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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. **2958**

03/22/2012 Authored by Holberg

The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to finance; requiring the Legislative Advisory Commission to consider
1.3 certain requests to spend federal money; limiting the authority to spend federal
1.4 money without legislative review to certain emergency management purposes;
1.5 amending Minnesota Statutes 2010, sections 3.3005, subdivisions 2a, 5, 6; 12.22,
1.6 subdivision 1; 116.03, subdivision 3; repealing Minnesota Statutes 2010, section
1.7 3.3005, subdivision 4.

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

1.9 Section 1. Minnesota Statutes 2010, section 3.3005, subdivision 2a, is amended to read:

1.10 Subd. 2a. **Review of federal funds spending request.** ~~Twenty~~ Thirty days after a
1.11 governor's budget request that includes a request to spend federal money is submitted to
1.12 the legislature under subdivision 2, a state agency may expend money included in that
1.13 request unless, within the ~~20-day~~ 30-day period, ~~a member of~~ the Legislative Advisory
1.14 Commission requests further review. If ~~a~~ the Legislative Advisory Commission ~~member~~
1.15 requests further review of a federal funds spending request, the agency may not expend
1.16 the federal funds until:

- 1.17 (1) the commission's request has been satisfied and withdrawn;
1.18 (2) the expenditure is approved in law; or
1.19 (3) the regular session of the legislature is adjourned for the year.

1.20 Sec. 2. Minnesota Statutes 2010, section 3.3005, subdivision 5, is amended to read:

1.21 Subd. 5. **Legislative Advisory Commission review.** Federal money that becomes
1.22 available under subdivision 3, 3a, or 3b, ~~or 4~~ may be allotted after the commissioner of
1.23 management and budget has submitted the request to ~~the members of~~ the Legislative
1.24 Advisory Commission for their review and recommendation ~~for further review.~~ If

2.1 ~~a recommendation is not made within ten days, no further review by the Legislative~~
 2.2 ~~Advisory Commission is required, and the commissioner shall approve or disapprove~~
 2.3 ~~the request. If a recommendation by any member is for further review the governor~~
 2.4 ~~shall submit the request to the Legislative Advisory Commission for its review and~~
 2.5 ~~recommendation. Failure or refusal of the commission to make a recommendation~~
 2.6 ~~promptly is a negative recommendation. If the commission makes a negative~~
 2.7 ~~recommendation or a recommendation for further review on a request within 30 days after~~
 2.8 ~~the date the request was submitted, the commissioner shall not approve expenditure of~~
 2.9 ~~that federal money. If a request to expend federal money submitted under this subdivision~~
 2.10 ~~receives a negative recommendation or a recommendation for further review, the request~~
 2.11 ~~may be submitted again under subdivision 2. If the members of the commission make~~
 2.12 ~~a positive recommendation or no recommendation, the commissioner shall approve or~~
 2.13 ~~disapprove the request and the federal money may be allotted for expenditure.~~

2.14 Sec. 3. Minnesota Statutes 2010, section 3.3005, subdivision 6, is amended to read:

2.15 Subd. 6. **Interim procedures; nonurgencies.** If federal money becomes available
 2.16 to the state for expenditure after the deadline in subdivision 2 or while the legislature is
 2.17 not in session, ~~and subdivision 4 does not apply,~~ a request to expend the federal money
 2.18 may be submitted by the commissioner of management and budget to ~~members of~~
 2.19 the Legislative Advisory Commission for ~~their~~ review and recommendation. ~~This~~ The
 2.20 commissioner may submit a request must be submitted by October 1 to the Legislative
 2.21 Advisory Commission under this subdivision on August 1 and October 15 of any year. If
 2.22 ~~any member of the commission makes a negative recommendation or a recommendation~~
 2.23 ~~for further review on a request by October 20 of the same year~~ within 30 days after the
 2.24 date the request was submitted, the commissioner shall not approve expenditure of that
 2.25 federal money. If a request to expend federal money submitted under this subdivision
 2.26 receives a negative recommendation or a recommendation for further review, the request
 2.27 may be submitted again under subdivision 2. If the members of the commission make
 2.28 a positive recommendation or no recommendation, the commissioner shall approve or
 2.29 disapprove the request and the federal money may be allotted for expenditure.

2.30 Sec. 4. Minnesota Statutes 2010, section 12.22, subdivision 1, is amended to read:

2.31 Subdivision 1. **Federal aid.** Whenever the federal government, or an agency or
 2.32 officer of the federal government, offers to the state, or through the state to any political
 2.33 subdivision of the state, services, equipment, supplies, materials, or funds by way of gift,
 2.34 grant or loan, for the purposes of emergency management, the state, acting through the

3.1 governor, or the political subdivision, acting with the consent of the governor and through
3.2 its governing body, may accept the offer and then may authorize an officer of the state
3.3 or of the political subdivision, as the case may be, to receive the services, equipment,
3.4 supplies, materials, or funds on behalf of the state or the political subdivision and subject
3.5 to the terms of the offer and the rules, if any, of the agency making the offer. ~~However,~~
3.6 Money received by the governor or any state agency under this subdivision is appropriated
3.7 to the state agency receiving the funds to carry out the emergency management purposes
3.8 for which the money is received. Section 3.3005 does not apply to money appropriated
3.9 under this section. No money or other funds may be accepted or received as a loan nor any
3.10 indebtedness incurred except as provided by law.

3.11 Sec. 5. Minnesota Statutes 2010, section 116.03, subdivision 3, is amended to read:

3.12 Subd. 3. **Federal funds.** The commissioner of the Pollution Control Agency is
3.13 the state agent to apply for, receive, and disburse federal funds made available to the
3.14 state by federal law or rules and regulations promulgated thereunder for any purpose
3.15 related to the powers and duties of the Pollution Control Agency or the commissioner.
3.16 The commissioner shall comply with any and all requirements of such federal law or
3.17 such rules and regulations promulgated thereunder to facilitate application for, receipt,
3.18 and disbursement of such funds. All such moneys received by the commissioner
3.19 shall be deposited in the state treasury and are hereby annually appropriated to the
3.20 commissioner for the purposes for which they are received. None of such moneys in the
3.21 state treasury shall cancel and they shall be available for expenditure in accordance with
3.22 the requirements of federal law.

3.23 ~~The provisions of section 3.3005 shall not apply to money available under the~~
3.24 ~~federal Comprehensive Environmental Response, Compensation, and Liability Act of~~
3.25 ~~1980, United States Code, title 42, sections 9601 to 9657, for which a state match is not~~
3.26 ~~required or for which a state match is available under the Environmental Response and~~
3.27 ~~Liability Act or from a political subdivision. The receipt of the money shall be reported~~
3.28 ~~to the Legislative Advisory Commission.~~

3.29 Sec. 6. **REPEALER.**

3.30 Minnesota Statutes 2010, section 3.3005, subdivision 4, is repealed.