

CHAPTER 16A

DEPARTMENT OF FINANCE

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		16A.754	Repealed.

16A.123 APPROVED COMPLEMENT.

The approved complement set for an agency by law limits the number of personnel positions in 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 as defined by the commissioner of employee relations, summer student help, service workers, preservice trainees employed pursuant to affirmative action programs approved by the commissioner of employee relations, 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 positions in the agency regardless of the fund or appropriation from which they are paid. If more than one approved complement figure for an agency is shown in a law, the figures may be taken as cumulative, or a larger figure may be taken as a total or subtotal of related smaller figures, as the context indicates. Approved complement figures for an agency shown in separate laws enacted at the same biennial session of the legislature are cumulative.

Additional full-time positions over the number of the approved complement may be created on the basis of public necessity or emergency. 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.

History: 1981 c 356 s 255

16A.128 FEE ADJUSTMENTS.

The fees fixed for the various accounts for which appropriations are made by law, shall be neither increased nor decreased except with the approval of the commissioner of finance. All these fees shall be reviewed at least once each six months, and, except in special fee situations as determined by the commissioner, adjustments shall be made to the end that the total fees received shall approximate the amount appropriated for the several accounts, plus the portion of the general support costs and statewide indirect costs of the agency that is attributable to the function for which the fee is charged. Fee adjustments authorized under this section may be made without a public hearing when the total fees estimated to be received during the fiscal biennium will not exceed 110 percent of the sum of all direct appropriations, transfers in, and salary supplements for that purpose for the biennium.

History: 1981 c 357 s 26; 2Sp1981 c 1 s 1

16A.15 ACCOUNTING SYSTEM; ALLOTMENT AND ENCUMBRANCE.

Subdivision 1. **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 biennium 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, either:

(a) after consultation with the legislative advisory commission created by section 3.30, transfer from the budget reserve account established in section 16A.153, to the general fund the amount necessary to balance revenue and expenditures;

(b) reduce the amount allotted or to be allotted so as to prevent a deficit; or

(c) make any combination of transfers and reductions as provided by clauses (a) and (b).

Provided, however, no allotment pursuant to an appropriation for state aids, payments, reimbursements or fund transfers to or on behalf of school districts shall be reduced pursuant to this subdivision. 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.

[For text of subds 2 to 4, see M.S.1980]

History: 1981 c 1 s 2; 1Sp1981 c 5 s 1; 2Sp1981 c 1 s 3

16A.153 BUDGET RESERVE ACCOUNT.

The commissioner of finance, at the close of the state's accounts for the second fiscal year of each biennium, shall transfer to a budget reserve account in the state treasury the amount by which the unrestricted balance in the general fund exceeds \$25,000,000, up to \$100,000,000. Thereafter, one-half of the remainder of the unrestricted balance shall be transferred until the balance in the budget reserve account equals 2-1/2 percent of appropriations from the general fund for the current biennium.

History: 2Sp1981 c 1 s 2

16A.17 PREPARATION OF STATE PAYROLL.

[For text of subds 1 to 6, see M.S.1980]

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 collective bargaining agreements, or plans pursuant to section 43A.18 or rules of the department of employee relations 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.

[For text of subd 9, see M.S.1980]

History: 1981 c 210 s 49

16A.19 RETIREMENT APPROPRIATIONS; DEFICIENCIES.

In the event that a direct appropriation for retirement contributions, benefits, or administrative expenses, or for social security contributions pursuant to section 355.46, is determined by the chief administrative official of the agency to which or by the officer to whom the appropriation was made to be insufficient to meet the state's obligation under the program for which it is made for the fiscal year for which it is made, the chief administrative official or the officer shall certify to the committee on finance of the senate, the committee on appropriations of the house of representatives, and the commissioner of finance the amount necessary to meet the deficiency. Upon this certification, the commissioner of finance shall transfer the necessary amounts to the appropriate accounts. The amount necessary to make the transfer is appropriated from the general fund in the state treasury to the agency to which or to the officer to whom the transfer is made.

