

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**

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

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 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the committee to take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed, and would require that an eligible agency be eliminated unless the Legislature enacts a law to extend, consolidate, or reorganize the agency.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 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  
22 to be repealed, a complete agency report covering the entire period  
23 since last reviewed, including, but not limited to, the following:

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

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

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

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

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

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11 repealed.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

18 (e) The committee shall be comprised of 10 members of the  
19 Legislature. The President pro Tempore of the Senate shall appoint  
20 five members of the Senate to the committee, not more than three  
21 of whom shall be members of the same political party. The Speaker  
22 of the Assembly shall appoint five members of the Assembly to  
23 the committee, not more than three of whom shall be members of  
24 the same political party. Members shall be appointed within 15  
25 days after the commencement of the regular session. Each member  
26 of the committee who is appointed by the President pro Tempore  
27 of the Senate or the Speaker of the Assembly shall serve during  
28 that committee member's term of office or until that committee  
29 member no longer is a Member of the Senate or the Assembly,  
30 whichever is applicable. A vacancy on the committee shall be  
31 filled in the same manner as the original appointment. Three  
32 Assembly Members and three Senators who are members of the  
33 committee shall constitute a quorum for the conduct of committee  
34 business. Members of the committee shall receive no compensation  
35 for their work with the committee.

36 (f) The committee shall meet not later than 30 days after the  
37 first day of the regular session to choose a chairperson and to  
38 establish the schedule for eligible agency review provided for in  
39 the statutes governing the eligible agencies. The chairperson of  
40 the committee shall alternate every two years between a Member

1 of the Senate and a Member of the Assembly, and the vice  
2 chairperson of the committee shall be a member of the opposite  
3 house as the chairperson.

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

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