

# 2019-20

# LEGISLATOR'S GUIDE to the Issues

## Sunset Review

### The Issue

In 1977, Texas created the Sunset Advisory Commission (SAC) to make government more efficient.

As part of this process, each state agency has a sunset date, or a date whereby they are automatically “sunsetting” unless extended by the Texas Legislature. This was designed to eliminate unnecessary or outdated regulatory bodies and to streamline regulatory processes.

In Texas, the 12-member SAC includes five members of the Senate, five members of the House, and two public members, appointed by the lieutenant governor and the speaker of the House, respectively. This commission meets in every two-year cycle to review the agencies up for sunset and to conduct public hearings. After examining a particular agency, the commission recommends to the Legislature whether the agency should be renewed, abolished, merged with another, or in some way made more efficient.

However, while early on the SAC was able to eliminate a lot of archaic or duplicative agencies, today few agencies are eliminated, or streamlined for that matter. Instead, the process is generally to grow government. The “must pass” nature of sunset bills make them ripe for special interests to include provisions to increase government that never could pass on their own.

### The Facts

- Since 1977, 78 agencies have been dissolved. Of these, 37 were completely abolished and 41 were abolished and transferred to existing or newly created agencies.
- More recently, the sunset process has led to special interests being able to increase the size and scope of government, rather than make it more efficient.

### Recommendations

- Eliminate the “must pass” provision of the statute by repealing Section 325.013 and Section 325.015 of the Texas Government Code. This will help reduce the special interest policy

initiatives and allow the commission to concentrate on reducing the size, scope, reach, and cost of government.

- The SAC should conduct its evaluation of an agency once every 12 years, focusing on abolishing/eliminating agencies, committees, boards, and statutes. Reducing the commission's ability to change the scope of agencies will make their mission more about whether to eliminate or consolidate agency functions.
- Every six years the relevant jurisdictional standing committees within the Legislature should review the regulations and policies of agencies, committees, boards, and statutes. Regulations have the potential to substantially diminish the freedom of citizens and businesses in their everyday activities. A regulatory review process would allow the commission to get rid of outdated, redundant, or “ultra vires” regulations.
- Every two years agencies should undergo operational reviews through the appropriations process to determine whether specific programs should continue to exist. To facilitate this, the appropriations bill should be changed to a program-based bill pattern to allow appropriators to identify individual programs within each agency.
- Require all sunset legislation to go through the substantive, jurisdictional legislative committees. This would also allow the SAC staff and members to focus on reducing the size, scope, reach, and cost of state agencies, as well as eliminate the access point for those interested in subverting due legislative process.
- Consider assigning the sunset review process of smaller agencies to the Senate Committee on Government Organization and House Committee on Government Efficiency & Reform.

### Resources

[\*Improving the Effectiveness and Efficiency of Texas Government\*](#) by Maurice P. McTigue, Texas Public Policy Foundation (March 2015).

*Sunset in Texas*, Texas Sunset Advisory Commission (Jan. 2012).