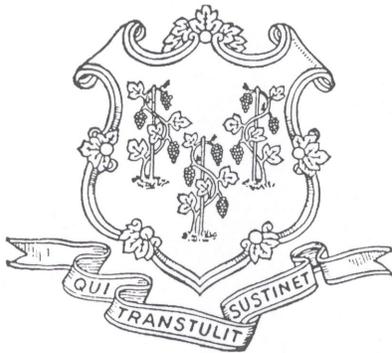


SUNSET REVIEW PROCESS IN CONNECTICUT

Connecticut

General Assembly



LEGISLATIVE
PROGRAM REVIEW
AND
INVESTIGATIONS
COMMITTEE

December 1998

**CONNECTICUT GENERAL ASSEMBLY
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE**

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 to evaluate the efficiency, effectiveness, and statutory compliance of selected state agencies and programs, recommending remedies where needed. In 1975, the General Assembly expanded the committee's function to include investigations, and during the 1977 session added responsibility for "sunset" (automatic program termination) performance reviews. The committee was given authority to raise and report bills in 1985.

The program review committee is composed of 12 members. The president pro tempore of the senate, the senate minority leader, the speaker of the house, and the house minority leader each appoint three members.

1997-1998 Committee Members

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Eric D. Coleman
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IN CONNECTICUT**

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Key Points

- Sunset is a mechanism under which predetermined entities and programs are periodically reviewed and terminated unless continued by a legislative act.
 - Sunset laws were adopted in 36 states between 1976 and 1981.
 - Since 1981, sunset laws have been repealed in eight of 36 states with such statutes and suspended in four others. Among the reasons frequently cited for these actions:
 - the process places excessive time demands on legislators and legislative staff;
 - the process often requires legislators to choose between proposals that are modestly beneficial to all citizens but devastatingly negative to specific interest groups; and
 - other forms of oversight have become more popular.
 - State sunset laws vary in terms of: entities and programs covered; source of staff to conduct reviews; responsibility for overseeing the conduct of reviews; and responsibility for managing sunset bills in the legislature.
 - In Connecticut sunset reviews are conducted by the program review committee and its staff. The committee reports its findings and recommendations to the Government Administration and Elections Committee, which is charged with holding hearings and reporting all sunset bills to the full General Assembly.
 - Between 1979 and 1983, the program review committee examined 94 entities. It made slightly more than 350 recommendations, of which approximately 270 were adopted. Key results of the sunset process were:
 - development of a model act standardizing the organization and operation of boards and commissions in terms of meetings, appointments, attendance, and quorums, etc.;
 - elimination of restrictions on the business practices of health professionals;
 - elimination of 17 boards and commissions; and
 - numerous entity or program specific instances of increases in efficiency and accountability, such as entity consolidations, clarification of authority and responsibility, and requiring information be more accessible to the public.
 - Fifty-two percent of the 83 entities and programs currently covered by the state's law involve the regulation of individual practitioners or the enforcement of state standards. Advisory bodies and service agencies comprise 48 percent.
 - Continuing sunset as currently specified in statute would affect the annual activities of the program review committee by:
 - consuming 20 to 60 percent of the committee's existing staff resources;
 - increasing the number of committee meetings by 30 to 60 percent; and
 - reducing the number of non-sunset studies from six to eight per year to two to four.
-

Sunset Review Process

Connecticut's Sunset Law is spelled out under Title 2c of the Connecticut General Statutes. It lists entities and programs to be terminated unless recreated by an act of the General Assembly. The law was passed in 1977 (P.A.77-614) as part of a major reorganization of state government.

The Legislative Program Review and Investigations Committee is given the responsibility under Title 2c to conduct a performance audit of each entity or program in the year preceding its scheduled termination. In conducting the review, the committee is required to consider but is not limited to the statutory criteria contained in C.G.S sections 2c-7 and 2c-8. The committee issues its report to the Government Administration and Elections Committee (GAE) and the committees having cognizance over matters related to the entities or programs under review.

The reports of the program review committee serve as the basis of the bills raised by GAE, which is required to hold a public hearing on each of the entities or programs scheduled to terminate. Historically, the committees of cognizance have also raised legislation reflecting the recommendations of the program review committee, held public hearings, and proposed their own recommendations in the form of committee bills.

GAE is charged by statute with making the official sunset recommendation to the General Assembly (C.S.G. Sec. 2c-6). In making its decision, GAE is not bound by the recommendations of the program review committee or any of the committees of cognizance.

During the initial five-year sunset cycle, the program review committee examined 94 entities. The committee proposed slightly more than 350 recommendations, of which approximately 270 were implemented. The recommendations ranged from the obscure -- elimination of the regulation of second hand hats -- to the significant -- restructuring the state's hospital regulatory program. The key results of Connecticut's sunset review process include:

- development of a model act standardizing the organization and operation of boards and commissions in terms of meetings, appointments, attendance, quorums, etc.;
- elimination of state restrictions on the business practices of health professionals;
- elimination of 17 boards and commissions; and
- numerous entity or program specific instances of increases in efficiency and accountability, such as entity consolidations, clarification of authority and responsibility, and requiring information be more accessible to the public.

As the key outcomes indicate, there was more to the sunset process in Connecticut than terminating entities and programs. Indeed, nearly three out of every four sunset-related recommendations made by the program review committee involved issues other than the continuation or termination of an entity or program. Included were recommendations to limit matters subject to regulation, change the level of regulation, streamline and standardize procedures, fine-tune the 1977 reorganization by transferring functions from one state agency to another, and the introduction of a host of reporting requirements designed to increase accountability by making information available to the legislature and the public.

Based on these accomplishments the committee believes, on balance, the outcomes achieved through the sunset process were positive. As a result, the committee concludes the sunset concept is a valuable oversight tool and should remain available for use by the Connecticut General Assembly.

A major factor in the program review committee's assessment of sunset proposals is their effect on the operations of the committee. Within this context, the committee analyzed the resource demands sunset placed on it in the past and estimated the nature of those demands in the future. The committee found:

- 1) The initial sunset review cycle was labor intensive:
 - engaging 40 - 70 percent of the committee's staff per year; and
 - requiring 20 - 30 committee meetings per year.

- 2) Depending on the cycle year, reactivating Connecticut's Sunset Law would:
 - require the involvement of 20 to 60 percent of the committee's staff resources;
 - increase the number of committee briefing, hearing, and decision meetings by 30 to 60 percent; and
 - restrict the committee's non-sunset studies to two to four per year (compared the current to six to 10).

The program review committee, mindful of these resource demands, considered four options for changing Connecticut's Sunset Law. The first option maintains the traditional sunset approach, but limits the reviews to the state's regulatory operations. It is the closest to the status quo of the four options.

The second option preserves the traditional sunset approach, but allows a degree of flexibility in the selection of programs for review. It provides an opportunity for the legislature to identify in a timely fashion programs for review in all subject matter areas. By the same token, it introduces a degree of complexity to the process by requiring an annual vote of the General Assembly to subject selected entities and programs to a termination review.

The third option combines elements of the first two. It maintains the traditional sunset approach. However, unlike the second option, under the third scenario entities and programs

subject to review would be referenced in the statutes. Also, the third approach provides a mechanism whereby the program review committee, in consultation with standing committees, can target selected entities and programs for a full sunset review based on a self-evaluation of their performance.

The final option is the most radical. It ties the reviews to the budget process, shifts the focus to cost-effectiveness and efficiency, and eliminates the traditional sunset termination provision.

After analyzing the four options, the program review committee chose Option #3.

Recommendations

- 1. Connecticut's Sunset Law should be continued.**
- 2. Connecticut's current Sunset Law should be modified in the following manner:**
 - A. Selection of Entities and Programs for Review:**
 - **eliminate from current sunset list all entities and programs whose primary purpose is to provide advice, policy guidance, or direct services;**
 - **add to sunset all entities and programs not identified in the current sunset list that either regulate individual practitioners or enforce state-approved standards;**
 - **require each listed entity and program to prepare a report addressing the sunset criteria 20 months prior to the scheduled termination; and**
 - **after reviewing each report and holding a joint public hearing, the program review committee, in consultation with the Government Administration and Elections Committee and the relevant subject matter committees, shall determine which entities or programs need a further review by the program review committee.**
 - B. Review Criteria:**
 - **add a provision requiring the sunset review to determine whether the entity or program has complied with state rules and procedures, including but not limited to such matters as Uniform Administrative Procedure Act, human rights statutes, and freedom of information requirements.**

C. Length of Review Cycle:

- increase the review cycle from five to eight years.

D. Source of Staff:

- provided primarily from the program review committee, with assistance from the Offices of Fiscal Analysis and Legislative Research.

E. Management of the Review Process:

- program review committee.

F. Recommendation to the Legislature:

- program review committee.

Sunset Review Process

Connecticut's Sunset Law is spelled out under Title 2c of the Connecticut General Statutes. It was passed in 1977 (P.A.77-614) as part of a major reorganization of state government. The law listed almost 100 entities and programs to be terminated unless recreated by an act of the General Assembly. The terminations were scheduled to begin in 1980 and continue through 1984.

Under the act, the Legislative Program Review and Investigations Committee is charged with conducting a review of each listed entity or program in the year prior to its scheduled termination. The committee completed its initial round of evaluations in December 1979, and as required by the law, submitted its findings and recommendations to the Government Administration and Elections Committee in time for the 1980 session of the General Assembly. A full cycle through the list was completed with the 1984 session of the legislature.

The Sunset Law requires recycling through the list beginning in the sixth year. However, the legislature delayed restart of the Sunset process three times with the adoption of Public Acts 83-446, 88-165, and 93-250. In 1998, as part of another postponement, P.A. 98-30 required the program review committee to assess the need for the law and make recommendations to the General Assembly regarding and changes the committee thought necessary. The scope of the study approved by the committee to meet this mandate focused on:

- origins of sunset laws nationally and in Connecticut;
- sunset models used in other states;
- changes made by other states in their laws and processes;
- performance in Connecticut – resources expended, recommendations made, outcomes achieved;
- alternative models available to Connecticut;
- methods for developing the sunset list and selecting entities; and
- develop evaluative criteria options.

In preparing this report, the committee and its staff reviewed numerous studies and reports dealing with sunset in theory and practice. Discussions were held with several nationally recognized experts and practitioners in the sunset and program evaluation fields. In addition, many staff of the General Assembly with extensive experience in the topic were consulted to critique ideas and offer suggestions. Data were obtained from national publications, records of the legislature, and the program review committee's own files.

The report is divided into six chapters. The first five chapters provide background information on the origin of the sunset concept, describe various processes used to conduct sunset reviews, and examine Connecticut's law and the state's experience in carrying it out. Chapter Six outlines several options considered by the committee and presents its findings and recommendations. Included in the appendices are the entities and programs covered by the state's current sunset law (Appendix A) and those the committee recommends be excluded from coverage in the future (Appendix C).

