

Table 3.27
SUMMARY OF SUNSET LEGISLATION

<i>State</i>	<i>Scope</i>	<i>Preliminary evaluation conducted by</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 Cmtes. 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time as may be specified in the Sunset bill	(Usually) 4	Schedules of licensing boards and other enumerated agencies are repealed according to specified time tables.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	Jr. Legis. Sunset Review Cmte. (a)	...	Perf. eval.	Established by the Legislature	...
Colorado	R	Dept. of Regulatory Agencies	Legis. Cmtes. of Reference	1/y	Up to 15	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	Committee of cognizance of program/entity being reviewed.	Further review conducted by Legis. Program Review and Investigations Cmte. upon request of cmte. of cognizance.	1/y (b)	10	(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	4	Yearly sunset review schedules must include at least four agencies.
Florida	S (f)	...	...	...	...	...
Georgia	R	Dept. of Audits	Standing Cmtes.	Perf. audit	...	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)
Hawaii	R	Legis. Auditor	Standing Cmtes.	Perf. eval.	Established by the legislature	Schedules various professional and vocational licensing programs for repeal. Proposed new regulatory measures must be referred to the Auditor for sunrise analysis.

See footnotes at end of table.

SUMMARY OF SUNSET LEGISLATION — Continued

State	Scope	Preliminary evaluation conducted by	Other legislative review	Other oversight mechanisms in law	Phase-out period	Life of each agency (in years)	Other provisions
Idaho.....	S (e)	...	...	...	...	...	...
Illinois.....	R,S	Governor's Office of Mgmt. and Budget	Cmte. charged with re-enacting law	(g)	...	Usually 10	...
Indiana.....	...	...	...	...	...	...	...
Iowa .....	...	...	...	...	No Program.....	...	...
Kansas	(h)	...	...	...	...	...	...
Kentucky	R	Administrative Regulation Review Subcommittee	Joint committee with subject matter jurisdiction.	Perf. Eval.	...	...	...
Louisiana.....	C	Standing cmtes. of the two houses with subject matter jurisdiction.	...	Perf. eval.	1y	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 (w)	Joint standing cmte. of jurisdiction.	Office of Program Evaluation and Government Accountability	...	...	Generally 10 years	...
Maryland	R	Dept. of Legislative Services	Standing Cmtes.	Perf. eval.	...	Varies (usually 10)	...
Massachusetts .....	...	...	...	...	No Program.....	...	...
Michigan.....	(e)	...	...	...	...	...	...
Minnesota.....	S (y)	...	...	...	...	...	...
Mississippi	(i)	...	...	...	...	...	...
Missouri.....	R	Oversight Division of Cmte. on Legislative Research	...	...	...	6, not to exceed total of 12	Can be extended
Montana	(e)	...	...	...	...	...	...
Nebraska	D (e)(j)	...	...	...	...	...	...
Nevada.....	C (e)(x)	Sunset Subcommittee	Legislative Commission, Full Legislature

See footnotes at end of table.

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New Hampshire.....	(k)
New Jersey.....	(e)
New Mexico.....	S	Legis. Finance Cmte.	...	Public hearing before termination	1/y	Varies	...
New York.....	(e)	...	...	...	...	...	...
North Carolina.....	(l)	...	...	...	...	...	...
North Dakota.....	.....	.....	.....	.....	No Program	.....	.....
Ohio.....	C (m)	Sunset Review Cmte.	...	Perf. eval.	(n)	6	...
Oklahoma.....	S, D	Senate: Standing Cmtes. with jurisdiction over sunset bills House: Joint Cmtes. with jurisdiction over sunset bills	Appropriations and Budget Cmte.	...	1/y	6	...
Oregon.....	D (o)	...	(o)	(o)	...	...	...
Pennsylvania.....	R	Leadership Cmte.	...	...	...	Varies	...
Rhode Island.....	(p)	...	No	...	...	...	...
South Carolina.....	(q)	...	...	Perf. eval.	1/y	...	...
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, then Legislative Mgmt. Cmte.	Standing cmtes, as amendments may be made to bill	...	(v)	(v)	...
Vermont.....	(s)	Legis. Council staff	Senate and House Government Operations Cmtes.

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Virginia.....	S (c)	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.....	(c)	...	...	...	...	...	...
Wyoming.....	D (t)	Program evaluation staff who work for Management Audit Cmte.	...	Perf. eval. (u)	...	...	...
No. Mariana Islands.....			No	Perf. eval.	1/y		

Source: The Council of State Governments' survey, June 2017.

Key:

- C — Comprehensive—requires all statutory agencies to be subject to a sunset review once per review cycle.
- R — Regulatory—review focus is on regulatory and licensing agencies and bureaus.
- S — Selective—selective implementation and reviews are concentrated on entities such as occupational licensing and administrative agencies such as highway, health and education departments.
- D — Discretionary—sunset review board has the ability to select which entities will face review.
- d — day
- m — month
- y — year
- ... — Not applicable
- (a) Jt. Legis. Sunset Review Cmte.—Review by the Jt. Legislative Sunset Review Cmte. of professional and vocational licensing boards pursuant to Government Code 9147.7. 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) Process conducted in accordance with Chapter 28 of Connecticut General Statutes
- (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) Comprehensive agency sunset review and repeal was repealed in 2011. Florida does have Open Government Sunset Review of public records and meetings exemptions with a 5-year review period.
- (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. House and Senate Rules are available at *billsans.us*. *Is.state.ms.us*. New Rules were adopted in January 2012.
- (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 (SB 171 of the 129th General Assembly) expires December 31, 2016.
- (o) Sunset legislation was repealed in 1993. No general law sunsetting rules or agencies. Oversight mechanisms including auditing, reporting or performance measures, are discretionary but may be included in specific bills as determined by legislature.

SUMMARY OF SUNSET LEGISLATION — Continued

- (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. A later law directing the Executive Board of the Legislative Research Council to establish one or more interim committees each year to review state agencies was repealed in 2012.
- (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 10 years, although years may be decreased by legislative decisions.
- (w) Sometimes programs or agencies are subject to sunset provisions; this is entirely ad hoc as the Legislature determines appropriate. There is a general law, however, called State Government Evaluation Law that provides for regular reviews of agencies and boards by committee of jurisdiction; the committees can recommend termination (sunset) but, again, this is ad hoc.
- (x) The 2011 Nevada Legislature created the Sunset Subcommittee of the Legislative Commission with the enactment of Senate Bill 251 (Chapter 480, Statutes of Nevada). The Subcommittee is to conduct reviews of all boards and commissions not provided for in the Nevada Constitution or created by Executive Order of the Governor, and is charged with determining whether those entities should be terminated, modified, consolidated, or continued. The Subcommittee must review each entity no less often than once every ten years. After making it's initial recommendations no later than June 30, 2012, the Subcommittee must submit all subsequent recommendations to the Legislative Commission on or before June 30 of each even numbered year. The Legislative Commission may accept or reject the recommendations in whole or part and may then request that legislation be drafted for consideration by the full Legislature.
- (y) While they have not enacted sunset legislation in the same sense as the other states with detailed information in this table, the legislatures in Minnesota have included sunset clauses in selected programs or legislation.