

CHAPTER 16

DEPARTMENT OF ADMINISTRATION

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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 shall be appointed by the governor, by and with the advice and consent of the senate. The term of the first commissioner appointed hereunder shall expire February 1, 1941, and succeeding terms shall be two years thereafter. The governor may remove the commissioner at any time for cause, after notice and hearing. The commissioner shall receive a salary of \$6,000 a year, payable semimonthly.

[1939 c. 431 art. 2 s. 1] (53-4a)

16.02 POWERS AND DUTIES. Subject to other applicable provisions of sections 16.01 to 16.23 and to other laws not inconsistent therewith, the commissioner shall have the following powers and duties respecting all agencies of the state:

(1) 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;

(2) 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;

(3) 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;

(4) 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;

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(5) To maintain and operate the state capitol building, state office building, historical society 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;

(6) 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;

(7) 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;

(8) 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;

(9) 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 emergency committee, the commissioner may lease land or premises for a term not exceeding five years, subject to cancelation upon 30 days' written notice by the state for any reason except rental of other land or premises for the same use;

(10) To prepare a biennial budget, under the supervision of the governor-elect;

(11) To operate the allotment system;

(12) To provide for the printing and distribution of the session laws, (the legislative manual,) 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 the same, avoid duplications, and make the same useful and informative to the public; (subject to the following restrictions and requirements:

(a) 25,000 copies of the legislative manual shall be printed and distributed as follows:

(1) 50 copies to the president of the senate and to each member of the legislature and 50 copies to the state historical society;

(2) Five to the state university;

(3) Three to the state library;

(4) Two to each of the following: the library of congress, the Minnesota soldiers' home, the state normal schools, the state high schools, the public academies, seminaries and colleges of the state, and the free public libraries thereof;

(5) One to each of the following: the state institutions not hereinbefore mentioned, the elective state officials, the appointed heads of departments, the officers and employees of both houses of the legislature, the supreme and district court judges, the senators and representatives in congress from this state, and the several county auditors;

(6) Each county superintendent of schools, one copy for each public school in his county; and

(7) There shall be retained for distribution to members of the next succeeding legislature 275, and the remainder may be disposed of as the commissioner shall deem best;

(b) As soon as practicable after the adjournment of each legislative session, the laws and joint resolutions passed thereat shall be published by the commissioner in the general form heretofore adopted, with suitable head-lines and marginal notes, and indexed by the commissioner, with the assistance and advice of the attorney general, and each volume of such session laws shall have a full and complete index of the laws of the session, each index of each volume of session laws hereafter published to give briefly subject matter of law, reference to year, chapter, and section of session laws, and to sections of the revised laws of 1927,

altered, repealed, or amended, and a reference by chapter and year to the session laws of 1927 and subsequent years, altered, amended, or repealed; when any law enacted by the legislature amends a statute contained in a compilation of the general statutes of the state, but fails to refer to the section of such last compilation of general statutes, the commissioner, with the assistance and advice of the attorney general, shall note at the head of the law, as printed, the number of the section of the general statutes in which the amended law is contained; unless otherwise prescribed by law, the number of copies and the manner and terms of disposition of the same shall be determined by the commissioner; provided that 100 copies shall be assigned to the state university for the use of its law library; and, if the legislature shall appropriate money for the publication of such session laws in the newspapers, the commissioner shall apportion the same equitably among such qualified newspapers as may make publication thereof within a time and in a manner by him directed or approved;

(13) 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 conservation, or to property under the jurisdiction of the department 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;

(14) 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;

443-259 / (15) 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;

(b) The motor vehicle department may continue to fill in the necessary data on automobile 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;

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

4 pages or less, not to exceed 5,000 copies;

Over 4 pages and not to exceed 24 pages, 1,000 copies;

Over 24 pages and not to exceed 50 pages, 750 copies;

Over 50 pages, not to exceed 500 copies.

(16) To distribute all public printing to officers, organizations, agencies, and persons entitled thereto;

(17) To sell all public books and documents which are subject to sale;

(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;

(19) To purchase from the state penal institutions and other state institutions all articles manufactured by them which are usable by the state;

(20) To make rules and regulations relative to travel of state officers and employees on state business and the expenses incurred thereon;

(21) To make rules and regulations relative to the expenses 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.

[1939 c. 431 art. 2 s. 3; 1941 c. 381; 1941 c. 392] (53-18b)

Note—This section appears to supersede the provisions of sections 16.04 and 16.05.

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

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Subdivision 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.

Subdivision 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 TO PURCHASE SUPPLIES AND MATERIALS. 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.