Background

Concept

In its initial and purest form, *sunset* is a mechanism under which government entities and programs are periodically reviewed and automatically terminated unless continued by an affirmative vote of the legislature. However, as the sunset process evolved, the focus shifted away from termination toward a surgical approach where modification or elimination of selected regulations and practices were proposed as a condition of continuing the entity or program.

History

Common Cause pushed sunset as a legislative oversight and governmental accountability measure in the mid-1970s. The concept quickly gained support in an environment where concern over unchecked growth in the size and power of government bureaucracies was increasing and state legislatures -- emerging as a political force -- were eager to assert their authority to oversee executive branch operations.

In 1976, Colorado became the first state to adopt sunset legislation and was quickly followed by Florida and Alabama. Connecticut was one of 21 states to pass sunset laws in 1977. By the end of 1981, 36 states had enacted sunset legislation.

Since 1981, six states have repealed their laws, and six others including Connecticut have suspended their sunset activities. Among the reasons frequently cited for repealing or suspending sunset laws are:

- the process places excessive time demands on legislators and legislative staff;
- the process often requires legislators to choose between proposals that are modestly beneficial to all citizens but can be devastatingly negative to specific interest groups; and
- other forms of oversight have become more popular.

State Variation

Sunset laws differ among the states. The key areas of variation include selection of entities and program to be covered by a sunset provision, review criteria, staffing, and responsibility for overseeing the conduct of the reviews and preparing recommendations.

Selection. In terms of selecting the type of entities and programs covered, state sunset laws can be divided into four types. Included are those:

- limiting coverage primarily to regulatory agencies and programs;
- covering virtually all state agencies and programs;
- specifying selected agencies and programs based on factors other than size or purpose; and
- allowing the review authorities some discretion in selecting the agencies and programs to be reviewed.

Review criteria. While the exact wording of the criteria used to evaluate entities and programs under sunset laws varies among the states, two broad categories can be identified. The first deals with criteria aimed at assessing the need for the state to be involved in the area under review and the appropriate level of involvement. The second category concerns matters relating to performance, including the extent to which goals have been met and resources efficiently used.

Staffing. Staff for conducting sunset reviews have generally come from one of four basic sources including:

- legislative program evaluation or performance auditing operations;
- legislative research offices;
- special units created for the purpose; and
- state agencies.

Responsibility for conducting reviews. In many states special legislative sunset committees have been established to make the policy choices mandated under their respective sunset laws. Several states have assigned this responsibility to standing committees especially those committees with jurisdiction over matters of finance.

Existing oversight committees have also been a popular choice for this task. A few states have created special commissions composed of legislators and citizens to oversee the process and make sunset recommendations.

Summary. Table I-1 shows the results of classifying 22 of the active state sunset programs based on cross referencing two key variables -- selection and responsibility. The table illustrates the variation in sunset approaches among the states discussed above.

It should be noted, the sketchiness of the data underlying the table required interpretations to be made in a few cases and therefore, the table is most useful for conveying a general picture of various sunset models.

Table I-1. Number of States by Responsibility X Coverage					
	<i>Legislative Oversight</i>	<i>Auditors</i>	<i>Standing Committee</i>	<i>Special Committee</i>	<i>Total</i>
Regulatory	2	2	2	2	8
Comprehensive	2	1	3	3	9
Selective	2	1	0	2	6
Total	6	4	5	7	22

Source of Data: LPR&IC analysis of data in Council of State Government's "The Book of States 1996-97"

Connecticut's Sunset Law

Origin

As noted in the previous chapter, Connecticut joined the national movement and adopted a sunset law in 1977. The state's concurrence with the rationale behind the national push for sunset laws can be seen in the legislative finding introducing the law: "the General Assembly finds there has been a proliferation of government entities and programs, and that this proliferation has occurred without sufficient legislative oversight or regulatory accountability."

Connecticut's Sunset Law was adopted as part of a major restructuring of the state's executive branch in 1977 (P.A. 77-614). Advocates of the reorganization used the sunset concept to address concerns about whether the restructuring either went too far or did not go far enough in eliminating some independent regulatory boards and commissions and consolidating others under the umbrella of a few major agencies.

Selection

The original law emphasized small regulatory boards and commissions, but did include some large agencies and programs. A total of 94 entities and programs were covered. Virtually everything with the word "board" or "commission" in its title was selected for inclusion, as were a few other entities and programs that had, for one reason or another, caught the attention of the proponents of the reorganization.

The 1977 sunset law arranged the entities and programs into five groups with the first scheduled to terminate in 1980, the last in 1984. The entities and programs included under the original sunset mandate can be divided in five broad functional categories. The categories are based on the general purpose of the entity or program and include:

- regulating individual practitioners;
- formulating or guiding state policy in specified areas;
- advising state officials in specified areas;
- enforcing state approved standards on specified industries; and
- providing services to the public or other state agencies.

The current list, shown in Appendix A, includes 83 entities and programs with termination dates ranging from 2003 through 2007. The list has been

modified over the years by additions, terminations, and removals. Any entity or program terminated under the provisions of Connecticut's sunset law is given a year to conclude its affairs. Any entity or program that is reestablished remains in the five-year sunset review cycle.

Review Criteria

Similar to sunset laws in other states, Connecticut's law lists criteria that are to be considered in reviewing the merits of an entity or program. As outlined in C.G.S. Sec. 2c-7, the criteria for determining whether there is a public need for the continued existence of an entity or program shall include among other things:

- (a) whether termination of the entity or program would significantly endanger the public health, safety or welfare;
- (b) whether the public could be adequately protected by another statute, entity or program, or by a less restrictive method of regulation;
- (c) whether the governmental entity or program produces any direct or indirect increase in the cost of goods or services, and if it does, whether the public benefits attributable to the entity or program outweigh the public burden of the increase in cost, and
- (d) whether the effective operation of the governmental entity or program is impeded by existing statutes, regulations or policies, including budgetary and personnel policies.

In addition, C.G.S. Sec. 2c-8 requires the following criteria be considered in determining whether to terminate any entity or program that exercises regulatory authority:

- (a) the extent to which qualified applicants have been permitted to engage in any profession, occupation, trade or activity regulated by the entity or program;
- (b) the extent to which the governmental entity involved has complied with federal and state affirmative action requirements;
- (c) the extent to which the governmental entity involved has recommended statutory changes which would benefit the public as opposed to the persons regulated;
- (d) the extent to which the governmental entity involved has encouraged public participation in the formulation of its regulations and policies, and

-
- (e) the manner in which the governmental entity involved has processed and resolved public complaints concerning persons subject to regulation.

Responsibility for Reviews

Under the state's sunset law, the Program Review and Investigations Committee is given the responsibility to conduct a performance audit of each entity or program in the year preceding its scheduled termination. In conducting the review, the committee is required to consider but is not limited to the statutory criteria contained in C.G.S sections 2c-7 and 2c-8. The Government Administration and Elections Committee (GAE) is charged under the state's law with finalizing sunset recommendations and submitting them to the General Assembly.

Changes in the Law

The majority of the changes to Connecticut's sunset law have dealt with additions, removals, and terminations of entities and programs covered by the law. In terms of numbers, there have been 17 additions including three new entities created by combining seven previously independent boards, commissions, or committees as an outgrowth of sunset reviews. There have been three removals and 14 terminations. Nine of the terminations were a direct result of sunset reviews. The remaining five were related to major government reorganizations such as those growing out of the Thomas Commission and the Harper-Hull Commission.

The most significant change to the law has been its suspension. This has occurred on four separate occasions, each initiated by the program review committee. The first three (P.A. 83-446, P.A. 88-165, and P.A. 93-250) resulted in successive five-year delays in the start of the review cycle. The last postponement (P.A. 98-30) delayed the start by only three years, but called upon the program review committee to conduct a study and make recommendations to the General Assembly on the future of Connecticut's sunset law.

In 1995, a provision was added to the law which provided for the automatic termination of any board, commission, council, authority, task force or other body whose primary purpose was to submit a report, findings or recommendations to the General Assembly. The termination was to take place 120 days after the required submission date and in contrast to the general sunset law did not require any action on the part of either the program review or GAE committees.

A 1996 change in the law (P.A. 96-251) required the program review committee to limit distribution of complete sunset reports to GAE and other committees having cognizance over matters in the reports. All other members of the General Assembly are to be notified of the availability of the reports and provided with a summary of each report if the summary is two pages or less.

Sunset Review Process

Overview

Public Act 77-614 defined the process for the General Assembly to follow in carrying out its sunset responsibilities. The process, depicted in Figure III-1, begins with the program review committee conducting a review of the entities or programs scheduled to terminate under C.G.S. 2c-2. At a minimum, the review must address the criteria outlined in C.G.S. sections 2b-7 and 2b-8. At the conclusion of its work, the program review committee is required to produce a written report that includes a recommendation to terminate, reestablish, or modify the entity or program.

During the second phase of the sunset review process, the Government Administration and Elections Committee and the committees having cognizance over matters related to the entities or programs under review receive the reports prepared by the program review committee. The recommendations of the program review committee serve as the focal point of the public hearings GAE is required to hold on each of the entities or programs scheduled to terminate. Historically, the committees of cognizance have also raised legislation reflecting the recommendations of the program review committee, held public hearings, and proposed their own recommendations in the form of committee bills.

GAE is charged by statute with making the official sunset recommendation to the General Assembly (C.S.G. Sec. 2c-6). In making its decision, GAE is not bound by the recommendation of the program review committee or any of the committees of cognizance. GAE's recommendation to reestablish or modify an entity or program is sent to the full General Assembly in the form of a bill. If the intent of GAE is to terminate an entity or program, no bill is required.

The last phase in determining the fate of an entity or program subject to a sunset review is governed by the requirements of the normal legislative process. As Figure III-1 shows, an entity or program can only be reestablished if the General Assembly passes a bill, and it is signed by the governor, or the legislature overrides a veto issued by the governor. If the General Assembly fails to pass a reestablishment bill or override a veto, the entity or program is given a one-year wind down period to conclude its affairs before termination.

