

Hi. This is Chris Micheli, Sacramento government relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law. Today's podcast, we're going to look at the use of sunset dates in California legislation.

Basically, California, like most other states, use sunset dates or sunset clauses in their legislation. It basically has the effect of making the law, what's enacted, to expire on a specified date. Unless the Legislature enacts another bill to either extend or eliminate that sunset date, then the law will expire, or again sunset, on the specified date.

Generally, we see sunset dates running from one to three years to as long as a decade or more. The sunset, or sometimes called expiration or expiry clauses in other jurisdictions, are generally used to allow the legislative branch to revisit a statute; if you will, to check on how the law has been implemented by the executive branch, particularly if there are any state agencies or departments that have to implement the law.

Sunset clauses are used primarily by the states. In other words, Congress, the U.S. Congress uses them just sparingly. One of the examples is the Federal Patriot Act where several of its provisions have sunset provisions. But otherwise, again, they're not too often used at the federal level.

There are other instances when the Legislature may want a statute to be temporary in its application. For example, legislation that's often viewed as experimental or being tried for the first time may be subjected to a sunset clause. The Legislature may want to check on how the law has worked for a few years before they decide to make it permanent.

Another example might be controversial legislation, which may be established with a sunset date as a possible compromise. Here, the Legislature may choose to give a contested bill an opportunity to prove itself.

A sunset clause may also be appropriate when a law is necessary to address a temporary situation or perhaps fulfill a short-term need, such as a state of emergency or a disruption in the economy. The Legislature may impose a sunset date to ensure that a review is automatically triggered before the statute will be extended or made permanent.

Now, in California, we usually see the sunset or repeal clauses in one of two forms. For example, "This section shall remain in effect only until December 1st, 2020. And as of that date is repealed." Another example may be, "This section shall become inoperative on July 1, 2020, unless a later enacted statute, which becomes operative on or before July 1, 2020, deletes or extends the date on which it becomes inoperative and is repealed."

So again, these sunset or expiration clauses can serve several purposes. And they can certainly be found in a number of pieces of legislation each year and scattered amongst the Codes in California. Again, they're most often used to force the legislative branch of government to re-examine how a law's being

implemented, interpreted, or enforced. And then the legislature can make a determination whether extending the law or even making it permanent represents good public policy.

Thanks for joining today's podcast on sunset clauses in California legislation.