

Approved January 28, 1992
Date

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Senator Gus Bogina at
Vice-Chairperson

1:38 ~~xxx~~/p.m. on January 21, 1992 in room 531-N of the Capitol.

All members were present except: Senators Francisco and Vidricksen who were excused.

Committee staff present:

Julian Efrid, Kansas Legislative Research Department
Fred Carman, Revisor of Statutes Office
Mary Allen, Committee Secretary

Conferees appearing before the committee:

The meeting of the Senate Committee on Governmental Organization was called to order at 1:38 p.m. by the Vice-Chairman, Senator Gus Bogina.

Julian Efrid, Kansas Legislative Research Department, discussed the activities of the Special Committee on Governmental Organization, which met during the 1991 Interim, and said that it was directed to study the Kansas Sunset Law and its impact on legislative oversight. He gave an overview of Proposal No. 10 - Sunset Review, and noted that much of the interim review on sunset was conducted by a sub-committee which focused primarily on legislative oversight mechanisms and ways sunset might be modified to enhance the Legislature's ability to review agencies and programs. He reported that the sub-committee recommended replacing the Kansas Sunset Law with a new act to be named the Kansas Governmental Operations Accountability Law (K-GOAL), which is before the Legislature in the form of SB 471. Mr. Efrid discussed SB 471 and reviewed its provisions. (See Attachment I for copy of Memorandum presented by Mr. Efrid.) He also provided copies of a staff Memorandum regarding sunset in Kansas and the other 49 states. (Attachment II) Discussion followed concerning current sunset law.

The Chairman, Senator Lana Oleen, reminded the Committee that SB 471 is scheduled for hearing tomorrow, January 22, 1992.

The meeting was adjourned by the Chairman at 2:18 p.m.

RE: PROPOSAL NO. 10 – SUNSET REVIEW*

The Special Committee on Governmental Organization was directed to study the Kansas Sunset Law and its impact on legislative oversight.

Background

The Committee reviewed the evolution of sunset in Kansas and in other states. The nation's first sunset law was enacted by the Colorado Legislature in 1976. The other 49 states and Congress considered adopting sunset laws in subsequent years. By 1981, 36 states (including Kansas in 1978) had adopted some form of sunset law.

Sunset and Sunrise in the States

According to the 1990-91 *Book of the States*, sunset reviews are being conducted in 24 of those 36 states which enacted sunset laws. States with active sunset legislation include: Alabama, Alaska, Arizona, Colorado, Delaware, Florida, Georgia, Hawaii, Indiana, Kansas, Louisiana, Maine, Maryland, New Mexico, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, and West Virginia. States which have abandoned sunset include Arkansas, Connecticut, Illinois, Mississippi, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Rhode Island, South Dakota, and Wyoming.

One outgrowth of sunset has been "sunrise." At least 11 states impose sunrise requirements. This requirement typically provides for a legislative review of prospective new agencies and programs, prior to their establishment or within a few years after their creation. States with sunrise requirements include Tennessee (which passed the first such law in 1977), Texas, Colorado, Maine, Georgia, Hawaii, Montana, Washington, South Carolina, Nebraska, and Maryland. All 11 of these states were among the original 36 sunset states, but Montana and Nebraska have abandoned sunset and retained only a sunrise law.

Kansas Sunset Law

The original Kansas Sunset Law was approved in 1978. The 1981 Legislature modified the law, revising the list of agencies scheduled for sunset review. Mandatory performance audits were made optional in a major revision of the Act. Many of the smaller licensure and regulatory agencies included in the 1978 law were removed and many larger state agencies, including most cabinet departments, were added to a termination list running through 1987.

The present Kansas Sunset Law, reauthorized in 1984, is scheduled for termination on July 1, 1992, unless the 1992 Legislature takes action to continue or modify it. No major changes were made in 1984 to the sunset provisions or to the list of agencies scheduled for abolition. Most entities which were included originally under the 1981 sunset provisions have been continued in existence after their scheduled sunset reviews and have been kept subject to the law for subsequent review. Since 1984, a number of other state agencies have been made subject to provisions of the Kansas Sunset Law.

The Kansas Sunset Law provides a framework for periodic legislative reviews of preselected state agencies (and the programs which the agencies are responsible for implementing). The law provides for automatic termination of those entities subjected to its provisions, unless the Legislature passes a bill to reestablish them.

