, supplies, materials, labor and depreciation of equip-

ment including reasonable overhead costs which the commissioner of administration is authorized and directed to furnish a department or agency. The cost of all publications or any other materials which may be produced by the commissioner of administration and financed from the general services revolving fund shall include reasonable overhead costs. The state auditor shall make appropriate transfers to the revolving funds described in this section when requested by the commissioner of administration. The commissioner of administration may make allotments, encumbrances, and, with the approval of the state auditor, disbursements in anticipation of such transfers. In addition, the commissioner of administration may require a department or agency to make advance payments to any of the aforesaid revolving funds sufficient to cover the department's or agency's estimated obligation for a period of at least 60 days. All such reimbursements and any other moneys received by the commissioner of administration under this section shall be deposited in the appropriate revolving fund.

Subd. 2. In the event the computer services or general services revolving fund is abolished or liquidated, the total net profit from the operations of each fund shall be distributed to the various funds from which purchases were made. The amount to be distributed to each fund shall bear to such net profit the same ratio as the total purchases from each fund bears to the total purchases from all the funds during such period of time as shall fairly reflect the amount of net profit each fund is entitled to receive under the distribution required herein.

[*Ex 1961 c 88 s 64; 1967 c 293 s 1; 1969 c 553 s 1, 2*]

16.81 MISUSE OF STATE PUBLICATIONS BY STATE OFFICERS. Subdivision 1. No elected, administrative, or executive officer of the state, shall cause to be printed, nor shall the commissioner of administration authorize the printing of, official reports and other publications intended for general public circulation except those authorized by law or included in the intent of the appropriation out of which the cost will be defrayed; and executive officers shall, before presenting their annual reports and other publications to the commissioner of administration, examine the same and exclude therefrom pictures of elected and administrative officials, and any other pictorial device calculated to or tending to attribute the publication to an individual instead of the department of state government from which it emanates. All other engravings, maps, drawings and illustrations shall be excluded from such reports and publications, except as the executive officers shall certify when presenting such reports for printing, are necessary and relate entirely to the transaction of the state's business, or are reasonably required to present for clear understanding the substance of the report.

Subd. 2. A report for publication authorized by law and paid for from public funds shall carry the imprimatur of the department or the office under whose authority it is issued, but it shall not carry the name of an official in any way that might infer attributing the publication to any person, except where certification of the officer is required for authenticity of the document.

Subd. 3. No report or publication distributed by or from an administrative or executive officer shall contain any notice that the same is sent with "the compliments" and shall not carry letters of personal greeting from an official.

Subd. 4. This section does not apply to the legislative manuals as provided in Minnesota Statutes, Chapter 5.

[*1963 c 100 s 1*]

16.811 PUBLICATIONS BY DEPARTMENT OF ADMINISTRATION. Notwithstanding the provisions of section 16.81, or any other law relating to the subject matter of this section, the department of administration may continue to publish reports, documents, and related materials of the same nature described in its catalogs of Minnesota state publications.

[*1965 c 901 s 64*]

16.82 STATE BUILDINGS, DISPOSAL OF OLD BUILDINGS. Subdivision 1. The commissioner of administration, upon request of the head of a state agency or department having control of a state owned building which is no longer used and which is a fire or safety hazard, shall, after obtaining approval of the legislative building commission, sell, wreck, or otherwise dispose of such building.

Subd. 2. In the event a sale is made the proceeds shall be deposited in the proper account, or in the general fund.

[*1963 c 463 s 1; 1969 c 227 s 1; 1969 c 399 s 1*]

16.83 STATE BUILDING CODE; POLICY. Sections 16.83 to 16.87 are enacted to enable the commissioner of administration to promulgate a state building code in accordance with the provisions hereof, which code shall govern the construction, reconstruction, alteration, and repair of state-owned buildings and other structures to which the code is applicable. Sections 16.83 to 16.87 also will permit certain governmental subdivisions to adopt the provisions thereof.

[1965 c 623 s 1]

16.84 DEFINITIONS, STATE BUILDING CODE. Subdivision 1. For the purposes of sections 16.83 to 16.87 the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner" means the commissioner of administration.

Subd. 3. "Municipality" means a city, village, borough, county, town acting through its town board or other instrumentality of state government otherwise authorized by law to enact a building code.

Subd. 4. "Code" means the state building code or any amendment thereof promulgated by the commissioner in accordance with the terms of sections 16.83 to 16.87.