Figure III-1. Sunset Review Process In Connecticut

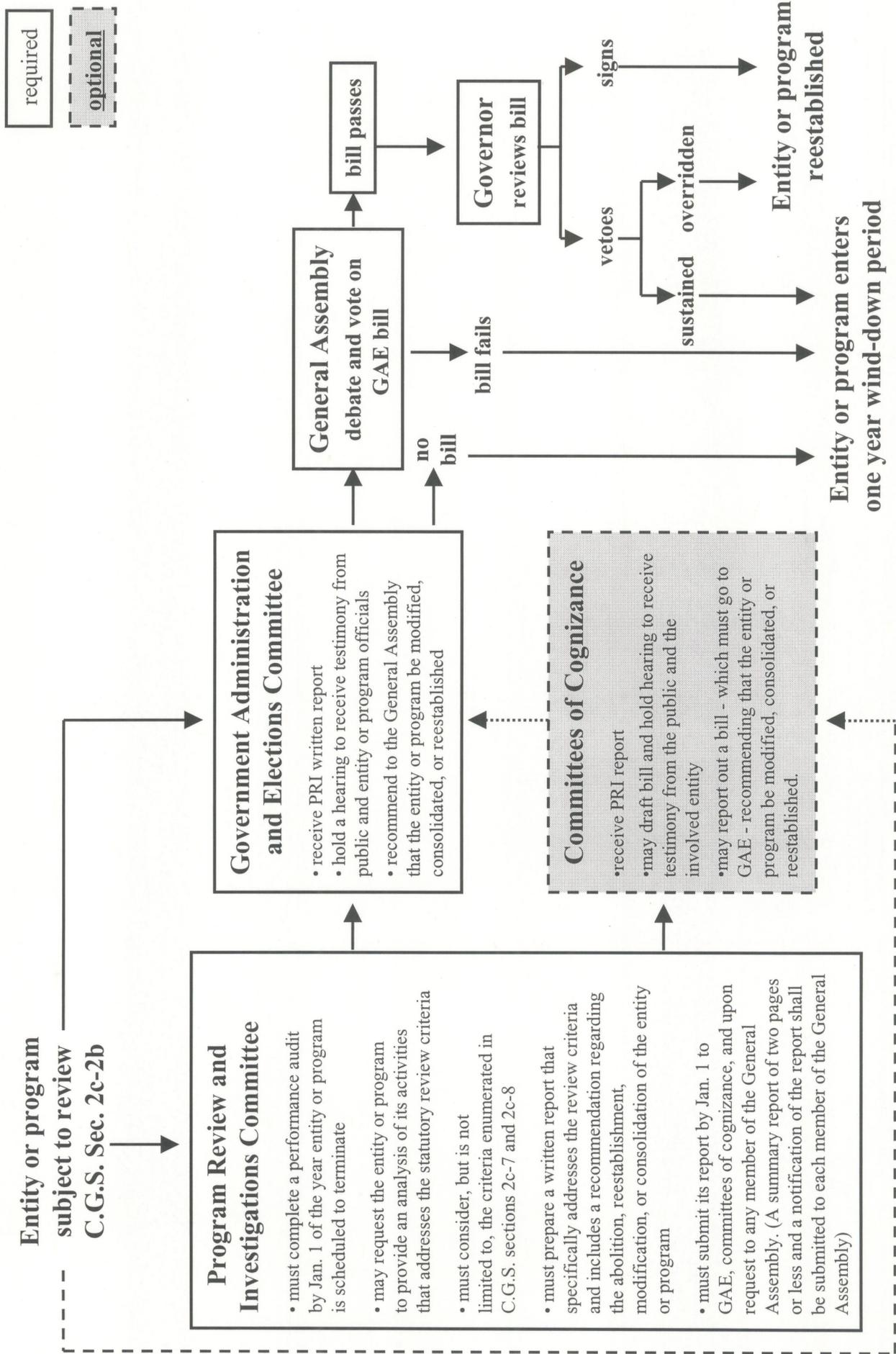
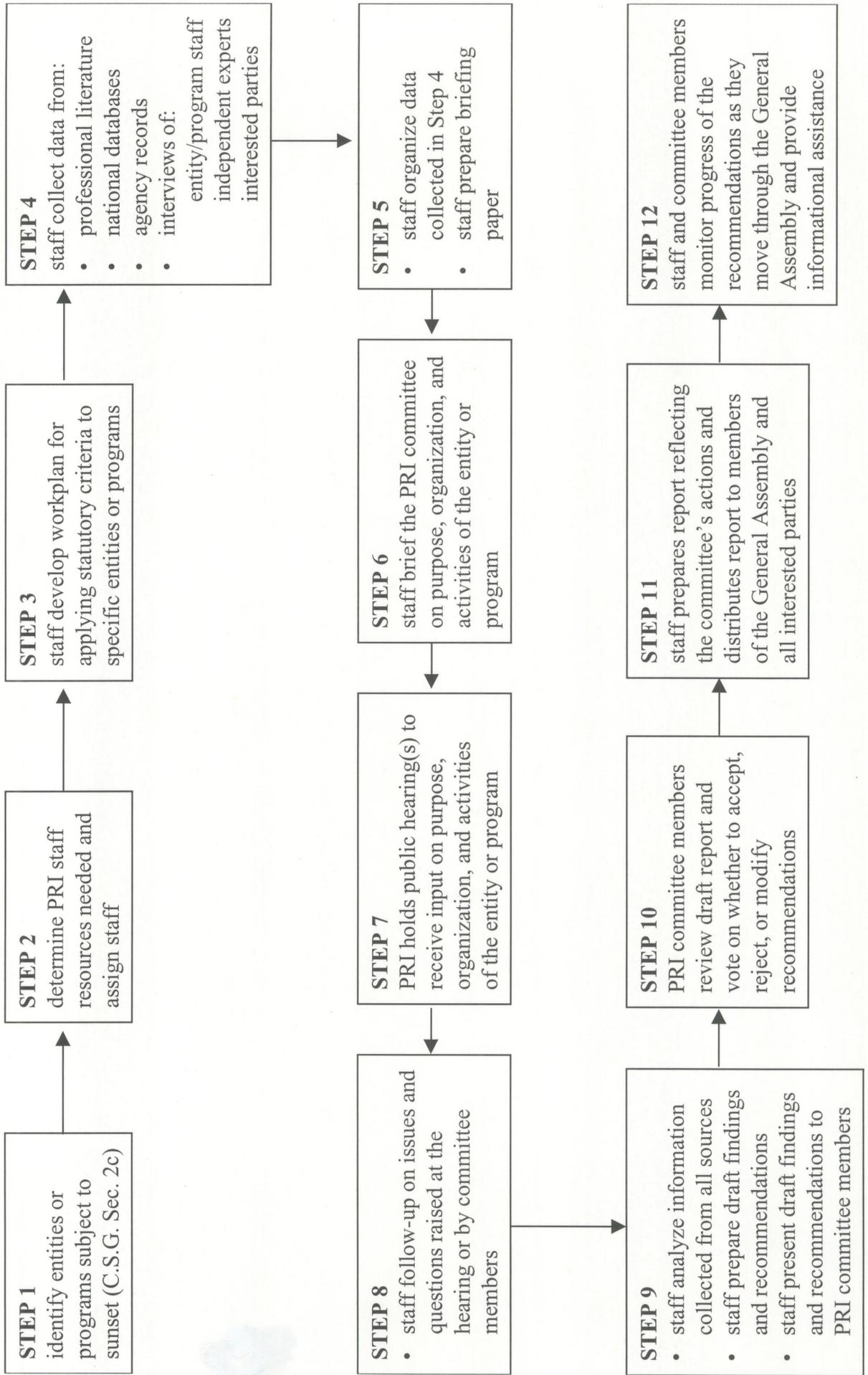


Figure III-2. Steps Followed By LPR&IC In Meeting Its Sunset Responsibilities



Program Review Committee's Process

As noted above, the program review committee is responsible for conducting a review of each entity or program covered by the state's sunset law. The committee is required to complete the review by January 1 of the year the entity or program is scheduled to terminate. Figure III-2 outlines the sequence of actions undertaken by the committee in meeting this responsibility.

The differences between the committee's sunset and normal program review processes are noteworthy. First, the sunset review topics are mandated by state statute not selected by the committee as occurs with a normal program review. Second, rather than the committee members approving a scope of study, the scope is largely specified by the sunset review criteria identified in C.G.S. Sections 2c-7 and 2c-8. Finally, at the conclusion of a sunset review the committee does not draft its recommendations into proposed legislation, hold a hearing, and produce a bill as has been done at the completion of a normal study since 1986 when the committee was given bill raising authority. Instead, the committee's official sunset responsibilities are concluded with the distribution of its report.

Connecticut Experience 1979-1984

Activities

Figure IV-1 shows the number of entities or programs reviewed under Connecticut's sunset law from 1979 until it was suspended at the end of 1983, after the completion of the fifth and final round of the initial cycle. The variation in the number of sunset reviews the committee performed per year is noteworthy and significantly affects the committee's operation.

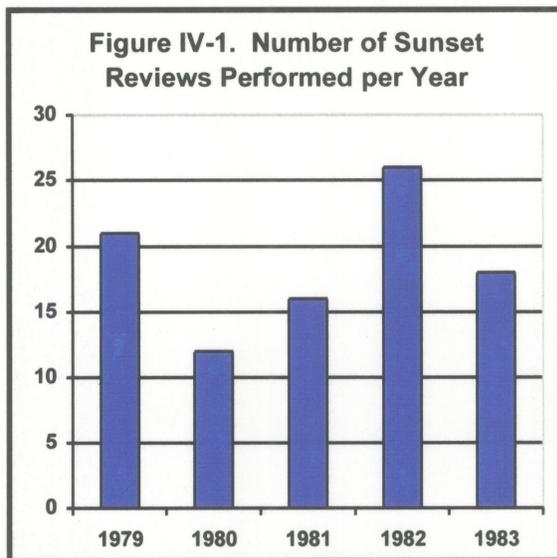
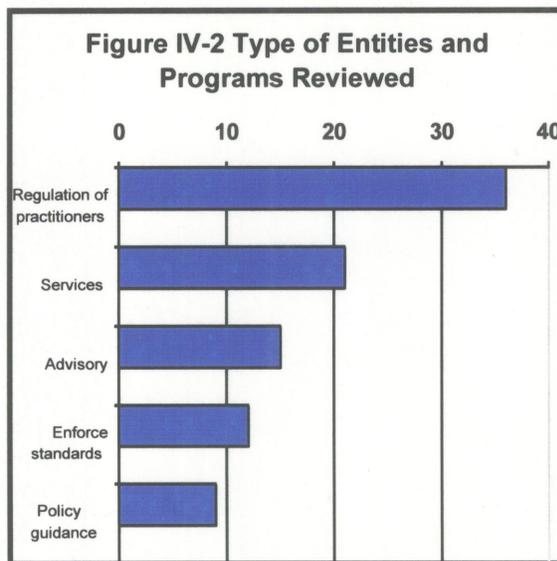


Figure IV-2 shows the distribution of the sunset reviews among the five functional categories described in Chapter Two. Although regulatory related entities and programs comprise a majority of those on the sunset list -- 52 percent when "regulation of individual practitioners" and "enforcement of state standards" are combined -- coverage under Connecticut's sunset law is not limited to regulatory matters. Indeed, nearly a quarter of the reviews (23 percent) involved entities classified as providing a service directly to the public or to other state agencies.



Resources Expended

Table IV-1 tracks the effort expended by the committee and its staff over the life of the sunset cycle. The table includes annual data on the number of reviews completed; staff assigned to sunset; committee meetings held; reviews per assigned staff person; and committee meetings per review.