* S.B. 471, S.B. 472, S.B. 473, S.B. 474, H.B. 2667, H.B. 2668, and H.B. 2669 accompany this report.

Senate Committee on Governmental Organization
Attachment I

1-21-91

1-1

When an agency and its chief officer are scheduled for abolition, the Kansas Sunset Law provides that both would continue in existence for one year after the date cited in statute for abolition, in order to conclude their business. Prior to the abolition date, committees of reference in each house of the Legislature must hold public hearings on the agencies and offices scheduled for abolition.

Committee and Subcommittee Activity

The Committee reviewed staff memoranda on the provisions of the Kansas Sunset Law, the history and application of sunset laws in Kansas and other states, and background information on the six entities scheduled for abolition in 1992. (Memoranda are available in the Research Department.)

Much of the interim review on sunset was conducted by a Subcommittee on Proposal No. 10. The Subcommittee focused primarily on legislative oversight mechanisms and how sunset might be modified to enhance the Legislature's ability to review agencies and programs. Additional information about the agencies scheduled for sunset in 1992 was provided to the Subcommittee to answer specific requests made by Committee members. (Materials are available in the Research Department.)

The Subcommittee recommended replacing the Kansas Sunset Law with a new act to be known as the Kansas Governmental Operations Accountability Law (K-GOAL). The Subcommittee concluded that even if K-GOAL is enacted by the 1992 Legislature, provision must be made for those agencies which currently are subject to the Kansas Sunset Law. Therefore, the Subcommittee also recommended bills continuing in existence, subject to provisions of the Kansas Sunset Law, the six entities scheduled for abolition in 1992. If K-GOAL is not enacted by the 1992 Legislature, then a seventh bill to extend the Kansas Sunset Law until 2000 will be needed. That bill also was recommended by the Subcommittee.

Committee Conclusions and Recommendations

The Committee recommends introduction of S.B. 471 to replace the Kansas Sunset Law. The Committee's recommendation of a new set of legislative oversight procedures is predicated upon its concern that sunset has not fulfilled the expectation of abolishing unnecessary agencies and programs. The Committee does conclude that the most useful aspect of sunset has been the periodic reviews of state agencies afforded by sunset, especially when performance audits were available to guide legislative consideration of agency performance and programs.

K-GOAL incorporates two separate procedures of legislative oversight. One process would allow review of major agencies, without the threat of abolition. Another process would schedule certain agencies for abolition, with the burden placed on the agencies to justify their continued existence.

The first process involving periodic review of certain state agencies would be based on a required performance audit, mandatory legislative review in each house, and a maximum period of no more than six years before the next performance review. No abolition would be set for the agencies scheduled for this review process, but a subsequent review date would be established.

The Committee's rationale for this recommendation is that, realistically, the Legislature is unlikely to abolish major state agencies. Therefore, unlike the sunset law which includes the unrealistic threat of abolition for major agencies, K-GOAL would abandon the possibility that major agencies might be terminated and would shift the focus to periodic review and evaluation of the agency's performance and programs.

The state agencies scheduled for audit, review, and evaluation include the following:

Department of Human Resources	1993
Insurance Department	1993
State Treasurer's Office	1993
Pooled Money Investment Board	1993
Department of Health and Environment	1994
Department on Aging	1994
Department of Commerce	1994
Department of Revenue	1995
Department of Wildlife and Parks	1995
Kansas Commission on Governmental Standards and Conduct	1995
Department of Social and Rehabilitation Services	1996
Department of Transportation	1996
Department of Corrections	1997
Department of Administration	1997
State Corporation Commission	1997

In addition, the Committee recommends a second process which would subject another group of state agencies to abolition on a predetermined date. This process would not require a performance audit, but legislative review is required in each house prior to abolition. Unlike sunset which provides a one-year phase-out of agency operations, K-GOAL would terminate entities subject to abolition on July 1 of the year scheduled in the law.

The Committee's rationale for this recommendation is that it should not be taken for granted that all existing agencies continue to perform a necessary function. A process should be established so that on a regular basis certain designated agencies should be required to make themselves accountable to the Legislature and to justify why they should continue to exist.

