A bill for an act

relating to state government; providing certain appropriations continue in effect at a 70 percent rate unless eliminated or otherwise modified.

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

Section 1. **CONTINUING APPROPRIATIONS.**

Subdivision 1. **Application.** This section applies only to an appropriation enacted in a major finance or revenue bill. The house of representatives and the senate must adopt rules or resolutions specifying which bills are major finance or revenue bills. If the house of representatives and the senate fail to agree on which bills are major finance or revenue bills, "major finance or revenue bill" means the primary bill establishing state tax policy, and the primary bill making appropriations in each of the following areas: higher education; early childhood through high school education; agriculture and rural economies; environment and natural resources; health and human services; state government finance; economic development; and transportation.

Subd. 2. **Certain appropriations continue.** (a) Except for public safety, effective July 1, 2011, an appropriation from the general fund or any other fund enacted in a major finance or revenue bill for fiscal year 2011 remains in effect at 70 percent of the base level for fiscal years 2012 and 2013, unless a law is enacted eliminating or amending the appropriation. Effective July 1, 2011, funding for public safety remains at 100 percent of the fiscal year 2011 appropriation from the general fund or any other fund.

The appropriation base level is determined as provided in Minnesota Statutes, section 16A.11, subdivision 3, paragraph (b).

(b) The amounts needed to implement this section are appropriated from each fund covered by this section.

(c) This section does not apply to an appropriation in a fiscal year if a law is enacted appropriating money in that fiscal year for the purpose of the appropriation.

Subd. 3. **Exceptions and adjustments.** (a) An appropriation remaining in effect under authority of subdivision 2 must be adjusted or discontinued as required by other law, by general policies of the commissioner of management and budget, and in the following circumstances:

(b) An appropriation for the fiscal year ending June 30 of the odd-numbered year does not remain in effect for the fiscal year starting on July 1 if the legislature specifically designated the appropriation as a onetime appropriation, if the commissioner of management and budget determines that the legislature clearly intended the appropriation to be onetime, or if the program for which the appropriation was made expires on or before July 1.

(c) If an appropriation remains in effect under authority of subdivision 2, but the program or activity that is the subject of the appropriation is scheduled to expire during a fiscal year, the commissioner of management and budget must prorate the appropriation.

(d) The commissioner of management and budget may make technical adjustments to the amount of an appropriation to the extent the commissioner determines the technical adjustments are needed to accurately reflect the amount that constitutes the annual base level of the appropriation. The commissioner may make an adjustment under this paragraph only if one or more of the following conditions are met:

(1) the legislature previously appropriated money for a biennium, with the entire appropriation being allocated to one year of the biennium, and the commissioner determines an adjustment is necessary to accurately reflect the annual amount needed to maintain program operations at the same level;

(2) laws or policies under which revenues and expenditures are accounted for have changed to eliminate or consolidate certain funds or accounts, and adjustments in appropriations are necessary to implement these changes;

(3) duties have been transferred between agency programs, or between agencies, and adjustments in appropriations are needed to reflect these transfers; or

(4) a program, or changes to a program, were not fully operational in one fiscal year, but will be fully operational in the following year, and an adjustment to the appropriation is needed to accurately reflect the annual cost of the new or changed program.

The commissioner of management and budget must give the chairs of the senate Finance Committee and the house of representatives Ways and Means Committee written notice of any adjustments made under this subdivision.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. **COURTS MAY NOT DETERMINE ESSENTIAL SERVICES.**

Notwithstanding Minnesota Statutes, section 480.04, 480A.06, or 484.01, or any other law to the contrary, in the event the appropriations to fund any portion of state government during the 2012-2013 biennium are not enacted during or after the 87th legislative session, except for funding for public safety, a court may not order any expenditure of an amount in the treasury to fund any operation of state government.

EFFECTIVE DATE. This section is effective the day following final enactment.