

# Senate Bill 502

Sponsored by Senator BAERTSCHIGER JR (Pre-session filed.)

## 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 **of Representatives.**

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

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

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

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

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

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

21 (2) **The executive director shall employ persons necessary to carry out sections 1 to 14**  
22 **of this 2019 Act with moneys made available by the Legislative Assembly.**

23 **SECTION 3. Agency report to committee. Before January 1 of the calendar year imme-**  
24 **diately preceding the year in which a state agency is abolished under section 14 of this 2019**  
25 **Act, the state agency shall report to the Sunset Advisory Committee:**

26 (1) **Information regarding the application to the state agency of the criteria in section 7**  
27 **of this 2019 Act; and**

28 (2) **Any other information that the state agency considers appropriate or that is re-**

**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 requested by the committee.

2 **SECTION 4. Committee duties.** Before June 1 of the calendar year immediately preceding  
3 the year in which a state agency is abolished under section 14 of this 2019 Act, the Sunset  
4 Advisory Committee shall:

5 (1) Review and take action necessary to verify the reports submitted by the state agency  
6 under section 3 of this 2019 Act;

7 (2) Conduct a performance evaluation of the state agency based on the criteria provided  
8 in section 7 of this 2019 Act and prepare a written report as described in section 6 of this  
9 2019 Act; and

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

12 **SECTION 5. Public hearings.** (1) Before January 1 of the calendar year in which a state  
13 agency is abolished under section 14 of this 2019 Act, the Sunset Advisory Committee shall  
14 conduct public hearings concerning but not limited to the application to the state agency of  
15 the criteria provided in section 7 of this 2019 Act.

16 (2) The committee may hold the public hearings before the date specified in subsection  
17 (1) of this section if the evaluation of the state agency required by section 4 of this 2019 Act  
18 is complete and available to the public.

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

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

24 (a) The committee's specific findings regarding each of the criteria prescribed by section  
25 7 of this 2019 Act;

26 (b) The committee's recommendations described in section 8 of this 2019 Act; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **SECTION 8. Recommendations.** The Sunset Advisory Committee shall include in the re-  
20 port required by section 6 of this 2019 Act:

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

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

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

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

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

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

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

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

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

42 (2) In carrying out its functions under sections 1 to 14 of this 2019 Act, the committee  
43 or its designated staff member may inspect the records, documents and files of any state  
44 agency.

45 **SECTION 12. Relocation of employees.** If an employee is displaced because a state agency

1 is abolished or reorganized after review under sections 1 to 14 of this 2019 Act, the state  
2 agency and the Employment Department shall make a reasonable effort to relocate the dis-  
3 placed employee.

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

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

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

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

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

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

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

19 **SECTION 14. Sunset schedule.** (1) The following state agencies are abolished July 1, 2021:

20 (a) The Department of Education, the State Board of Education and the Office of Com-  
21 munity Colleges and Workforce Development.

22 (b) The Higher Education Coordinating Commission.

23 (c) The Teacher Standards and Practices Commission.

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

26 (2) The following state agencies are abolished July 1, 2023:

27 (a) The Oregon Department of Administrative Services.

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

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

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

32 (e) The Department of State Lands.

33 (3) The following state agencies are abolished July 1, 2025:

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

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

37 (c) The Bureau of Labor and Industries.

38 (d) The Employment Department.

39 (e) The State Department of Energy.

40 (4) The following state agencies are abolished July 1, 2027:

41 (a) The Oregon Liquor Control Commission.

42 (b) The Department of Human Services.

43 (c) The Oregon Health Authority.

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

- 1 (e) The Department of Justice.
- 2 (5) The following state agencies are abolished July 1, 2029:
- 3 (a) The Department of Corrections.
- 4 (b) The Department of Veterans' Affairs.
- 5 (c) The Oregon Youth Authority.
- 6 (d) The Columbia River Gorge Commission.
- 7 (6) The following state agencies are abolished July 1, 2031:
- 8 (a) The Department of Transportation and the Oregon Transportation Commission.
- 9 (b) The State Department of Agriculture and the State Board of Agriculture.
- 10 (c) The Oregon Department of Aviation and the State Aviation Board.
- 11 (d) The Construction Contractors Board.
- 12 (7) The following state agencies are abolished July 1, 2033:
- 13 (a) The Department of Revenue.
- 14 (b) The Public Employees Retirement System and Public Employees Retirement Board.
- 15 (c) The Department of Public Safety Standards and Training and the Board on Public
- 16 Safety Standards and Training.
- 17 (8) The following state agencies are abolished July 1, 2035:
- 18 (a) The Public Utility Commission.
- 19 (b) The Department of State Police.
- 20 (c) The Office of Student Access and Completion.
- 21 **SECTION 15.** There is appropriated to the Sunset Advisory Committee, for the biennium
- 22 beginning July 1, 2019, out of the General Fund, the amount of \$\_\_\_\_\_ for the purpose of
- 23 implementing sections 1 to 14 of this 2019 Act.
- 24 **SECTION 16.** The section captions used in this 2019 Act are provided only for the con-
- 25 venience of the reader and do not become part of the statutory law of this state or express
- 26 any legislative intent in the enactment of this 2019 Act.
- 27 **SECTION 17.** This 2019 Act being necessary for the immediate preservation of the public
- 28 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
- 29 on its passage.
- 30 \_\_\_\_\_