Those agencies which will be subjected by K-GOAL to abolition on July 1 of the year indicated include the following:

Behavioral Sciences Regulatory Board	1993
Commission on Epilepsy	1993
Kansas Water Office and Water Authority	1994
Human Rights Commission	1994
Kansas Film Services Commission	1994
Board of Nursing	1995
Real Estate Appraisal Board	1996
Board of Healing Arts	1997
Kansas Lottery and Lottery Commission	1997

The Committee concurred with most of the other Subcommittee recommendations and voted to recommend the introduction of six bills to continue in existence the entities scheduled for abolition on July 1, 1992. The Committee notes that K-GOAL would subject these six entities scheduled for sunset in 1992 to its provisions in later years, but the Committee recommends that the 1992 Legislature should review these entities during the session as provided in current law.

These entities would be extended until the year 2000 and include the following:

**Kansas Lottery and Executive Director of the Lottery
State Corporation Commission
Department of Corrections and Office of Secretary
Department of Administration and Office of Secretary
Kansas Commission for the Deaf and Hearing Impaired
State Board of Healing Arts**

The Committee rejected the Subcommittee's proposed bill to continue the Kansas Sunset Law beyond July 1, 1992. The Committee prefers that legislative consideration be focused on its proposed bill to establish a new legislative oversight process which builds on the strength of sunset (periodic review of agencies) and corrects the chief weakness of sunset (by making abolition a real possibility for some agencies).

Enactment of K-GOAL would supersede the individual sunset extension bills which are recommended by the Committee. All except one of the entities scheduled for sunset in 1992 are included in the K-GOAL provisions for either review or abolition at some future date. The only agency scheduled for 1992 sunset review which was not included in K-GOAL is the Kansas Commission on the Deaf and Hearing Impaired. The Committee felt that after the 1992 review this Commission need not be included in K-GOAL for another future review or abolition. Also added in K-GOAL for a future review is the Department of Wildlife and Parks (which has never been subject to the Kansas Sunset Law).

MEMORANDUM

Kansas Legislative Research Department

Room 545-N – Statehouse
Topeka, Kansas 66612-1586
(913) 296-3181

September 4, 1991

To: Special Committee on Governmental Organization

Re: Sunset in Kansas and the Other 49 States

The nation's first sunset law was enacted by the Colorado Legislature in 1976. The other 49 states and Congress considered adopting sunset laws in subsequent years. By 1981, 36 states (including Kansas in 1978) had adopted some form of sunset law.

"Sunset" usually is defined as the ". . . automatic termination of a state agency, board, commission, or committee unless specifically reauthorized by the legislature," according to Professor Richard C. Kearney in a 1990 article, "Sunset: A Survey and Analysis of the State Experience," *Public Administration Review* 50:49-57.

Professor Kearney describes the purpose of sunset was ". . . to establish systematic legislative oversight of the executive branch agencies. Other forms of oversight are available to the legislative branch, including review of administrative rules and procedures, post audit, agency review during appropriations hearings, and investigation of agency activities Sunset was promoted as a means for eliminating unnecessary agencies, cutting the proliferation of rules and regulations, and forcing increased accountability of executive agencies, among other things."

Sunset in the States

According to the 1990-91 *Book of the States*, sunset reviews still are being conducted in 24 of those 36 states which enacted sunset laws. States with active sunset legislation include: Alabama, Alaska, Arizona, Colorado, Delaware, Florida, Georgia, Hawaii, Indiana, Kansas, Louisiana, Maine, Maryland, New Mexico, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, and West Virginia.

Beginning in 1981, 12 of the 36 states which at one time had enacted sunset laws either have repealed or suspended their sunset reviews. States which have abandoned sunset include Arkansas, Connecticut, Illinois, Mississippi, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Rhode Island, South Dakota, and Wyoming.

Sunrise and Sunset in the States

One apparent outgrowth of sunset has been "sunrise." At least 11 states have imposed a sunrise requirement. This requirement typically provides for a legislative review of prospective new agencies and programs, prior to their establishment. States with sunrise requirements include

Senate Committee on Governmental Organization
Attachment II

1-21-92

1-2

Tennessee (which passed the first such law in 1977), Texas, Colorado, Maine, Georgia, Hawaii, Montana, Washington, South Carolina, Nebraska, and Maryland. All 11 of these states were among the original 36 sunset states, but only Montana and Nebraska have abandoned sunset and retained only a sunrise law.

