

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3099

(SENATE AUTHORS: MURPHY)

DATE	D-PG	OFFICIAL STATUS
03/22/2023	2211	Introduction and first reading Referred to State and Local Government and Veterans See HF1830

1.1 A bill for an act

1.2 relating to state government; providing a statutory appropriation of funds to the

1.3 legislature for sums sufficient to operate the house of representatives, senate, and

1.4 Legislative Coordinating Commission; requiring the Compensation Council to

1.5 prescribe salaries for constitutional officers; amending Minnesota Statutes 2022,

1.6 sections 10.44; 10.45; 15A.082, subdivisions 1, 2, 3, 4; 16A.152, subdivision 4;

1.7 proposing coding for new law in Minnesota Statutes, chapter 3.

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

1.9 Section 1. **[3.1985] LEGISLATIVE FUNDING; APPROPRIATION.**

1.10 Subdivision 1. **Definition.** As used in this section, "sums sufficient to operate" means

1.11 funds necessary to support the functions of the respective entity receiving the appropriation.

1.12 These sums may include but are not limited to those necessary for member and employee

1.13 compensation and expenses, supplies and facilities management, safety and security,

1.14 payments required under lease agreements for real property, and other expenses associated

1.15 with legislative sessions, interim activities, public hearings, public outreach, and related

1.16 activities.

1.17 Subd. 2. **House of representatives.** (a) Sums sufficient to operate the house of

1.18 representatives are appropriated from the general fund or other funds, as appropriate, to the

1.19 house of representatives.

1.20 (b) No later than June 30 of each odd-numbered year, the controller of the house of

1.21 representatives must certify to the commissioner of management and budget the amounts

1.22 to be appropriated under this section for the fiscal year beginning July 1 of the same

1.23 odd-numbered year.

2.1 (c) No later than October 15 and January 15 of each year, the controller of the house of
2.2 representatives must certify to the commissioner of management and budget any changes
2.3 to the current biennium's appropriations. Certifications provided by October 15 of an
2.4 even-numbered year and January 15 of an odd-numbered year must include estimated
2.5 amounts to be appropriated for the fiscal biennium beginning the next July 1.

2.6 (d) Amounts certified under paragraphs (b) and (c) must be the amounts determined by
2.7 a majority vote conducted during a public meeting of the house of representatives Committee
2.8 on Rules and Legislative Administration. The committee must accept public comment on
2.9 the proposed amounts.

2.10 (e) At any time between the date funds are certified under this subdivision and the last
2.11 date for adjusting the certified amount, the Legislative Advisory Commission may convene
2.12 a meeting to review and provide advice on the certified amount. At its discretion, the
2.13 Committee on Rules and Legislative Administration may incorporate the advice of the
2.14 commission when making an adjustment to the certified amount.

2.15 Subd. 3. **Senate.** (a) Sums sufficient to operate the senate are appropriated from the
2.16 general fund or other funds, as appropriate, to the senate.

2.17 (b) No later than June 30 of each odd-numbered year, the secretary of the senate must
2.18 certify to the commissioner of management and budget the amounts to be appropriated
2.19 under this section for the fiscal year beginning July 1 of the same odd-numbered year.

2.20 (c) No later than October 15 and January 15 of each year, the secretary of the senate
2.21 must certify to the commissioner of management and budget any changes to the current
2.22 biennium's appropriations. Certifications provided by October 15 of an even-numbered year
2.23 and January 15 of an odd-numbered year must include estimated amounts to be appropriated
2.24 for the fiscal biennium beginning the next July 1.

2.25 (d) Amounts certified under paragraphs (b) and (c) must be the amounts determined by
2.26 a majority vote conducted during a public meeting of the senate Committee on Rules and
2.27 Administration. The committee must accept public comment on the proposed amounts.

2.28 (e) At any time between the date funds are certified under this subdivision and the last
2.29 date for adjusting the certified amount, the Legislative Advisory Commission may convene
2.30 a meeting to review and provide advice on the certified amount. At its discretion, the senate
2.31 Committee on Rules and Administration may incorporate the advice of the commission
2.32 when making an adjustment to the certified amount.

3.1 Subd. 4. **Legislative Coordinating Commission.** (a) Sums sufficient to operate the
3.2 Legislative Coordinating Commission are appropriated from the general fund or other funds,
3.3 as appropriate, to the Legislative Coordinating Commission.

