

MINNESOTA STATUTES 1977 SUPPLEMENT

DEPARTMENT OF FINANCE 16A.095

sponsibility, as it deems appropriate. The commissioner of administration shall give notice 30 days in advance and conduct a hearing if he has reasonable grounds to believe money appropriated for this purpose is being improperly used, or if, in consultation with the attorney general, he has reasonable cause to believe criminal and juvenile defense of proper quality is not being supplied. Payment shall cease from the date of notice until either the commissioner determines that the money appropriated will be properly handled, or the commissioner, in consultation with the attorney general, determines that criminal and juvenile defense of proper quality will be provided. A participating corporation may give notice at any time of its withdrawal from this program of financial assistance.

Subd. 2. An employee, administrator, or officer of a recipient of the money provided by this section who discriminates on the basis of sex, race, color, national origin, religion, or creed is guilty of a gross misdemeanor.

[1976 c 260 s 3; 1977 c 455 s 92]

CHAPTER 16A. DEPARTMENT OF FINANCE

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16A.01 Creation; commissioner; deputies; employees.

[For text of subd 1, see M.S.1976]

Subd. 2. The commissioner of finance is appointed by the governor under the provisions of section 15.06. The commissioner shall have broad experience as an executive financial manager.

Subd. 3. The commissioner may appoint one deputy commissioner, and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service.

[For text of subd 4, see M.S.1976]

[1977 c 305 s 8,9]

16A.05 [Repealed, 1977 c 410 s 19]

16A.095 Budget system.

Subdivision 1. [Repealed, 1977 c 455 s 95]

Subd. 2. **Establishment of program.** 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. The commissioner of finance shall from time to time select agencies and departments to implement improvements in 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 improvements in the budgeting system for all state departments and agencies. The 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 of finance to assure implementation of budgets which meet the requirements of the commissioner of finance and which give due regard to the requirements of the various departments and agencies involved. No state

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agency shall begin or install any system of program or programmatic budgeting until it has first secured the explicit permission of the commissioner of finance.

[For text of subd 3, see M.S.1976]

[1977 c 455 s 71]

16A.10 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. By May 1 of each even-numbered year, the commissioner shall furnish the committee on finance of the senate and the committee on appropriations of the house of representatives with copies of the budget forms he proposes to use in the detailed budget estimates presented by the governor to the legislature and shall receive their recommendations on possible improvements in the forms. The recommendations are advisory only. 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 and character of expenditures, and the agency may be subclassified by programs 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, programs, and activities. The estimates of expenditures and revenue shall be based upon the law in existence at the time the estimates are prepared.

Subd. 2. **Filing budget estimates.** Each state 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 concise 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. The commissioner shall transmit a copy of the budget estimates and accompanying information for the biennial budget as submitted by each department or agency to the commissioner to the committee on finance of the senate and to the committee on appropriations of the house of representatives on or before the 15th day of November of each even-numbered year.

[For text of subd 3, see M.S.1976]

[1977 c 455 s 72,73]

16A.11 Budget submitted to legislature.

[For text of subd 1, see M.S.1976]

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 state-

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ments, classifying the expenditures contained therein by agencies and funds, and the income by agencies, 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. The detailed estimates shall include the budget request of each department or agency arranged in tabular form so it may readily be compared with the governor's budget for each department or agency. They shall also include, as part of each agency's organization chart, a summary of the personnel employed by the agency, showing the complement approved by the legislature for the current biennium, additional complement positions authorized through the governor or the commissioner of finance, positions transferred into or out of the agency, additional part-time and seasonal positions and the number of employees of all kinds actually employed by the agency on June 30 of the last complete fiscal year. To the extent practical, the summary of personnel shall also be shown for each functional division of the agency, and for each fund and type of appropriation.

[For text of subd 4, see M.S.1976]

[1977 c 455 s 74,75]

16A.12 [Repealed, 1977 c 455 s 95]

16A.123 Approved complement.

The approved complement set for an agency by law limits the number of persons who may be employed by the agency at any one time. The approved complement does not apply to independent contractors. In addition to the approved complement, part-time employees, seasonal or intermittent employees, summer student help, service workers, preservice trainees employed pursuant to affirmative action programs approved by the commissioner of personnel, CETA employees, or employees engaged in repair or construction projects may be employed with the advance approval of the commissioner of finance who shall determine the need for them and that money is available. The approved complement applies to persons employed by the agency regardless of the fund or appropriation from which they are paid.

Additional full-time employees over the number of the approved complement may be employed on the basis of public necessity or emergency. If the employee is to be paid from a direct appropriation, the addition shall not be made without the written approval of the governor. The governor shall not approve the addition until after he has consulted with the legislative advisory commission and the commission has made its recommendation on the matter. The recommendation is advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. If the employee is not to be paid from a direct appropriation, the addition may be made with the written approval of the commissioner of finance who shall determine the need for it and that money is available. The commissioner of finance shall promptly notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the additions.

[1977 c 455 s 76]

16A.126 Commissioner to approve billing rates for revolving funds.

The commissioner of finance shall approve the rates at which services are billed state departments or agencies by any revolving fund. In order to reduce re-

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volving fund reserves maintained for unforeseen needs and thereby reduce the rates which using agencies must pay, the commissioner may transfer moneys not otherwise appropriated in the general fund to a revolving fund if, in the commissioner's judgment, a bona fide, immediate expenditure is necessary and if there are insufficient moneys in the revolving fund to meet the expenditure. Any moneys so transferred, shall be repaid to the general fund within two calendar years from the revolving fund charges paid by benefited state departments and agencies.

