

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 2144

(SENATE AUTHORS: NIENOW, Hall, Chamberlain and Pratt)

DATE	D-PG	OFFICIAL STATUS
05/05/2015	3269	Introduction and first reading Referred to State and Local Government
05/13/2015	3556	Motion did not prevail to recall from committee, pursuant to Rule 5.1, and place on General Orders

1.1

A bill for an act

1.2

relating to state government; suspending compensation of legislators and the

1.3

governor until certain finance and revenue bills are enacted; defining the effective

1.4

date for certain executive orders; providing certain appropriations continue in

1.5

effect at a 100 percent rate unless eliminated or otherwise modified; prohibiting

1.6

courts from ordering expenditures from the state treasury except under a certain

1.7

circumstance; authorizing the governor to stop continued appropriations by

1.8

executive order except in a certain circumstance; amending Minnesota Statutes

1.9

2014, section 4.035, subdivision 2; proposing coding for new law in Minnesota

1.10

Statutes, chapters 3; 16A.

1.11

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

1.12

Section 1. **[3.0985] COMPENSATION SUSPENDED UNTIL MAJOR BUDGET**

1.13

BILLS ENACTED.

1.14

Notwithstanding any law to the contrary, members of the legislature may not receive

1.15

salary or per diem living expenses and the governor may not receive salary after the

1.16

effective date of an executive order issued under section 16A.312 until all of the bills

1.17

designated as major finance and revenue bills have been enacted.

1.18

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

1.19

Sec. 2. Minnesota Statutes 2014, section 4.035, subdivision 2, is amended to read:

1.20

Subd. 2. **Effective date.** An executive order issued pursuant to sections 12.31 to

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12.32 or any other emergency executive order issued to protect a person from an imminent

1.22

threat to health and safety shall be effective immediately and shall be filed with the

1.23

secretary of state and published in the State Register as soon as possible after its issuance.

1.24

Emergency executive orders shall be identified as such in the order. An executive order

1.25

issued under section 16A.312 shall be effective 45 days after its publication in the State

Register and filing with the secretary of state. Any other executive order shall be effective upon 15 days after its publication in the state register and filing with the secretary of state. The governor shall submit a copy of the executive order to the commissioner of administration to facilitate publication in the State Register.

Sec. 3. **[16A.31] 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: judiciary and public safety; 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. **Appropriations continue.** (a) An appropriation from the general fund or any other fund enacted in a major finance or revenue bill remains in effect at 100 percent of the base level for the following biennium, unless a law is enacted eliminating or amending the appropriation.

The appropriation base level is determined as provided in 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:

(1) 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;

(2) 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; and

(3) 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:

(i) 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;

(ii) 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;

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

(iv) 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.

(b) 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. 4. [16A.311] COURTS MAY NOT ORDER EXPENDITURES.

Notwithstanding section 480.04, 480A.06, or 484.01, or any other law to the contrary, a court may not order any expenditure of an amount in the treasury to fund any operation of state government that violates the constitutional prohibition in the Minnesota Constitution, article XI, section 1, against paying money out of the treasury of the state except in pursuance of an appropriation by law.

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

4.1 Sec. 5. **[16A.312] GOVERNOR AUTHORIZED TO STOP CONTINUED**
4.2 **APPROPRIATIONS.**

4.3 Subdivision 1. **Executive order.** The governor may, by executive order, prevent
4.4 the expenditure of appropriations that are continued under section 16A.31, except that
4.5 the governor is not authorized to prevent the expenditure of an appropriation that funds
4.6 public safety and is continued under section 16A.31. If the governor issues an executive
4.7 order under this section, the governor must issue a proclamation under the Minnesota
4.8 Constitution, article IV, section 12, to convene the legislature 30 days after publication of
4.9 the executive order. Appropriations continued under section 16A.31 that are subject to
4.10 executive order under this section shall not be reinstated by a subsequent executive order.

4.11 Subd. 2. **Effective date of executive order.** An executive order issued under this
4.12 section shall be effective 45 days after its publication in the State Register and filing
4.13 with the secretary of state.