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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. **34**

06/15/2021 Authored by Hamilton and Schomacker

The bill was read for the first time and referred to the Committee on State Government Finance and Elections

1.1 A bill for an act

1.2 relating to state government; modifying the fiscal biennium to coincide with the

1.3 May adjournment of regular legislative sessions; proposing an amendment to

1.4 article XI, section 6, of the Minnesota Constitution; making conforming changes;

1.5 establishing the Stop Special Session Act of 2021; amending Minnesota Statutes

1.6 2020, sections 6.581, subdivision 4; 16A.011, subdivision 14; 16A.28, subdivision

1.7 6; 16A.45, subdivision 1; 16A.62; 16A.724, subdivision 2; 16B.4805, subdivision

1.8 5; 16B.98, subdivision 7; 46.131, subdivision 7; 53C.02; 85A.02, subdivision 12;

1.9 297E.01, subdivision 6; 645.02.

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

1.11 ARTICLE 1

1.12 CITATION

1.13 Section 1. STOP SPECIAL SESSION ACT.

1.14 This act may be cited as the Stop Special Session Act of 2021.

1.15 ARTICLE 2

1.16 CONSTITUTIONAL AMENDMENT

1.17 Section 1. CONSTITUTIONAL AMENDMENT PROPOSED.

1.18 An amendment to the Minnesota Constitution is proposed to the people. If the amendment

1.19 is adopted, article XI, section 6, will read:

1.20 Sec. 6. As authorized by law certificates of indebtedness may be issued during a

1.21 biennium, commencing on ~~July 1~~ May 16 in each odd-numbered year and ending on and

1.22 including ~~June 30~~ May 15 in the next odd-numbered year, in anticipation of the collection

of taxes levied for and other revenues appropriated to any fund of the state for expenditure during that biennium.

No certificates shall be issued in an amount which with interest thereon to maturity, added to the then outstanding certificates against a fund and interest thereon to maturity, will exceed the then unexpended balance of all money which will be credited to that fund during the biennium under existing laws. The maturities of certificates may be extended by refunding to a date not later than December 1 of the first full calendar year following the biennium in which the certificates were issued. If money on hand in any fund is not sufficient to pay all non-refunding certificates of indebtedness issued on a fund during any biennium and all certificates refunding the same, plus interest thereon, which are outstanding on December 1 immediately following the close of the biennium, the state auditor shall levy upon all taxable property in the state a tax collectible in the ensuing year sufficient to pay the same on or before December 1 of the ensuing year with interest to the date or dates of payment.

Sec. 2. **SUBMISSION TO VOTERS.**

The proposed amendment must be submitted to the people at the 2022 general election.

The question submitted must be:

"Shall the Minnesota Constitution be amended so that the state's budget biennium starts on May 16 each odd-numbered year and ends on May 15 in the next odd-numbered year?"

Yes

No "

ARTICLE 3

CONFORMING STATUTORY CHANGES

Section 1. Minnesota Statutes 2020, section 6.581, subdivision 4, is amended to read:

Subd. 4. **Reports to legislature.** At least 30 days before implementing increased charges for examinations, the state auditor must report the proposed increases to the chairs and ranking minority members of the committees in the house of representatives and the senate with jurisdiction over the budget of the state auditor. By January 15 of each odd-numbered year, the state auditor must report to the chairs and ranking minority members of the legislative committees and divisions with primary jurisdiction over the budget of the state auditor a summary of anticipated revenues, and expenditures related to examinations for the biennium ending ~~June 30~~ May 15 of that year. The report must also include for the

biennium the number of full-time equivalents, by division, employed by the Office of the State Auditor, any audit rate changes stated as a percentage, the number of audit reports issued, and the number of counties audited.

Sec. 2. Minnesota Statutes 2020, section 16A.011, subdivision 14, is amended to read:

Subd. 14. **Fiscal year.** "Fiscal year" means the period beginning at midnight between ~~June 30~~ May 15 and ~~July 1~~ May 16 and ending 12 months later.

