

1 SB154  
2 115177-1  
3 By Senator Dixon  
4 RFD: Governmental Affairs  
5 First Read: 12-JAN-10

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8 SYNOPSIS: Currently, departments and agencies that  
9 are subject to the Alabama Sunset Law are subject  
10 to review every four years.

11 This bill would require such departments and  
12 agencies to be reviewed every six years.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 To amend Sections 41-20-3 and 41-20-8, Code of  
19 Alabama 1975, relating to the Alabama Sunset Law, to provide  
20 that departments and agencies be reviewed every six years.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Sections 41-20-3 and 41-20-8, Code of  
23 Alabama 1975, are amended to read as follows:

24 "§41-20-3.

25 "(a) The following agencies shall automatically  
26 terminate on the dates specified, unless a bill is passed that  
27 they be continued, modified or reestablished:

1                   "(1) October 1, 1981 shall be the termination date  
2 for:

3                   "a. State Board of Auctioneers - created by Section  
4 34-4-50.

5                   "b. Alabama Board of Cosmetology - created by  
6 Section 34-7-40.

7                   "c. Examining Board for Professional Entomologists,  
8 Horticulturists, Plant Pathologists, Floriculturists and Tree  
9 Surgeons - created by Section 2-28-2.

10                   "d. Alabama Board of Funeral Service - created by  
11 Section 34-13-20.

12                   "e. State Pilotage Commission - created by Section  
13 33-4-1.

14                   "f. Polygraphic Examiners Board - created by Section  
15 34-25-4.

16                   "g. Alabama Board of Examiners for Speech Pathology  
17 and Audiology - created by Section 34-28A-40.

18                   "h. State Board of Veterinary Medical Examiners -  
19 created by Section 34-29-20.

20                   "i. Alabama Real Estate Commission - created by  
21 Section 34-27-7.

22                   "j. Board of Bar Examiners - created by Section  
23 34-3-2.

24                   "k. Board of Examiners of Mine Personnel - created  
25 by Section 25-9-9.

26                   "l. Alabama Board of Social Work Examiners - created  
27 by Section 34-30-50.

1                   "(2) October 1, 1982, shall be the termination date  
2 for:

3                   "a. State Board for Registration of Architects -  
4 created by Section 34-2-38.

5                   "b. Alabama Board of Examiners of Landscape  
6 Architects - created by Section 34-17-2.

7                   "c. Alabama State Board of Public Accountancy -  
8 created by Section 34-1-3.

9                   "d. State Board of Registration for Foresters -  
10 created by Section 34-12-30.

11                   "e. State Board for Registration of Professional  
12 Engineers and Land Surveyors - created by Section 34-11-30.

13                   "f. State Licensing Board for General Contractors -  
14 created by Section 34-8-20.

15                   "g. State Board of Chiropractic Examiners - created  
16 by Section 34-24-140.

17                   "h. Alabama Firefighters' Personnel Standards and  
18 Education Commission - created by Section 36-32-2.

19                   "i. Board of Hearing Aid Dealers - created by  
20 Section 34-14-30.

21                   "j. Alabama Board of Optometry - created by Section  
22 34-22-40.

23                   "k. Alabama Peace Officers' Standards and Training  
24 Commission - created by Section 36-21-41.

25                   "l. Board of Physical Therapy - created by Section  
26 34-24-192.

1                    "m. Board of Plumbing Examiners - created by Section  
2 40-12-145.

3                    "n. Alabama Board of Examiners in Psychology -  
4 created by Section 34-26-20.

5                    "o. State Board of Heating, Air Conditioning,  
6 Roofing and Sheet Metal Contractors - created by Section  
7 34-31-2.

8                    "p. Alabama Dairy Commission - created by Section  
9 2-13-42.

10                   "q. Board of Dental Examiners of Alabama - created  
11 by Section 34-9-40.

12                   "r. Board of Nursing - created by Section 34-21-2.

