

15A.15 Construction

Nothing in chapter 15A shall be construed to in any way affect the number of positions as now provided by law and designated in chapter 15A in the singular nor the appropriations from which the salaries herein prescribed are payable.

[1973 c 35 s 4]

15A.20 Mileage allowances

Subdivision 1. Except as provided in subdivision 3, the maximum amount which shall be paid by the state, any department or bureau thereof, or any county, city, village, town, or school district, to any officer or employee as compensation or reimbursement for the use by such officer of his own automobile in the performance of his duties shall not exceed 15 cents a mile.

[1973 c 661 s 1]

[For text of subd. 2, see M.S.1971]

Subd. 3. Any city, village, borough, county, town, or school district may pay any officer or employee thereof as compensation or reimbursement for the use by such officer or employee of his own automobile in the performance of his official duties such mileage allowances as the governing body or town board may prescribe and may provide a monthly or periodic allowance in lieu of mileage; but no such allowance in lieu of mileage shall be paid to the members of such governing body or town board except as otherwise provided by special law or home rule charter.

[1973 c 661 s 2]

[For text of subds. 4 and 5, see M.S.1971]

15A.21 [Repealed, 1973 c 720 s 79]

15A.211 Travel expenses, boards and commissions

Notwithstanding the provisions of any other law, the members and staff of all state boards, councils, and commissions in the executive branch, established by state law or otherwise, shall only be reimbursed for travel expenses both in-state and out-of-state in accordance with the rules and regulations promulgated by the commissioner of administration governing the travel of state officers and employees.

[1973 c 720 s 78]

CHAPTER 16. DEPARTMENT OF ADMINISTRATION

Sec.		Sec.	
16.02	Powers, duties.	16.165	Repealed.
16.027	Preparation of state payroll.	16.17	Appropriations to revert to state treasury.
16.028	Additional powers [New].	16.173	Approved complements.
16.07	Competitive bids.	16.853	Building code standards committee.
16.11	Repealed.	16.871	State ceremonial building, statement of purpose and legislative intent.
16.141	Program budgeting.		
16.15	Budget submitted to legislature.		
16.16	Allotment and encumbrance.		
16.164	Applications for nonstate funds [New].		

16.02 Powers, duties

[For text of subds. 1 to 5, see M.S.1971]

Subd. 5a. Section 16.02, subdivision 5, shall not apply to the construction of the Minnesota Zoological Gardens except with respect to the letting of competitive bids.

[1973 c 720 s 70]

[For text of subds. 6 to 9, see M.S.1971]

Subd. 10. Rental of land. To rent land and other premises when necessary for state purposes. No such land or premises shall be rented for a term

16.02 DEPARTMENT OF ADMINISTRATION

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. Lands needed by the department of highways for storage of vehicles or road materials may be rented for a term not exceeding five years without the approval of the legislative advisory committee, such leases for terms over two years being 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.

(1973 c 37 s 1)

Subd. 11 [Repealed, 1973 c 492 s 33]

Subd. 12 [Repealed, 1973 c 492 s 33]

[For text of subds. 13 to 19, see M.S.1971]

Subd. 20 [Repealed, 1973 c. 507 s 47]

Subd. 20a [Repealed, 1973 c 653 s 47]

[For text of subd. 21, see M.S.1971]

Subd. 22 [Repealed, 1973 c 507 s 47]

[For text of subds. 23 to 25, see M.S.1971]

16.027 Preparation of state payroll

[For text of subds. 1 to 7, see M.S.1971]

Subd. 8. (1) At the request of an officer or employee of the state of Minnesota, the appointing authority shall, by payroll deduction, defer the payment of such part of the compensation of the officer or employee as provided in a written agreement between the officer or employee and the state of Minnesota in such a manner as will qualify the deferred amount for benefits afforded under federal and state tax laws, regulations, and rulings.

(2) The amount of compensation so deferred shall be used to purchase shares in the Minnesota supplemental retirement fund established in section 11.18. The shares so purchased shall stand in the name of the state of Minnesota for the officer or employee whose deferred compensation purchased said shares until distributed to said officer or employee in a manner agreed upon by the appointing authority and the employee. Nothing in this subdivision shall be construed as to authorize an employer contribution, nor shall the state be responsible for any loss which may result from investment of the deferred compensation.

(3) The provisions of this subdivision, except clause (2), shall be administered by the Minnesota state retirement system pursuant to the provisions of clause (4).

(4) The commissioner of administration shall establish rules, regulations, and procedures to carry out the provisions of this subdivision including allocation of administrative costs against the assets accumulated under this subdivision. Funds to pay such costs are hereby appropriated from the fund or account in which the assets accumulated under this subdivision are placed.

[1973 c 435 s 1]

16.028 Additional powers

Subdivision 1. In addition to the other powers, duties and responsibilities of the commissioner of administration, he may appoint two deputy commissioners, and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service.

