AB 1659 (Huber)- State Government: Agency Repeals

Introduced January 19, 2010; amended in Senate July 15, 2010

This bill creates a joint sunset review committee and tasks it with reviewing on a periodic basis, every non-constitutional agency and department within the state, with the exception of agencies constitutionally created or those associated with postsecondary education. Specifically, this bill:

1) Establishes a new Joint Sunset Review Committee (JSRC) comprised of 10 members of the Legislature to identify and eliminate waste, duplication, and inefficiency in government agencies and to conduct a comprehensive analysis of every "eligible agency" as defined, to determine if the agency is still necessary and cost effective.

2) Requires each agency scheduled for repeal, on or before December 1 prior to the year it is set to be repealed, to submit to JSRC a complete agency report covering the entire period since it was last reviewed. Also requires the JSRC to take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed.

3) Requires the elimination of any agency unless the Legislature enacts a law, based upon a recommendation endorsed by a vote of the majority of the members of the committee, to extend, consolidate, or reorganize the agency.

4) Allows JSRC to recommend that the Legislature extend the statutory sunset date for no more than one year to allow JSRC more time to evaluate the agency.

Under current law the Joint Committee on Boards, Commissions, and Consumer Protection is granted the power to hold public hearings at specified times and to evaluate whether a board or regulatory program under the Department of Consumer Affairs has demonstrated a need for its continued existence. Committee members have not been appointed to this committee since 2006 and the jurisdiction is limited to the boards and commissions that fall under the Business and Professions code. The author envisions the new, expanded JSRC as a replacement for that currently inactive committee.

The author envisions this bill as creating a legislative committee that will ultimately review every non-constitutional department, office, commission, agency, council and board within the state, with the exception of those agencies constitutionally created or related to postsecondary education. As currently written, this bill does not establish sunset dates for state agencies, therefore the JSRC would begin by reviewing any sunsetting boards and bureaus within the Department of Consumer Affairs. The author's office notes that this gradual phase in will allow them time to establish a timeframe and plan for establishing sunset dates for the rest of state government, as specified, including the Department of Corrections and Rehabilitation, the Department of Public Health, the Department of Social Services and every other department within the state.

AMENDED IN SENATE JULY 15, 2010

AMENDED IN ASSEMBLY JUNE 2, 2010

AMENDED IN ASSEMBLY APRIL 28, 2010

AMENDED IN ASSEMBLY APRIL 7, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL No. 1659

Introduced by Assembly Member Huber
(Coauthor: Assembly Member Niello)
(Coauthor: Senator DeSaulnier)

January 19, 2010

An act to add Article 7.5 (commencing with Section 9147.7) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1659, as amended, Huber. State government: agency repeals.

Existing law establishes the Joint Committee on Boards, Commissions, and Consumer Protection and, until January 1, 2012, requires the committee to hold public hearings at specified times and to evaluate whether a board or regulatory program has demonstrated a need for its continued existence. Existing law states the intent of the Legislature that all existing and proposed state boards be subject to review every 4 years to evaluate and determine whether each has demonstrated a public need for its continued existence, as specified.

This bill would create the Joint Sunset Review Committee to identify and eliminate waste, duplication, and inefficiency in government agencies and to conduct a comprehensive analysis of every "eligible

agency," as defined, to determine if the agency is still necessary and cost effective. The bill would define an "eligible agency" as an entity of state government, however denominated, for which a date for repeal has been established by statute on or after January 1, 2011. The bill would require each eligible agency scheduled for repeal to submit a report to the committee containing specified information. The bill would require the committee to take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed, and would require that an eligible agency be eliminated unless the Legislature enacts a law to extend, consolidate, or reorganize the agency. The bill would specify the composition of the committee, which would be appointed by the ~~President pro Tempore of the~~ Senate *Committee on Rules* and the Speaker of the Assembly, and certain aspects of its operating procedure.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 7.5 (commencing with Section 9147.7)
2 is added to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
3 Government Code, to read:
4
5 Article 7.5. Sunset Review
6
7 9147.7. (a) For the purpose of this section, "eligible agency"
8 means any agency, authority, board, bureau, commission,
9 conservancy, council, department, division, or office of state
10 government, however denominated, excluding an agency that is
11 constitutionally created or an agency related to postsecondary
12 education, for which a date for repeal has been established by
13 statute on or after January 1, 2011.
14 (b) The Joint Sunset Review Committee is hereby created to
15 identify and eliminate waste, duplication, and inefficiency in
16 government agencies. The purpose of the committee is to conduct
17 a comprehensive analysis over 15 years, and on a periodic basis
18 thereafter, of every eligible agency to determine if the agency is
19 still necessary and cost effective.
20 (c) Each eligible agency scheduled for repeal shall submit to
21 the committee, on or before December 1 prior to the year it is set

to be repealed, a complete agency report covering the entire period since last reviewed, including, but not limited to, the following:

(1) The purpose and necessity of the agency.

(2) A description of the agency budget, priorities, and job descriptions of employees of the agency.

(3) Any programs and projects under the direction of the agency.

(4) Measures of the success or failures of the agency and justifications for the metrics used to evaluate successes and failures.

(5) Any recommendations of the agency for changes or reorganization in order to better fulfill its purpose.

(d) The committee shall take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed. An eligible agency shall be eliminated unless the Legislature enacts a law to extend, consolidate, or reorganize the eligible agency. No eligible agency shall be extended in perpetuity unless specifically exempted from the provisions of this section. The committee may recommend that the Legislature extend the statutory sunset date for no more than one year to allow the committee more time to evaluate the eligible agency.

(e) The committee shall be comprised of 10 members of the Legislature. The ~~President pro Tempore of the Senate~~ *Senate Committee on Rules* shall appoint five members of the Senate to the committee, not more than three of whom shall be members of the same political party. The Speaker of the Assembly shall appoint five members of the Assembly to the committee, not more than three of whom shall be members of the same political party. Members shall be appointed within 15 days after the commencement of the regular session. Each member of the committee who is appointed by the ~~President pro Tempore of the Senate~~ *Senate Committee on Rules* or the Speaker of the Assembly shall serve during that committee member's term of office or until that committee member no longer is a Member of the Senate or the Assembly, whichever is applicable. A vacancy on the committee shall be filled in the same manner as the original appointment. Three Assembly Members and three Senators who are members of the committee shall constitute a quorum for the conduct of committee business. Members of the committee shall receive no compensation for their work with the committee.

(f) The committee shall meet not later than 30 days after the first day of the regular session to choose a chairperson and to

1 establish the schedule for eligible agency review provided for in
2 the statutes governing the eligible agencies. The chairperson of
3 the committee shall alternate every two years between a Member
4 of the Senate and a Member of the Assembly, and the vice
5 chairperson of the committee shall be a member of the opposite
6 house as the chairperson.
7 (g) This section shall not be construed to change the existing
8 jurisdiction of the budget or policy committees of the Legislature.

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