

1.1 ..... moves to amend H.F. No. 3891 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. **[16A.117] FUNDING TO PERFORM CRITICAL FUNCTIONS**  
1.4 **APPROPRIATED.**

1.5 Subdivision 1. Critical functions to continue; appropriation. (a) If money is not  
1.6 otherwise appropriated for a critical function for a fiscal year beginning July 1 of an  
1.7 odd-numbered year, money is appropriated under this section from the relevant fund or  
1.8 funds to perform the critical function during the fiscal year beginning that July 1.

1.9 (b) For purposes of this section, "critical function" means a function, as determined by  
1.10 the commissioner in consultation with the Legislative Advisory Commission: (1) for which  
1.11 money was appropriated for the fiscal year ending that June 30, and (2) that satisfies one  
1.12 or more of the criteria in subdivisions 2 to 4.

1.13 (c) Except as provided in subdivision 3, clause (15), an appropriation under this section  
1.14 remains in effect until superseded by a subsequent law that eliminates or funds the critical  
1.15 function.

1.16 Subd. 2. Critical functions; full funding. For a critical function under this subdivision,  
1.17 a sum sufficient to fully fund that function, as determined by the commissioner, is  
1.18 appropriated for the fiscal year beginning that July 1. These critical functions are:

1.19 (1) natural disaster and other emergency assistance under chapters 12, 12A, 12B, or  
1.20 other law;

1.21 (2) transportation activities that are consistent with plans developed by the commissioner  
1.22 of transportation and funded entirely by constitutionally dedicated revenues;

1.23 (3) the operation of a board regulating licensed occupations or gambling if the board is  
1.24 funded entirely by:

- 2.1 (i) fees or other dedicated revenues; or
- 2.2 (ii) general fund appropriations, if fees or other revenues collected by the board and
- 2.3 deposited in the general fund exceeded the board's general fund appropriation in at least
- 2.4 three of the last five fiscal years;
- 2.5 (4) the continuation of existing construction contracts:
- 2.6 (i) previously awarded and funded with general obligation bond proceeds;
- 2.7 (ii) previously awarded and funded by sources other than the general fund; or
- 2.8 (iii) necessary to secure an existing project and prevent a threat to public safety; and
- 2.9 (5) payment of the following:
- 2.10 (i) debt for which the full faith and credit of the state has been pledged;
- 2.11 (ii) debt paid from user fees or other dedicated revenues and not from appropriations or
- 2.12 transfers from the general fund;
- 2.13 (iii) certificates of participation;
- 2.14 (iv) appropriation bonds for which payment is contingent upon an appropriation for that
- 2.15 purpose;
- 2.16 (v) credit enhancement programs for cities, counties, and school districts; and
- 2.17 (vi) debt service equalization aid payments to school districts.
- 2.18 Subd. 3. **Critical functions; funding limited.** Except as provided in clause (15), the
- 2.19 appropriation for a critical function under this subdivision is equal to the amount spent for
- 2.20 that function in the fiscal year ending that June 30, with the allocation for any month limited
- 2.21 to the amount spent during the corresponding month in the fiscal year ending that June 30.
- 2.22 These critical functions are:
- 2.23 (1) functions necessary to:
- 2.24 (i) protect the rights afforded to the citizens of Minnesota under the federal or state
- 2.25 constitution; or
- 2.26 (ii) secure public facilities, data, and information technology systems;
- 2.27 (2) funding for elementary and secondary education through the basic education formula
- 2.28 and special education services required by federal law;

- 3.1 (3) functions required under an existing agreement with the federal government as  
3.2 governed by the Supremacy Clause of the United States Constitution including but not  
3.3 limited to medical assistance, MinnesotaCare, and the Minnesota family investment program;
- 3.4 (4) functions required under an agreement with another state or nation;
- 3.5 (5) providing basic custodial care for persons in group residential housing, persons  
3.6 legally committed to the care of the commissioner of human services, and other residents  
3.7 of state correctional facilities, regional treatment centers, nursing homes, veterans homes,  
3.8 residential academies, and other similar state-operated services;
- 3.9 (6) continuation of critical child support payment services;
- 3.10 (7) subsidizing the cost of child care for low-income families;
- 3.11 (8) maintaining public safety and addressing exigent threats to public health, including  
3.12 providing for the safe use of food, drugs, and hazardous materials;
- 3.13 (9) transportation safety functions and the protection of transport property;
- 3.14 (10) activities that ensure the production of power or maintenance of the power  
3.15 distribution system;
- 3.16 (11) preserving the essential elements of the financial system of state government,  
3.17 including the continued operation of the tax collection and borrowing capacities of state  
3.18 government;
- 3.19 (12) maintaining contract performance where a suspension or interruption could  
3.20 reasonably be regarded as a material breach resulting in substantial monetary damages  
3.21 against the state;
- 3.22 (13) functions of the Minnesota Zoological Garden and Department of Natural Resources  
3.23 necessary to maintain and secure animals, including staff necessary to prevent animals from  
3.24 escaping and endangering the public;
- 3.25 (14) that portion of county program aid and local government aid necessary for local  
3.26 units of government to provide only the critical functions identified under this subdivision;
- 3.27 (15) the operation of state parks and historical sites from July 1 to July 15 only, with  
3.28 funding limited to the amount spent for these functions from July 1 to July 15 of the fiscal  
3.29 year ending that June 30; and
- 3.30 (16) administrative and support services necessary to perform the functions in this  
3.31 subdivision and subdivision 2, including but not limited to maintaining relevant computer  
3.32 systems and issuing payments.

4.1 Subd. 4. **Critical functions; constitutional entities.** The amount appropriated under  
4.2 this section for the critical functions of a constitutional entity is as follows:

4.3 (1) if money is not otherwise appropriated to a constitutional officer for the fiscal year  
4.4 beginning that July 1, the appropriation under this section is equal to the total amount of  
4.5 state money spent by the constitutional officer in the fiscal year ending that June 30;

4.6 (2) if money is not otherwise appropriated to the Supreme Court, Court of Appeals, or  
4.7 district courts for the fiscal year beginning that July 1, the appropriation under this section  
4.8 is equal to the total amount of state money spent by the entity in the fiscal year ending that  
4.9 June 30; and

4.10 (3) if money is not otherwise appropriated to the senate, house of representatives, or  
4.11 Legislative Coordinating Commission for the fiscal year beginning that July 1, the  
4.12 appropriation under this section is equal to the total amount of state money spent by the  
4.13 entity during the fiscal year ending that June 30.

4.14 Subd. 5. **Relation to other laws.** Notwithstanding any other law, while an appropriation  
4.15 under this section is in effect, all other statutory appropriations to the recipient are suspended  
4.16 or superseded by this section.

4.17 Subd. 6. **Public higher education institutions.** In an odd-numbered year, if the omnibus  
4.18 budget act appropriating biennial funding to the University of Minnesota and the Minnesota  
4.19 State Colleges and Universities system is not enacted by July 1, these institutions may  
4.20 continue to operate using tuition, fees, and other resources available to them."