DEPARTMENT OF ADMINISTRATION 16.141

Subd. 2. The governor, unless otherwise provided by law, may delegate to the commissioner of administration the administration of such programs and projects of the office of the governor directed by either state or federal law, or which may be made available to the state under a grant of funds either public or private. Unless specifically prohibited by law, the governor may delegate to the commissioner of administration general supervision of any program or activity of any state department or agency the head of which is either appointed by the governor or by a gubernatorially appointed board. The provisions of this subdivision shall not be construed as authority to transfer programs or activities, or part of them, from one department to another.

[1973 c 492 s 11]

16.07 Competitive bids

[For text of subds. 1 to 13, see M.S.1971]

Subd. 14. **Rejection of bids and negotiation, edp.** The commissioner of administration may reject all bids for electronic data processing equipment, related equipment and software and may negotiate a contract for said equipment if he finds such bids to be unsatisfactory by reason of failure to fully comply with the specifications, terms and conditions of the call for bids. The contract shall be awarded to the vendor offering the lowest price to the state taking into consideration the specifications, terms and conditions agreed upon pursuant to such negotiation.

[1973 c 490 s 1]

16.11 [Repealed, 1973 c 400 s 2]

16.141 Program budgeting

[For text of subd. 1, see M.S.1971]

Subd. 2. **Establishment of program.** The commissioner of administration in consultation with the commissioner of finance shall develop the budget process to accomplish the policy as stated in subdivision 1 for state departments and agencies, provided, that such process need not comply with other provisions of law relating to the setting forth of expenditures by organizational units, character and objects of expenditure. The commissioner of finance shall promulgate regulations and instructions applicable to budget preparation governing the classification of expenditures and the content, and submission of budget requests and appropriation measures. In order to assure an orderly development of sound budgeting methods, the commissioner of administration may continue to select agencies and departments to implement the budget system. The commissioner of finance shall make recommendations to the legislature on the subject of any legislation or special appropriations which may be required for implementation of the budgeting system for all state departments and agencies. Such 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 commissioners of administration and finance to assure implementation of budgets which meet the requirements of the commissioner of administration and which give due regard to the requirements of the various departments and agencies involved. No state agency shall begin or install any system of program or programmatic budgeting until they have first secured the explicit permission of the commissioner of administration.

[1973 c 492 s 17]

Subd. 3 [Repealed, 1973 c 720 s 64, subd. 2]

Subd. 3a. Waiver of requirement of submitting budget

Notwithstanding any other law to the contrary, the commissioner of administration after consulting the committee on appropriations of the house of

16.141 DEPARTMENT OF ADMINISTRATION

representatives and the committee on finance of the senate may waive the requirements for submitting a budget by object of expenditure for agencies and departments which are, at his direction, requesting programmatic appropriations.

[1973 c 720 s 64, *subd. 1*]

16.15 Budget submitted to legislature

Subdivision 1. When to be submitted. The governor shall, within three weeks after the first Monday in January in each odd-numbered year, submit the budget to the legislature. The budget shall include two parts.

[1973 c 35 s 5]

[For text of *subds. 2 to 4*, see M.S.1971]

16.16 Allotment and encumbrance

Subdivision 1. Allotment period. For the purposes of operation of the allotment system, each fiscal year shall be one fiscal year of 12 months which shall end at midnight between each June 30 and July 1, provided, that the commissioner of finance may prescribe a different period suited to the circumstances, not exceeding 12 months nor extending beyond the end of the fiscal year. This provision does not apply to allotments made with respect to appropriations made for constructions or permanent improvement.

[1973 c 492 s 19]

[For text of *subd. 2*, see M.S.1971]

Subd. 3. Appropriations available for allotment; spending plans. No appropriation to any agency shall become available for expenditure thereby during any allotment period until such agency shall have submitted to the commissioner of administration a spending plan in advance, in such form as the commissioner of finance 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 spending plan shall have been approved, increased, or decreased by the commissioner of administration and funds allotted therefor.

[1973 c 492 s 20]

Subd. 4. Spending plans within appropriation; approval; procedure. If the spending plan 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 of administration shall approve after consultation with the commissioner of finance the estimated amount for expenditure. Otherwise the commissioner of administration shall modify the spending plan 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 of administration shall act promptly upon all spending plans, and shall notify every agency of its allotments at least five days before the beginning of each allotment period, and shall notify the commissioner of finance. 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.

[1973 c 492 s 21]

Subd. 5. Modification. The commissioner of administration shall also have authority at any time to modify or amend any spending plan previously approved 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.

