

# What is a Sunset Review?

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 There are some legal distinctions between a statute expiring and a statute being repealed.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:

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Code Reviser's Bill Drafting Guide  
(see page 2 for more detail)

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

### **RCW 43.131.425**

Office of the corrections ombuds—Termination.

The office of the corrections ombuds is terminated July 1, 2028, as provided in **RCW 43.131.426**.

[ 2018 c 270 § 10.]

### **RCW 43.131.426**

Office of the corrections ombuds—Repeal.

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2029:

- (1) **RCW 43.06C.005** and 2018 c 270 s 1;
- (2) **RCW 43.06C.020** and 2018 c 270 s 2;
- (3) **RCW 43.06C.010** and 2018 c 270 s 3;
- (4) **RCW 43.06C.030** and 2018 c 270 s 4;
- (5) **RCW 43.06C.040** and 2018 c 270 s 5;
- (6) **RCW 43.06C.050** and 2018 c 270 s 6;
- (7) **RCW 43.06C.060** and 2018 c 270 s 7; and
- (8) **RCW 43.06C.070** and 2018 c 270 s 8.

[ 2018 c 270 § 11.]

## 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