A sunset review is an evaluation of the need for the continued existence of a program or an agency. It allows for an assessment of the effectiveness and performance of the program or agency. The review yields a recommendation to either (1) retain the program or agency as is; (2) modify the program or agency; or (3) allow the program or agency to terminate, including the repeal of the relevant statutes.

WHO CONDUCTS SUNSET REVIEWS?

Staff of the Joint Legislative Audit & Review Committee (JLARC) conduct these reviews.

WHAT TRIGGERS A SUNSET REVIEW?

A sunset review is triggered when a bill adds sections to Chapter 43.131 RCW. A bill scheduling a sunset consists of two sections: one section that terminates the program or agency in a specified year, and a second section that repeals the underlying statutes the following year. Note that a sunset review is triggered even though there is no express direction in the two sections for JLARC to conduct such a review (see example on page 2.)

WHAT CRITERIA ARE USED IN THE REVIEWS?

The criteria are specified in RCW 43.131.071, which calls for review of the extent to which an entity:
- Has complied with legislative intent;
- Is operating in an efficient and economical manner, with adequate cost controls in place;
- Is reaching expected performance goals and targets; and
- Is undertaking activities duplicated by another entity or the private sector.

The review also examines the possible impact of the termination or the modification of the entity.

WHAT IS AN APPROPRIATE DATE TO CHOOSE FOR A SUNSET REVIEW?

You want to allow a new program or an agency to operate long enough to generate actual outcomes. RCW 43.131.061 identifies a minimum of seven years.

HOW SHOULD I DRAFT LEGISLATION IF THE REQUESTOR WANTS A PROGRAM OR AGENCY TO TERMINATE WITHOUT A SUNSET REVIEW?

Please don’t add sections to the sunset chapter! You have some options to direct a section of law to expire or to terminate. You can include this direction within a particular section, or you can include a separate section that calls for a set of other sections to expire. For example, RCW 43.131.900 calls for the sunset review provisions to expire in 2025.

Another option is to include repealers of one or more section of law. There are some legal distinctions between a statute expiring and a statute being repealed. The attorneys in the Code Reviser’s Office can help you determine which approach is appropriate for your situation.

FOR MORE INFORMATION CONTACT:

Keenan Konopaski, Legislative Auditor 360-786-5187 keenan.konopaski@leg.wa.gov
Code Reviser’s Office 360-786-6777
Code Reviser’s Bill Drafting Guide (see page 2 for more detail)
What is a Sunset Review?

AN EXAMPLE OF LANGUAGE FROM A BILL THAT TRIGGERS A SUNSET REVIEW IN THE FUTURE:

<table>
<thead>
<tr>
<th>RCW 43.131.425</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the corrections ombuds—Termination.</td>
</tr>
<tr>
<td>The office of the corrections ombuds is terminated July 1, 2028, as provided in RCW 43.131.426.</td>
</tr>
<tr>
<td>[ 2018 c 270 § 10.]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RCW 43.131.426</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the corrections ombuds—Repeal.</td>
</tr>
<tr>
<td>The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2029:</td>
</tr>
<tr>
<td>(1) RCW 43.06C.005 and 2018 c 270 s 1;</td>
</tr>
<tr>
<td>(2) RCW 43.06C.020 and 2018 c 270 s 2;</td>
</tr>
<tr>
<td>(3) RCW 43.06C.010 and 2018 c 270 s 3;</td>
</tr>
<tr>
<td>(4) RCW 43.06C.030 and 2018 c 270 s 4;</td>
</tr>
<tr>
<td>(5) RCW 43.06C.040 and 2018 c 270 s 5;</td>
</tr>
<tr>
<td>(6) RCW 43.06C.050 and 2018 c 270 s 6;</td>
</tr>
<tr>
<td>(7) RCW 43.06C.060 and 2018 c 270 s 7; and</td>
</tr>
<tr>
<td>(8) RCW 43.06C.070 and 2018 c 270 s 8.</td>
</tr>
<tr>
<td>[ 2018 c 270 § 11.]</td>
</tr>
</tbody>
</table>

GUIDANCE IN THE CODE REVISER’S BILL DRAFTING GUIDE:
See Part II Formal and Technical Requisites
(10) Repealers
(11) Suggestions for Commonly Used Clauses
   (l) Expiration date clauses
   (y) Sunset and termination clauses