13                   "s. State Board of Examiners of Nursing Home  
14 Administrators - created by Section 34-20-4.

15                   "t. State Board of Pharmacy - created by Section  
16 34-23-90.

17                   "u. State Board of Podiatry - created by Section  
18 34-24-250.

19                   "v. State Athletic Commission - created by Section  
20 41-9-90.1.

21                   "(3) October 1, 1983 and every ~~fourth~~ sixth year  
22 thereafter shall be the termination date for:

23                   "a. State Board for Registration of Architects -  
24 created by Section 34-2-38.

25                   "b. Alabama Board of Examiners of Landscape  
26 Architects - created by Section 34-17-2.

1                    "c. State Licensing Board for General Contractors -  
2                    created by Section 34-8-20.

3                    "d. State Board of Licensure for Professional  
4                    Engineers and Land Surveyors - created by Section 34-11-30.

5                    "e. Board of Bar Examiners - created by Section  
6                    34-3-2.

7                    "f. Polygraph Examiners Board - created by Section  
8                    34-25-4.

9                    "g. Alabama State Board of Occupational Therapy -  
10                    created by Section 34-39-6.

11                    "(4) October 1, 1984 and every ~~fourth~~ sixth year  
12                    thereafter shall be the termination date for:

13                    "a. Alabama Board of Social Work Examiners - created  
14                    by Section 34-30-50.

15                    "b. Alabama Board of Examiners in Psychology -  
16                    created by Section 34-26-20.

17                    "c. Alabama State Board of Public Accountancy -  
18                    created by Section 34-1-3.

19                    "d. Alabama Board of Cosmetology - created by  
20                    Section 34-7-40.

21                    "e. Alabama Board of Funeral Service - created by  
22                    Section 34-13-20.

23                    "f. Alabama Real Estate Commission - created by  
24                    Section 34-27-7.

25                    "g. Alcoholic Beverage Control Board - created by  
26                    Section 28-3-40.

1                    "h. Department of Insurance - created by Section  
2                    27-2-1.

3                    "i. Alabama Securities Commission - created by  
4                    Section 8-6-50.

5                    "j. State Pilotage Commission - created by Section  
6                    33-4-1.

7                    "k. Public Service Commission - created by Section  
8                    37-1-1.

9                    "l. Examining Board for Professional Entomologists,  
10                    Horticulturists, Plant Pathologists, Floriculturists and Tree  
11                    Surgeons - created by Section 2-28-2.

12                    "m. State Board of Heating, Air Conditioning,  
13                    Roofing and Sheet Metal Contractors - created by Section  
14                    34-31-2.

15                    "n. Board of Examiners of Mine Personnel - created  
16                    by Section 25-9-9.

17                    "o. Plumbing Examiners Board - created by Section  
18                    40-12-145.

19                    "p. Alabama Liquefied Petroleum Gas Board - created  
20                    by Section 9-17-101.

21                    "q. State Board of Auctioneers - created by Section  
22                    34-4-50.

23                    "(5) October 1, 1985 and every ~~fourth~~ sixth year  
24                    thereafter shall be the termination date for:

25                    "a. Alabama Board of Examiners for Speech-Language  
26                    Pathology and Audiology - created by Section 34-28A-40.

27                    "b. Board of Nursing - created by Section 34-21-2.

1 "c. State Board of Chiropractic Examiners - created  
2 by Section 34-24-140.

3 "d. State Board of Veterinary Medical Examiners -  
4 created by Section 34-29-20.

5 "e. Board of Examiners of Nursing Home  
6 Administrators - created by Section 34-20-4.

7 "f. Board of Physical Therapy - created by Section  
8 34-24-192.

9 "g. Board of Hearing Instrument Dealers - created by  
10 Section 34-14-30.

11 "h. Alabama Board of Examiners for Speech-Language  
12 Pathology and Audiology - created by Section 34-28A-40.