Sec. 3. Minnesota Statutes 2020, section 16A.28, subdivision 6, is amended to read:

Subd. 6. **Canceled October 15.** On October 15 all allotments and encumbrances for the last fiscal year shall be canceled unless an agency head certifies to the commissioner that there is an encumbrance for services rendered, goods ordered, or grants issued in the last fiscal year, or certifies that funding will be carried forward under subdivision 1.

Encumbrances for grants issued by ~~June 30~~ May 15 may be certified for a period of one year beyond the year in which the funds were originally appropriated. Services rendered under grant contracts may occur during the certification period. The commissioner may reinstate the part of the cancellation needed to meet the certified encumbrance or charge the certified encumbrance against the current year's appropriation.

Sec. 4. Minnesota Statutes 2020, section 16A.45, subdivision 1, is amended to read:

Subdivision 1. **Cancel; credit.** Once each fiscal year the commissioner shall cancel upon the books all outstanding unpaid commissioner's warrants that have been issued and delivered on or before ~~June 30~~ May 15 of the preceding year and credit state amounts subject to section 345.43 and federal amounts to the appropriate account in the federal fund. These warrants are presumed abandoned under section 345.38 and are subject to sections 345.31 to 345.60.

Sec. 5. Minnesota Statutes 2020, section 16A.62, is amended to read:

16A.62 MONEY IN ABOLISHED FUND TO GENERAL FUND.

Each ~~June 30~~ May 15, the commissioner shall transfer to and credit to the general fund, money in a special fund or account abolished by law.

Sec. 6. Minnesota Statutes 2020, section 16A.724, subdivision 2, is amended to read:

Subd. 2. **Transfers.** (a) Notwithstanding section 295.581, to the extent available resources in the health care access fund exceed expenditures in that fund, effective for the biennium

beginning July 1, 2007, the commissioner of management and budget shall transfer the excess funds from the health care access fund to the general fund on ~~June 30~~ May 15 of each year, provided that the amount transferred in fiscal year 2016 shall not exceed \$48,000,000, the amount in fiscal year 2017 shall not exceed \$122,000,000, and the amount in any fiscal biennium thereafter shall not exceed \$244,000,000. The purpose of this transfer is to meet the rate increase required under section 256B.04, subdivision 25.

(b) For fiscal years 2006 to 2011, MinnesotaCare shall be a forecasted program, and, if necessary, the commissioner shall reduce these transfers from the health care access fund to the general fund to meet annual MinnesotaCare expenditures or, if necessary, transfer sufficient funds from the general fund to the health care access fund to meet annual MinnesotaCare expenditures.

Sec. 7. Minnesota Statutes 2020, section 16B.4805, subdivision 5, is amended to read:

Subd. 5. **Notification.** By August 1, 2015, or within 30 days of final enactment, whichever is later, and each year thereafter by ~~June 30~~ May 15, the commissioner of administration must notify state agencies that reimbursement for expenses incurred to make reasonable accommodation eligible for reimbursement for agency employees and applicants for agency employment is available under this section.

Sec. 8. Minnesota Statutes 2020, section 16B.98, subdivision 7, is amended to read:

Subd. 7. **Grant payments.** Payments to the grantee may not be issued until the grant agreement is fully executed. Encumbrances for grants issued by ~~June 30~~ May 15 may be certified for a period of one year beyond the year in which the funds were originally appropriated as provided by section 16A.28, subdivision 6.

Sec. 9. Minnesota Statutes 2020, section 46.131, subdivision 7, is amended to read:

Subd. 7. **Fiscal year assessments.** Such assessments shall be levied on July 1, 1965, and prior to the beginning of each fiscal period beginning ~~July 1~~ May 16 and ending ~~June 30~~ May 15 thereafter, and shall be based on the total estimated expense as herein referred to during such period. Assessment revenue will be remitted to the commissioner for deposit in the financial institutions account on or before ~~July 1~~ May 16 of each year.

Sec. 10. Minnesota Statutes 2020, section 53C.02, is amended to read:

53C.02 SALES FINANCE COMPANY; LICENSE, FEES, REFUND.

