

STATE LEGISLATURES

Table 3.27
SUMMARY OF SUNSET LEGISLATION

<i>State</i>	<i>Scope</i>	<i>Preliminary evaluation conducted by</i>	<i>Other legislative review</i>	<i>Other oversight mechanisms in law</i>	<i>Phase-out period</i>	<i>Life of each agency (in years)</i>	<i>Other provisions</i>
Alabama	C	Dept. of Examiners of Public Accounts	Standing Cmte.	Perf. audit	No later than Oct. 1 of the year following the regular session or a time as may be specified in the Sunset bill.	(Usually 4)	Schedules of licensing boards and other enumerated agencies are repealed according to specified time tables.
Alaska	C	Budget & Audit Cmte.	...	...	1/y	...	...
Arizona	C	Legislative staff	Joint Cmte.	...	6/m	10	...
Arkansas	D	...	...	...	...	...	...
California	S	St. Legis Sunset Review Cmte. (a)	...	Perf. eval.	...	Varies up to 15	...
Colorado	R	Dept. of Regulatory Agencies	Legis. Cmtes. of Reference	Bills need adoption by the legislature.	1/y	5 years	State law provides certain criteria that are used to determine whether a public need exists for an entity or function to continue and that its regulation is the least restrictive regulation consistent with the public interest.
Connecticut	S	Legis. Program Review & Investigations Cmte.	...	Programs or entities must be affirmatively re-established by legislature.	1/y (b)	4	(c)
Delaware	C	Agencies under review submit reports to Del. Sunset Comm. based on criteria for review and set forth in statute. Comm. staff conducts separate review.	...	Perf. audit	Dec. 31 of next succeeding calendar year	10	Yearly sunset review schedules must include at least nine agencies. If the number automatically scheduled for review or added by the General Assembly is less than a full schedule, additional agencies shall be added in order of their appearance in the Del. Code to complete the review schedule.
Florida	C	Cmte. charged with oversight of the subject area.	Jt. cmte. charged with oversight of the subject area.	...	4-6y	...	...
Georgia	R	Dept. of Audits	Standing Cmtes.	Perf. audit	...	Established by the legislature	A performance audit of each regulatory agency must be conducted upon the request of the Senate or House standing committee to which an agency has been assigned for oversight and review. (d)

See footnotes at end of table.

SUMMARY OF SUNSET LEGISLATION — Continued

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Hawaii	R	Legis. Auditor	Standing Cmtes.	Perf. eval.	None	...	Schedules various professional and vocational licensing programs for repeal. Proposed new regulatory measures must be referred to the Auditor for sunrise analysis.
Idaho	(e)	...	...	...	...	...	...
Illinois	RS (f)	Governor's Office of Mgmt. and Budget	Cmte. charged with re-enacting law	(g)	...	Usually 10	...
Indiana	S	Non-partisan staff units	Interim cmte. formed to review	...	...	...	Smaller program review process now in place after about a dozen years of formal sunset program.
Iowa					No Program		
Kansas	(h)	...	...	...	...	...	...
Kentucky	R	Administrative Regulation Review Subcommittee	Joint committee with subject matter jurisdiction	...	...	...	...
Louisiana	C	Standing cmtes of the two houses with subject matter jurisdiction.	...	Perf. eval.	1/y	Up to 6	Act provides for termination of a department and all offices in a department. Also permits committees to select particular agencies or offices for more extensive evaluation. Provides for review by Jt. Legis. Cmte. on Budget of programs that were not funded during the prior fiscal year for possible repeal.
Maine	S	Joint standing cmte. of jurisdiction.	Office of Program Evaluation & Government Accountability	None	...	Generally 10	...
Maryland	R	Dept. of Legislative Services	Standing Cmtes.	Perf. eval.	...	Varies (usually 10)	...
Massachusetts					No Program		
Michigan	(e)
Minnesota	S(e)

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Mississippi.....	(l)
Missouri.....	R	Oversight Division of Cmte. on Legislative Research	6, not to exceed total of 12	...
Montana.....	(e)
Nebraska.....	D(e)(f)
Nevada.....	(e)
New Hampshire.....	(k)
New Jersey.....	(e)
New Mexico.....	S	Legis. Finance Cmte.	...	Public hearing before termination	1/y	6	...
New York.....	(e)
North Carolina.....	(l)
North Dakota.....					No Program		
Ohio.....	C(m)	Sunset Review Cmte.	...	Perf. eval.	(n)	4	...
Oklahoma.....	S, D	Jt. Cmtes. with jurisdiction over sunset bills	Appropriations and Budget Cmte.	...	1/y	6	...
Oregon.....	D(o)	...	(o)	Perf. eval.	1/y
Pennsylvania.....	R	Leadership Cmte.	Varies	...
Rhode Island.....	(p)	...	No

