

Senate Engrossed

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 204

SENATE BILL 1320

AN ACT

AMENDING SECTION 41-2954, ARIZONA REVISED STATUTES; RELATING TO LEGISLATIVE
REVIEW OF AGENCIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2954, Arizona Revised Statutes, is amended to
3 read:

4 41-2954. Committees of reference; membership; performance
5 review reports; hearings; guidelines;
6 recommendations; subpoena powers

7 A. Each standing committee of both legislative houses shall appoint
8 a subcommittee of five members. Not more than three appointees of each house
9 shall be of the same political party. The subcommittees shall jointly
10 constitute a committee of reference in their respective subject matter areas.

11 B. After receipt of the preliminary sunset review report, the
12 committee of reference shall hold at least one public hearing to receive
13 testimony from the public and from the officials of the agency involved. THE
14 AGENCY INVOLVED SHALL PREPARE A PRESENTATION FOR THE FIRST PUBLIC MEETING
15 THAT ADDRESSES THE ELEMENTS OF THE WRITTEN STATEMENT REQUIRED BY SUBSECTION
16 F.

17 C. The committee of reference shall hold public hearings for the
18 following purposes:

19 1. To determine the actual need of the agency to regulate or direct
20 the particular activity.

21 2. To determine the extent to which the statutory requirements of the
22 agency are necessary and are being met.

23 3. To receive testimony from the public as to the relationship of the
24 agency with the public.

25 4. To receive testimony from the executive director or other head of
26 the agency as to reasons for the continuation of the agency.

27 D. The committee of reference shall consider but not be limited to the
28 following factors in determining the need for continuation or termination of
29 each agency:

30 1. The objective and purpose in establishing the agency.

31 2. The effectiveness with which the agency has met its objective and
32 purpose and the efficiency with which it has operated.

33 3. The extent to which the agency has operated within the public
34 interest.

35 4. The extent to which rules adopted by the agency are consistent with
36 the legislative mandate.

37 5. The extent to which the agency has encouraged input from the public
38 before adopting its rules and the extent to which it has informed the public
39 as to its actions and their expected impact on the public.

40 6. The extent to which the agency has been able to investigate and
41 resolve complaints that are within its jurisdiction.

42 7. The extent to which the attorney general or any other applicable
43 agency of state government has the authority to prosecute actions under the
44 enabling legislation.

1 8. The extent to which agencies have addressed deficiencies in their
2 enabling statutes which prevent them from fulfilling their statutory mandate.

3 9. The extent to which changes are necessary in the laws of the agency
4 to adequately comply with the factors listed in this subsection.

5 10. The extent to which the termination of the agency would
6 significantly harm the public health, safety or welfare.

7 11. The extent to which the level of regulation exercised by the agency
8 is appropriate and whether less or more stringent levels of regulation would
9 be appropriate.

10 12. The extent to which the agency has used private contractors in the
11 performance of its duties and how effective use of private contractors could
12 be accomplished.

13 E. The committee of reference shall deliver the final sunset review
14 report of its recommendations to the committee, the president of the senate,
15 the speaker of the house of representatives, the governor, the auditor
16 general and the affected agency by December 1. Such recommendations shall
17 include one of the following:

18 1. That the state agency be continued.

19 2. That the state agency be revised or consolidated.

20 3. That the state agency be terminated pursuant to this chapter.

21 F. The final sunset review report by the committee of reference shall
22 also include A WRITTEN STATEMENT PREPARED BY THE AGENCY INVOLVED THAT
23 CONTAINS:

24 1. An identification of the problem or the needs that the agency is
25 intended to address.

26 2. A statement, to the extent practicable, in quantitative and
27 qualitative terms, of the objectives of such agency and its anticipated
28 accomplishments.

29 3. An identification of any other agencies having similar, conflicting
30 or duplicate objectives, and an explanation of the manner in which the agency
31 avoids duplication or conflict with other such agencies.

32 4. An assessment of the consequences of eliminating the agency or of
33 consolidating it with another agency.

34 G. The committee shall oversee the preparation of any proposed
35 legislation to implement the recommendations of the committees of reference
36 and is responsible for the introduction of such legislation.

37 H. If an agency is continued, it is not necessary to reappoint any
38 member of the governing board or commission of the agency. Such members are
39 eligible to complete their original terms without reappointment or
40 reconfirmation.

41 I. Each committee of reference shall have the power of legislative
42 subpoena pursuant to chapter 7, article 4 of this title.

APPROVED BY THE GOVERNOR APRIL 20, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2001.

Passed the House April 16, 2001,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate February 28, 2001,

by the following vote: 28 Ayes,

2 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
16 day of April, 2001,

at 4:53 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 20 day of

April, 2001,

at 11:58 o'clock A M.

[Signature]
Governor of Arizona

S.B. 1320

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 23 day of April, 2001,

at 4:45 o'clock P M.
[Signature]
Secretary of State