

This Document can be made available in alternative formats upon request

State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 2146

March 25, 2009

Authored by Pelowski

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections

March 30, 2009

Committee Recommendation and Adoption of Report: To Pass and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to state government; clarifying Minnesota Management and Budget
1.3 oversight; establishing the management analysis revolving fund; appropriating
1.4 money; amending Minnesota Statutes 2008, sections 13.64; 16A.055, by adding
1.5 a subdivision; 16A.126; 16B.36, subdivision 1; 16B.48, subdivision 2; proposing
1.6 coding for new law in Minnesota Statutes, chapter 43A.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2008, section 13.64, is amended to read:

1.9 13.64 MINNESOTA MANAGEMENT AND BUDGET DEPARTMENT OF
1.10 ADMINISTRATION DATA.

1.11 (a) Notes and preliminary drafts of reports created, collected, or maintained by the
1.12 Management Analysis Division, Minnesota Management and Budget Department of
1.13 Administration, and prepared during management studies, audits, reviews, consultations,
1.14 or investigations are classified as confidential or protected nonpublic data until the final
1.15 report has been published or preparation of the report is no longer being actively pursued.

1.16 (b) Data that support the conclusions of the report and that the commissioner of
1.17 administration Minnesota Management and Budget reasonably believes will result in
1.18 litigation are confidential or protected nonpublic until the litigation has been completed
1.19 or until the litigation is no longer being actively pursued.

1.20 (c) Data on individuals that could reasonably be used to determine the identity of an
1.21 individual supplying data for a report are private if:

- 1.22 (1) the data supplied by the individual were needed for a report; and
1.23 (2) the data would not have been provided to the Management Analysis Division
1.24 without an assurance to the individual that the individual's identity would remain private,

2.1 or the Management Analysis Division reasonably believes that the individual would not  
2.2 have provided the data.

2.3 Sec. 2. Minnesota Statutes 2008, section 16A.055, is amended by adding a subdivision  
2.4 to read:

2.5 Subd. 1a. **Additional duties.** The commissioner may assist state agencies by  
2.6 providing analytical, statistical, and organizational development services to state agencies  
2.7 in order to assist the agency to achieve the agency's mission and to operate efficiently  
2.8 and effectively.

2.9 Sec. 3. Minnesota Statutes 2008, section 16A.126, is amended to read:

2.10 **16A.126 REVOLVING FUND BILLING.**

2.11 Subdivision 1. **Set rates.** The commissioner shall approve the rates an agency must  
2.12 pay to a revolving fund for services. Funds subject to this subdivision include, but are  
2.13 not limited to, the revolving funds established in sections 4A.05, 14.46, 16B.48, 16B.51,  
2.14 16B.53, 16B.54, 16B.58, 16B.85, 16C.03, 16E.14, 43A.55, and 176.591, and the fund  
2.15 established in section 43A.30.

2.16 Subd. 2. **Immediate needs.** To reduce reserves for unforeseen needs, and so reduce  
2.17 these rates, the commissioner may transfer money from the general fund to a revolving  
2.18 fund. Before doing so, the commissioner must decide there is not enough money in  
2.19 the revolving fund for an immediate, necessary expenditure. The amount necessary to  
2.20 make the transfer is appropriated from the general fund to the commissioner of ~~finance~~  
2.21 Minnesota Management and Budget. The commissioner shall report the amount and  
2.22 purpose of the transfer to the chair of the committee or division in the senate and house of  
2.23 representatives with primary jurisdiction over the budget of the Minnesota Management  
2.24 and Budget Department ~~of Finance~~.

2.25 Subd. 3. **Repayment schedules.** The commissioner shall make schedules for  
2.26 repayment to the general fund of the transferred money. A schedule to repay money used  
2.27 to buy equipment may extend over the equipment's useful life. Otherwise, a schedule may  
2.28 not extend beyond five years. The repayment must include interest at a rate comparable to  
2.29 the rate earned by the state on invested commissioner of ~~finance's~~ Minnesota Management  
2.30 and Budget's cash, as determined monthly by the commissioner. An amount necessary to  
2.31 pay the interest is appropriated from the revolving fund to which the transfer was made.