A number of states use a variant of sunrise and sunset to mandate legislative review of new agencies and programs within the first few years after their establishment. Some states which have no sunset laws have included what might be described as "sundown" provisions when establishing new programs and agencies. The legislative review of new agencies and programs is postponed for a few years after their establishment, and then agencies and programs are subject to sundown, usually implemented in statutes by a repealer clause.

The legislatures in California, Iowa, Michigan, Minnesota, New Jersey, Ohio, and Wisconsin have included sundown clauses in selected areas to provide for legislative review of new agencies and programs within the first few years after their establishment. These seven states do not have a sunset law. Many of the states which have sunset laws also use sundown (repealers) in some legislation when they do not wish to subject agencies and programs to the full procedures associated with sunset reviews.

Sundown is described as an immediate termination of an agency or program on a predetermined date, whereas sunset usually provides for a phaseout of the agency or program over a period of time, if not continued or reestablished by the legislature. The phaseout period after a sunset date typically runs for one year and provides an opportunity for the next legislative session to reauthorize an agency or program which is being phased out. In Kansas, for instance, several financial regulatory agencies entered their phaseout period when the 1980 Legislature did not pass legislation continuing them in existence. The 1981 Legislature reauthorized them before their one year phaseout was completed.

History of Kansas Sunset Law

The original Kansas Sunset Law was approved in 1978, with a sundown provision scheduled to repeal the law itself in 1981.

During the 1976 Interim, the Special Committee on Ways and Means was assigned Proposal No. 62 which included "an examination of the 'sunset' concept by which executive agencies and programs are automatically terminated unless specifically reauthorized by legislative action..." That Committee recommended introduction, without recommendation, of 1977 H.B. 2044, a proposed Kansas Sunset Law.

No sunset legislation was enacted during the 1977 Session, but 1978 H.B. 2976 was passed the next Session to establish the Kansas Sunset Law and to schedule a number of regulatory agencies and several cabinet departments for abolition over a six year period from 1979 to 1984. The two cabinet agencies included in the original 1977 sunset list were the Department of Social and Rehabilitation Services and the Department of Health and Environment.

The 1981 Legislature passed S.B. 107 which modified the Kansas Sunset Law and continued it until 1984, at which time the law itself again was subject to sundown. The provisions implementing the sunset law were revised in 1981, as was the list of agencies scheduled for sunset review.

In the 1981 revisions of the Kansas Sunset Law, mandatory performance audits were made optional in a major revision of the act. Many of the smaller licensure and regulatory agencies were removed and many larger state agencies, including most cabinet departments not previously included, were added to a termination list running through 1987. Table 1 shows the current sunset schedule which includes most of the agencies included in the original 1981 revised list. Most agencies on the list have been through at least one sunset review since 1981.

Concurrent to the changes in the sunset law, a major reorganization of the Legislative Division of Post Audit was implemented by 1981 H.B. 2576 in which post audit staffing was reduced from 40.0 to 20.0 FTE positions and financing was reduced proportionately.

The present Kansas Sunset Law, reauthorized in 1984 by S.B. 595 which extended its expiration date for eight years, is scheduled for termination on July 1, 1992, unless the 1992 Legislature takes action to continue or modify it. The Interim Committee may wish to make recommendations about the current law when addressing its final report to the LCC.

No major changes were made in 1984 to the sunset provisions or to the list of agencies scheduled for abolition. In subsequent years, however, a number of additional state agencies have been made subject to provisions of the Kansas Sunset Law. Most entities which were included originally under the 1981 sunset provisions were continued in existence after their scheduled sunset reviews and were kept subject to the law for subsequent sunset review.

The following list shows by year of termination the agencies and offices which were subject to sunset and which were not continued in existence by the Legislature.

1979	Athletic Commission
1979	Mobile Home and Recreational Vehicle Commission
1979	Board of Social Work Examiners
1979	Board of Examiners of Psychologists
1980	Council of Advisors on Consumer Credit
1981	Advisory Council to the Board of Accountancy
1981	Kansas Energy Office and Director
1981	Energy Advisory Council

In the case of Social Work Examiners and Psychologists, the licensure and regulatory functions were assigned to a new state agency, the Behavioral Sciences Regulatory Board. That agency was removed from the Kansas Sunset Law in 1981 and added back in 1990.