Subd. 5. "State-owned buildings" means all buildings and structures financed in whole or in part by state funds and which are under the exclusive jurisdiction and custodial control of one or more state departments or agencies.

[1965 c 623 s 2; 1969 c 850 s 1]

16.85 POWERS OF COMMISSIONER, STATE BUILDING CODE. Subdivision 1. Subject to the provisions of section 16.86 the commissioner shall prepare and publish a code of rules, regulations, and standards for the construction, reconstruction, alteration, and repair of state-owned buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety. The commissioner may amend such code from time to time in the same manner as provided in sections 16.83 to 16.87 for the promulgation of the initial code. The code and any amendment thereof shall conform insofar as practicable to model building codes generally accepted and in use throughout the United States. In the preparation of the code consideration shall be given to the existing state-wide specialty codes presently in use in the state of Minnesota. Such model codes with modifications as may be deemed necessary and state-wide specialty codes may be adopted by reference. The code so promulgated and any amendments thereof shall be based on the application of scientific principles, approved tests, and professional judgment; and to the extent that it is practical so to do the code shall be promulgated in terms of desired results instead of the means of achieving such results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code shall encourage the use of new methods and new materials.

Subd. 2. Within the department of administration the commissioner may appoint a director and such employees as he may deem necessary to carry out the work necessary to promulgate a code, and he may contract in the name of the state for such persons or for such work as may be necessary in performing his duties under sections 16.83 to 16.87. Personnel employed within the department shall be in the unclassified service of the state; any contracts for professional assistance and service he would make, however, shall not be subject to provisions of law relating to competitive bidding.

Subd. 3. The commissioner shall appoint such advisory committees as he deems necessary with whom he shall consult in connection with the promulgation and amendment of the code. The members of such advisory committees shall be representative of the construction design profession, building trades, construction contractors, the public, and governmental or other agencies or associations who are experienced in the field of building construction or regulation, and the commissioner in the selection of such advisory committee shall, as far as practicable, give each segment of the construction industry equal representation.

Subd. 4. Whenever the commissioner amends the code he shall mail at least four copies of the amendments to all political subdivisions that have adopted the code or any part thereof and have advised the commissioner of such adoption. Such amendment shall become effective in such political subdivisions only after it has been duly adopted by its governing body in accordance with law.

[1965 c 623 s 3; 1969 c 850 s 2]

16.86 APPLICATION OF ADMINISTRATIVE PROCEDURE ACT; ENFORCEMENT. Subdivision 1. Except as herein provided the commissioner shall be subject to the provisions of the administrative procedure act and review and the code or any amendment thereof shall go into effect in accordance with the provisions of such act.

Subd. 2. The commissioner shall not be required to publish or distribute those parts of the code which are adopted by reference, and publication within the meaning of the administrative procedures act shall nevertheless be deemed complete. The commissioner shall publish with the code and annually thereafter a list of places where copies of those parts of the code adopted by reference may be obtained together with the approximate cost thereof.

Subd. 3. The commissioner shall file one copy of the complete code with the secretary of state, provided that all standards referred to in any model or state-wide specialty code or any of the modifications thereto need not be so filed. All standards referred to therein shall be kept on file and available for inspection in the office of the commissioner.

Subd. 4. The commissioner may hold joint hearings with any other state department or agency whenever the department or agency proposes to amend its rules and regulations which are incorporated by reference into the code or whenever the commissioner proposes to incorporate such regulations into the code.

Subd. 5. As applied to state-owned buildings, the provisions of the code relating to electrical installations shall be enforced by the state board of electricity, the provisions relating to plumbing shall be enforced by the state board of health, the provisions relating to fire protection shall be enforced by the state fire marshal, the provisions relating to high pressure steam piping and appurtenances and elevators shall be enforced by the department of labor and industry, and the code as applied to public school buildings shall be enforced by the state board of education. Fees for inspections conducted by the state board of electricity shall be paid on an hourly basis in accordance with the rules and regulations of the state board of electricity provided the maximum fee for any such inspection shall be established by the state architect based on the cost of the electrical installation.

[1965 c 623 s 4; 1969 c 850 s 3]

16.87 ADOPTION OF BUILDING CODE BY MUNICIPALITIES. The state building code shall have no application to other than state-owned buildings in a municipality unless the governing body of the municipality adopts the state building code or any part thereof by reference as a code within the meaning of section 471.62; provided that the state board of education may adopt the code and apply it to public school buildings in the same manner as the code applies to state-owned buildings. State-owned buildings and structures shall not be subject to any ordinance, rule, regulation, or standard of any political subdivision of the state. State-owned buildings shall be exempt from all permit, inspection, and license fees except as otherwise provided in section 16.86, subdivision 5.

