

Senate Bill 541

Sponsored by Senator WINTERS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Creates Sunset Advisory Committee. Specifies membership of 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.

Appropriates moneys from General Fund to committee for purposes of Act.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Sunset Advisory Committee; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Committee created.** (1) **The Sunset Advisory Committee is created and con-**
5 **sists of:**

6 (a) **Five members of the Senate appointed by the President of the Senate; and**

7 (b) **Five members of the House of Representatives appointed by the Speaker of the House.**

8 (2) **Members of the committee serve four-year terms. Members serve ex officio, and a**
9 **vacancy occurs when a member ceases to be a member of the Legislative Assembly.**

10 (3) **If a vacancy occurs, the appropriate appointing authority shall appoint a person to**
11 **serve for the remainder of the unexpired term.**

12 (4) **The committee shall elect a chairperson and vice-chairperson as presiding officers.**

13 (5) **Seven members of the committee constitute a quorum. The committee may not take**
14 **a final action or make a final recommendation unless it is approved by a vote of a majority**
15 **of the members of the committee.**

16 (6) **A member of the committee is entitled to payment of compensation and expenses**
17 **under ORS 171.072 from funds appropriated to the Legislative Assembly.**

18 **SECTION 2. Staff.** (1) **The Sunset Advisory Committee shall employ an executive director**
19 **for the committee.**

20 (2) **The executive director shall employ persons necessary to carry out sections 1 to 14**
21 **of this 2015 Act with funds made available by the Legislative Assembly.**

22 **SECTION 3. Agency report to committee.** **Before January 1 of the calendar year imme-**
23 **diately preceding the year in which a state agency is abolished under section 14 of this 2015**
24 **Act, the state agency shall report to the Sunset Advisory Committee:**

25 (1) **Information regarding the application to the state agency of the criteria in section 7**
26 **of this 2015 Act; and**

27 (2) **Any other information that the state agency considers appropriate or that is re-**
28 **quested by the committee.**

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in boldfaced type.

1 **SECTION 4. Committee duties.** Before June 1 of the calendar year immediately preceding
 2 the year in which a state agency is abolished under section 14 of this 2015 Act, the Sunset
 3 Advisory Committee shall:

4 (1) Review and take action necessary to verify the reports submitted by the state agency
 5 under section 3 of this 2015 Act;

6 (2) Conduct a performance evaluation of the state agency based on the criteria provided
 7 in section 7 of this 2015 Act and prepare a written report as described in section 6 of this
 8 2015 Act; and

9 (3) Review the implementation of committee recommendations contained in the reports
 10 presented to the Legislative Assembly during the preceding legislative session.

11 **SECTION 5. Public hearings.** (1) Before January 1 of the calendar year in which a state
 12 agency is abolished under section 14 of this 2015 Act, the Sunset Advisory Committee shall
 13 conduct public hearings concerning but not limited to the application to the state agency of
 14 the criteria provided in section 7 of this 2015 Act.

15 (2) The committee may hold the public hearings before the date specified in subsection
 16 (1) of this section if the evaluation of the state agency required by section 4 of this 2015 Act
 17 is complete and available to the public.

18 **SECTION 6. Committee report.** (1) At each odd-numbered year regular session of the
 19 Legislative Assembly, the Sunset Advisory Committee shall present to the Legislative As-
 20 sembly and the Governor a report on the state agencies scheduled to be abolished that year.

21 (2) In the report required by this section the committee shall include:

22 (a) The committee's specific findings regarding each of the criteria prescribed by section
 23 7 of this 2015 Act;

24 (b) The committee's recommendations described in section 8 of this 2015 Act; and

25 (c) Other information the committee considers necessary for a complete evaluation of
 26 the state agency.

27 **SECTION 7. Criteria for review.** The Sunset Advisory Committee shall consider the fol-
 28 lowing criteria in determining whether a public need exists for the continuation of a state
 29 agency or for the performance of the functions of the state agency:

30 (1) The efficiency with which the state agency operates.

