

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1455

(SENATE AUTHORS: HOWE and Nienow)

DATE	D-PG	OFFICIAL STATUS
05/20/2011	2942	Introduction and first reading
		Referred to State Government Innovation and Veterans
	2942	Author added Nienow

A bill for an act
relating to state government; making provisions in the event of a government
shutdown; proposing coding for new law in Minnesota Statutes, chapter 16A.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[16A.89] CONTINGENCY PLANS IN EVENT OF GOVERNMENT
SHUTDOWN.**

Subdivision 1. **Government shutdown.** (a) A government shutdown is a period
on and after July 1 of an odd numbered year, in which one or more of the bills making
appropriations for the following areas have not been enacted: higher education, education,
agriculture, environment and natural resources, health and human services, state
government, jobs and economic development, transportation, judiciary, public safety, and
aids and credits to local government. This section does not require appropriations bills to
be organized in the manner specified in this section.

(b) Any money accumulated during a government shutdown must be allocated first
to the budget reserve account in the amount specified in Minnesota Statutes, section
16A.152, subdivision 2, paragraph (a), clause (2), and then to the "K-12 shift" under
Minnesota Statutes, section 16A.152, subdivision 2, paragraph (a), clauses (3) and (4).

Subd. 2. **Employees; benefits.** (a) In the event of a government shutdown during
fiscal years ending June 30, public employees may use accrued vacation leave. Public
employees may also use accrued sick leave.

(b) Employees furloughed during a period of government shutdown who have
exhausted vacation and sick leave shall not receive pay during the furloughed time when
they return to active employment status.

(c) Employee health insurance benefits for furloughed employees continue during a period of lapsed appropriations lasting less than 365 days. Group life insurance continues for up to 12 consecutive months while in a nonpay status without cost to the employee.

Subd. 3. **Continuation of government services.** (a) State agencies shall continue activities otherwise authorized by law that protect life, safety, and property and those activities necessary to begin phase-down of other activities. Specifically, state agencies shall:

(1) provide for state security and the safety of life and property;

(2) provide for benefit payments required under federal law and the performance of contract obligations;

(3) conduct those activities that are essential to protecting life and property including:

(i) medical care of inpatients;

(ii) emergency outpatient care;

(iii) child welfare;

(iv) safe use of food and drugs;

(v) safe use of hazardous material;

(vi) continuing transportation safety functions;

(vii) protection of transportation property;

(viii) protection of state lands, buildings, waterways, equipment and other property owned by the state;

(ix) care of prisoners and other persons in the custody of the state;

(x) law enforcement and criminal investigations;

(xi) emergency and disaster assistance;

(xii) activities essential to preserving tax collections; and

(xiii) court-mandated activities and appearances as determined by the Chief Justice.

(b) Staff must be maintained to ensure continuation of the essential functions in this subdivision.

(c) The time within which any action must be taken by a member of the public or by any state offices or agency, including but not limited to rejection, approval, or denial of filing or other applications required under law in connection with the filing of any document or the transaction of any business by or with the state or its agencies, departments, divisions, commissions, or boards shall be tolled by each day on which state offices are closed for regular business. This paragraph does not apply to the payment of any fees or taxes due and owing to the state or payments to the state under any contractual agreements.

3.1 (d) Each department or agency head shall provide for the orderly shutdown of all
3.2 services and functions funded through an appropriations bill and not deemed essential
3.3 under the criteria in paragraph (a).

3.4 Subd. 4. **Department of Management and Budget.** (a) The commissioner shall
3.5 take all actions necessary to prevent the state from defaulting on any of its general
3.6 obligation bonds, including the payment of principal and interest in the state treasury, and
3.7 shall take all actions that are essential to protect the state's funds and investments.

3.8 (b) The commissioner is authorized to obligate funds for the purpose of paying employees
3.9 who have been designated by agency or department heads as essential employees or who
3.10 are necessary to implement the orderly shutdown of programs and functions.

3.11 **EFFECTIVE DATE.** This section is effective July 1, 2011.