The data in the table show output per assigned staff increased and committee meetings per review declined over the five-year cycle. There are two explanations for this increase in efficiency. First, the reservoir of knowledge accumulated as the committee and staff progressed through the sunset review cycle resulted in less time being needed to: develop methods; understand the basic environment within which all of the entities and programs had to operate; identify problems; and conceptualize solutions. This resulted in the need for less staff time and fewer committee meetings to grasp and resolve issues surrounding the reviews.

Second, the final two years of the sunset cycle had proportionally more entities and programs falling into the "advisory" and "policy guidance" categories than the earlier years. Such entities and programs are typically less complex in their structure and operation than those enforcing state approved standards or regulating licensed practitioners and, therefore, require less time and effort to review.

The absence of certain key resource data from the table should be noted. Specifically, the table does not contain information on the time spent on sunset related activities by program review committee staff not directly assigned to sunset (i.e. staff director, staff attorney, and clerical staff). Also missing from the table is the time spent on sunset activities by other legislative staff, committees, and the full General Assembly. The limited availability of records and difficulties encountered in reconstructing data from the records that were located, made it impossible to present other staff activity data covering the entire sunset cycle.

	<i>1979</i>	<i>1980</i>	<i>1981</i>	<i>1982</i>	<i>1983</i>
Reviews	21	12	16	26	19
Analysts assigned	6	4	5	7	4
Reviews per analyst	3.5	3.0	3.2	3.7	4.8
PRI meetings	28	21	26	30	20
General	4	2	1	4	5
Briefing	8	4	8	9	5
Hearing	10	7	7	10	6
Decision	6	8	10	7	4
Meetings per review	1.5	1.6	1.4	1.1	1.1
Source of data: LPR&IC records					

However, a one-time snapshot is available with respect to resources expended by the program review committee staff. At the completion of the first year of the cycle (1979) an estimate

of the committee staff time spent planning, conducting, organizing meetings, presenting materials, and writing reports was developed. The estimate covered analysts conducting the reviews plus all other program review committee professional and support staff involved during the first year. The estimate put staff time at 1,039 person-days or approximately 50 person-days per review.

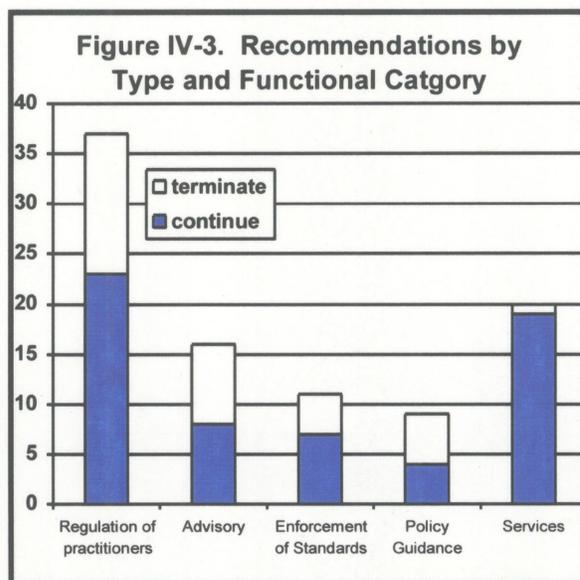
Results

During the five-year sunset cycle the program review committee examined 94 entities. In total, the committee proposed slightly more than 350 recommendations, of which approximately 270 were implemented. The recommendations ranged from the obscure --elimination of the regulation of second hand hats -- to the significant -- restructuring the state's hospital regulatory program. The key results of Connecticut's sunset review process include:

- development of a model act standardizing the organization and operation of boards and commissions in terms of meetings, appointments, attendance, quorums, etc.;
- elimination of state restrictions on the business practices of health professionals;
- elimination of 17 boards and commissions; and
- numerous entity or program specific instances of increases in efficiency and accountability, such as entity consolidations, clarification of authority and responsibility, and requiring information be more accessible to the public.

Given the initial focus of the sunset review process on the termination of entities and programs, it is appropriate to look at Connecticut's experience in this area. Overall, the program review committee proposed terminating 32 entities. Seventeen of these recommendations were acted upon favorably by the General Assembly; the other 15 were reversed.

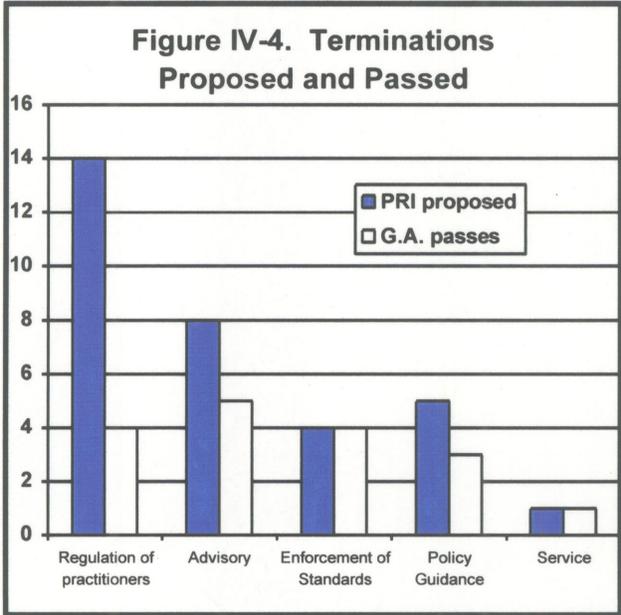
Figure IV-3 illustrates the relationship between the committee's recommendations to continue or terminate entities within each of the five functional categories previously identified. The graph shows the highest number of termination proposals occurred in the "regulation of practitioners" classification (14). In terms of



the percentage of reviews resulting in termination recommendations, two categories stand out, “policy guidance” (55 percent) and “advisory” (50 percent). The high number of terminations proposed by the committee in the “regulation of practitioners” category is directly related to the statutory review criteria. In all of these instances the committee, adhering to the criteria, concluded such things as a bad haircut, dead tree, or poor landscape job did not endanger the public health, safety, or welfare. In the committee’s view, regulation of practitioners, in areas where a reasonable consumer had the capability to assess and assume the risks, needlessly restricted competition.

The high percentage of committee proposed terminations in the policy guidance and advisory categories also is not surprising when the statutory review criteria are considered. It is very difficult for an entity or program designed to provide policy guidance or advice to prove its elimination would endanger the public health, safety, or welfare. Thus, despite low costs, their existence could not be justified, and the committee was compelled to recommend termination. It should be noted such recommendations were typically met with outcries of objection by interests represented by the involved entities.

As noted above, the committee proposed 32 terminations, but the General Assembly adopted in only 17. Figure IV-4 illustrates by functional category the relationship between the termination recommendations of the program review committee and subsequent actions of the General Assembly. The graph shows the General Assembly concurred with slightly less than 30 percent of the committee’s termination recommendations in the “regulation of practitioners” category, about 60 percent in the “policy guidance” and “advisory body” categories, and all five recommendations in the “enforcement of state standards” and “service” categories.



in the “enforcement of state standards” and “service” categories.

Although not shown in the Figure IV-4, the General Assembly concurred 100 percent of the time when the program review committee recommended an entity or program be continued.

A closer examination of the 17 committee termination proposals agreed to by the full General Assembly reveals these decisions were not as significant as might first be thought. Six of the 17 agreements -- including three of the four agreements in the enforcement of state standards class -- involved consolidation of boards and

commissions. In five instances the authority for the regulatory or service function underlying the terminated entity was transferred to another state agency. The activity level of three of the remaining six entities terminated was virtually nonexistent.

One explanation for the differences between the committee and the General Assembly can be found in the decision-making processes each followed. The committee was guided by the statutory criteria and had sufficient staff and time to obtain and analyze data related to claims made by the involved entities and their supporters. This enabled committee members to reach an acceptable comfort level with the rationale for terminating an entity or program.

On the other hand, the full General Assembly relied heavily on obtaining information from public hearing testimony and direct contact with constituents. It had little time to sort facts from claims. As a result, its members were very aware terminating an entity often meant imposing a real or perceived negative consequence (e.g. loss of ability to control competition, loss of influence, etc.) on a portion of the state's population. Legislators also seem to sense many terminations would only provide an incremental benefit that would be little noticed or appreciated by most citizens.

As the key outcomes listed at the beginning of this section indicate, there was more to the sunset process in Connecticut than terminating entities and programs. Indeed, nearly three out of every four sunset-related recommendations made by the program review committee involved issues other than the continuation or termination of an entity or program. Included were recommendations to limit matters subject to regulation, change the level of regulation, streamline and standardize procedures, fine-tune the 1977 reorganization by transferring functions from one state agency to another, and enact a host of reporting requirements designed to increase accountability by making information available to the legislature and public.

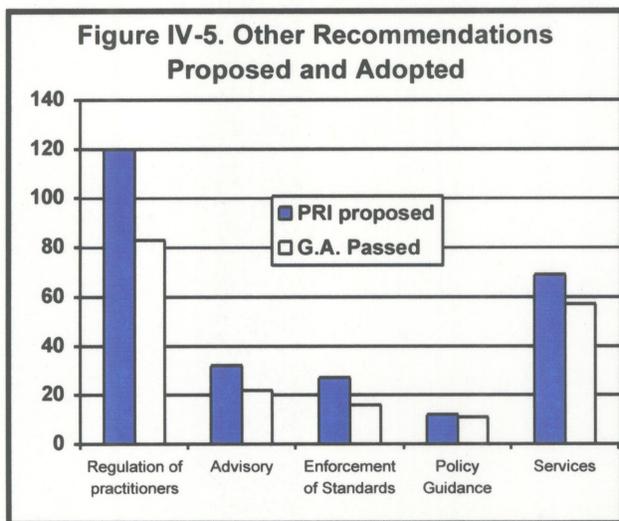


Figure IV-5 shows the number of such proposals introduced by the committee in each functional area. Also included in Figure IV-5 is the number of proposals adopted by the General Assembly. The overall number of recommendations per entity reviewed ranged from a low of about 1.3 in the “policy guidance” classification to a high of 3.5 in the “service” category.

Most notable, the agreement rate between the committee and the full General Assembly was much higher in areas where the issue did not involve whether to terminate an

entity or program. It ranged from 59 percent in the “enforcement of standards” category to 92 percent in the “policy guidance” area. Overall, the rate of agreement on recommendations not addressing the termination issues was nearly 75 percent.

In summary, if the success of Connecticut’s sunset program is measured by the number of entities or programs terminated, the results are mixed. Progress was made, but it fell short of what was envisioned by proponents of a sunset law. However, if success is measured by the number of recommendations resulting in laws, the experience has been decidedly more positive. Further, if the significance of the changes adopted as a result of the sunset process is considered, the effort was very successful.

Two examples of such changes involve the regulation of business practices for health professionals and the requirements to be a manicurist. In the case of the former, regulation of business practices of health professionals (e.g. number of offices, advertising, etc.) was separated from matters of competence and removed altogether from the control of practitioners of the profession. With respect to manicurists, requirements they receive 500 hours of training and be restricted to practicing only under the supervision of a licensed cosmetologist were eliminated. This gave rise to the large number of nail boutiques currently located throughout the state.

