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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **3012**

February 16, 2010

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The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections

1.1 A bill for an act
1.2 relating to state government; establishing a process for state consideration of
1.3 federal mandates; proposing coding for new law in Minnesota Statutes, chapter 1.

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

1.5 Section 1. **[1.10] CONSIDERATION OF FEDERAL MANDATES.**

1.6 Subdivision 1. **Application.** This section applies upon enactment of a federal law or
1.7 adoption of a federal regulation that imposes a mandate on the state of Minnesota.

1.8 Subd. 2. **Determination by governor and legislative leaders.** The governor,
1.9 in consultation with appropriate executive agency staff, must determine if the United
1.10 States Constitution provides explicit authority for imposition of the federal mandate on
1.11 the state of Minnesota. If the governor determines that the United States Constitution
1.12 provides explicit authority for the mandate, the governor must notify the speaker of the
1.13 house of representatives and the majority leader of the senate of this determination. Upon
1.14 receipt of a notice from the governor under this subdivision, the speaker of the house and
1.15 the majority leader of the senate must each determine if the United States Constitution
1.16 provides explicit authority for the mandate.

1.17 Subd. 3. **Effect of determination.** If the governor, the speaker of the house, and the
1.18 majority leader of the senate all determine that the United States Constitution provides
1.19 explicit authority for the federal mandate, the mandate is effective in Minnesota. If any of
1.20 the three officials determines that the United States Constitution does not provide explicit
1.21 authority for imposition of the mandate, the mandate does not apply in Minnesota, unless
1.22 a law is enacted stating that the mandate does apply.

1.23 Subd. 4. **Definition.** For purposes of this section, a "mandate" is a requirement
1.24 imposed upon the state or a political subdivision of the state that, if not complied with,

2.1 results in civil liability, a criminal penalty, or administrative sanctions, such as reduction
2.2 or loss of funding.

2.3 **EFFECTIVE DATE.** This section is effective the day following final enactment
2.4 and applies to a federal mandate imposed by a federal law enacted or a federal rule
2.5 adopted on or after that date.