
SUNSET PROCESSES IN OCCUPATIONAL LICENSING

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AGENDA

THE BASICS:
WHAT IS
SUNSET?

THE MAJOR
CONSIDERATIONS

STATE EXAMPLES



THE BASICS: WHAT IS SUNSET?



- A sunset review requires periodic reviews or audits of a state board, commission, agency or regulation created by legislation.
- Allows legislators to periodically evaluate government functions.
- Specifically applied to occupational licensing, sunset reviews often result in modifying licensing requirements and boards or, in some cases, eliminating (or “sunsetting”) them entirely.

SUNSET: A BRIEF HISTORY

1970s-1980s: Gained traction in many states as a tool to review all actions of state government.

1990: States start repealing sunset laws in favor of broader “program evaluation” processes.

2020: 3 states have recently implemented new sunset processes; at least 6 states have considered legislation.

1980s: 36 states had passed legislation to create a sunrise or sunset review process.

2010s: States start to reexamine the value of sunset processes, particularly as they apply to occupational licensing.



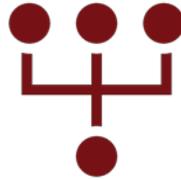
MAJOR CONSIDERATIONS IMPACTING SUNSET REVIEWS

MAJOR CONSIDERATIONS



Where is the process housed?

Who is responsible for what?
Opportunity for cross-branch collaboration.



What are the resources available?

Staff? Resources? Partnerships with other government entities or even private organizations.



What approach is being pursued?

Impacts what is being reviewed, structure of review may need to change based on approach.



MAJOR CONSIDERATIONS

What approach is being pursued?

Comprehensive

Regulatory

Selective

Discretionary

*Credit to the Mercatus Center for their report [Sunset Legislation in the States: Balancing the Legislature and the Executive](#)

STATE EXAMPLES

Small Staff – Legislatively Driven

- Arkansas
- New Mexico
- Nevada

Large Staff – Legislatively Driven

- Washington

Cross-Branch Process

- Texas (Large Staff)
- Colorado (Small Staff)



SMALL STAFF – LEGISLATIVELY DRIVEN: ARKANSAS

Enabling Legislation

- 2019 – Act 600
- Created systemic process for reviewing licensing entities over the course of a six-year cycle.
- Review type: Regulatory

Responsibility for the Process

- Created the Occupational Licensing Review Subcommittee.
- Housed in the Arkansas Legislative Council, staff from the Bureau of Legislative Research (BLR) responsible for research, presenting reports to the subcommittee and other housekeeping items related to reviews.

Resources/Staff

- BLR, which staffs Arkansas' legislative committees, did not hire any new staff specifically to support the subcommittee.
- Typically about four staff working to share responsibilities.
- One committee analyst, one administrative assistant and two committee lawyers.



SMALL STAFF - LEGISLATIVELY DRIVEN: NEW MEXICO

Enabling Statute

- 1978 – New Mexico Sunset Act
- Established a periodic review process of certain separate, administratively attached and adjunct agencies.
- Review Type: Selective

Responsibility for the Process

- Responsibility squarely placed on the legislature.
- Housed in the New Mexico Interim Legislative Finance Committee.
- Interim Finance Committee reviews report and makes its ultimate recommendation for the continuance, termination or change of an entity to the next session of the legislature.

Resources/Staff

- One staff member of the Legislative Finance Committee is responsible for researching, building relationships with the agencies/boards under review, writing a report and presenting that report to the Interim Finance Committee.



SMALL STAFF – LEGISLATIVELY DRIVEN: NEVADA

Enabling Statute

- 1979 – Nevada
- Grants the legislature broad latitude to review all boards, commissions and similar entities that have been created by the legislature.
- Review Type: Comprehensive

Responsibility for the Process

- Responsibility squarely placed on the legislature.
- The Sunset Subcommittee is a permanent subcommittee of the Legislative Commission.
- Committee is comprised of three voting members appointed from the Senate, three voting members appointed from Assembly and three nonvoting members of the general public appointed by the governor.

Resources/Staff

- Four staff members staff the committee from the Legislative Counsel Bureau (LCB)—one policy analyst, one administrative assistant and two legislative attorneys. Staff have other responsibilities within the LCB as well.



LARGE STAFF – LEGISLATIVELY DRIVEN: WASHINGTON

Enabling Legislation

- 1977 – Washington Sunset Act
- Provided the legislature with the authority to request sunset reviews on an as-needed basis.
- Review type: Discretionary

Responsibility for the Process

- Housed exclusively in the JLARC. The committee is made up of an equal number of House and Senate members, Democrats and Republicans.
- Committee members review the reports created by staff and make ultimate recommendations to the full legislature.

Resources/Staff

- JLARC has a robust staff totaling 24 who share responsibilities for performance audits, program evaluations, sunset reviews and other analyses. Staff members include auditors, policy analysts, data analysts and an administrative assistant.
- Sunset-related responsibilities are spread among the staff.

CROSS BRANCH PROCESS – LARGE STAFF: TEXAS

Enabling Legislation

- 1977 – Texas Sunset Act
- Established the process for reviewing an average of 22 entities every two years, allows the legislature to set the sunset schedule in law and review every legislative session.
- Review type: Selective

Responsibility for the Process

- The Commission is an independent state oversight body with cross-branch collaboration.
- Voting body is the Legislative Sunset Commission, which consists of five senators, five representatives and two members of the public appointed by the lieutenant governor.

Resources/Staff

- The Sunset Commission employs an executive director as well as about 30 staff to conduct the reviews.
- Funded by legislative appropriation each session.

CROSS-BRANCH PROCESS – SMALL STAFF: COLORADO

Enabling Statute

- 1976 – Sunset Act
- When legislation is passed to regulate an occupation, legislators include a date by which that function will terminate. The General Assembly can only allow a maximum of 15 years between reviews.
- Review Type: Regulatory

Responsibility for the Process

- The Colorado Office of Policy, Research and Regulatory Reform (COPRRR) conducts the background research, then submits its report to the Office of Legislative Legal Services (OLLS) in the General Assembly.
- The OLLS then prepares a bill based on the recommendations in the sunset report and presents that bill.
- The committee responsible for hearing these bills flips between the House and Senate each year.

Resources/Staff

- COPRRR has three FTE who are also responsible for researching and drafting sunrise reviews, evaluating newly proposed continuing education requirements and creating special reports on other regulatory issues as requested.
- OLLS is comprised of a small staff of attorneys who handle bill drafting for the entire General Assembly.



Questions?

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Other Resources –
Improving Occupational
Licensing with Sunrise and
Sunset Reviews