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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **489**

February 2, 2009

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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; providing for periodic sunset and evaluation of state
1.3 agencies; proposing coding for new law as Minnesota Statutes, chapter 10B.

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

1.5 Section 1. **[10B.01] EXPIRATION.**

1.6 Subdivision 1. **Group 1.** The following agencies are abolished on June 30,
1.7 2011: Department of Health, Department of Human Rights, Department of Human
1.8 Services, all health-related licensing boards listed in section 214.01, Council on Affairs
1.9 of Chicano/Latino People, Council on Black Minnesotans, Council on Asian-Pacific
1.10 Minnesotans, Indian Affairs Council, Council on Disabilities, and all advisory groups
1.11 associated with these agencies.

1.12 Subd. 2. **Group 2.** The following agencies are abolished on June 30, 2013:
1.13 Department of Education, Board of Teaching, Higher Education Services Office, and all
1.14 advisory groups associated with these agencies.

1.15 Subd. 3. **Group 3.** The following agencies are abolished on June 30, 2015:
1.16 Department of Commerce, Department of Employment and Economic Development,
1.17 Department of Labor and Industry, all non-health-related licensing boards listed in
1.18 section 214.01 except as otherwise provided in this section, Explore Minnesota Tourism,
1.19 Public Utilities Commission, Iron Range Resources and Rehabilitation Board, Bureau of
1.20 Mediation Services, Combative Sports Commission, Amateur Sports Commission, and all
1.21 advisory groups associated with these agencies.

1.22 Subd. 4. **Group 4.** The following agencies are abolished on June 30, 2017:
1.23 Department of Corrections, Department of Public Safety, Department of Transportation,

2.1 Peace Officer Standards and Training Board, Corrections Ombudsman, and all advisory
 2.2 groups associated with these agencies.

2.3 Subd. 5. **Group 5.** The following agencies are abolished on June 30, 2019:
 2.4 Department of Agriculture, Department of Natural Resources, Pollution Control Agency,
 2.5 Board of Animal Health, Board of Water and Soil Resources, and all advisory groups
 2.6 associated with these agencies.

2.7 Subd. 6. **Group 6.** The following agencies are abolished on June 30, 2021:
 2.8 Department of Administration, Department of Finance, Department of Military Affairs,
 2.9 Department of Revenue, Department of Veterans Affairs, Arts Board, Minnesota Zoo,
 2.10 Office of Administrative Hearings, Board of Campaign Finance and Public Disclosure,
 2.11 Capitol Area Architectural and Planning Board, Office of Enterprise Technology,
 2.12 Minnesota Racing Commission, and all advisory groups associated with these agencies.

2.13 Subd. 7. **Continuation.** An agency is not abolished according to the schedule in
 2.14 this section if, before the agency is abolished, a law is enacted continuing the agency. An
 2.15 agency that is not abolished on a date specified in this section is continued until June 30
 2.16 of the twelfth year following its scheduled abolition under this section. The agency is
 2.17 abolished on June 30 of that year unless another law is enacted continuing the agency.

2.18 **Sec. 2. [10B.02] AGENCY REPORT TO COMMISSION.**

2.19 Before September 1 of the year before the year in which an agency is scheduled to
 2.20 be abolished, the agency must report to the legislative audit commission. The report
 2.21 must include information regarding the application to the agency of the criteria in
 2.22 section 10B.03 and any other information that the agency considers appropriate or that
 2.23 is requested by the commission.

2.24 **Sec. 3. [10B.03] CRITERIA FOR REVIEW.**

2.25 The legislative audit commission shall consider the following criteria in determining
 2.26 whether a public need exists for the continuation of an agency:

2.27 (1) the efficiency and effectiveness with which the agency operates;

2.28 (2) an identification of the agency's mission, goals, and objectives, and the problem
 2.29 or need that the agency was intended to address, and the extent to which the mission,
 2.30 goals, and objectives have been achieved and the problem or need has been addressed;

2.31 (3) the authority of the agency relating to fees, inspections, and penalties;

2.32 (4) whether less restrictive or alternative methods of performing any function that
 2.33 the agency performs could adequately protect or provide service to the public;

3.1 (5) the extent to which the jurisdiction of the agency and the programs administered
3.2 by the agency overlap or duplicate those of other agencies, the extent to which the agency
3.3 coordinates with those agencies, and the extent to which the programs administered by the
3.4 agency can be consolidated with the programs of other agencies;

3.5 (6) the promptness and effectiveness with which the agency addresses complaints
3.6 concerning entities or other persons affected by the agency;

3.7 (7) an assessment of the extent to which the agency has encouraged participation
3.8 by the public in making its rules and the extent to which the public participation has
3.9 resulted in rules that benefit the public; and

3.10 (8) the effect of federal intervention or loss of federal funds if the agency is abolished.

3.11 **Sec. 4. [10B.04] COMMISSION DUTIES.**

3.12 Subdivision 1. **Review and report.** Before January 1 of the year in which a state
3.13 agency is scheduled to be abolished, the legislative audit commission shall conduct a
3.14 review of the agency based on the criteria in section 10B.03 and prepare a written report to
3.15 the legislature. The report must include:

3.16 (1) findings regarding the criteria established in section 10B.03;

3.17 (2) recommendations on the abolition, continuation, or reorganization of the agency
3.18 and on the need for the performance of the functions of the agency;

3.19 (3) recommendations on the consolidation, transfer, or reorganization of programs
3.20 within agencies not under review when the programs duplicate functions performed in
3.21 agencies under review;

3.22 (4) recommendations to improve the operations of the agency, including management
3.23 recommendations that do not require a change in the laws governing the agency; and

3.24 (5) the estimated fiscal impact of the commission's recommendations.

3.25 Subd. 2. **Public hearings.** Before February 1 of the year a state agency is scheduled
3.26 to be abolished, the legislative audit commission must conduct public hearings. The
3.27 hearings must include application to the agency of the criteria in section 10B.03.

3.28 **Sec. 5. [10B.05] PROCEDURE AFTER TERMINATION.**

3.29 An agency that is abolished on June 30 may continue its existence until June 30
3.30 of the following year to conclude its business. Unless otherwise provided by law, the
3.31 commissioner of administration is the successor to an abolished agency with respect to
3.32 court actions, contracts and records, obligations, and unexpended funds of the abolished
3.33 agency, and section 15.039, subdivisions 4, 5, 5a, and 6, apply.