[1965 c 623 s 5; 1969 c 850 s 4]

16.871 STATE CEREMONIAL BUILDING; STATEMENT OF PURPOSE AND LEGISLATIVE INTENT. Whereas it is in the public interest that a proper building be provided for official public use and other ceremonial state functions, it is the intent of the legislature that the state own such a ceremonial building, and that living quarters may be incidentally provided in such building for the governor. It is the intent of the legislature that such incidental living quarters as may be provided in such building are not an emolument of the office of the governor under Article IV, section 9 of the state constitution because the official use and ceremonial functions that will be carried on in such building are essential to the proper function of the chief executive and the benefits to be derived by the chief executive are too remote and contingent to constitute emoluments within the meaning of the constitution.

[1965 c 684 s 1]

16.872 ACCEPTANCE OF STATE CEREMONIAL BUILDING; USE; MAINTENANCE. Subdivision 1. The commissioner of administration may accept, on behalf of the state, on such terms and conditions as the donor may prescribe, a building to be used as a state ceremonial building. Such building shall be used for official ceremonial functions of the state, and space shall be provided for suitable living quarters for the governor of the state.

Subd. 2. The commissioner of administration shall maintain such building in the same manner as other state buildings are maintained and shall rehabilitate, decorate, and furnish such ceremonial building, and in carrying out such decoration and furnishing shall consult with the State Fine Arts Council, but their opinion shall be advisory only.

[1965 c 684 s 2]

16.873 [Expired]

16.88 UTILITY COMPANIES, PERMITS TO CROSS STATE OWNED LANDS.

Subdivision 1. Except where the authority conferred by this section has been imposed on some other state or county office, the commissioner of administration may grant an easement or permit over, under, or across any land owned by the state, other than land under the jurisdiction of the commissioner of natural resources and other than land obtained for trunk highway purposes, for the purpose of constructing roads, streets, telephone, telegraph, and electric power lines, cables or conduits, underground or otherwise, or mains or pipe lines for gas, liquids, or solids in suspension. Such an easement or permit shall be revocable by written notice given by the commissioner if at any time its continuance will conflict with a public use of the land over, under, or upon which it is granted; or for any other reason. Such notice shall be in writing and shall be effective 90 days after the mailing thereof addressed to the record holder of the easement at his last known address by certified mail. If the address of the holder of such easement or permit is not known it shall expire 90 days after said notice is recorded in the office of the register of deeds of the county in which the land is located. Upon revocation the commissioner may allow a reasonable time to vacate the premises affected. State lands subject to an easement or permit granted by the commissioner shall remain subject to sale or lease, and such sale or lease shall not serve to revoke the permit or easement granted.

Subd. 2. In the event the easement or permit involves any land under the jurisdiction of a department, agency, or board other than the department of administration, it shall be subject to the approval of the head of such department, agency, or board, and shall be subject to cancellation by the commissioner of administration as herein provided, upon request of the head of such department, agency, or board.

Subd. 3. The application for easement or permit shall be in quadruplicate, and there shall be included with each application, a legal description of the lands affected, accompanied by a map showing the area affected by such easement or permit, and a detailed design of any structures to be placed therein; or in lieu thereof shall be in such other form, and include such other descriptions, maps or designs, as the commissioner in his discretion may require. The commissioner may at any time order such changes or modifications respecting construction or maintenance of structures or other conditions of the easement as he deems necessary to protect the public health and safety.

Subd. 4. Such easement or permit shall be in a form prescribed by the attorney general, shall describe the location of the easement thereby granted and shall continue until canceled by the commissioner, subject to change or modification as herein provided.

Subd. 5. The granting of such easement or permit shall be for such consideration and upon such terms and conditions as the commissioner may prescribe. All moneys received by the state under this section shall be credited to the fund to which income or proceeds of sale from such land would be credited, if provision therefor be made by law, otherwise they shall be credited to the general fund.

[1967 c 536 s 1; 1969 c 399 s 1; 1969 c 1129 art 3 s 1]

16.89 FACSIMILE SIGNATURES. When authorized by the commissioner of administration facsimile signatures may be used by personnel of the department of administration in accordance with his delegated authority and his instructions, copies of which shall be filed with the state auditor, state treasurer, and the secretary of state. Such facsimile signature when used in accordance with his delegated authority and his instructions are as effective as an original signature.

[Ex1967 c 48 s 95]