3.4 (b) No later than June 30 of each odd-numbered year, the executive director of the
3.5 Legislative Coordinating Commission must certify to the commissioner of management
3.6 and budget the amounts to be appropriated under this section for the fiscal biennium
3.7 beginning July 1 of the same odd-numbered year.

3.8 (c) No later than October 15 and January 15 of each year, the executive director must
3.9 certify to the commissioner of management and budget any changes to the current biennium's
3.10 appropriations. Certifications provided by October 15 of an even-numbered year and January
3.11 15 of an odd-numbered year must include estimated amounts to be appropriated for the
3.12 fiscal biennium beginning the next July 1.

3.13 (d) The amounts certified under paragraphs (b) and (c) must be the amounts recommended
3.14 by the Legislative Coordinating Commission by majority vote in a public meeting, and
3.15 approved by majority votes of both the house Committee on Rules and Legislative
3.16 Administration and the senate Committee on Rules and Administration in public meetings.
3.17 The commission and committees must accept public comment on the proposed amounts in
3.18 the meetings where the amounts are recommended or approved. The total amount certified
3.19 must identify specific amounts appropriated for each of the following joint legislative offices:

3.20 (1) the Legislative Budget Office;

3.21 (2) the Legislative Coordinating Commission;

3.22 (3) the Legislative Reference Library;

3.23 (4) the Office of the Legislative Auditor; and

3.24 (5) the Office of the Revisor of Statutes.

3.25 Subd. 5. **Other appropriations.** Nothing in this section precludes the house of
3.26 representatives, the senate, or a joint legislative office or commission of the Legislative
3.27 Coordinating Commission from receiving a direct appropriation by law or another statutory
3.28 appropriation for a specific purpose provided in the direct or statutory appropriation. If the
3.29 house of representatives, the senate, or a joint legislative office or commission receives a
3.30 direct or statutory appropriation, the amount appropriated is distinct from and must not be
3.31 considered during the biennial appropriation certification process under subdivision 2, 3,
3.32 or 4.

4.1 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 4.2 applies to appropriations for fiscal year 2024 and thereafter.

4.3 Sec. 2. Minnesota Statutes 2022, section 10.44, is amended to read:

4.4 **10.44 HOUSE, SENATE, COURT, ELECTED OFFICE BUDGETS; HOW**
 4.5 **TREATED.**

4.6 The budgets of the ~~house of representatives, senate,~~ constitutional officers, district courts,
 4.7 court of appeals, and supreme court must be submitted to and considered by the appropriate
 4.8 committees of the legislature in the same manner as the budgets of executive agencies.

4.9 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 4.10 applies to appropriations for fiscal year 2024 and thereafter.

4.11 Sec. 3. Minnesota Statutes 2022, section 10.45, is amended to read:

4.12 **10.45 BUDGETS; INFORMATION.**

4.13 The budgets of the house of representatives, the senate, the Legislative Coordinating
 4.14 Commission, each constitutional officer, the district courts, court of appeals, and supreme
 4.15 court shall be public information and shall be divided into expense categories. The categories
 4.16 shall include, among others, travel and telephone expenses.

4.17 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 4.18 applies to budgets adopted for fiscal year 2024 and thereafter.

4.19 Sec. 4. Minnesota Statutes 2022, section 15A.082, subdivision 1, is amended to read:

4.20 Subdivision 1. **Creation.** A Compensation Council is created each odd-numbered year
 4.21 ~~to assist the legislature in establishing~~ establish the compensation of constitutional officers,
 4.22 justices of the supreme court, judges of the court of appeals and district court, and the heads
 4.23 of state and metropolitan agencies included in section 15A.0815.

4.24 Sec. 5. Minnesota Statutes 2022, section 15A.082, subdivision 2, is amended to read:

4.25 Subd. 2. **Membership.** The Compensation Council consists of 16 members: eight
 4.26 nonjudges appointed by the chief justice of the supreme court, of whom no more than four
 4.27 may belong to the same political party; and one member from each congressional district
 4.28 appointed by the governor, of whom no more than four may belong to the same political
 4.29 party. Appointments must be made after the first Monday in January and before January 15
 4.30 31. The compensation and removal of members appointed by the governor or the chief

5.1 justice shall be as provided in section 15.059, subdivisions 3 and 4. The Legislative
5.2 Coordinating Commission shall provide the council with administrative and support services.