History: 1981 c 224 s 17

16A.275 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. Receipts under \$250 may be deferred until they aggregate that sum. When receipts are deposited, a report of all receipts since the last previous report and of the disposition thereof shall be made to the commissioner of finance by the depositing agency. All moneys received by the treasurer during any month shall be credited by him and by the commissioner of finance to the proper funds not later than the first day of the following month.

History: 2Sp1981 c 1 s 4

16A.66 MINNESOTA STATE REFUNDING BONDS.

[For text of subds 1 to 4, see M.S.1980]

Subd. 5. Prior to each sale of general obligation bonds, the commissioner of finance shall report to the chairmen of the house appropriations and senate finance committees, house and senate tax committees, and the minority leaders of the house and senate, the amount of bonding to be issued and a detailed list of the projects which are to be financed and shall receive their recommendations. These recommendations are advisory only; failure to reply within ten days is deemed a positive response.

History: 1Sp1981 c 1 art 10 s 1

16A.67 [Repealed, 2Sp1981 c 1 s 7]

16A.671 CERTIFICATES OF INDEBTEDNESS.

Subdivision 1. **Authorization.** For the purpose of assuring that cash or cash equivalent assets will be available at all times during each biennium to pay all warrants drawn on the general fund pursuant to appropriations and allotments for expenditure for any purpose during that biennium, the governor may authorize the commissioner of finance to issue certificates of indebtedness in anticipation of the collection of taxes levied for and other revenues appropriated to the general fund, and to issue additional certificates to refund outstanding certificates or interest thereon, under the provisions of the constitution, article XI, section 6. Before certificates of indebtedness are sold and issued pursuant to any authorization, except for the purpose of refunding, the governor shall secure the recommendation of the legislative advisory commission as to the necessity thereof, the terms and conditions of the sale and issuance, and the maximum amount to be issued and outstanding under the authorization. When certificates of indebtedness are to be sold and issued pursuant to subdivision 5, clause (b), the governor shall secure a recommendation before the line of credit is established but need not secure an additional recommendation for each issuance of certificates of indebtedness pursuant to that line of credit. The recommendation of the commission shall be advisory only. The failure of the commission to make a recommendation promptly is a negative recommendation. If there is no legislative advisory commission, the governor shall request an advisory recommendation from the executive council.

Subd. 2. **Definitions.** As used in this section, the following terms have the meanings given them:

(a) "Allotment" means a limitation placed by the commissioner of finance pursuant to law, upon the amount to be expended or encumbered during any period during a biennium pursuant to an appropriation.

(b) "Appropriation" means an authorization by law to expend or encumber an amount in the general fund during a biennium, including but not limited to:

- (1) Direct appropriations;
- (2) Open and standing appropriations;
- (3) Appropriations of sums sufficient for stated purposes, the amounts of which shall be deemed to be as estimated by the commissioner of finance from time to time; and
- (4) Appropriations of amounts to be paid or transferred in financial records from the general fund to any special or dedicated fund.

(c) "General fund" means all cash and investments from time to time received and held in the state treasury, except proceeds of state bonds and amounts received and held in special or dedicated funds created by the state constitution, or by or pursuant to federal laws or regulations thereunder, or by bond instruments, pension contracts, or other agreements of the state or its agencies with private persons, entered into pursuant to state law.

(d) "Maximum current cash flow requirement" means a written estimate by the commissioner of finance of the largest of the amounts by which, on a particular designated date in each month of the term for which certificates are to be issued, the sum of the warrants then outstanding against the general fund plus those that must be drawn thereon before the same date in the following month, in payment of claims due for expenditure pursuant to all appropriations and allotments, will exceed the amount of cash or cash equivalent assets held in the general fund on the first of these dates, excluding the proceeds of the certificates.

Subd. 3. **Limitations of amount.** The principal amount of certificates of indebtedness to be sold and issued at any time shall not exceed the smallest of the following:

(a) An amount which, with interest thereon to maturity, added to the then outstanding amount of certificates, less the amount thereof, if any, which will be paid from the proceeds, and interest thereon to maturity, will equal the then unexpended balance of all money which will be credited to the general fund during the current biennium under existing laws, as estimated by the commissioner of finance;

(b) An amount which, with the principal amount of any outstanding certificates equals \$360,000,000; or

(c) The maximum current cash flow requirement.

