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Overview

This amendment would appropriate money to continue certain functions of state government in the event that the legislature fails to reauthorize funding or the funding is vetoed by the governor. The amendment establishes criteria that Minnesota Management and Budget (MMB), in consultation with the Legislative Advisory Commission, would use to identify and fund these critical functions.

In 2005 and 2011, when the new fiscal biennium began on July 1, laws necessary to fund a significant portion of state government had not yet been enacted. Upon petition by the attorney general, the Ramsey County District Court ordered state officials to release funding from the treasury sufficient to temporarily continue certain critical functions. With the Minnesota Supreme Court's 2017 ruling in *90th Minnesota State Senate, et al. v. Dayton et al.*, it is not clear whether the courts will order funding for critical activities in the event of a future shutdown.

Section

1 Funding to perform critical functions appropriated.

Subd. 1. Critical functions to continue; appropriation. Appropriates money to continue a critical function for which money was not otherwise appropriated. Provides that an appropriation under this section remains in effect until superseded by law, except in the case of the 14-day funding limit for state parks and historical sites in subdivision 3. Defines "critical function" to mean a function that (1) was funded in the prior fiscal year, and (2) satisfies criteria in subdivision 2, 3, or 4.

Section

Subd. 2. Critical functions; full funding. Establishes criteria that MMB would use to identify those critical functions that would be fully funded under this law.

Subd. 3. Critical functions; funding limited. Establishes criteria that MMB would use to identify those critical functions that would be funded at an amount equal to the amount spent for that function in the previous fiscal year.

Subd. 4. Critical functions; constitutional entities. Provides funding equal to the amount spent during the previous fiscal year for constitutional officers, the Supreme Court, the Court of Appeals, district courts, the senate, the house of representatives, and the Legislative Coordinating Commission.

Subd. 5. Relation to other laws. Provides that while a critical function is funded under this section, all other statutory appropriations to the entity performing the critical function are suspended or superseded.

Subd. 6. Public higher education institutions. Authorizes the University of Minnesota and the Minnesota State system – in the event that the omnibus higher education budget act is not enacted by July 1 of an odd-numbered year – to continue operations using other resources available to them.