

Hi, this is Chris Micheli with the Sacramento Governmental Relations firm of Aprea and Micheli, and an adjunct professor at McGeorge School of Law. Thanks for joining today's podcast where we discuss pilot projects and sunset dates used in California legislation. So here in the state of California, like with most other states, occasionally establishes a pilot program, and a pilot program is basically a study or temporary program established by statute, which is often combined with a study and a sunset date. The idea behind a pilot program legislation or a bill is to give a public policy proposal a try, if you will. As part of this effort, there's usually some sort of effort to collect data, determine whether the temporarily adopted program is meeting expectations, et cetera.

Now in some instances, these pilot programs actually include a formal study, perhaps even with an independent third party conducting the data collection evaluation. And even the reporting. There may be oversight to ensure that the program is being used or implemented as intended, and as a result, these pilot projects or our short term statutory programs, and they could be used to evaluate an entirely new or innovative program or operation that the state proposes. And usually at the conclusion of these pilot programs, there's a report that's generally required to be presented to the legislature in order for our elected legislators to determine whether the pilot project met expectations. And if so, whether it should continue for another definite period of time or perhaps even be made permanent.

What might this evaluation look like as part of the pilot program? Well, as you could probably imagine its best when the pilot project is established with a stated goal or goals that it's intended to achieve or reach, and the reasons for the project, perhaps even why this particular approach or project was chosen to proceed. Certainly, the costs associated with administering and complying with the program are also very naturally reviewed. Now there are different examples of this appearing in legislation because we do often use pilot programs in the state of California, and usually this language includes studying the project, sun setting the project, and so the sunset is when it concludes or no longer be operative, and usually, the underlying statute that established this pilot program is repealed. In other words, it goes away.

So let's turn to sunset dates, after our brief discussion of pilot programs or pilot projects. Now these sunset dates can be called sunset clauses, sunset provisions, or even sunset laws, and basically they're a statute or even a single provision of a statute that establishes a date on which the provision of law, such as this pilot project, will expire without any further legislative action. Again, California like most other states uses sunset dates in legislation, which has the practical effect of making the law once it's enacted to expire or be repealed on a specified date.

Now unless the Legislature enacts another bill to extend or eliminate the sunset date, the law is going to expire, or again, we call it a sunset, they go away. And these sunset dates, at least in California, can run anywhere from a year or two to five years or more, some even do as long as a decade. And again, these sunset clauses are generally used to allow the legislative branch of state government to evaluate or revisit the statute to check and see how the law has been implemented by the executive branch, how it's operating, and Congress surprisingly uses them sparingly, but they seem to be used primarily by the states, including California.

So there are other instances when the Legislature may want a statute to be temporary in application as well. For example, if it's being viewed as experimental, it's being tried for the very first time, the Legislature might want to check in on it and evaluate it after a few years before they just make it permanent under the law, and sometimes this is an alternative for controversial legislation. Well, we'll give this controversial proposal a try with a two or three year sunset date. So again, that could be a compromise with a heavily contested bill so it gives it an opportunity, this bill or this program, this new statute, as a project, as a pilot project, to prove itself after a temporary status. So finally, sunset clauses often stand on their own but a sunset clause is almost always used with the creation of a pilot project.

So that's our brief overview of pilot projects and sunset dates. Thanks for listening to the podcast. Hope you enjoyed it.