Subdivision 2. **Emergency purchases.** Under rules and regulations prescribed by him, the commissioner may purchase or may authorize any agency to purchase directly any supplies, materials, equipment, or utility services for immediate use in emergencies, without calling for bids; provided, that the conditions constituting an emergency shall be defined by regulation.

Subdivision 3. **Manner of purchasing, 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] (53-18e)

16.07 COMPETITIVE BIDS. Subdivision 1. **Application.** Except as otherwise provided by sections 16.01 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.

Subdivision 2. **Publication of notice for bids.** If the amount of the expenditure or sale is estimated to exceed \$500.00, sealed bids shall be solicited by public notice inserted once each week for two successive weeks in a newspaper or trade journal of general circulation in the territory from which bids are likely to be received 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.

Subdivision 3. Posting of notice. All purchases or sales estimated to exceed in amount \$200.00 but not to exceed \$500.00, 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.

Subdivision 4. Competitive bids or open market. All purchases or sales the amount of which is estimated to be less than \$200.00 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 \$200.00 in any 30-day period shall be made in accordance with rules prescribed by the commissioner.

Subdivision 5. Standard specifications. 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, and shall be accompanied by a certified check in such amount as the commissioner shall prescribe.

Subdivision 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.

[1939 c. 431 art. 2 s. 7; 1941 c. 281; 1941 c. 478] (53-18f)

16.08 CONTRACTS AND PURCHASES. 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. The commissioner may reject the bid of any bidder who has failed to perform a previous contract with the state. 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] (53-18g)

16.09 CONTRACTS AND LEASES APPROVED BY ATTORNEY GENERAL. 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)

16.10 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 thereon that the appropriation and allotment have been encumbered for the full amount of the contract liability.

[1939 c. 431 art. 2 s. 10] (53-18i)

16.11 MEMBERS OF DEPARTMENT NOT TO HAVE 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)

16.13 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)

16.14 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.

Subdivision 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.

Subdivision 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.

[1939 c. 431 art. 3 s. 14] (53-18m)

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.

Subdivision 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 revenue fund, and shall include the estimated amounts of federal aids, for whatever purpose provided, together with estimated expenditures therefrom.

Subdivision 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.

Subdivision 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] (53-18n)

16.16 QUARTERLY 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 six months nor extending beyond the end of the fiscal year.

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. 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 dispense 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.

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.

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.

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.

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.

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.

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 void. 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.

[1939 c. 431 art. 2 s. 16] (53-18o)

16.17 APPROPRIATIONS TO REVERT TO STATE TREASURY; EXCEPTIONS. 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 revenue 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 encumbrance 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 revenue 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] (53-18p)

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 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] (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 FIVE PER CENT OF RECEIPTS SET ASIDE FOR EXPENSES. It is hereby determined that a charge of five per cent of the amounts received from the taxes and fees specified in this section 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 taxes and fees and the maintenance of the agencies concerned therewith. There is hereby imposed upon the gross receipts, beginning July 1, 1939, from (1) all fishing licenses, (2) all hunting licenses, (3) all motor vehicle registration taxes credited to the trunk highway fund, (4) all gasoline taxes credited to the trunk highway fund, a charge of five per cent, 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 a special fund to be known as the general administration fund. All moneys in this fund shall be subject to appropriations by the legislature for salaries and other regular maintenance expenses for the offices of 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. All appropriations made for any of these purposes, if no other special fund be specified therefor, shall first be charged against the general administration fund in the order in which the appropriations were made, as long as any moneys are available in the fund, but this shall not preclude the use of other authorized and available funds for such appropriations after the moneys in the general administration fund have been exhausted. In case the charge imposed by this section against any of these kinds of funds or receipts shall be held invalid, it shall not affect any other charge hereunder. In case any such charge 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 to which the state would otherwise be entitled thereunder, so much of the proceeds of such charge as may be necessary to comply with the requirements of such grant is hereby reappropriated to the agency concerned for the same purposes as the funds against which such charge was made.

[1939 c. 431 art. 2 s. 20] (53-18s)

Note—As to all motor vehicle taxes and the two-thirds of gasoline taxes constitutionally put into the trunk highway fund, L. 1939, c. 431, art. 2, s. 20, is unconstitutional. *Cory v. King*, 296 N. W. 506, 508.

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;

(3) Transfers exceeding \$5,000 may be authorized by the governor; provided, that no such transfer shall be made until the governor has consulted the legislative advisory committee hereinafter provided for and such committee has made its recommendation thereon; this recommendation shall be advisory only; failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation.