Alternatives

Chapter One identified the conceptual basis for state sunset laws as a means to provide periodic legislative oversight of selected entities and programs, with the goal of terminating or improving those not performing their intended functions. This chapter includes an analysis of the impact on the program review committee's resources of restarting Connecticut's sunset law after a 15-year suspension. Also presented are alternative models based on sunset operations in other states.

Resource Needs

Under the state's current law, the program review committee will begin conducting sunset reviews in 2002 and continue through 2006. Figure V-1 shows the committee's workload will vary throughout the period, ranging from a high of 29 reviews in 2002, to a low of 10 in 2003. This coupled with the variations in the distribution of reviews by functional categories -- also shown in Figure V-1 -- means there will be significant shifts annually in the demand on the committee's time and staff resources.

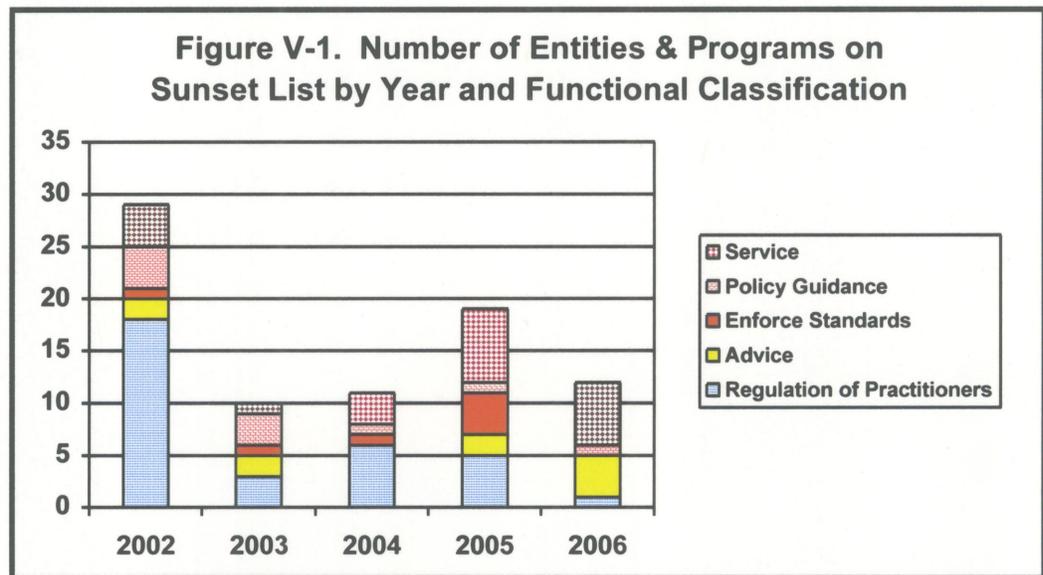


Table V-1 contains an estimate of the resource demands that will be placed on the committee by the current sunset law. The estimates represent the best guess

of four committee analysts with prior experience in conducting sunset reviews. Noteworthy are the first and fourth years of the cycle where about half of the committee's staff analysts are projected to be assigned sunset responsibilities.

Table V-1. Resource Demands on the Program Review Committee					
<i>Sunset Requirements</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
Reviews	29	10	11	21	12
Est. PRI staff needed	5	2	3	6	3
Est. PRI meetings needed	17	9	9	14	8
Source of estimates: LPR&IC staff					

Resource Options

Several options are available to deal with the variations in the demand for the committee's time and staff caused by the state's sunset law. One would be to make an adjustment in the statutory schedule aimed at equalizing on an annual basis the number and classification of the entities subject to review. A second option would be adding a year or more onto the current five-year cycle. Both approaches would reduce the annual resource demand generated by the sunset review requirements.

Another approach, instituted separately or in conjunction with other changes, would be to reduce the total number of reviews required to be performed by eliminating whole categories of entities such as those in the advisory and policy guidance classifications. All of these options would reduce the burden placed on the committee's resources by the sunset review process.

Alternative Models

Shown in Table V-2 are several models representative of those found among the states with sunset laws. The list in by no means exhaustive. The purpose is to stimulate a dialogue and identify models for further exploration. Popular approaches nationally are models A, B, E, and F. Model A was the one used in Connecticut during its initial sunset experience. A few states allow some form of discretion in selecting entities and programs for review. Thus, two models reflecting this approach are included in the table (D and I). Although not widely used, a model (G) -- involving the use of executive branch agencies to perform the preliminary staff work -- is presented in the table to assure this approach and variations of it are considered.

It should be noted a variation of model D was tried as part of a 1984 pilot program in Connecticut. The pilot program was included in the initial legislative act delaying sunset (P.A. 83-

446). Under the act, unspecified programs within the Department of Income Maintenance were to receive a performance audit by the program review committee. The specific programs were to be selected by the program review committee in consultation with and after the approval of the chairs and ranking members of the Government Administration and Education and Human Services Committees, and the members of the appropriations subcommittee overseeing the department. The parties met in October 1983 and selected programs in three areas -- General Assistance, Error Detection and Prevention, and management of the department. The reviews were performed in 1984.

Table V-3. Selected Sunset Models				
<i>Model</i>	<i>Selection Method</i>	<i>Staff Source</i>	<i>Oversight of the review</i>	<i>Final Recommendation to legislature</i>
A	Defined in statute	Oversight comm.	Oversight committee	Gov. operations committee
B	Defined in statute	Oversight comm.	Oversight committee	Budget committee
C	Defined in statute	Oversight comm.	Oversight committee	Oversight committee
D	Discretionary	Oversight comm.	Oversight committee	Budget committee
E	Defined in statute	Perform. Auditors	Performance auditors	Gov. operations committee
F	Defined in statute	Perform. Auditors	Performance auditors	Budget committee
G	Defined in statute	Exec. Agency staff	Oversight committee	Gov. operations committee
H	Defined in statute	Legislative staff	Standing committees	Gov. operations committee
I	Discretionary	Legislative staff	Standing committees	Budget committee
Source of Data: LPR&IC staff analysis of various publications				

Findings and Recommendations

As noted in the Introduction, Public Act 98-30 requires the program review committee to conduct a study of the state's sunset law and determine if it is needed. Further, if the recommendation is to continue the law the committee is required to include in its report the form the law should take, the method for selecting entities and programs for review, and the criteria for evaluating entities and programs.

Since 1981, six of the 36 states that had adopted sunset laws have repealed their statutes, and six other states including Connecticut have suspended their sunset laws. Among the reasons frequently cited for repealing or suspending these laws were:

- the process places excessive time demands on legislators and legislative staff;
- the process often requires legislators to choose between proposals that are modestly beneficial to all citizens but can be devastatingly negative to specific interest groups; and
- other forms of oversight have become more popular.

Continuation of Connecticut's Sunset Law. The analysis of Connecticut's sunset review experience presented in the staff's July 9, 1998, briefing paper focused on the resource demands placed on the committee and its staff by the state's sunset law, and the outputs and outcomes associated with the committee's efforts. The staff findings related to the latter are summarized next.

1. The committee conducted 94 sunset reviews and made slightly more than 350 recommendations, including 32 proposals to terminate entities or programs.
2. Approximately 270 of the committee's recommendations, including 17 termination proposals, were adopted.
3. Most of the 17 terminations were not significant (six involved consolidations, five eliminated an administrative level but kept the underlying regulation, and three were not functioning prior to the review).

4. Other key results achieved through the sunset process were:

- development of a model act standardizing the organization and operation of boards and commissions in terms of meetings, appointments, attendance, and quorums;
- elimination of state restrictions on the business practices of health professionals; and
- major restructuring of the powers, duties, and operations of the state hospital commission, the Commission on Human Rights and Opportunities, and several less prominent entities.

Based on these findings, the program review committee concluded if the success of Connecticut's sunset program is measured by the number of entities or programs terminated, the results are mixed. Although progress toward the goal of sunset was made, it fell short of what was envisioned by proponents of the sunset law. However, if success is measured by the number of adopted recommendations resulting in new laws leading to improved operations of entities and programs, the experience has been decidedly more positive.

Recommendation. The committee does not dispute the validity of the reasons cited in support of suspending or terminating sunset laws (i.e., time demands, difficult political decisions over what often amounts to insignificant issues, and alternative legislative oversight options). Indeed, much of the same rationale was used to make the case for suspending Connecticut's Sunset Law in 1983, 1988, and 1993.

However, P.A. 98-30 specifically asks the committee to consider the benefits of the law in assessing whether it should be eliminated. Based on the accomplishments summarized in the analysis section, the committee believes, on balance, the outcomes achieved through the sunset process were positive. As a result, the committee concludes the sunset concept is a valuable oversight tool and should remain available for use by the Connecticut General Assembly. Therefore, the program review committee recommends:

1. Connecticut's Sunset Law should be continued.

Modifications of Connecticut's Sunset Law. As noted above, P.A. 98-30 requires the program review committee, if it recommends the continuation of the state's sunset law, to propose the form it should take, the method for selecting entities and programs for examination, and the criteria for evaluating entities and programs. The committee believes the five key components -- (1) selection of entities and programs, (2) review criteria, (3) source of staff, (4) management of the review process, and (5) final recommendation to the legislature -- employed in Chapter Five to describe

alternative approaches to sunset should serve as a guide to outline proposals for meeting the P.A. 98-30 requirements.

Another factor in the assessment of sunset proposals is their effect on the operations of the program review committee. Within this context, the committee analyzed the resource demands sunset placed on it in the past and estimated the nature of those demands in the future. The committee found:

- 1) The initial sunset review cycle was labor intensive:
 - engaging 40 - 70 percent of the committee's staff per year; and
 - requiring 20 - 30 committee meetings per year.

- 2) Depending on the cycle year, reactivating Connecticut's Sunset Law would:
 - require the involvement of 20 to 60 percent of the committee's staff resources;
 - increase the number of committee briefing, hearing, and decision meetings by 30 to 60 percent; and
 - restrict the committee's non-sunset studies to two to four per year (compared the current to six - 10).

Table VI-1 lists alternatives based on articles and data related to how other states have structured their sunset models. Information is presented for each of the five components previously noted as key in differentiating approaches to sunset reviews.

The program review committee, mindful of the resource demands cited above, analyzed various combinations of the alternatives referenced under each component in Table VI-1. Four options for changing Connecticut's Sunset Law were identified. Each is described below. (A slightly more detailed outline version of each option is presented in Appendix B.)