13 "i. Board of Dental Examiners of Alabama - created  
14 by Section 34-9-40.

15 "j. State Board of Medical Examiners - created by  
16 Section 34-24-53.

17 "k. Alabama Board of Optometry - created by Section  
18 34-22-40.

19 "l. Alabama State Board of Pharmacy - created by  
20 Section 34-23-90.

21 "m. State Board of Podiatry - created by Section  
22 34-24-250.

23 "(6) October 1, 1986 and every ~~fourth~~ sixth year  
24 thereafter shall be the termination date for:

25 "a. Board of Registration for Sanitarians - created  
26 by Section 34-28-20.



1                    "b. Alabama Surface Mining Reclamation Commission -  
2                    created by Section 9-16-33.

3                    "c. State Oil and Gas Board - created by Section  
4                    9-17-3.

5                    "d. State Board of Registration for Foresters -  
6                    created by Section 34-12-30.

7                    "e. Alabama Dairy Commission - created by Section  
8                    2-13-42.

9                    "f. State Radiation Control Agency - created by  
10                    Section 22-14-4.

11                    "(b) Any law to the contrary notwithstanding,  
12                    nothing in this chapter shall be construed to limit the joint  
13                    committee's right to call any enumerated agency for review at  
14                    a date earlier than specified in this section; nor shall the  
15                    committee be limited to making recommendations for termination  
16                    only or continuance only.

17                    "(c) The Sunset Committee shall have the authority  
18                    to review any enumerated or nonenumerated agency and shall  
19                    make recommendations for continuance, termination or  
20                    modification. Any nonenumerated agency reviewed shall continue  
21                    unless a bill is passed and becomes law to terminate or modify  
22                    the agency.

23                    "(d) Either house may pass a resolution instructing  
24                    the Sunset Committee to review an enumerated or nonenumerated  
25                    agency. After passage of said resolution, the Sunset Committee  
26                    shall review such agency and report its findings as provided  
27                    for in subsection (d) of Section 41-20-4.

1           "(e) After the effective date of this amendatory  
2 act, except as provided in subsection (b), every agency  
3 subject to review by the Sunset Committee shall be reviewed  
4 every six years.

5           "§41-20-8.

6           "(a) In conjunction with the criteria enumerated in  
7 Section 41-20-7, one criterion which may be used in  
8 determining sufficient public need in such public hearings  
9 shall be a "zero-based review and evaluation." A "zero-based  
10 review and evaluation" shall be a comprehensive review and  
11 evaluation to determine if the merits of the agency support  
12 continuation rather than termination and a finding as to what  
13 amounts of funding, if any, shall be authorized to produce  
14 correspondingly greater or lesser levels of responsibility and  
15 service output. Such a procedure shall necessitate the review  
16 and evaluation of all powers, duties and functions which  
17 currently are exercised by the agency as well as any request  
18 for additions to said powers, duties or functions when  
19 reviewing the sufficient public need of the agency.

20           "(b) Said "zero-based review and evaluation" shall  
21 include, but not be limited to, the following factors:

22           "(1) An identification of other agencies having the  
23 same or similar objective, along with a comparison of the cost  
24 and effectiveness of said agencies, and any duplication of the  
25 agency under review;

1           "(2) An identification of any agency which has not  
2 received and expended state tax dollar revenues within a  
3 period of two years prior to said hearings;

4           "(3) An examination of the extent to which the  
5 objectives of the agency have been achieved in comparison with  
6 the objectives as initially set forth in the enabling  
7 legislation and an analysis of any significant variance  
8 between projected and actual performance;

9           "(4) A specification, to the extent feasible, in  
10 quantitative terms of the objectives of said agency for the  
11 next ~~four~~ six years; and

12           "(5) An examination of the impact of said agency on  
13 the economy of the state."

14           Section 2. This act shall become effective on the  
15 first day of the third month following its passage and  
16 approval by the Governor, or its otherwise becoming law.