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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3360

03/05/2018 Authored by Jessup, O'Driscoll, West, Nash, Bliss and others
The bill was read for the first time and referred to the Committee on State Government Finance

1.1 A bill for an act
1.2 relating to state government; providing for continuing appropriations in the event
1.3 all or a portion of the state operating budget is not enacted prior to the start of a
1.4 fiscal biennium; appropriating money; proposing coding for new law in Minnesota
1.5 Statutes, chapter 16A.

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

1.7 Section 1. 16A.117 CONTINUING APPROPRIATIONS.

1.8 Subdivision 1. Appropriations reauthorized for one year. (a) If operating money for
1.9 the judiciary, a constitutional office, an executive agency, or the legislature is not appropriated
1.10 before July 1 of an odd-numbered year, appropriations for that entity for the fiscal year
1.11 ending that June 30 are reauthorized at 90 percent of the base level for the new fiscal year
1.12 beginning July 1.

1.13 (b) Each month, the commissioner must allocate to the judiciary, constitutional office,
1.14 executive agency, or legislature no more than 90 percent of the fractional share of the
1.15 recipient's base level appropriation.

1.16 (c) The amounts required to implement this section are appropriated from the same funds
1.17 and accounts as in the fiscal year ending that June 30.

1.18 (d) For purposes of this section, "base level" means the amount appropriated for the
1.19 fiscal year ending June 30 of that calendar year, except as otherwise provided by subdivisions
1.20 2 and 3 or by other law.

1.21 Subd. 2. Exceptions and adjustments. (a) The commissioner must adjust an
1.22 appropriation reauthorized under subdivision 1 according to paragraphs (b) to (e) or as

2.1 required by other law. Except as provided under paragraph (b), adjusted appropriation
2.2 amounts must not exceed 90 percent of the base level.

2.3 (b) In order to fully satisfy fiscal obligations under current law, the commissioner must
2.4 adjust the appropriation for each forecasted program according to the forecast adjusted base
2.5 spending level estimated by the commissioner in the preceding budget forecast and the 90
2.6 percent limitation under subdivision 1 does not apply.

2.7 (c) An appropriation for the fiscal year ending June 30 of the odd-numbered year is not
2.8 reauthorized under this section if the legislature specifically designated the appropriation
2.9 as a onetime appropriation, if the commissioner determines that the legislature clearly
2.10 intended the appropriation to be onetime, or if the program or activity for which the
2.11 appropriation was made expires on or before July 1.

2.12 (d) If an appropriation is reauthorized under this section, but a program or activity that
2.13 is the subject of the appropriation is scheduled to expire during a fiscal year, the
2.14 commissioner must prorate the appropriation consistent with the expiration date.

2.15 (e) The commissioner may make technical adjustments to the amount of an appropriation
2.16 to the extent the commissioner determines the adjustments are needed to accurately reflect
2.17 the amount that constitutes the annual base level of the appropriation. The commissioner
2.18 may make an adjustment under this paragraph only if one or more of the following conditions
2.19 is met:

2.20 (1) the legislature previously appropriated money for a biennium, with the entire
2.21 appropriation allocated to one year of the biennium, and the commissioner determines an
2.22 adjustment is necessary to accurately reflect the amount of annual funding;

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

2.26 (3) duties have been transferred between programs or agencies and adjustments are
2.27 necessary to reflect these transfers.

2.28 (f) The commissioner must give prompt written notice of any adjustments made under
2.29 this subdivision to the chairs and ranking minority members of the senate Committee on
2.30 Finance and house of representatives Committee on Ways and Means.

2.31 Subd. 3. **Statutory appropriations.** All statutory appropriations from the general fund
2.32 or another fund in the state treasury continue as required under current law and are not
2.33 limited by this section.