[1973 c 492 s 22]

DEPARTMENT OF ADMINISTRATION 16.16

Subd. 6. Reduction. In case the commissioner of finance 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 notify the commissioner of administration who shall, with the approval of the governor, and after notice to the agency concerned, request the commissioner of finance to reduce the amount allotted or to be allotted so as to prevent a deficit. In like manner he shall request reduction of the amount allotted or to be allotted to any agency by the amount of any saving which can be effected upon previous spending plans through a reduction in prices or other cause.

[1973 c 492 s 23]

Subd. 7. Commissioner of finance; accounting system. There shall be kept in the office of the commissioner of finance 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.

[1973 c 492 s 44]

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 commissioner of finance 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 grounds 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 finance 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 commissioner of finance 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.

[1973 c 492 s 25]

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 finance may dispense with periodic allotment and shall prescribe such regulations as will insure proper application and encumbrance of funds.

[1973 c 492 s 26]

16.164 DEPARTMENT OF ADMINISTRATION

16.164 Applications for non-state funds

Subdivision 1. Every department or agency of the executive branch of state government shall, prior to the submission of any application for non-state funds, submit the original of the application to the commissioner of administration. The commissioner shall promptly return the application indicating his approval or disapproval. No application for funds shall be submitted without the prior approval of the commissioner of administration. The commissioner of administration may promulgate rules, regulations, and directives to implement the provisions of this section.

Subd. 2. The provisions of this section shall not apply to the Minnesota historical society.

[1973 c 720 s 63 subds. 1, 2]

16.165 [Repealed, 1973 c 720 s 63 subd. 3]

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 fund from which such appropriation was made; 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.

[1973 c 720 s 77]

16.173 Approved complements

Whenever an appropriation to any state department or agency for salaries discloses an approved complement, that department or agency, except for seasonal employees, part time employees, and service workers is limited in the employment of the number of persons indicated by such approved complement. The employment of seasonal employees, part time employees, and service workers shall be in addition to the approved complement but subject to the approval of the commissioner of administration who shall determine the need therefor.

Additional employees over the number of the approved complement may be employed on the basis of public necessity or emergency with the written approval of the governor, but the governor shall not approve such additional personnel until he has consulted with the legislative advisory committee created by Laws 1943, Chapter 594, and such committee has made its recommendation upon the matter. Such recommendation shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation. The provisions hereof shall extend to any other agency to which the present authority of the legislative advisory committee may be transferred, but shall be deemed to be repealed in case such authority shall be abolished.

[1973 c 233 s 2]

DEPARTMENT OF FINANCE 16A.01

16.853 Building code standards committee*[For text of subd. 1, see M.S.1971]*

Subd. 2. Composition. The committee shall consist of nine members who are residents of the state. The state building inspector shall serve as secretary of the committee but shall not be a member thereof. The nine members shall be initially appointed for the following terms: three members for two year terms, three members for three year terms and three members for four year terms. Thereafter, each member shall be appointed to serve a four year term and until his successor is appointed and qualifies. The membership shall be broadly representative of the industries and professions involved in the development and construction of buildings including representation from building code enforcement agencies, architectural and engineering associations, building construction trades, the contracting and manufacturing industries, governing bodies of local government and the general public. Appointments to the committee made on and after July 1, 1973 shall be made in such manner as to insure that by July 1, 1977 and thereafter, the membership shall consist of at least one member residing in each congressional district.

*[1973 c 46 s 1]**[For text of subd. 3, see M.S.1971]***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.

*[1973 c 35 s 6]***CHAPTER 16A. DEPARTMENT OF FINANCE [NEW]**

Sec. 16A.01	Creation; commissioner, deputies; employees.	Sec. 16A.05	Transfer of certain appropriations.
16A.02	Transfer of duties from state auditor.	16A.06	Other powers.
16A.04	Transfer of powers from department of administration.	16A.07	Effect of transfer of functions.
		16A.08	Office facilities.

16A.01 Creation; commissioner; deputies; employees

Subdivision 1. The department of finance is hereby created under the control and supervision of the commissioner of finance, which office is hereby established. The commissioner is the chief accounting officer, the principal financial officer and the state controller.

Subd. 2. The commissioner of finance is appointed by the governor by and with the advice and consent of the senate. The commissioner so appointed shall have broad experience as an executive financial manager. The commissioner shall serve at the pleasure of the governor. A vacancy in the office of the commissioner shall be filled by the governor, with the advice and consent of the senate.

Subd. 3. The commissioner may appoint two deputy commissioners, and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service. Except as may be otherwise provided for by law, the commissioner shall fix the compensation of each deputy. A deputy may perform and exercise a power, duty, or responsibility imposed by law on the commissioner when authorized so to do by the commissioner.

Subd. 4. Subject to the provisions of Laws 1973, Chapter 492 and to other applicable laws governing a state department or agency, the commissioner shall organize the department and employ such other officers, employees, and agents as he may deem necessary to discharge the functions of his depart-