31 (2) The mission of the state agency, including the problem or need that the state agency
 32 was intended to address, the extent to which the objectives have been achieved, any activities
 33 undertaken by the state agency in addition to those allowed by statute and the state agency's
 34 authority to undertake those activities.

35 (3) Whether there are less restrictive or alternative methods of regulation that could
 36 adequately protect the public.

37 (4) The extent to which the jurisdiction of the state agency and the programs adminis-
 38 tered by the state agency overlap or duplicate those of other state agencies and the extent
 39 to which the programs administered by the state agency can be consolidated with the pro-
 40 grams of other state agencies.

41 (5) Whether the state agency has recommended to the Legislative Assembly statutory
 42 changes that benefit the public instead of the occupation, business or institution that the
 43 state agency regulates.

44 (6) The promptness and effectiveness with which the state agency resolves complaints
 45 concerning persons affected by the state agency.

1 (7) The extent to which the state agency has encouraged participation by the public in
2 making rules and decisions as opposed to participation solely by regulated persons, and the
3 extent to which the public participation has resulted in rules compatible with the objectives
4 of the state agency.

5 (8) The extent to which the state agency has complied with applicable requirements of:

6 (a) Agencies of the United States or of this state relating to equality of employment op-
7 portunity and the rights and privacy of individuals; and

8 (b) State law relating to purchasing goals and programs.

9 (9) The extent to which changes to the enabling statutes of the state agency are neces-
10 sary to allow the state agency to adequately comply with the criteria listed in this section.

11 (10) The extent to which the state agency issues and enforces rules relating to potential
12 conflicts of interest of its employees.

13 (11) The extent to which the state agency follows record retention and management
14 practices that enable the state agency to respond efficiently to requests for public records.

15 (12) The effects of federal intervention or loss of federal funds if the state agency is
16 abolished.

17 **SECTION 8. Recommendations.** The Sunset Advisory Committee shall include in the re-
18 port required by section 6 of this 2015 Act:

19 (1) Recommendations on the abolition, continuation or reorganization of each state
20 agency and on the need for continuing the functions of the state agency;

21 (2) Recommendations on the consolidation, transfer or reorganization of programs within
22 state agencies that are not under review if the programs duplicate functions performed in
23 state agencies under review;

24 (3) Recommendations on the funding levels for each state agency; and

25 (4) Proposed legislation necessary to carry out the committee's recommendations under
26 this section.

27 **SECTION 9. Monitoring of recommendations.** During each legislative session, the staff
28 of the Sunset Advisory Committee shall monitor legislation affecting state agencies that
29 have undergone sunset review and shall periodically report to the members of the committee
30 on proposed changes that would modify prior recommendations of the committee.

31 **SECTION 10. Subpoena power.** (1) The Sunset Advisory Committee may issue process to
32 compel the attendance of witnesses and the production of books, records, papers and other
33 objects necessary or proper for the purposes of the committee proceedings.

34 (2) If a majority of the committee directs the issuance of a subpoena, the chairperson
35 shall issue the subpoena in the name of the committee.

36 (3) A witness who attends a committee proceeding under process is entitled to the same
37 mileage and per diem as a witness who appears before a grand jury in this state.

38 **SECTION 11. Assistance of and access to state agencies.** (1) State agencies shall assist
39 the Sunset Advisory Committee upon request by the committee or the committee's staff.

40 (2) In carrying out its functions under sections 1 to 14 of this 2015 Act, the committee
41 or its designated staff member may inspect the records, documents and files of any state
42 agency.

43 **SECTION 12. Relocation of employees.** If an employee is displaced because a state agency
44 is abolished or reorganized after review under sections 1 to 14 of this 2015 Act, the state
45 agency and the Employment Department shall make a reasonable effort to relocate the dis-

1 placed employee.

