

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

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, ~~as defined~~, and to conduct a comprehensive analysis of every agency "*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committee to take public testimony and evaluate the *eligible* agency prior to the date the agency is scheduled to be repealed, and would require that an *eligible* agency be eliminated unless the Legislature enacts a law to extend, consolidate, or reorganize the agency.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 and the Speaker of the Assembly, 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.~~

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

18
19 Article 7.5. Sunset Review

20
21 9147.7. (a) For the purpose of this section, “agency” “*eligible*
22 ~~agency~~” means any agency, authority, board, bureau, commission,
23 ~~conservancy, council, department, division, or office of state~~

1 government, however denominated, excluding an agency that is
2 constitutionally created or an agency related to postsecondary
3 education, *for which a date for repeal has been established by*
4 *statute on or after January 1, 2011.*

5 (b) The Joint Sunset Review Committee is hereby created to
6 identify and eliminate waste, duplication, and inefficiency in
7 government agencies. The purpose of the committee is to conduct
8 a comprehensive analysis *over 15 years, and on a periodic basis*
9 *thereafter*, of every *eligible* agency to determine if the agency is
10 still necessary and cost effective.

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13 to be repealed, a complete agency report covering the entire period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

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

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

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

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

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

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

32 (e) The committee shall be comprised of 10 members of the
33 Legislature. The President pro Tempore of the Senate shall appoint
34 five members of the Senate to the committee, not more than three
35 of whom shall be members of the same political party. The Speaker
36 of the Assembly shall appoint five members of the Assembly to
37 the committee, not more than three of whom shall be members of
38 the same political party. Members shall be appointed within 15
39 days after the commencement of the regular session. Each member
40 of the committee who is appointed by the President pro Tempore

1 of the Senate or the Speaker of the Assembly shall serve during
2 that committee member's term of office or until that committee
3 member no longer is a Member of the Senate or the Assembly,
4 whichever is applicable. A vacancy on the committee shall be
5 filled in the same manner as the original appointment. ~~Six~~ *Three*
6 *Assembly Members and three Senators who are* members of the
7 committee shall constitute a quorum for the conduct of committee
8 business. Members of the committee shall receive no compensation
9 for their work with the committee.

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

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