2.32 Sec. 4. Minnesota Statutes 2008, section 16B.36, subdivision 1, is amended to read:

3.1 Subdivision 1. **Authority.** The commissioner may examine, investigate, or make  
 3.2 a survey of the organization, administration, and management of state agencies and  
 3.3 institutions under their control, and may assist state agencies ~~by providing analytical,~~  
 3.4 ~~statistical, and organizational development services to them~~ in order to secure greater  
 3.5 efficiency and economy through reorganization or consolidation of agencies or functions  
 3.6 and to eliminate duplication of function, effort, or activity, so far as possible. The  
 3.7 commissioner shall periodically submit to the legislature a list of the studies being  
 3.8 conducted for this purpose and any future studies scheduled at the time the list is  
 3.9 submitted. For purposes of this section, the Minnesota State Colleges and Universities is  
 3.10 a state agency.

3.11 Sec. 5. Minnesota Statutes 2008, section 16B.48, subdivision 2, is amended to read:

3.12 Subd. 2. **Purpose of funds.** Money in the state treasury credited to the general  
 3.13 services revolving fund and money that is deposited in the fund is appropriated annually to  
 3.14 the commissioner for the following purposes:

3.15 (1) to operate a central store and equipment service;

3.16 (2) to operate the central mailing service, including purchasing postage and related  
 3.17 items and refunding postage deposits;

3.18 (3) to operate a documents service as prescribed by section 16B.51;

3.19 (4) to provide services for the maintenance, operation, and upkeep of buildings and  
 3.20 grounds managed by the commissioner of administration;

3.21 (5) to operate a materials handling service, including interagency mail and product  
 3.22 delivery, solid waste removal, courier service, equipment rental, and vehicle and  
 3.23 equipment maintenance;

3.24 ~~(6) to provide analytical, statistical, and organizational development services to~~  
 3.25 ~~state agencies, local units of government, metropolitan and regional agencies, and school~~  
 3.26 ~~districts;~~

3.27 ~~(7)~~ (6) to operate a records center and provide micrographics products and services;  
 3.28 and

3.29 ~~(8)~~ (7) to perform services for any other agency. Money may be expended for  
 3.30 this purpose only when directed by the governor. The agency receiving the services  
 3.31 shall reimburse the fund for their cost, and the commissioner shall make the appropriate  
 3.32 transfers when requested. The term "services" as used in this clause means compensation  
 3.33 paid officers and employees of the state government; supplies, materials, equipment,  
 3.34 and other articles and things used by or furnished to an agency; and utility services and

4.1 other services for the maintenance, operation, and upkeep of buildings and offices of the  
4.2 state government.

4.3 **Sec. 6. [43A.55] MANAGEMENT ANALYSIS REVOLVING FUND.**

4.4 **Subdivision 1. Creation.** The management analysis revolving fund is created in the  
4.5 state treasury.

4.6 **Subd. 2. Appropriation and use of funds.** Money in the management analysis  
4.7 revolving fund is appropriated annually to the commissioner to provide analytical,  
4.8 statistical, and organizational development services to state agencies, local units of  
4.9 government, metropolitan and regional agencies, school districts, and other public entities  
4.10 in the state.

4.11 **Subd. 3. Reimbursements.** Except as specifically provided otherwise, each agency  
4.12 shall reimburse the management analysis revolving fund for the cost of all services,  
4.13 supplies, materials, labor and depreciation of equipment, including reasonable overhead  
4.14 costs, which the commissioner is authorized and directed to furnish an agency. The  
4.15 commissioner shall report the rates to be charged for the revolving fund no later than July  
4.16 1 of each year to the chair of the committee or division of the senate or the house of  
4.17 representatives with primary jurisdiction over the budget of the Minnesota Management  
4.18 and Budget Department.

4.19 **Subd. 4. Cash flow.** The commissioner may make appropriate transfers to the  
4.20 revolving fund according to section 16A.126. The commissioner may make allotment  
4.21 and encumbrances in anticipation of these transfers. In addition, the commissioner may  
4.22 require an agency to make advance payments to the revolving fund sufficient to cover  
4.23 the office's estimated obligation for a period of at least 60 days. All reimbursements  
4.24 and other money received by the commissioner under this section must be deposited in  
4.25 the management analysis revolving fund.

4.26 **Subd. 5. Liquidation.** If the management analysis revolving fund is abolished or  
4.27 liquidated, the total net profit from the operation of the fund must be distributed to the  
4.28 various funds from which purchases were made. For a given period of time, the amount of  
4.29 total net profit to be distributed to each fund shall reflect the same ratio of total purchases  
4.30 attributable to each fund divided by the total purchases from all funds.