

The Minnesota Sunset Act

The 2011 Legislature enacted the Minnesota Sunset Act, which establishes a schedule for periodic review and expiration of many state agencies (Minnesota Statutes, chapter 3D). The Sunset Act created a Sunset Advisory Commission, which reviews and makes recommendations on agencies subject to sunset.

Some agencies expire automatically unless reauthorized by law

State executive branch agencies are reviewed according to a schedule prescribed in law. Many agencies, including most state boards, councils, and commissions, expire automatically at the scheduled date unless a new law continues the agency. However, cabinet-level agencies specified in law are reviewed according to the schedule but do not expire automatically.

The Sunset Advisory Commission must review agencies

The Sunset Advisory Commission must review agencies at the scheduled times and make recommendations to the legislature. The commission's recommendations are advisory—the commission does not have authority to extend an agency that is scheduled for automatic expiration or to abolish an agency that is not scheduled to expire automatically.

The commission consists of four members each of the Senate and House of Representatives and four members appointed by the governor. No more than three legislative members may be from the majority caucus in their respective chambers. All members serve at the pleasure of the appointing authority. The commission must review all agencies, even the agencies that do not expire automatically. The law assigns a sunset date to each agency. The first group of agencies was sunset and was reviewed in 2012. Other agencies are scheduled for sunset and review in 2014, 2016, 2018, 2020, and 2022. Advisory groups associated with an agency expire at the same time as the agency.

The first group of agencies was reviewed in 2012

For agencies reviewed by the Sunset Advisory Commission in fall of 2011 and winter of 2012, the 2012 Legislature:

- abolished the Combative Sports Commission and transferred its duties to the Department of Labor and Industry;
- continued the Capitol Area Architectural and Planning Board, Amateur Sports Commission, all health-related licensing boards, and the Council on Disability and scheduled them for sunset in 2018;
- continued the Council on Asian Pacific Minnesotans, Council on Black Minnesotans, Council on Affairs of Chicano/Latino People, and Indian Affairs Council and scheduled them for sunset in 2014; and
- made various changes in laws governing operations of the reviewed agencies.

A second group of agencies is sunset in 2014

The Department of Health, Department of Human Services, Department of Human Rights, Department of Education, Board of Teaching, Office of Higher Education, Emergency Medical Services Regulatory Board, and the councils of color noted above are sunset in 2014. The first four departments and the Office of Higher Education will be reviewed but do not expire automatically. The other agencies will expire unless they are renewed.

The law establishes a process to be followed each review cycle

In each review cycle, the following must occur:

- Agencies subject to review must report statutorily specified information to the commission by September 1 of the odd-numbered year before January 1 of the year in which an agency is sunset; the commission must review the agency, according to criteria specified in law. These criteria include consideration of the agency's efficiency and effectiveness, if there are alternative means of performing agency functions, and if there is duplication and overlap with other agencies.
- Before February 1 of the year an agency is sunset, the commission must conduct public hearings and make recommendations to the legislature on possible continuation of the agency
- During the even-year legislative session, the legislature may enact a new law providing that an agency does not expire, or (with respect to those groups that automatically expire) may do nothing and thus let the agency expire

The law specifies what happens if an agency expires

The law provides that if an agency expires according to schedule on June 30 of an even-numbered year, the agency continues to exist with all its powers and authority until June 30 of the following year (the odd-number year). At that time, unless a law is enacted providing otherwise, the following occur:

- Statutory duties, property, and records of an abolished agency are transferred to the Commissioner of Administration, who is required to perform necessary administrative functions of the abolished agency
- Rules adopted by the abolished agency remain effective and must be enforced by the Commissioner of Administration
- The Commissioner of Administration may use statutory reorganization authority to transfer duties of an abolished agency to a different executive branch agency
- If an appropriation exists for functions or obligations transferred from the abolished agency, that appropriation is transferred to the Commissioner of Administration

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