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 commission 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 reassign 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)

16.24 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 1939, Chapter 441, 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)

16.26 APPROVAL OF APPROPRIATIONS AND EXPENDITURES. No appropriation to any official, department, or agency of the state government or to any institution under their control shall become available for expenditure thereby during any quarterly period of the fiscal year, or other less than quarterly period thereof fixed by rule of the commissioner, until such official, department, agency, or institution shall have submitted to him an estimate in advance, in such form as he shall prescribe, for such quarterly or other period, as the case may be, 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 by him. Accounts shall be kept and reports rendered showing the expenditure for each such purpose.

The commissioner may approve estimates covering salaries and other fixed expenditures for a longer period than three months. He shall have authority to modify or amend any estimate previously approved by him under such rules as he may prescribe.

[1925 c. 426 art. 3 s. 5] (53-8)

16.27 SUPERVISION OF CONSTRUCTION OF BUILDINGS. The commissioner of administration, subject to the provisions of law governing the same, shall have and exercise all the rights and powers and perform all the duties which, prior to the enactment of Laws 1925, Chapter 426, had been vested in or imposed upon the state board of control in relation to the erection and construction of buildings, the purchase of fuel or placing of insurance on buildings or their contents, and the purchase of supplies and materials; except that the supplies, materials, furnishings and equipment to be used in or about the institutions under the control of the board, including supplies, equipment, and materials for repairs to buildings under its control, shall be purchased by the board under the supervision of the commissioner, not including in such exception supplies, equipment, and materials for the erection or construction of buildings nor the purchase of fuel; and, subject to the provisions of law governing the same, shall have and exercise the rights and powers, and perform all the duties which, prior to the enactment of Laws 1925, Chapter 426, had been vested in or imposed upon the printing commission.

[1925 c. 426 art. 3 s. 6] (53-9)

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 \$500.00, 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 or 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^s 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 PREPARATION OF BUDGETS. It shall be the duty of the commissioner of administration to prepare a budget for all receipts and expenditures of the state government, as herein provided, not later than the first day of December in the year preceding the convening of the legislature. He 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. Each department, official, or agency shall, not later than the first day of September preceding the convening of the legislature, file with him its estimates for all receipts and expenditures for each year of the succeeding biennium, on the estimate forms so provided, a statement of its appropriations and expenditures for the two preceding fiscal years, and such other information as may be required by the commissioner or the governor. The budget shall be classified and designated so as to show separately estimates and recommendations for (a) expenses of administration, operation, and maintenance; (b) deficiencies, overdrafts, or unexpended balances in appropriations of former year; (c) new construction, additions, improvements, and other capital outlay; (d) interest on the public debt and sinking fund and serial bond requirements; and (e) all requests and proposals for expenditures for new projects and other undertakings; and shall include in detail definite recommendations of the governor relative to the amounts which should be appropriated therefor. The budget shall also include definite recommendations of the governor for financing the expenditure recommended, and the relative amounts to be raised from ordinary revenue, direct taxes,

or loans. The commissioner may approve, disapprove, or alter the estimates so submitted, and may make any investigations concerning them. The commissioner shall transmit the estimate of revenues and appropriations in detail, with his recommendations, to the governor not later than the first day of December preceding the convening of the legislature and transmit a copy thereof to the governor-elect. The governor shall, as soon as may be, after his inauguration, submit to the legislature a budget embracing the amounts in detail recommended by him to be appropriated for each department, office, or agency of the state government for each of the years of the next ensuing biennium, the estimated revenue from taxation and other sources, and an estimate of the amounts to be raised by taxation. In the exercise of the function of commissioner, the books, records, accounts, resources, and full cooperation of the public examiner shall be available to him, and the governor may call upon the public examiner for any information in his possession relative to the finances of the state or for assistance in the preparation or review of the budget.

[1925 c. 426 art. 3 s. 9] (53-12)

16.30 ORDERS AND RULINGS REVIEWED BY GOVERNOR. The orders and rulings of the commissioner of administration shall be subject to review by the governor on application of the directing officer of the department affected thereby.

[1925 c. 426 art. 3 s. 15] (53-18)

16.31 PAY-ROLL; TRIPLICATE ABSTRACT. The monthly statement of each institution, showing purchases and expenditures of every kind for the preceding month, together with the original invoices of purchases, and an itemized statement of every expense of such institution, including the verified pay-roll, shall be filed with the commissioner of administration, who, at a time fixed by him, shall audit all accounts for the preceding month. The monthly pay-roll of each institution shall show the name of every officer and employee, when first employed, his monthly pay, time actually served, and amount to be paid, with deductions for careless loss or destruction of property; and in no case shall a substitute receive compensation in the name of an employee for whom he acts. When these accounts are audited, the commissioner of administration shall prepare, in triplicate, an abstract, showing the name, residence, and amount due each claimant, and the institution and fund thereof on account of which payment is made. He shall deliver one copy thereof to the state auditor, one to the state treasurer, and retain the other in his office. If the institution has sufficient funds, the auditor shall issue his warrant upon the treasurer for the gross amount shown by the abstract, who shall send checks to the several persons for the amount of their respective claims, as shown by the abstract. He shall preserve in his books a record of each check and remittance, showing the date of its issue, the name of the payee, and any other facts tending to evidence its payment.