Table VI-1. Key Components of Sunset Models				
<i>Selection of Entities and Programs</i>	<i>Review Criteria</i>	<i>Source of Staff</i>	<i>Management of the Review</i>	<i>Final Recommendation to Legislature</i>
<ul style="list-style-type: none"> • defined in statutes • discretionary 	<ul style="list-style-type: none"> • sunset specific • general performance evaluation type 	<ul style="list-style-type: none"> • oversight committee • other legislative staff offices • performance auditors • executive branch staff • combinations 	<ul style="list-style-type: none"> • oversight committee • standing committee • auditors 	<ul style="list-style-type: none"> • oversight committee • standing committees • performance auditors

Option #1. This option represents the status quo with some modifications. It modifies the list of entities and programs subject to a sunset review by focusing exclusively on state regulatory activities. It extends the review cycle from five to eight years to distribute the workload over a longer time period and thereby reduces the annual demands on the program review committee's resources. Reflecting the program review committee's bill-raising authority, this option allows the committee to raise bills and hold hearings on legislation proposed as the result of a sunset review.¹

Option #2. This option changes the selection process significantly, eliminating the statutory list and creating a procedure whereby the program review committee, in consultation with the Government Administration and Elections Committee and relevant subject matter committees, would identify entities and programs to be reviewed under sunset. The General Assembly would be required to ratify the selections through passage of public acts.

This option retains the traditional termination provision for entities and programs subject to a sunset review. It alters the review criteria by eliminating those parts focused solely on regulatory matters, while broadening the scope of the criteria to include an assessment of how well an entity or program complies with state rules and regulations such as the Uniform Administrative Procedures Act, human rights and opportunities statutes, and freedom of information requirements. The review cycle is extended from five to eight years to accommodate the added demands of an open-ended selection process. This option alters the demands on the program review committee's staff resources by employing teams composed of personnel from multiple legislative offices. Finally, it modifies the process for introducing legislation based on a sunset review to reflect the bill-raising authority of the program review committee.

Option #3. This option modifies the statutory list of entities and programs subject to a sunset review to include only regulatory entities. All entities and programs on the sunset list would be required to submit to the General Assembly a self-evaluation based on statutory criteria. After reviewing these reports, the program review committee in consultation with the Government Administration and Elections Committee and the relevant subject matter committees would determine which, if any, entities and programs would receive an independent review by the committee. Those entities and programs not designated for such a review would still be subject to a public hearing and require an affirmative vote of the legislature to be continued.

Under this option the statutory criteria are modified to include an assessment of how well an entity or program complies with state rules and regulations such as the Uniform Administrative Procedures Act, human rights and opportunities statutes, and freedom of information requirements. The review cycle is extended from five years to eight years to accommodate the larger number of

¹ In 1985, two years after the completion of the initial sunset cycle, P.A. 85-559 gave the program review committee authority to raise bills.

entities and programs potentially subject to a sunset review. Staff from other legislative offices are used to supplement program review committee staff during the entity and program selection phase of the process. This option alters the recommendation process to reflect the program review committee's bill raising authority.

Option #4. This option eliminates the automatic termination date traditional under sunset. It shifts the focus of the reviews away from emphasizing whether to continue an entity or program toward an analysis stressing cost-effectiveness and efficiency. It changes the selection process by creating a procedure whereby the program review committee, in consultation with the relevant subcommittees of the Appropriations Committee, would identify the entities and programs to be reviewed. It revamps the review criteria to reflect the budgetary emphasis employed under this approach. The option modifies staff resource demands on the program review committee by supplementing its staff with staff from the Office of Fiscal Analysis. This option replaces the role played by the Government Administration and Elections Committee in introducing and managing bills emerging from the reviews with the program review committee.

Comparison of the four options. Table VI-2 compares how the four options deal with each of the key sunset components. It should be noted, nothing precludes the approach of a component outlined under one option from being substituted for an approach listed under any of the other options.

An examination of Table VI-2 reveals the "selection process" component is the area that most clearly differentiates the four options. The alternatives range from Option #1, essentially the status quo, to the open-ended selection methods proposed under Options #2 and #4. The distinction between Options #2 and #4 rests on the fact the selection process under the former is program-based and provides a role for standing committees, while under the latter option the selection is budget-based and involves the subcommittees of the Appropriations Committee.

Regarding the "review criteria" component, Table VI-2 shows Option #1 maintains the status quo, while Options #2, #3, and #4 all add a provision to the sunset process requiring an assessment of how well an entity or program complies with standard state operating procedures, such as the Uniform Administrative Procedures Act, human rights statutes, and freedom of information requirements. Also, Options #2 and #4 eliminate the statutory criteria that apply exclusively to the review of regulatory entities and programs, while these criteria are retained under Options #1 and #3. Option #4 adds several unique provisions to the criteria that reflect the budgetary and performance review approach characterizing this option.

As shown in Table VI-2, the differences among the options concerning the "source of staff" are marginal. Most noteworthy in this area is the addition under Options #2, #3, and #4 of formal roles and responsibilities in the review process for staff from other legislative offices. With respect

Table VI-2. Comparison of Options

	Option # 1	Option # 2	Option # 3	Option # 4
Selection Process	<p>1. Statutory list (C.S.G. Sec. 2c-2)</p> <ul style="list-style-type: none"> • Modify current list to include only regulatory entities and programs 	<p>1. Annually PRI develops list of all entities under the jurisdiction of one or more selected committees</p> <p>2. PRI in consultation with GAE and relevant standing committees selects entities from the list for review</p> <p>3. Selected entities assigned termination date through a public act</p>	<p>1. Statutory list (C.S.G. Sec. 2c-2)</p> <ul style="list-style-type: none"> • Modify current list to include only regulatory entities and programs <p>2. Each listed entity prepares and submits a report PRI, GAE, and standing committees addressing the sunset criteria</p> <p>3. PRI, in consultation with other committees, selects those entities that will be subject to a full review by PRI</p>	<p>1. Annually PRI develops list of all entities included under one of the broad budget categories</p> <p>2. Relevant appropriations subcommittee in consultation with PRI selects from the list the entities to be reviewed</p>
Review Criteria	<p>1. Retain criteria outlined in Secs. 2c-7 and 2c-8.</p>	<p>1. Eliminate Sec. 2c-8,</p> <p>2. Add a provision requiring a review of an entity's compliance with all state financial and operating procedures including UAPA, human rights statutes, freedom of information requirements, ethics standards, etc.</p>	<p>1. Add a provision requiring a review of an entity's compliance with all state financial and operating procedures including UAPA, human rights statutes, freedom of information requirements, ethics standards, etc.</p>	<p>1. Eliminate Sec. 2c-8</p> <p>2. Add to Sec. 2c-7 provisions requiring an assessment of:</p> <ul style="list-style-type: none"> • Compliance with all state financial and operating procedures • Achievement of entity's stated goals and objectives • Adequacy of the entity's system for monitoring performance • Whether outputs and outcomes achieved in the most efficient and cost effective manner

Table VI-2. Comparison of Options

	Option # 1	Option # 2	Option # 3	Option # 4
Source of Staff	<p>1. PRI</p>	<p>1. Selection phase</p> <ul style="list-style-type: none"> • PRI staff serve as lead staff drawing on OLR and OFA staff as needed <p>2. Review stage</p> <ul style="list-style-type: none"> • PRI staff 	<p>1. Selection phase</p> <ul style="list-style-type: none"> • Teams of staff from PRI (team leaders), OLR, and OFA review entity reports and help committees select entities for full review <p>2. Review stage</p> <ul style="list-style-type: none"> • PRI staff 	<p>1. Selection phase</p> <ul style="list-style-type: none"> • Teams of PRI and OFA staff <p>2. Review stage</p> <ul style="list-style-type: none"> • Teams of PRI and OFA staff
Management of the Review Process	<p>1. PRI</p>	<p>1. PRI</p>	<p>1. PRI</p>	<p>1. PRI leads a joint effort involving it and the relevant subcommittee of the Appropriations Committee</p>
Recommendations to the Legislature	<p>Introduced by PRI reported to General Assembly by GAE</p>	<p>Introduced by PRI reported to General Assembly by GAE</p>	<p>Introduced by PRI reported to General Assembly by GAE</p>	<p>Introduced and reported to the General Assembly by PRI</p>
Notes	<p>Essentially the status quo option. Modifies the sunset list, and recognizing PRI's bill raising authority.</p>	<p>The continuing role of the General Assembly in the selection process makes this the most complex option.</p> <p>Lengthens the review cycle to eight years based on a classification of standing committees to accommodate their involvement in the selection process.</p>	<p>Lengthens the review cycle to eight years for the same reasons as cited under option #2.</p> <p>Requires every entity or program on the sunset list to receive at least a minimal review and include an opportunity for public comment.</p>	<p>Resembles the sunset pilot program tried in 1984 (see July '98 briefing paper).</p> <p>Shifts emphasis from program-based to budget-based review.</p> <p>Lengthens the review cycle to nine years.</p>

to the final two components, Table VI-2 shows there are minimal differences between the options in the "management of the review process" and "recommendations to the legislature" areas. In the case of the former, all options retain the program review committee's responsibility to manage sunset activities. In the "recommendation to the legislature" area all options call for the statutes to be changed to reflect the program review committee's bill raising authority.

Summary of the options. The first option maintains the traditional sunset approach, but limits the reviews to the state's regulatory operations. It is the closest to the status quo of the four options. The second option preserves the traditional sunset approach, but allows a degree of flexibility in the selection of programs for review. It provides an opportunity for the legislature to identify in a timely fashion programs for review in all subject matter areas. By the same token it introduces a degree of complexity to the process by requiring an annual vote of the General Assembly to subject selected entities and programs to a termination review.

The third option combines elements of the first two. It maintains the traditional sunset approach. However, unlike the second option, under the third scenario entities and programs subject to review are referenced in the statutes. Also, the third approach provides a mechanism whereby the program review committee, in consultation with standing committees, can target selected entities and programs for a full sunset review based on a self-evaluation of their performance.

The final option is the most radical. It ties the reviews to the budget process, shifts the focus to cost-effectiveness and efficiency, and eliminates the traditional sunset termination provision.

After analyzing the four options, the program review committee recommends Option #3, specifically:

2. Connecticut's current Sunset Law should be modified in the following manner:

A. Selection of Entities and Programs for Review:

- **eliminate from current sunset list all entities and programs whose primary purpose is to provide advice, policy guidance, or direct services;**
- **add to sunset all entities and programs not identified in the current sunset list that either regulate individual practitioners or enforce state-approved standards;**
- **require each listed entity and program to prepare a report addressing the sunset criteria 20 months prior to the scheduled termination; and**
- **after reviewing each report and holding a joint public hearing, the program review committee, in consultation with the Government**

Administration and Elections Committee and the relevant subject matter committees, shall determine which entities or programs need a further review by the program review committee.

B. Review Criteria:

- **add a provision requiring the sunset review to determine whether the entity or program has complied with state rules and procedures, including but not limited to such matters as Uniform Administrative Procedures Act, human rights statutes, and freedom of information requirements.**

C. Length of Review Cycle:

- **increase the review cycle from five to eight years.**

D. Source of Staff:

- **provided primarily from the program review committee, with assistance from the Offices of Fiscal Analysis and Legislative Research.**

E. Management of the Review Process:

- **program review committee.**

F. Recommendation to the Legislature:

- **program review committee.**

Discussion. The program review committee believes the recommended option focuses legislative oversight resources on entities and programs where there is a declared need for more information and a presumed legislative interest to act on the findings. It does this while insuring every entity or program on the list is required to report on how it measures up against the sunset review criteria. Among the explored options, the combination of these two factors is unique to option #3.

