

HOUSE RESEARCH

Bill Summary

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Subject: Sunset of State Agencies
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Overview

H.F. 173 creates a 12-member Sunset Commission (section 3) and establishes a schedule for expiration and review of state agencies (section 20).

The following is a summary of key dates specified in the bill for the Commission's work, as applied to the first sunset cycle specified in the bill:

- September 1, 2011: Commission members appointed for two-year terms; agencies scheduled for sunset in June, 2013 report to the Commission.
- January 1, 2013: Commission reviews agencies scheduled for sunset on June 30, 2013
- February 1, 2013: Commission conducts public hearings on agencies scheduled for sunset that year and reports to the legislature
- June 30, 2013: Agencies expire according to the schedule in the bill, unless continued by another law. An agency that is abolished is authorized to remain in existence for another year to conclude its business.

Section

- 1 Short title.** Provides that this chapter may be cited as the Minnesota Sunset Act.
- 2 Definitions.** Defines terms used in this section.
- 3 Sunset commission.** Provides that the Sunset Commission consists of four members appointed by the Governor, two members appointed by the Speaker of the House, two members appointed by the House minority leader, two members appointed by the Senate majority leader and two members appointed by the Senate minority leader. Provides that a legislator may not be a member.

Provides that members serve two-year terms, expiring September 1 of each odd-numbered year, and may be removed from the commission during a term only for cause. Specifies term limits, and provisions governing officers, quorum, vacancies, and expense

reimbursement.

- 4 **Staff; gifts.** Authorizes the commission to hire staff and to accept gifts and grants.
- 5 **Rules.** Authorizes the Commission to adopt rules to carry out this chapter.
- 6 **Agency report to commission.** Provides that before September 1 of the odd-numbered year in which a state agency is subject to sunset review, the agency commissioner shall report specified information report to the commission.
- 7 **Commission duties.** Requires that before January 1 of the year in which a state agency is subject to sunset review the Commission must review the agency, based on criteria specified in section 10.
- 8 **Public hearings.** Requires that before February 1 of the year an agency is subject to sunset review, the Commission must conduct public hearings regarding the agency, including the criteria specified in section 10.
- 9 **Commission report.** Requires that by February 1 each odd-numbered year, the commission shall report on agencies subject to review, including findings on criteria specified in section 10.
- 10 **Criteria for review.** Specifies criteria for the commission to consider in determining whether a public needs exists for the continuation of a state agency or for performance of the agency's functions.
- 11 **Recommendations.** Requires the report issued by February 1 of odd-numbered years to make recommendations on the abolition, continuation, or reorganization of agencies, on the need for performance of the functions of the agency; on consolidation, transfer, or reorganization of programs within agencies not under review when programs duplicate functions of agencies under review; and for improvement of operations.
- Requires the Commission to submit draft legislation to carry out its recommendations.
- 12 **Monitoring of recommendations.** Requires commission staff to monitor legislation affecting agencies that have undergone sunset review.
- 13 **Review of advisory committees.** Provides that an advisory committee for a particular state agency is subject to sunset review on the date set for review of the agency, unless the committee is expressly continued in law.
- 14 **Continuation by law.** Provides that during the regular session immediately before sunset review of an agency, the legislature may enact legislation to continue a group for up to 12 years. States that this does not prohibit the legislature from terminating an agency at an earlier date than specified in this chapter or from considering other legislation relating to an agency.
- 15 **Procedure after termination.** Provides that if after sunset review an agency is abolished, it may continue in existence until June 30 of the following year to conclude its business. At the end of the year, all rules adopted by the agency expire. Specifies what happens to funds, property and records, and continuing obligations of an abolished agency.

- 16 **Assistance of and access to state agencies.** Allows the Commission to request assistance of state agencies and requires agencies to cooperate.
- 17 **Relocation of employees.** Provides that if an employee is displaced because an agency is abolished, the agency must make a reasonable effort to relocate the displaced employee.
- 18 **Saving provision.** Provides that abolition of an agency does not affect rights and duties that matured before abolition.
- 19 **Review of proposed legislation.** Requires the every bill that would create a new agency or advisory group be reviewed by the Commission, and specifies topics for the Commission to consider in its review.
- 20 **Expiration.** Specifies a schedule for expiration and sunset review of agencies, beginning June 30, 2013, and continuing through June 30, 2023. Authorizes the commission to review and propose expiration dates for other groups and programs not listed in this section.
- 21 **Appropriation.** Appropriates \$100,000 for the commission in the next two fiscal years.