2 **SECTION 13. Review of proposed legislation creating regulatory agency.** (1) The Legisla-
3 tive Fiscal Officer shall forward to the Sunset Advisory Committee each bill filed during a
4 legislative session that would create a new state agency with regulatory authority.

5 (2) The committee shall review a bill forwarded to the committee under this section to
6 determine if:

7 (a) The proposed functions of the state agency could be performed by an existing state
8 agency;

9 (b) The form of regulation proposed by the bill is the least restrictive form of regulation
10 that will adequately protect the public;

11 (c) The bill provides for adequate public input relating to the regulatory function pro-
12 posed by the bill; and

13 (d) The bill provides for adequate protection against conflicts of interest within the state
14 agency.

15 (3) After reviewing a bill under this section, the committee shall forward a written
16 comment on the legislation to the chairs of committees considering the bill.

17 **SECTION 14. Sunset schedule.** (1) The following agencies are abolished July 1, 2017:

18 (a) The Department of Education, the State Board of Education and the Department of
19 Community Colleges and Workforce Development.

20 (b) The State Board of Higher Education, the Higher Education Coordinating Commission
21 and the Oregon University System.

22 (c) The Teacher Standards and Practices Commission.

23 (d) The Department of Land Conservation and Development and the Land Conservation
24 and Development Commission.

25 (2) The following agencies are abolished July 1, 2019:

26 (a) The Oregon Department of Administrative Services.

27 (b) The Water Resources Department and the Water Resources Commission.

28 (c) The State Forestry Department and the State Board of Forestry.

29 (d) The State Department of Fish and Wildlife and the State Fish and Wildlife Commis-
30 sion.

31 (e) The Department of State Lands.

32 (3) The following agencies are abolished July 1, 2021:

33 (a) The Oregon Business Development Department and the Oregon Business Develop-
34 ment Commission.

35 (b) The Department of Consumer and Business Services.

36 (c) The Bureau of Labor and Industries.

37 (d) The Employment Department.

38 (e) The State Department of Energy.

39 (4) The following agencies are abolished July 1, 2023:

40 (a) The Oregon Liquor Control Commission.

41 (b) The Department of Human Services.

42 (c) The Oregon Health Authority.

43 (d) The Department of Environmental Quality and the Environmental Quality Commis-
44 sion.

45 (e) The Department of Justice.

1 (5) The following agencies are abolished July 1, 2025:

- 2 (a) The Department of Corrections.
- 3 (b) The Department of Veterans' Affairs.
- 4 (c) The Oregon Youth Authority.
- 5 (d) The Columbia River Gorge Commission.

6 (6) The following agencies are abolished July 1, 2027:

- 7 (a) The Department of Transportation.
- 8 (b) The State Department of Agriculture.
- 9 (c) The Oregon Department of Aviation and the State Aviation Board.
- 10 (d) The Construction Contractors Board.

11 (7) The following agencies are abolished July 1, 2029:

- 12 (a) The Department of Revenue.
- 13 (b) The Public Employees Retirement System and Public Employees Retirement Board.
- 14 (c) The Department of Public Safety Standards and Training and the Board on Public
- 15 Safety Standards and Training.

16 (8) The following agencies are abolished July 1, 2031:

- 17 (a) The Public Utility Commission.
- 18 (b) The Oregon State Police.
- 19 (c) The Oregon Student Access Commission.

20 **SECTION 15.** There is appropriated to the Sunset Advisory Committee, for the biennium
21 beginning July 1, 2015, out of the General Fund, the amount of \$_____ for the purpose of
22 implementing sections 1 to 14 of this 2015 Act.

23 **SECTION 16.** The section captions used in this 2015 Act are provided only for the con-
24 venience of the reader and do not become part of the statutory law of this state or express
25 any legislative intent in the enactment of this 2015 Act.

26 **SECTION 17.** This 2015 Act being necessary for the immediate preservation of the public
27 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
28 on its passage.

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