Option 3# also allows the committee to determine how much of its time and staff will be devoted to sunset activities in any given year. A good measure of this authority is yielded to the General Assembly under Option #2 and to the Appropriation Committee's subcommittees under Option #4.

Although similar to provisions in other options, it is worth noting option #3 lengthens the review cycle and draws on staff from other legislative offices. The latter is an opportunity to

address an objective of the Office of Legislative Management aimed at increasing interoffice cooperation. Staff participation from other nonpartisan offices would occur outside of their of their session cycles. Both measures allow the program review committee to devote more resources to non-sunset activities in any given cycle year, without sacrificing the number or quality of the committee's sunset reviews.

Appendix A

Entities and Programs Covered by Connecticut's Sunset Law

**** additions that have never been reviewed under the sunset process**

(a) The following entities and programs are terminated, effective July 1, 2003:

1. Regulation of hearing aid dealers pursuant to chapter 398;
2. Connecticut Osteopathic Examining Board, established under section 20-15;
3. Connecticut Homeopathic Medical Examining Board, established under sec. 20-8;
4. State Board of Natureopathic Examiners, established under section 20-35;
5. Board of Examiners of Hypertrichologists, established under section 20-268;
6. Connecticut State Board of Examiners for Nursing, established under section 20-88;
7. Connecticut Board of Veterinary Medicine, established under section 20-196;
8. Liquor Control Commission, established under section 30-2;
9. State Board of Examiners for Optometrists, established under section 20-11128a;
10. Board of Examiners of Psychologists, established under section 20-186;
11. Regulation of speech pathologists and audiologists pursuant to chapter 399;
12. Examining Board for Barbers and Hairdressers and Cosmeticians est. under section 20-235a;
13. Board of Examiners of Embalmers and Funeral Directors est. under section 20-208;
14. Regulation of nursing home administrators pursuant to chapter 368v;
15. Board of Examiners for Opticians established under section 20-139a;
16. Medical Examining Board established under section 20-8a;
17. Board of Examiners in Podiatry, established under section 20-51;
18. Board of Chiropractic Examiners, established under section 20-25;
19. The agricultural lands preservation program, established under section 22-26cc;
20. Nursing Home Ombudsmen Office, established under section 17a-405; **
21. Mobile Manufactured Home Advisory Council est. under section 21-84a; **
22. *Repealed by P.A. 93-262 (Human Resources Advisory Council and Human services area advisory councils - terminated independent of sunset review);*
23. Child Day Care Council established under section 17b-748;
24. Advisory Commission on Intergovernmental Relations est. under section 2-79a; **
25. Commission on Children established under section 46a-126; **
26. The task force on the development of incentives for conserving energy in state buildings established under section 16a-39b; **
27. The estuarine embayment improvement program est. Sections 22a-113 to 22a-113c,
28. The State Dental Commission, established under section 20-103a;
29. Connecticut Economic Information Steering Committee, est. under section 32-6i;**
30. *Removed from sunset review list by P.A. 95-257 (Office of Health Care Access);* and
31. Registry of individuals terminated or separated from employment for abuse or neglect established under section 157 of June 18, Special Session 97-2**

(b) The following entities and programs are terminated, effective July 1, 2004:

1. Program of regulation of sanitarians, established under chapter 395;
2. Program of regulation of subsurface sewage disposal system installers and cleaners, established under chapter 393a;
3. Program of regulation of bedding and upholstered furniture established by sections 21a-231 to 21a-236, inclusive;
4. Regional mental health boards, established under section 17a-484;
5. *Removed from sunset review list by P.A. 88-285 (Veterans Home and Hospital Commission);*
6. All advisory boards for state hospitals and facilities, established under section 17a-470;
7. *Repealed by P.A. 85-613 (State Alcohol and Drug Advisory Council - terminated under sunset provision);*
8. State Board of Examiners for Physical Therapists, established under section 20-67;
9. Commission on Medicolegal Investigations, established under subsection (a) of section 19a-401;
10. Board of Mental Health and Addiction Services, established under section 17a-456;
11. *Repealed by P.A. 95-257 (Commission on Hospitals and Health Care - terminated independent of sunset review);*
12. Commission on Prison and Jail Overcrowding est. under section 18-87j; and **
13. The residential energy conservation service program authorized under sections 16a-45a, 16a-46 and 16a-46a. **

(c) The following entities and programs are terminated, effective July 1, 2005:

1. Board of Firearms Permit Examiners, established under section 29-32b;
2. State Board of Landscape Architects, established under section 20-368;
3. *Moved to subdivision (a) by P.A. 89-364 (Liquor Control Commission);*
4. Police Officer Standards and Training Council, established under section 7-294b;
5. State Board of Examiners for Professional Engineers and Land Surveyors, established under section 20-300;
6. State boards for occupational licensing, established under section 20-331;
7. Commission of Pharmacy, established under section 20-572;
8. Connecticut Real Estate Commission, established under section 20-311a;
9. State Codes and Standards Committee, established under section 29-251;
10. Commission on Fire Prevention and Control, established under section 7-323k;
11. Program of regulation of building demolition, established under section 29-401;
12. *Repealed by P.A. 93-262 and P.A. 93-423 (Municipal Solid Waste Management Advisory Council - terminated independent of sunset review);* and
13. Connecticut Food Policy Council, est. under sec.22 of June 18, Sp. Session 97-11 **

(d) The following entities and programs are terminated, effective July 1, 2006:

1. State Insurance Purchasing Board, established under section 4a-19;
2. Connecticut Marketing Authority, established under section 22-63;
3. Occupational Safety and Health Review Commission, established under sec. 31-376;
4. Connecticut Siting Council, established under section 16-50j;
5. Connecticut Public Transportation Commission, established under section 13b-11a;
6. State Board of Accountancy, established under section 20-280;
7. State Board of Television and Radio Service Examiners, established under sec. 20-343;
8. *Repealed by P.A. 85-613 (Advisory Committee on High Unemployment - terminated under sunset provision);*
9. State Milk Regulation Board, established under section 22-131;
10. State Tree Protection Examining Board, established under section 23-61a;
11. Council on Environmental Quality, established under section 22a-11;
12. *Repealed by P.A. 85-613 (Council on Water Company Lands - terminated under sunset provision);*
13. *Removed from sunset review list by P.A. 83-487 (Agricultural Experiment Station);*
14. Employment Security Board of Review, established under section 31-237c;
15. *Repealed by P.A. 85-613 (Council of Economic Advisors - terminated under sunset provision);*
16. Connecticut Energy Advisory Board, established under section 16a-3;
17. *Repealed by P.A. 93-423 (Connecticut Solid Waste Management Advisory Council - terminated independent of sunset review);*
18. Investment Advisory Council, established under section 3-13b;
19. State Properties Review Board, established under subsection (a) of section 4b-3;
20. Commission on Human Rights and Opportunities, established under section 46a-52;
21. The coastal management program, established under chapter 444;
22. Department of Economic and Community Development, established under sec. 4-38c and 8-37r;
23. Family support grant program of the Department of Social Services, established under section 17b-616;
24. Program of regulation of occupational therapists, established under chapter 376a;
25. *Repealed by P.A. 85-613, S. 153, 154; (Regulation of massage establishments - terminated under sunset provision)*
26. Architectural Licensing Board, established under section 20-289; and
27. Bradley International Airport Commission, established under section 15-101r. **

(e) The following entities and programs are terminated, effective July 1, 2007:

1. Regional advisory councils for children and youth center facilities, established under section 17a-30;
2. *Repealed by P.A. 93-262 (Advisory Council on Aging - terminated independent of sunset review);*
3. Advisory Council on Children and Families, established under section 17a-4;
4. Board of Education and Services for the Blind, established under section 10-293;
5. *Moved to subdivision (a) by P.A. 94-181; (Child Day Care Council)*
6. Commission on the Deaf and Hearing Impaired, established under section 46a-27;
7. Advisory and planning councils for regional centers for the mentally retarded, established under section 17a-273;
8. Board for State Academic Awards, established under section 10a-143;
9. *Removed from sunset review list by P.A. 94-245 (Connecticut Student Loan Foundation);*
10. *Repealed by P.A. 85-613 (State Scholarship Commission - terminated under sunset provision);*
11. State Library Board, established under section 11-1;
12. Advisory Council for Special Education, established under section 10-76i;
13. State Commission on the Arts, established under section 10-369;
14. Connecticut Historical Commission, established under section 10-321;
15. *Repealed by P.A. 89-362 (Commission on Connecticut's Future - terminated independent of sunset review);*
16. *Repealed by June Sp. Session. P.A. 91-14 (Council on Voluntary Action - terminated independent of sunset review);*
17. *Repealed by P.A. 90-230 (Capitol Center Commission - terminated under sunset provision);*
18. Commission on Capitol Preservation and Restoration, established under section 4b-60;
19. *Repealed by P.A. 90-230 (American Revolution Bicentennial Commission - terminated under sunset provision);* and
20. Examining Board for Crane Operators, established under section 29-222.

APPENDIX B

Summary of Options Considered

Option #1 Traditional Sunset Approach with the Focus Limited to Regulatory Activities

Selection Process

1. Eliminate from the current sunset list (C.S.G. Sec. 2c-2) all entities and programs whose primary purpose is to provide advice, policy guidance, or direct services (see Appendix B).
2. Add to the sunset list all entities and programs not identified in C.G.S. Sec. 2c-2 that either regulate individual practitioners or enforce state-approved standards.

Review Criteria

1. Retain criteria outlined in C.G.S. Sec. 2c-7 and 2c-8.

Length of the Review Cycle

1. Lengthen the cycle from five years to eight years and adjust the new list to equalize the demands on the program review committee's time and staff.

Source of Staff

1. Program Review and Investigations Committee.

Management of the Review Process

1. Program Review and Investigations Committee.

Recommendations to the Legislature

1. Program review committee introduces bills and conducts joint hearings with the Government Administration and Elections Committee and relevant subject matter committees.
2. Government Administration and Elections Committee is responsible for reporting bills to the General Assembly.

Option #2 Traditional Sunset Approach Aimed at the Full Range of State Programs and Services with Entities and Programs Selected Through a Flexible Process

Selection Process

1. Annually, program review committee develops a list of entities and programs within the purview of specified subject matter committees that could be selected for a sunset review.*
2. Program review committee after consultation with the Government Administration and Elections Committee and the relevant subject matter committees selects from the list those entities and programs that will be recommended for a sunset review.
3. Selected entities and programs are assigned a termination date through a public act.

Review Criteria

1. Retain criteria outlined in C.G.S. Sec. 2c-7.
2. Add a provision requiring the sunset review to determine whether the governmental entity or program has complied with state requirements governing the operation of state agencies, including but not limited to the Uniform Administrative Procedures Act, human rights statutes, and freedom of information requirements.
3. Eliminate criteria outlined in C.G.S. Sec. 2c-8.