[R. L. s. 1882] (4426)

16.32 PLANS AND SPECIFICATIONS; LIMITATIONS. 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.

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

16.33 CONTRACTS FOR SUPPLIES. The proper officers of any institution, under the direction of the commissioner of administration, may make contracts for such supplies as he may find expedient for such institution to purchase in bulk for use or consumption for periods longer than 30 days. Such contracts shall be made only in conformity with the provisions of sections 16.31 to 16.38 relating to estimates.

When he deems it for the best interest of the state, he may contract for the purchase of supplies, in bulk or otherwise, for any or all of the institutions under his control.

[R. L. s. 1885] (4429)

16.34 RULES. 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 STATIONERY, FURNITURE, SUPPLIES; HOW BOUGHT. It shall be the duty of the commissioner of administration to purchase for all governmental departments of the state, not now under the financial or exclusive management of the commissioner of administration, all stationery, furniture, supplies, and equipment now or hereafter required by law to be furnished by the state, and for such purposes he may appoint a purchasing agent and fix his compensation, who, under his direction and subject to his rules, shall attend to such purchases.

[1917 c. 174 s. 1] (4431)

16.36 CONTRACTS FOR BUILDINGS; BIDS. All contracts for the erection or repair of buildings or the improvement of the grounds of any institution shall be let by the commissioner of administration to the lowest responsible bidders, upon public notice such as he may deem proper; but any and all bids may be rejected, and new proposals received upon like advertisement. All plans and specifications shall be prepared under his direction, and a certified check for such proportion of the cost as he may specify in the advertisement shall accompany each bid.

[R. L. s. 1887] (4432)

16.37 INSURANCE OF STATE BUILDINGS; FUEL. The commissioner of administration may keep insured, in solvent insurance companies, all state buildings, except the soldiers' home, and all other insurable property belonging to the state, to an amount not exceeding two-thirds of the value thereof, and shall also purchase fuel for all such buildings.

[R. L. s. 1901; 1907 c. 259; 1913 c. 312 s. 1] (4450)

16.38 DAY LABOR; WORK OF INMATES. When the cost of the building or improvement does not exceed \$300.00, the commissioner of administration may permit the chief executive officer of the institution to do the same by day labor. The provision requiring all work to be done by contract shall not be mandatory as to labor on construction work at the state prison or the state reformatory, but the commissioner shall establish rules whereby such construction work shall be performed with the strictest economy in the consumption of materials and in the expenditure of money. On proper representations, the commissioner may so construct buildings and make improvements at other institutions that the work of inmates may be utilized, if advantageous to the state, but in the use of such labor no substantial departure shall be permitted from the requirements of this chapter; and in no case shall any expenditure be made, except on estimates approved by the commissioner. No payment shall be authorized for construction purposes until satisfactory proof has been furnished to the commissioner by the proper officer or supervising architect that the contract has been complied with. All payments shall be made in the same manner as current expenses are paid.

[R. L. s. 1888] (4433)

16.51 DAIRY SLOGAN. On all printed matter printed, used, and distributed by the state of Minnesota, and all departments and officials thereof, 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:

"DRINK MORE MILK
EAT MORE BUTTER
FOR YOUR HEALTH AND PROSPERITY"

[1939 c. 29 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, motor vehicle application blanks, income tax blanks, all circulars, pamphlets, booklets, reports, literature, and other like printed material used by the state of Minnesota and all departments and officials thereof.

[1939 c. 29 s. 2] (5680-4)

16.53 ON WHAT MATTER PRINTED. It shall be within the direction of the state printer, after consultation with the appropriate department heads, 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] (5680-5)

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] (23-2)

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

[1929 c. 350 s. 3] (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 director of public property sufficient to cover its postage obligations for at least 30 days.

[1929 c. 350 s. 4] (23-4)

16.57 BILLBOARDS PROHIBITED ADJACENT TO CAPITOL. No advertising billboards shall be erected or maintained on any lands adjoining the capitol grounds, or within the distance of one-eighth of a mile from the center of the capitol building, except if it be a billboard advertising a business conducted on the premises on which it is erected or maintained.

Any person who shall violate the provisions of this section shall be guilty of a misdemeanor.

[1929 c. 389 ss. 1, 2] (23-5) (23-6)