

ENROLLED SENATE
BILL NO. 221

By: Harrison of the Senate

and

Taylor of the House

An Act relating to state government; amending 74 O.S. 1991, Section 3908, which relates to the 1995 sunset list; modifying termination date for certain sunset entities; modifying list; amending 74 O.S. 1991, Sections 3902, 3914, 3915, 3916 and 3917, which relate to the Joint Committee on Sunset Review; abolishing said Joint Committee; deleting certain terms; modifying review process to be under the jurisdiction of the appropriate House and Senate sunset committees; modifying the providing of certain information and content; authorizing consideration of certain factors by such committees; requiring the State Auditor and Inspector to provide information to such committees; modifying the distribution of certain list; and repealing 74 O.S. 1991, Sections 3902.1 and 3912, as amended by Section 2, Chapter 196, O.S.L. 1993 (74 O.S. Supp. 1994, Section 3912), which relate to the Joint Committee on Sunset Review.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 74 O.S. 1991, Section 3908, is amended to read as follows:

Section 3908. The following statutory entities and their successors shall be terminated on July 1, ~~1995~~ 2001, and all powers, duties and functions shall be abolished one (1) year thereafter:

1. State Accrediting Agency as created by Section 241 of Title 72 of the Oklahoma Statutes;
2. Public Employees Relations Board as created by Section 51-104 of Title 11 of the Oklahoma Statutes;
3. ~~Professional Standards Board for the State of Oklahoma as created by Section 6-123 of Title 70 of the Oklahoma Statutes;~~
4. Capitol-Medical Center Improvement and Zoning Commission as created by Section 83.1 of Title 73 of the Oklahoma Statutes;
5. ~~4.~~ Archives and Records Commission as created by Section ~~564~~ 305 of ~~this title~~ Title 67 of the Oklahoma Statutes; and
6. ~~5.~~ Ottawa Reclamation Authority as created by Sections 801 and 803 of Title 45 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 3902, is amended to read as follows:

Section 3902. As used in the Oklahoma Sunset Law:

1. "Statutory entity" means any department, agency, commission, board or other regulatory instrumentality of state government enumerated in the Oklahoma Sunset Law; and

2. "Termination date" means the date provided for termination of legislative authority for the existence of a particular entity as provided for in this act;

~~3. "Review committee" means the Joint Committee on Sunset Review; and~~

~~4. "Sunset Review Hearings" means those hearings conducted by the review committee.~~

SECTION 3. AMENDATORY 74 O.S. 1991, Section 3914, is amended to read as follows:

Section 3914. When any statutory ~~entity is~~ entities are under review ~~by the review committee, all committee hearings shall be open to the public. All~~ for sunset, said entities shall bear the burden of establishing that a sufficient public need is present which justifies their continued existence ~~and all.~~ All said entities shall provide the ~~review committee~~ appropriate House and Senate sunset committees with the following information:

1. A zero-based operating budget review and analysis, including a summary of all income and expenditures;

2. The identity of all units and subunits under the direct or advisory control of the statutory entity under review;

3. All powers, duties and functions currently performed by the statutory entity under review;

4. All statutory or other authority under which said powers, duties and functions of the statutory entity are carried out;

5. Any powers, duties or functions which, in the opinion of the statutory entity under review, are being performed and duplicated by another statutory entity within the state including the manner in which, and the extent to which, this duplication of efforts is occurring and any recommendations as to eliminating such a situation;

6. Any powers, duties or functions which, in the opinion of the statutory entity under review, are inconsistent with current and projected public demands and should be terminated or altered; and

7. Any other information which the ~~review committee~~ appropriate House or Senate sunset committee, in its discretion, feels is necessary and proper in carrying out its ~~review and evaluative~~ duties.

SECTION 4. AMENDATORY 74 O.S. 1991, Section 3915, is amended to read as follows:

Section 3915. In evaluating each statutory entity the ~~review~~ appropriate House or Senate sunset committee ~~shall~~ may consider factors including, but not limited to:

1. The extent to which statutory changes have been recommended which would benefit the statutory entity;

2. The extent to which operation of the statutory entity has been efficient and responsive to public needs;

3. The extent to which the public has been encouraged to participate in rule- and decision-making as opposed to participation solely by persons regulated;

4. The extent to which complaints have been expeditiously processed to completion in the public interest;

5. The extent to which affirmative action requirements of state and federal statutes and constitutions have been complied with by the agency or the industry it regulates;

6. An identification of other statutory entities having the same or similar objectives along with a comparison of the cost and effectiveness of said statutory entities and any duplication of the statutory entity under review;

7. An examination of the extent to which the objectives of the statutory entity have been achieved in comparison with the

objectives as initially set forth in the enabling legislation and an analysis of any significant variance between project and actual performance;

8. A specification, to the extent feasible, in quantitative terms, of the objectives of said statutory entity for the next six (6) years; and

9. An examination of the impact of said statutory entity on the economy of the state.

SECTION 5. AMENDATORY 74 O.S. 1991, Section 3916, is amended to read as follows:

Section 3916. The State Auditor and Inspector shall furnish, upon request of the ~~review~~ appropriate House or Senate sunset committee, any relevant information, including the results of prior audits and reviews of any statutory entity under sunset review.

SECTION 6. AMENDATORY 74 O.S. 1991, Section 3917, is amended to read as follows:

Section 3917. A. Any statutory entity enumerated in the Oklahoma Sunset Law, shall, if re-created, be placed in this act to be terminated or re-created six (6) years thereafter.

B. The Oklahoma Department of Libraries shall monitor actions of the State Legislature and maintain a list of all agencies, boards, commissions, committees or other entities created or authorized by law, and all entities created by a Governor's Executive Order. The updated list shall be provided to the Governor, the President Pro Tempore of the Oklahoma Senate, the Speaker of the Oklahoma House of Representatives, and the ~~Chairman and Vice Chairman~~ chairs of the Joint Committee on Sunset Review appropriate House or Senate sunset committee within thirty (30) days after sine die adjournment of each legislative session.

SECTION 7. REPEALER 74 O.S. 1991, Sections 3902.1 and 3912, as amended by Section 2, Chapter 196, O.S.L. 1993 (74 O.S. Supp. 1994, Section 3912), are hereby repealed.

Passed the Senate the 27th day of February, 1995.

President of the Senate

Passed the House of Representatives the 27th day of March, 1995.

Speaker of the House of Representatives