Many other licensure and regulatory boards were once subject to the Kansas Sunset Law, but most were removed in 1981. These included:

- Office of the Consumer Credit Commissioner
- Office of the Securities Commissioner
- Credit Union Council and Office of Administrator
- State Department of Credit Unions
- State Banking Board and Office of State Bank Commissioner
- Savings and Loan Department and Office of Commissioner
- Savings and Loan Board

State Board of Veterinary Medical Examiners
State Examining Committee for Physical Therapy
Kansas Dental Board
Board of Examiners in Optometry
State Board of Pharmacy
State Board of Embalming
Kansas Board of Examiners in Fitting and Dispensing of Hearing Aids
Behavioral Sciences Regulatory Board

Real Estate Commission
State Board of Technical Professions
Abstracters' Board of Examiners

Children and Youth Advisory Committee

The first group removed from sunset included financial regulatory agencies. The second group removed from sunset included health care licensure and regulatory agencies. The last grouping removed from sunset had a licensure and regulatory function. The Children and Youth Advisory Committee did not fit into any particular grouping. It was the first agency (after the 1978 Sunset Law was enacted) to be added to the sunset list when first established by 1980 S.B. 677.

A number of other state agencies, including some more recently established ones, have been placed under sunset review since the termination list was revised in 1981. The Department of Administration and the Kansas Lottery are the most notable recent examples of existing and new agencies being added to the list. Several other newly created agencies were added to the sunset list when they were established (or shortly thereafter). These include the Kansas Commission for the Deaf and Hearing Impaired, the Kansas Coal Commission, the Commission on Epilepsy, the Real Estate Appraisal Board, the Kansas Film Services Commission, and the Governmental Standards and Ethics Commission (its predecessor, the Public Disclosure Commission, previously had been added to the list, but never reviewed). The Dealer Review Board was added to the sunset law in 1989, continued in existence for one year in 1990 subject to termination on July 1, 1991, and removed from the application of the sunset law by the 1991 Legislature.

Sunrise and Sundown in Kansas

Kansas does not have a "sunrise" law. In a few cases, the Legislature has included repealer provisions (which might be considered "sundown") for several newly established agencies. The Respiratory Therapist Council was scheduled for termination originally on July 1, 1987, then extended until July 1, 1988, and finally the termination provision was deleted by the 1988 Legislature. The Joint Committee on the Arts and Cultural Resources originally was scheduled for termination on January 14, 1991, and then extended until July 1, 1993.

One special case of a sundown provision is found in the State Constitution and involves the Kansas Lottery which is authorized in Article 15. Included in the constitutional provision is language which required the Legislature to reauthorize the Lottery's continued existence by a concurrent resolution during the 1990 Session. The 1990 Legislature also added the Lottery to the sunset termination list for subsequent reviews.

Sunset, Sunrise, and Sundown Revisited

Three concepts have been mentioned in this memo, each of which has a slightly different definition. All three concepts address one aspect of legislative oversight as it relates to state government agencies and governmental operations: "What are the appropriate functions of government?" Stated slightly differently, "Which governmental agencies should perform what duties?" Sunset reviews address these same questions and an additional question, "How can governmental duties be carried out in the most effective and efficient manner?"

Sunrise focuses on the establishment of new agencies and addresses the question of whether they are needed, prior to their creation.

Sundown focuses on new agencies within the first years after their establishment and addresses the question of whether their continued existence is justified.

Sunset provides periodic legislative review of both state agencies and their programs, and addresses the questions of whether the agencies and programs are needed, whether their continued existence is justified, and whether alternatives exist for conducting the programs in a more effective and efficient manner.

Sunset by its nature is generally considered to involve a more comprehensive review and is usually reserved for agencies and programs which the Legislature wishes to periodically study. Sunrise and sundown allow a legislative review at some time, but do not mandate further periodic reviews unless agencies are placed on a sunset list.

Overview of the Kansas Sunset Law

The Kansas Sunset Law provides a framework for periodic legislative reviews of preselected state agencies (and the programs which the agencies are responsible for implementing). Also included on the termination list are key state officials (specifically, their statutory offices) which also are subject to sunset as well as the agencies which they head. When the Department of Administration was scheduled for sunset, the Secretary of Administration also was added to the termination list so that both the cabinet agency and its head must be reauthorized.

