

AMENDED IN ASSEMBLY APRIL 7, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1659**

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**Introduced by Assembly Member Huber**

January 19, 2010

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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, as defined, and to conduct a comprehensive analysis of every agency to determine if the agency is still necessary and cost effective. The bill would require each 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require the committee to take public testimony and evaluate the agency prior to the date the agency is scheduled to be repealed, and would require that an agency be eliminated unless the Legislature enacts a law, ~~based upon a recommendation endorsed by a vote of the majority~~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. The bill would specify the composition of the committee, which would be appointed by the President pro Tempore of the Senate; *and* the Speaker of the Assembly, ~~and the Governor~~, and certain aspects of its operating procedure. The bill would also make a statement of legislative intent to enact legislation that provides for the repeal of every entity of state government, excluding an agency that is constitutionally created or an agency related to higher education.

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. (a) It is the intent of the Legislature to enact  
2 legislation that provides for the repeal of every entity of state  
3 government, excluding an agency that is constitutionally created  
4 or an agency related to higher education, in order to eliminate  
5 waste, duplication, and inefficiency in state government, subject  
6 to a review and a subsequent affirmative act of the Legislature to  
7 extend, consolidate, or reorganize the entity.

8 (b) It is further the intent of the Legislature to create a special  
9 committee specifically composed to conduct a periodic review and  
10 evaluation of every entity described in subdivision (a), which  
11 would make recommendations, after appropriate factfinding and  
12 evaluation, regarding the continued existence of state governmental  
13 agencies or their consolidation or reorganization.

14 SEC. 2. Article 7.5 (commencing with Section 9147.7) is added  
15 to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government  
16 Code, to read:

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Article 7.5. Sunset Review

20 9147.7. (a) For the purpose of this section, “agency” means  
21 any agency, authority, board, bureau, commission, conservancy,  
22 council, department, division, or office of state government,  
23 however denominated, excluding an agency that is constitutionally  
24 created or an agency related to postsecondary education.

25 (b) The Joint Sunset Review Committee is hereby created to  
26 identify and eliminate waste, duplication, and inefficiency in  
27 government agencies. The purpose of the committee is to conduct

1 a comprehensive analysis of every agency to determine if the  
2 agency is still necessary and cost effective.

3 (c) Each agency scheduled for repeal shall submit to the  
4 committee, on or before December 1 prior to the year it is set to  
5 be repealed, a complete agency report covering the entire period  
6 since last reviewed, including, but not limited to, the following:

7 (1) The purpose and necessity of the agency.

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

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

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

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

15 (d) The committee shall take public testimony and evaluate the  
16 agency prior to the date the agency is scheduled to be repealed.

17 An agency shall be eliminated unless the Legislature enacts a law;  
18 ~~based upon a recommendation endorsed by a vote of the majority~~  
19 ~~of the members of the committee~~, to extend, consolidate, or  
20 reorganize the agency. No agency shall be extended in perpetuity  
21 unless specifically exempted from the provisions of this section.  
22 The committee may recommend that the Legislature extend the  
23 statutory sunset date for no more than one year to allow the  
24 committee more time to evaluate the agency.

25 (e) The committee shall be comprised of ~~nine~~ 10 members of  
26 the Legislature. The President pro Tempore of the Senate shall  
27 appoint ~~three~~ five members of the Senate to the committee, not  
28 more than ~~two~~ three of whom shall be members of the same  
29 political party. The Speaker of the Assembly shall appoint ~~three~~  
30 five members of the Assembly to the committee, not more than  
31 ~~two~~ three of whom shall be members of the same political party.  
32 ~~The Governor, with the advice and consent of the Senate, shall~~  
33 ~~appoint three members to the committee, not more than two of~~  
34 ~~whom shall be members of the same political party.~~ Members shall  
35 be appointed within 15 days after the commencement of the regular  
36 session. Each member of the committee who is appointed by the  
37 President pro Tempore of the Senate or the Speaker of the  
38 Assembly shall serve during that committee member's term of  
39 office or until that committee member no longer is a Member of  
40 the Senate or the Assembly, whichever is applicable. ~~Each member~~

1 of the committee who is appointed by the Governor shall serve a  
2 two-year term that ends on the 30th day of November in even  
3 number years. A vacancy on the committee shall be filled in the  
4 same manner as the original appointment. ~~Five~~ Six members of  
5 the committee shall constitute a quorum for the conduct of  
6 committee business. Members of the committee shall receive no  
7 compensation for their work with the committee.

8 (f) The committee shall meet not later than 30 days after the  
9 first day of the regular session to choose a chairperson and to  
10 establish the schedule for agency review provided for in the statutes  
11 governing the agencies. The chairperson of the committee shall  
12 alternate every two years between a Member of the Senate and a  
13 Member of the Assembly, and the vice chairperson of the  
14 committee shall be a member of the opposite house as the  
15 chairperson.

16 (g) This section shall not be construed to change the existing  
17 jurisdiction of the budget or policy committees of the Legislature.