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South Carolina.....	(q)
South Dakota.....	(r)
Tennessee.....	C	Office of the Comptroller	Government Operations Committees	...	1/y	Up to 6 years	...
Texas.....	S	Sunset Advisory Commission staff	...	...	1/y	12	...
Utah.....	S	Interim cmtes.	Standing cmtes. as amendments may be made to bill	...	(v)	(v)	...
Vermont.....	(s)	Legis. Council staff	Legis. Council staff	Senate and House Government Operations Cmtes.	...	...	...
Virginia.....	S(e)	...	...	...	...	...	Sunset provisions vary in length. The only standard sunset required by law is on bills that create a new advisory board or commission in the executive branch of government. The legislation introduced for these boards and commissions must contain a sunset provision to expire the entity after three years.
Washington.....	D	...	...	Perf. Eval.	1/y	...	...
West Virginia.....	S	Jt. Cmte. on Govt. Operations	Performance Evaluation and Research Division	Perf. audit	1/y	6	Jt. Cmte. on Govt. Operations composed of five House members, five Senate members and five citizens appointed by governor. Agencies may be reviewed more frequently.
Wisconsin.....	(e)	...	...	...	...	...	...
Wyoming.....	D(t)	Program evaluation staff who work for Management Audit Cmte.	...	Perf. eval. (u)	...	...	...

See footnotes at end of table.

SUMMARY OF SUNSET LEGISLATION — Continued

Source: The Council of State Governments' survey, January 2009 with updates August 2009.

Key:

C — Comprehensive

R — Regulatory

S — Selective

D — Discretionary

d — day

m — month

y — year

... — Not applicable

(a) Review by the Joint Legislative Sunset Review Cmte. of professional and vocational licensing boards terminated on January 1, 2004. Sunset clauses are included in other selected programs and legislation.

(b) Upon termination a program shall continue for one year to conclude its affairs.

(c) Since the sunset law was enacted in 1977, only one five-year cycle has been carried out. P.A. 01-160 enacted the last sunset postponement. Per that legislation, 28 entities or programs are scheduled for termination on July 1, 2008, the first year of a five-year cycle, unless affirmatively reestablished by the legislature. This termination date means that 28 entities or programs will be the subjects of PRI performance audits during calendar 2007 in order for the committee to meet its obligation under the Connecticut sunset law. H.B. 6997 (P.A. 07-33) was enacted to postpone the sunset cycle until 2010 to allow for this study.

(d) The automatic sunset of an agency every six years was eliminated in 1992. The legislature must pass a bill in order to sunset a specific agency.

(e) While they have not enacted sunset legislation in the same sense as the other states with detailed information in this table, the legislatures in Idaho, Michigan, Minnesota, Montana, Nebraska, Nevada, New Jersey, New York, Virginia and Wisconsin have included sunset clauses in selected programs or legislation.

(f) Many tax laws provide that tax breaks enacted since 1994 will last only five years after taking effect unless the laws creating those breaks establish other sunset periods.

(g) Governor is to read GOMB report and make recommendations to the General Assembly every

even-numbered year.

(h) Sunset legislation terminated July 1992. Legislative oversight of designated state agencies, consisting of audit, review and evaluation, continues.

(i) Sunset Act terminated December 31, 1984.

(j) Sunset legislation is discretionary, meaning that senators are free to offer sunset legislation or attach termination dates to legislative proposals. There is no formal sunset commission. Nebraska. Revised Statutes section 50-1303 directs the Legislature's Government, Military and Veteran's Committee to conduct an evaluation of any board, commission, or similar state entity. The review must include, among other things, a recommendation as to whether the board, commission, or entity should be terminated, continued or modified.

(k) New Hampshire's Sunset Committee was repealed July 1, 1986.

(l) North Carolina's sunset law terminated on July 30, 1981. Successor vehicle, the Legislative Committee on Agency Review, operated until June 30, 1983.

(m) There are statutory exceptions.

(n) Authority for latest review (HB 548 of the 123rd General Assembly) expired December 31, 2004. H.B. 516 of the 125 General Assembly re-established the Sunset Review Cmte, but postpones its operation until the 128th General Assembly. The bill terminates the Sunset Review Law on December 31, 2010.

(o) Sunset legislation was repealed in 1993. No general law sunset rules or agencies.

(p) No standing sunset statutes or procedures at this time.

(q) Law repealed by 1998 Act 419, Part II, Sect. 35E.

(r) South Dakota suspended sunset legislation in 1979. Under current law, the Executive Board of the Legislative Research Council is directed to establish one or more interim committees each year to review state agencies so that each state agency is reviewed once every ten years.

(s) Sunsets are at the legislature's discretion. Their structure will vary on an individual basis.

(t) Wyoming repealed sunset legislation in 1988.

(u) The program evaluation process evolved out of the sunset process, but Wyoming currently does not have a scheduled sunset of programs.

(v) Default is ten years, although years may be decreased by legislative decisions.