Those agencies scheduled for sunset are listed in **TABLE 1** which shows the current termination schedule for the sunset law. Also noted are those entities which have been reviewed previously and continued in existence by the Legislature, and those entities which have been added to the sunset review schedule for their initial reviews.

TABLE 1: CURRENT SUNSET LIST

1992	Kansas Sunset Law (continued by 1984 S.B. 535)
1992	Department of Corrections (continued by 1984 S.B. 535)
1992	Board of Healing Arts (continued by 1984 S.B. 532)
1992	Kansas Commission for the Deaf and Hearing Impaired (added by 1984 H.B. 2893)
1992	Kansas Lottery, Director and Commission (added by 1990 S.B. 762)
1992	Department of Administration (added by 1990 H.B. 2560)
1992	State Corporation Commission (continued one year by 1991 S.B. 114)
1993	Department of Human Resources (continued by 1985 S.B. 79)
1993	Insurance Department and Office of Insurance Commissioner (continued by 1985 H.B. 2109)
1993	State Treasurer's Office (continued by 1985 H.B. 2109)
1993	Pooled Money Investment Board (continued by 1985 H.B. 2109)
1993	Kansas Coal Commission (continued by 1989 H.B. 2231)
1993	Commission on Epilepsy (added by 1989 S.B. 371)
1993	Real Estate Appraisal Board (added by 1990 S.B. 755)
1993	Behavioral Sciences Regulatory Board (added by 1990 H.B. 3002)
1993	Governmental Standards and Ethics Commission (added by 1991 H.B. 2454)
1994	Department of Health and Environment (continued by 1986 H.B. 2700)
1994	Department on Aging (continued by 1986 H.B. 2699)
1994	Kansas Water Office and Water Authority (continued by 1989 H.B. 2038)
1994	Civil Rights Commission (continued by 1990 S.B. 490)
1994	Kansas Film Services Commission (added by 1990 S.B. 623)
1995	Department of Revenue (continued by 1989 S.B. 71)

- 1995 Board of Nursing (continued by 1987 S.B. 88)
- 1995 State Library and State Librarian (continued by 1987 S.B. 89 and S.B. 90)
- 1996 Department of Social and Rehabilitation Services
(continued by 1988 S.B. 650)
- 1996 Department of Commerce (continued by 1988 H.B. 2661)
- 1996 Department of Transportation (continued by 1991 H.B. 2080)

When an agency and its chief officer are scheduled for abolition (*e.g.*, on July 1, 1992), the Kansas Sunset Law provides that both would continue in existence for one year after the date cited in statute for abolition, in order to conclude their business.

No agencies or officers which are subject to the Kansas Sunset Law may be continued or reestablished for more than eight years.

Performance audits of state agencies and offices are subject to the approval of the Legislative Post Audit Committee and are not mandated for each state agency and office scheduled for abolition. The scope of performance audits may be determined by the Post Audit Committee.

Prior to the abolition date, committees of reference in each house of the Legislature must hold public hearings on the agencies and offices scheduled for abolition. The committee of reference refers to the assignment of legislation which would reauthorize the agency and office. Reauthorizing legislation may be introduced by any legislator or committee. Traditionally, most bills to continue or reestablish agencies and offices have been recommended for introduction by either the House or Senate Committee on Governmental Organization at the start of legislative sessions. No interim committee previously has been charged with beginning sunset reviews, nor has had the opportunity to recommend such reauthorization bills be prefiled. This Interim Committee may wish to consider this opportunity when reporting to the LCC.

During the public hearings (and presumably other legislative review of entities scheduled for sunset), a number of factors are supposed to guide legislative consideration of whether there is a public need for the continued existence of the state agency, office, program, function, or duty:

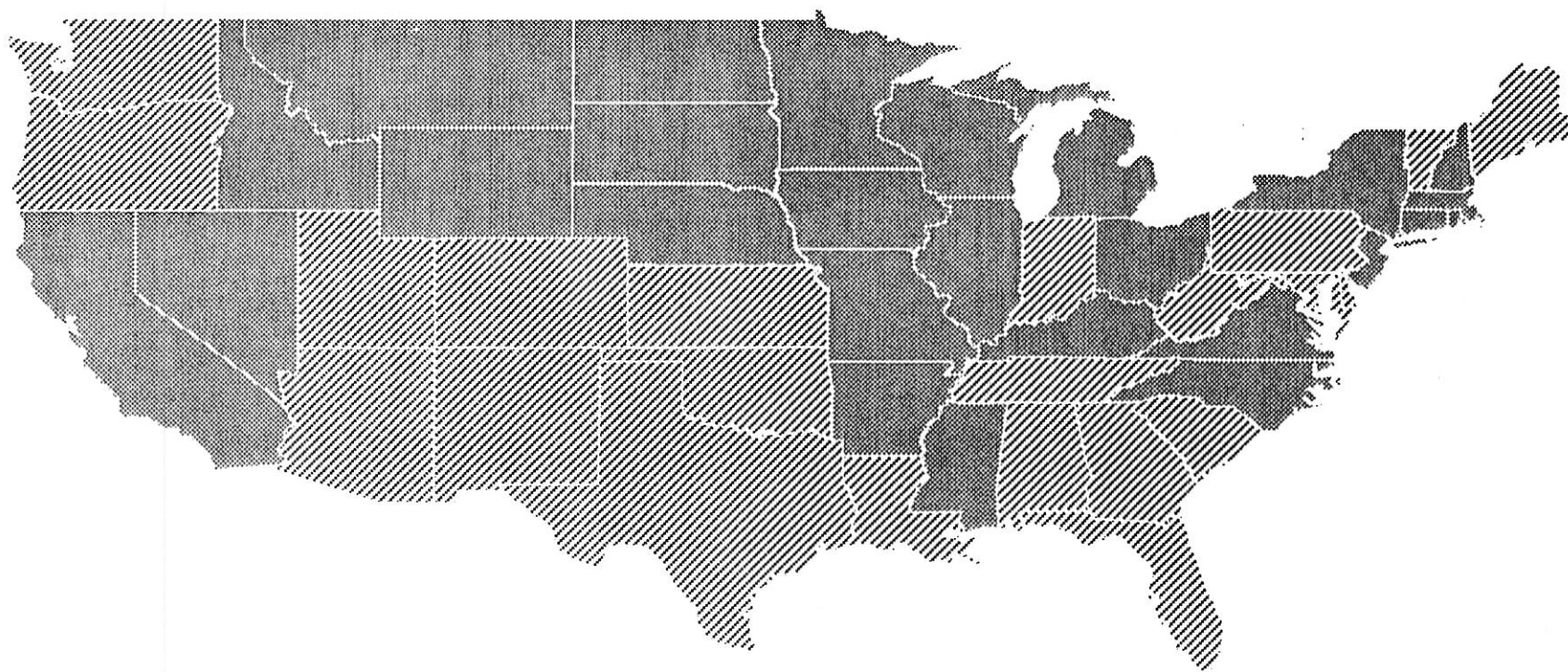
1. whether the absence of the state agency or office or of any program, function, or duty would significantly harm or endanger the public health, safety, or welfare;
2. whether there is a reasonable relationship between the exercise of the police power of the state by the state agency or office, and the protection of the public health, safety, or welfare;
3. whether there is another less restrictive method of regulation available which could adequately protect the public;
4. whether regulation, administration of the program or performance of the function or duty by the state agency or office has the effect of directly or indirectly increasing the cost of any goods or services involved, and if so, to what degree;

5. whether the increase in cost is more harmful to the public than the harm which could result from the absence of regulation, administration of the program or performance of the function or duty by the state agency or office;
6. whether all facets of the regulatory or administrative process are designed solely for the purpose of the protection of the public interests and have such protection as a primary effect; and
7. whether the purposes of the state agency or office or of any program, function, or duty can be accomplished in a more efficient, effective, or economical manner.

Conclusion

In addition to reviewing the various state agencies and officers scheduled for abolition in 1992, the Interim Committee should consider making recommendations about the future of the Kansas Sunset Law which also is scheduled for termination in 1992. A decision about the current law (and whether it should be continued, abolished, or revised) may influence what kind of sunset reviews should be conducted this interim, and what kind of recommendations to make to the LCC about agencies scheduled for 1992 sunset.

STATES WITH ACTIVE SUNSET LAWS



Note: Alaska and Hawaii also have active sunset laws.

Source: 1990-91 Book of the States