5.3 Sec. 6. Minnesota Statutes 2022, section 15A.082, subdivision 3, is amended to read:

5.4 Subd. 3. **Submission of prescribed salaries and recommendations.** (a) By ~~April~~ May
5.5 1 in each odd-numbered year, the Compensation Council ~~shall submit to the speaker of the~~
5.6 ~~house and the president of the senate salary recommendations~~ must prescribe salaries for
5.7 constitutional officers, justices of the supreme court, and judges of the court of appeals and
5.8 district court. ~~The recommended~~ prescribed salary for each ~~other~~ office must take effect ~~on~~
5.9 ~~the first Monday in January of the next odd-numbered year, with no more than one~~
5.10 ~~adjustment, to take effect on January 1 of the year after that. The salary recommendations~~
5.11 ~~for judges and constitutional officers take effect if an appropriation of money to pay the~~
5.12 ~~recommended salaries is enacted after the recommendations are submitted and before their~~
5.13 ~~effective date. Recommendations may be expressly modified or rejected~~ July 1 of that year
5.14 and July 1 of the subsequent even-numbered year and at whatever interval the Compensation
5.15 Council determines thereafter, unless the legislature by law provides otherwise.

5.16 (b) The council shall also submit to the speaker of the house and the president of the
5.17 senate recommendations for the salary ranges of the heads of state and metropolitan agencies,
5.18 to be effective retroactively from January 1 of that year if enacted into law. The
5.19 recommendations shall include the appropriate group in section 15A.0815 to which each
5.20 agency head should be assigned and the appropriate limitation on the maximum range of
5.21 the salaries of the agency heads in each group, expressed as a percentage of the salary of
5.22 the governor.

5.23 Sec. 7. Minnesota Statutes 2022, section 15A.082, subdivision 4, is amended to read:

5.24 Subd. 4. **Criteria.** In making compensation ~~recommendations~~ determinations, the council
5.25 shall consider the amount of compensation paid in government service and the private sector
5.26 to persons with similar qualifications, the amount of compensation needed to attract and
5.27 retain experienced and competent persons, and the ability of the state to pay the recommended
5.28 compensation.

5.29 Sec. 8. Minnesota Statutes 2022, section 16A.152, subdivision 4, is amended to read:

5.30 Subd. 4. **Reduction.** (a) If the commissioner determines that probable receipts for the
5.31 general fund will be less than anticipated, and that the amount available for the remainder
5.32 of the biennium will be less than needed, the commissioner shall, with the approval of the

6.1 governor, and after consulting the Legislative Advisory Commission, reduce the amount in
6.2 the budget reserve account as needed to balance expenditures with revenue.

6.3 (b) An additional deficit shall, with the approval of the governor, and after consulting
6.4 the Legislative Advisory Commission, be made up by reducing unexpended allotments of
6.5 any prior appropriation or transfer. Notwithstanding any other law to the contrary, the
6.6 commissioner is empowered to defer or suspend prior statutorily created obligations which
6.7 would prevent effecting such reductions.

6.8 (c) If the commissioner determines that probable receipts for any other fund,
6.9 appropriation, or item will be less than anticipated, and that the amount available for the
6.10 remainder of the term of the appropriation or for any allotment period will be less than
6.11 needed, the commissioner shall notify the agency concerned and then reduce the amount
6.12 allotted or to be allotted so as to prevent a deficit.

6.13 (d) In reducing allotments, the commissioner may consider other sources of revenue
6.14 available to recipients of state appropriations and may apply allotment reductions based on
6.15 all sources of revenue available.

6.16 (e) In like manner, the commissioner shall reduce allotments to an agency by the amount
6.17 of any saving that can be made over previous spending plans through a reduction in prices
6.18 or other cause.

6.19 (f) The commissioner is prohibited from reducing an allotment or appropriation made
6.20 under section 3.1985.

6.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.22 Sec. 9. **DEADLINE FOR CERTIFICATION OF AMOUNTS FOR FISCAL YEARS**
6.23 **2022 AND 2023.**

6.24 Notwithstanding Minnesota Statutes, section 3.1985, the deadline for certification of
6.25 appropriation amounts for the house of representatives, senate, and Legislative Coordinating
6.26 Commission to the commissioner of management and budget under Minnesota Statutes,
6.27 section 3.1985, for fiscal years 2024 and 2025 is June 30, 2023, or ten days following the
6.28 effective date of this section, whichever is later.

6.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.