(a) No person shall engage in the business of a sales finance company in this state without a license therefor as provided in sections 53C.01 to 53C.14 provided, however, that no bank, trust company, savings bank, savings association, or credit union, whether state or federally chartered, industrial loan and thrift company, or licensee under the Minnesota Regulated Loan Act authorized to do business in this state shall be required to obtain a license under sections 53C.01 to 53C.14.

(b) The application for a license shall be in writing, under oath and in the form prescribed by the commissioner. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners, or, if a corporation or association, of the directors, trustees and principal officers, and other pertinent information the commissioner requires.

(c) The licensee fee for the fiscal year beginning ~~July 1~~ May 16 and ending ~~June 30~~ May 15 of the following year, or any part thereof shall be the sum of \$250 for the principal place of business of the licensee, and the sum of \$125 for each branch of the licensee. Any licensee who proves to the satisfaction of the commissioner, by affidavit or other proof satisfactory to the commissioner, that during the 12 calendar months of the immediately preceding fiscal year, for which the license has been paid that the licensee has not held retail installment contracts exceeding \$15,000 in amount, shall be entitled to a refund of that portion of each license fee paid in excess of \$25. The commissioner shall certify to the commissioner of management and budget that the licensee is entitled to a refund, and payment thereof shall be made by the commissioner of management and budget. The amount necessary to pay for the refundment of the license fee is appropriated out of the general fund. All license fees received by the commissioner under sections 53C.01 to 53C.14 shall be deposited with the commissioner of management and budget.

(d) Each license shall specify the location of the office or branch and must be conspicuously displayed there. In case the location be changed, the commissioner shall endorse the change of location on the license.

(e) Upon the filing of such application, and the payment of the fee, the commissioner shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of sections 53C.01 to 53C.14 for a period which shall expire the last day of June next following the date of its issuance. The license shall

6.1 not be transferable or assignable. No licensee shall transact any business provided for by
6.2 sections 53C.01 to 53C.14 under any other name.

6.3 (f) Section 58A.04, subdivisions 2 and 3, apply to this section.

6.4 Sec. 11. Minnesota Statutes 2020, section 85A.02, subdivision 12, is amended to read:

6.5 Subd. 12. **Report.** The board shall report to the legislature by September 15 of each year
6.6 on the activities of the board and the operation of the zoological garden. The report must
6.7 summarize the activities of the board and the Minnesota Zoological Garden over the
6.8 preceding fiscal year ending ~~June 30~~ May 15. The report must be submitted together with
6.9 the financial report required by subdivision 5c.

6.10 Sec. 12. Minnesota Statutes 2020, section 297E.01, subdivision 6, is amended to read:

6.11 Subd. 6. **Fiscal year.** "Fiscal year" means the period from ~~July 1~~ May 16 to ~~June 30~~
6.12 May 15.

6.13 Sec. 13. Minnesota Statutes 2020, section 645.02, is amended to read:

6.14 **645.02 EFFECTIVE DATE AND TIME OF LAWS.**

6.15 Each act, except one making appropriations, enacted finally at any session of the
6.16 legislature takes effect on August 1 next following its final enactment, unless a different
6.17 date is specified in the act. A special law required to be approved by the local government
6.18 unit affected before it goes into effect becomes effective as to the approving unit the day
6.19 following the day on which the certificate of approval prescribed by section 645.021 is filed
6.20 with the secretary of state, unless a later date is specified in the act. When approval of such
6.21 a special law is required by two or more local government units before it may become
6.22 effective, the day after the day when the last of the required certificates is filed is the effective
6.23 date, unless a later date is specified in the act.

6.24 An appropriation act or an act having appropriation items enacted finally at any session
6.25 of the legislature takes effect at the beginning of ~~the first day of July~~ May 16 next following
6.26 its final enactment, unless a different date is specified in the act.

6.27 Each act takes effect at 12:01 a.m. on the day it becomes effective, unless a different
6.28 time is specified in the act.

7.1 Sec. 14. **EFFECTIVE DATE.**

7.2 Upon adoption by the people of the amendment in article 2, this article is effective
7.3 beginning with fiscal year 2024 and, notwithstanding any other law, fiscal year 2023 will
7.4 end on May 15, 2023.