[1977 c 410 s 5]

16A.129 Commissioner's powers.

The commissioner of finance shall have the power to require a complete record of the officers, assistants, and employees appointed or employed by the various officials, departments, and agencies of the state government and institutions, and to require the salaries of the same to be in conformity with the scale of compensation established pursuant to law; and to prepare and prescribe classes of expenditures and revenue for the purpose of budget-making and accounting.

[1977 c 347 s 8]

16A.16 Department head expenses.

Heads of departments in the executive branch who receive a fixed salary of, or whose range midpoint is, \$36,000 annually or more, and constitutional officers, are authorized to expend annually a sum not to exceed \$2,000; and the heads of all other state departments are authorized to expend a sum not to exceed \$1,000 annually from their supply and expense funds for expenses necessary for the normal performance of their duties for which no other reimbursement is provided. The expenditures are subject to the statutes and rules of the state governing budgeting, allotment and encumbrance, preaudit, and post audit.

The commissioner of finance may promulgate rules as necessary to assure the proper expenditure of these funds, and to provide for reimbursement.

[1977 c 305 s 11]

16A.17 Preparation of state payroll.

[For text of subds 1 to 6, see M.S.1976]

Subd. 7. (1) The commissioner of finance may authorize certification by authorized officials as to hours worked for payroll purposes in anticipation of the hours actually worked. The commissioner shall prescribe procedures as may be necessary to assure that no payment shall be made for hours not worked unless covered by leave in accordance with rules of the department of personnel or pursuant to the resolution of a grievance through the formal steps of a grievance procedure established by law or collective bargaining agreement or as provided in clause (2).

(2) Upon certification by the commissioner of finance, any agency of the state government shall release part or all of any fund held for an employee to correct an overpayment to any officer or employee described in subdivision 6 who has been erroneously paid.

Provided, however, that employee contributions in a retirement fund shall not be released until such time as the former state employee or person otherwise entitled thereto would be eligible to apply for a refundment and has been given proper notice. Amounts paid under the provisions of this section shall be considered the equivalent of a refundment. If an employee or survivor is entitled to an immediate or deferred annuity or survivor benefit, no funds shall be paid from his retirement account under the provisions of this section.

Subd. 9. In the instance of a direct appropriation for the costs of preparing the state payroll, all state departments and agencies shall be billed for their share

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of the payroll preparation costs through the indirect cost billing system, with the moneys collected being deposited in the general fund.

[1977 c 340 s 1; 1977 c 410 s 6]

16A.27 State funds; deposit; regulation by commissioner.

(a) Deposit of state funds in depositories by the treasurer under this section is subject to regulation by the commissioner of finance. He may determine the amount of funds to deposit in a depository and any other matter which he deems in the public interest. The treasurer shall comply with such regulations.

(b) All depositories with various noninterest bearing deposits which, as a group, total over \$100,000 shall report such balances as of the close of the previous business day by 9:00 a.m. daily to the treasurer and the commissioner of finance. The commissioner of finance shall record these daily balances, which shall be a matter of public record at the legislative reference library and reported monthly to the legislative audit commission.

(c) All state accounts shall be established by competitive bid among the designated depositories. The commissioner of finance shall send written notice of his intent to accept bids for the handling of the state account, or accounts, to all designated depositories. The notice shall specify such considerations, fiscal activities, and conditions as the commissioner may require. All such deposits shall be awarded by competitive bid to the lowest bidding depository which, in the opinion of the commissioner, has the capacity to discharge the required considerations, fiscal activities, and conditions.

(d) In exceptional cases, the commissioner may dispense with the bid procedure. In such event, he shall report the circumstances and reasons therefor to the legislative audit commission within five days after establishing the account.

(e) All presently existing state accounts shall be closed, and new accounts shall be established in compliance with the bid procedure established in clause (c) no later than one year after the effective date of Laws 1973, Chapter 492.

(f) Notwithstanding any provision in this section to the contrary, the commissioner of finance may agree to pay a depository a reasonable charge or keep appropriate compensating balances for handling state funds, for cashing state warrants, vouchers and the like.

[1977 c 403 s 2]

16A.675 Bonds and notes; nonliability of individuals.

Neither the commissioner of finance nor any person executing state bonds or notes shall be liable personally on the bonds or notes or be subject to any personal liability or accountability by reason of the issuance of them.

[1977 c 410 s 7]

16A.73 State air travel account.

The commissioner of finance may contract with any airline company regularly engaged in carrying passengers on scheduled flights in interstate commerce for the establishment of an air travel account for the state, subject to terms and conditions as may be necessary and proper to facilitate air travel by officers and employees of the state, and may deposit in the account not more than \$500.

[1977 c 410 s 8]

CHAPTER 17. DEPARTMENT OF AGRICULTURE

Sec.

17.01 Creation of department; commissioner; deputy.

Sec.

17.07 Approval of expenditures.

17.01 Creation of department; commissioner; deputy.

There is created a department of agriculture, which shall be in the charge of a commissioner of agriculture, in this chapter called the commissioner. He shall be