

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Rules

REVENUE: No revenue impact**FISCAL: May have fiscal impact, statement not yet issued****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Erin Seiler, Administrator**Meeting Dates:** 3/10

WHAT THE MEASURE DOES: Creates Sunset Advisory Committee. Abolishes state agencies on specified dates and requires agencies subject to abolition to make report to committee. Requires committee to conduct performance evaluation of agencies based on specified criteria and make recommendations to Governor and Legislative Assembly relating to abolition, continuation or reorganization of agencies and other matters. Clarifies that agency may not adopt rule that conflicts with statute. Provides that agency may not rely on general statutory grant of authority to adopt rules that conflict with more specific statutory provisions or to adopt rules that modify protections, sanctions, eligibility or other matters governed by more specific statutory provisions. Requires that agency notice of proposed rulemaking include copy of proposed rule or link to agency's website where copy of proposed rule may be found. Requires audits of state agencies by Oregon Department of Administrative Services to determine if agencies have complied with statutory requirement that agencies review rules every five years. Declares emergency, effective on passage.

ISSUES DISCUSSED:**EFFECT OF COMMITTEE AMENDMENT:**

BACKGROUND: In 1977, the Texas Legislature created the Sunset Advisory Commission to identify and eliminate waste, duplication, and inefficiency in government agencies. The 12-member Commission is a legislative body that reviews the policies and programs of more than 150 government agencies every 12 years. The Commission questions the need for each agency, looks for potential duplication of other public services or programs, and considers new and innovative changes to improve each agency's operations and activities. The Commission seeks public input through hearings on every agency under review and recommends actions on each agency to the full Legislature.

Senate Bill 105 establishes Sunset Advisory Committee, similar to the one in Texas. The Committee would be comprised of five Senators, five Representatives, who would be responsible for evaluating state agencies in Oregon as to whether an agency should be abolished, continued or reorganized. Every agency would be evaluated by the Committee on multiple criteria including: the efficiency of the agencies operation; whether the programs administered by the agency overlap or duplicative; and whether there are less restrictive or alternative methods of carrying programs administered by the state agency.

In addition, the measure addresses several issues related to rulemaking by state agency including: prohibiting an agency from adopting any rule that conflicts with a statute; requiring an agency to provide a copy of the rule that the agency proposes to adopt, amend or repeal, or provide a link to the agency's website where a copy of the rule may be found; and requires Oregon Department of Administrative Services to determine if agencies have complied with statutory requirement that agencies review rules every five years.

3/9/2015 6:35:00 PM *

This summary has not been adopted or officially endorsed by action of the committee.