Length of the Review Cycle

1. Lengthen the cycle to eight years and adjust the new list to equalize the demands on the program review committee's time and staff. (see next page for the eight subject matter groups)

Source of Staff

1. Teams consisting of staff from program review committee, Office of Fiscal Analysis, and Office of Legislative Research.
2. Program review committee staff serve as team leaders.

Management of the Review Process

1. Program Review and Investigations Committee.

Recommendations to the Legislature

1. Program review committee introduces bills and conducts joint hearings with the Government Administration and Elections Committee and relevant subject matter committees.
2. Government Administration and Elections Committee is responsible for reporting bills to the General Assembly.

*** Specified Committees and Groups**

Group 1

Public Health

Group 2

General Law

Public Safety

Group 3

Education

Group 4

Environment

Energy & Technology

Group 5

Human Services

Group 6

Commerce

Labor & Public Employees

Planning & Development

Group 7

Banks

Insurance and Real Estate

Group 8

Government Administration & Elections

Transportation

Judiciary

Option #3 Traditional Sunset Approach with a Flexible Selection Process and a Focus Limited to Regulatory Activities

Selection Process

- Eliminate from current sunset list (C.S.G. Sec. 2c-2) all entities and programs whose primary purpose is to provide advice, policy guidance, or direct services (see attachment A).
- Add to the sunset list all entities and programs that either regulate individual practitioners or enforce state-approved standards (see attachment B).
- Require each entity and program to prepare a report addressing the sunset criteria 20 months prior to the scheduled termination date.
- After reviewing each report and holding a joint public hearing, the program review committee, in consultation with the Government Administration and Elections Committee and the relevant subject matter committees, shall determine which entities or programs shall need a further review by the program review committee.

Review Criteria

1. Retain criteria outlined in C.G.S. Sec. 2c-7 and modify Sec. 2c-8.
2. Add a provision requiring the sunset review to determine whether the entity or program has complied with state rule and procedures including but not limited to such matters as state financial and administrative procedures, affirmative action, and freedom of information.

Length of the Review Cycle

1. Lengthen the cycle to eight years and adjust the new list to equalize the demands on the program review committee's time and staff.

Source of Staff

1. Assigned primarily from the program review committee, with assistance from the Offices of Fiscal Analysis and Legislative Research.

Management of the Review Process

1. Program Review and Investigations Committee.

Recommendations to the Legislature

1. Program review committee introduces bills and conducts joint hearings with the Government Administration and Elections Committee and relevant subject matter committees.
2. Government Administration and Elections Committee is responsible for reporting bills to the General Assembly.

Option #4 Refocus Sunset Reviews to a Budget Orientated Approach

Selection Process

1. Program review committee develops a list of entities and programs from those included under one of nine specified budget categories.*
2. The relevant appropriations subcommittee in consultation with program review committee selects from the list those entities and programs that will be subject to review.

Review Criteria

1. Add to C.G.S. Sec. 2c-7 the following provisions:
 - Add a provision requiring the sunset review to determine whether the governmental entity or program has complied with state requirements governing the operation of state agencies, including but not limited to the Uniform Administrative Procedures Act, human rights statutes, and freedom of information requirements;
 - Whether the governmental entity or program has achieved its goals and objectives;
 - Whether the governmental entity or program has an adequate system for its monitoring performance; and
 - Whether the outputs and outcomes achieved by the governmental entity or program were accomplished in the most efficient and cost effective manner.
2. Eliminate the review criteria outlined in C.G.S. Sec. 2c-8.

Length of the Review Cycle

1. Lengthen the cycle to eight years and adjust the new list to equalize the demands on the program review committee's time and staff. (see next page for the nine budget category groups)

Source of Staff

1. Program review committee staff supplemented by staff from the Office of Fiscal Analysis.

Management of the Review Process

1. Program Review and Investigations Committee.

Recommendations to the Legislature

1. Program review committee introduces bills and, in cooperation with members of the relevant appropriations subcommittee, conducts public hearings.
2. Program review committee is responsible for reporting bills to the General Assembly.

*** Budget Categories**

- A. Regulation and Protection
- B. Conservation and Development
- C. Health and Hospitals
- D. Human Services
- E. Education, Museums, and Libraries
- F. Corrections
- G. Judicial
- H. General Government
- I. Transportation

Appendix C

Recommended Deletions to Current Sunset List

(Entities and programs deleted from list under Options #1 and #3 designated by strikethrough)

(a) The following entities and programs are terminated, effective July 1, 2003:

1. Regulation of hearing aid dealers pursuant to chapter 398;
2. Connecticut Osteopathic Examining Board, established under section 20-15;
3. Connecticut Homeopathic Medical Examining Board, established under sec. 20-8;
4. State Board of Natureopathic Examiners, established under section 20-35;
5. Board of Examiners of Hypertrichologists, established under section 20-268;
6. Connecticut State Board of Examiners for Nursing, established under section 20-88;
7. Connecticut Board of Veterinary Medicine, established under section 20-196;
8. Liquor Control Commission, established under section 30-2;
9. State Board of Examiners for Optometrists, established under section 20-11128a;
10. Board of Examiners of Psychologists, established under section 20-186;
11. Regulation of speech pathologists and audiologists pursuant to chapter 399;
12. Connecticut Examining Board for Barbers and Hairdressers and Cosmeticians established under section 20-235a;
13. Board of Examiners of Embalmers and Funeral Directors est. under section 20-208;
14. Regulation of nursing home administrators pursuant to chapter 368v;
15. Board of Examiners for Opticians established under section 20-139a;
16. Medical Examining Board established under section 20-8a;
17. Board of Examiners in Podiatry, established under section 20-51;
18. Board of Chiropractic Examiners, established under section 20-25;
19. The agricultural lands preservation program, established under section 22-26cc;
20. Nursing Home Ombudsmen Office, established under section 17a-405;
- ~~21. Mobile Manufactured Home Advisory Council est. under section 21-84a;~~
- ~~22. Child Day Care Council established under section 17b-748;~~
- ~~23. Advisory Commission on Intergovernmental Relations est. under section 2-79a;~~
- ~~24. Commission on Children established under section 46a-126;~~
- ~~25. The task force on the development of incentives for conserving energy in state buildings established under section 16a-39b;~~
- ~~26. The estuarine embayment improvement program established by sections 22a-113 to 22a-113e, inclusive;~~
27. The State Dental Commission, established under section 20-103a;
- ~~28. Connecticut Economic Information Steering Committee, est. under section 32-6i;~~

(b) The following entities and programs are terminated, effective July 1, 2004:

1. Program of regulation of sanitarians, established under chapter 395;
2. Program of regulation of subsurface sewage disposal system installers and cleaners, established under chapter 393a;
3. Program of regulation of bedding and upholstered furniture established by sections 21a-231 to 21a-236, inclusive;
4. ~~Regional mental health boards, established under section 17a-484;~~
5. ~~All advisory boards for state hospitals and facilities, established under section 17a-470;~~
6. State Board of Examiners for Physical Therapists, established under section 20-67;
7. ~~Commission on Medicolegal Investigations, established under subsection (a) of section 19a-401;~~
8. ~~Board of Mental Health and Addiction Services, established under section 17a-456;~~
9. ~~Commission on Prison and Jail Overcrowding est. under section 18-87j; and~~
10. ~~The residential energy conservation service program authorized under sections 16a-45a, 16a-46 and 16a-46a.~~

(c) The following entities and programs are terminated, effective July 1, 2005:

1. Board of Firearms Permit Examiners, established under section 29-32b;
2. State Board of Landscape Architects, established under section 20-368;
3. ~~Police Officer Standards and Training Council, established under section 7-294b;~~
4. State Board of Examiners for Professional Engineers and Land Surveyors, established under section 20-300;
5. State boards for occupational licensing, established under section 20-331;
6. Commission of Pharmacy, established under section 20-572;
7. Connecticut Real Estate Commission, established under section 20-311a;
8. State Codes and Standards Committee, established under section 29-251;
9. ~~Commission on Fire Prevention and Control, established under section 7-323k;~~
10. Program of regulation of building demolition, established under section 29-401; and
11. ~~Connecticut Food Policy Council, established under section 22 of June 18, Sp. Ses. 97-11.~~

(d) The following entities and programs are terminated, effective July 1, 2006:

1. ~~State Insurance Purchasing Board, established under section 4a-19;~~
 2. ~~Connecticut Marketing Authority, established under section 22-63;~~
 3. ~~Occupational Safety and Health Review Commission, established under sec. 31-376;~~
 4. Connecticut Siting Council, established under section 16-50j;
 5. ~~Connecticut Public Transportation Commission, established under section 13b-11a;~~
 6. State Board of Accountancy, established under section 20-280;
 7. State Board of Television and Radio Service Examiners, established under sec. 20-343;
 8. State Milk Regulation Board, established under section 22-131;
 9. State Tree Protection Examining Board, established under section 23-61a;
 10. ~~Council on Environmental Quality, established under section 22a-11;~~
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- ~~11. Employment Security Board of Review, established under section 31-237e;~~
- ~~12. Connecticut Energy Advisory Board, established under section 16a-3;~~
- ~~13. Investment Advisory Council, established under section 3-13b;~~
- ~~14. State Properties Review Board, established under subsection (a) of section 4b-3;~~
- ~~15. Commission on Human Rights and Opportunities, established under section 46a-52;~~
- ~~16. The coastal management program, established under chapter 444;~~
- ~~17. Department of Economic and Community Development, established under sec. 4-38e and 8-37r;~~
- ~~18. Family support grant program of the Department of Social Services, established under section 17b-616;~~
- ~~19. Program of regulation of occupational therapists, established under chapter 376a;~~
- ~~20. Architectural Licensing Board, established under section 20-289; and~~
- ~~21. Bradley International Airport Commission, established under section 15-101r.~~

(e) The following entities and programs are terminated, effective July 1, 2007:

- ~~1. Regional advisory councils for children and youth center facilities, established under section 17a-30;~~
- ~~2. Advisory Council on Children and Families, established under section 17a-4;~~
- ~~3. Board of Education and Services for the Blind, established under section 10-293;~~
- ~~4. Commission on the Deaf and Hearing Impaired, established under section 46a-27;~~
- ~~5. Advisory and planning councils for regional centers for the mentally retarded, established under section 17a-273;~~
- ~~6. Board for State Academic Awards, established under section 10a-143;~~
- ~~7. State Library Board, established under section 11-1;~~
- ~~8. Advisory Council for Special Education, established under section 10-76i;~~
- ~~9. State Commission on the Arts, established under section 10-369;~~
- ~~10. Connecticut Historical Commission, established under section 10-321;~~
- ~~11. Commission on Capitol Preservation and Restoration, established under section 4b-60;~~
- ~~12. Examining Board for Crane Operators, established under section 29-222~~