Subd. 4. **Terms.** The commissioner of finance may establish by order in accordance with the provisions of this section, and not subject to the provisions of sections 15.0411 to 15.0422, the principal amount of each series of certificates of indebtedness, the time or times and terms of sale, the denominations and form, whether registered or payable to bearer, with or without interest coupons, the interest rate or rates or the basis of computation of a variable rate, the maturity date or dates and amounts, the provisions, if any, for redemption at times and prices and upon notice specified, a place or places of payment which may be suitable financial institutions within or outside the state, any provisions for registration of ownership of principal, or both principal and interest, and for transfer and exchange, and any other terms the commissioner may determine with the approval of the attorney general. All certificates shall mature not later than the end of the biennium in which they are issued.

Subd. 5. **Sale.** Certificates of indebtedness shall be sold by the commissioner of finance upon public advertisement for competitive bids, except that:

(a) They may be sold to the state board of investment without advertisement for bids, upon terms on which, in the judgment of the board, investments of comparable maturities and security can at the time be purchased from funds under its control;

(b) The commissioner may negotiate with a suitable bank or banks within or outside the state for a line of credit whereby certificates of indebtedness may be issued from time to time within an agreed period, at a fixed or variable interest rate and subject to redemption at par plus accrued interest at any time at the option of the commissioner; or

(c) The commissioner may negotiate with a firm or firms of underwriters to act as an agent in the placement of certificates of indebtedness maturing on a date four months or less from the date of issue, which may be sold to investors at a specified discount representing the interest included in the face amount payable at maturity, or at a stated interest rate on a stated principal amount, payable at maturity.

Subd. 6. **Execution.** Certificates of indebtedness shall be executed by the signatures of the commissioner of finance and the state treasurer under their official seals, and any attached interest coupons by the signature of the commissioner. The signatures and seals may be printed, lithographed, photocopied, or stamped, except that at least one officer shall sign manually on the face of each certificate, unless the commissioner designates and the certificate on its face requires a suitable financial institution to authenticate the certificate by the manual signature of its authorized representative.

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Subd. 7. **Appropriation of proceeds.** The proceeds of all certificates of indebtedness issued pursuant to this section are appropriated to the general fund, and shall be available for expenditure pursuant to any appropriation from that fund for any purpose, including those referred to in subdivision 8.

Subd. 8. **Appropriation for payment and costs.** The principal of and interest and premium, if any, on all certificates of indebtedness issued hereunder, and all expenses incidental to the sale, guaranty of sale, placement, printing, execution, authorization, registration, and delivery thereof, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees, shall be paid from the general fund and shall be included in the computation of current cash flow requirements and of amounts available for allotment pursuant to appropriations, and the amounts necessary for these purposes are appropriated from the general fund. These appropriations are irrevocable and shall not be canceled.

Subd. 9. **Biennial cash deficiency.** If cash and cash equivalent amounts held in the general fund on the last day of any biennium, in excess of the amount of warrants then outstanding, are not sufficient to pay all certificates of indebtedness then outstanding with interest due thereon to maturity, the deficiency may be paid by the issuance of refunding certificates of indebtedness maturing not later than December 1 in the ensuing calendar year. If cash and cash equivalent amounts held in the general fund on December 1 immediately following the close of the biennium, in excess of warrants then outstanding, are not sufficient to pay all such refunding certificates of indebtedness and any other certificates of indebtedness outstanding at the end of the biennium and not refunded, with interest then accrued thereon, the state auditor shall levy upon all taxable property in the state a tax collectible in the ensuing calendar year sufficient to pay the same on or before December 1 in the ensuing year with interest to the date or dates of payment.

History: *2Sp1981 c 1 s 5*

16A.75 [Repealed, 1981 c 356 s 377]

16A.751 [Repealed, 1981 c 356 s 377]

16A.752 [Repealed, 1981 c 356 s 377]

16A.753 [Repealed, 1981 c 356 s 377]

16A.754 [Repealed, 1981 c 356 s 377]