

INVITED TESTIMONY TO THE HOUSE COMMITTEE ON THE DELIVERY OF GOVERNMENT EFFICIENCY: ORGANIZATIONAL HEARING

BY **James Quintero**, Texas Public Policy Foundation
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Chairman Capriglione and members of the Committee,

My name is James Quintero, and I am a policy director with the Texas Public Policy Foundation, a nonpartisan research institute based in Austin, Texas. Thank you for the opportunity to address the Texas House Committee on the Delivery of Government Efficiency (DOGE) today.

As you know, the Texas DOGE committee has broad jurisdiction¹ over numerous subject matter areas, presenting both an opportunity and a challenge. Your opportunity is that the committee is well-positioned to make far-reaching change, but the challenge is to find a focus or at least some intentional direction for your efforts.

To help the committee grapple with these twin aspects, this paper presents five policy proposals that are anchored in transparency, accountability, and efficiency. Those select proposals include:

1. Empowering individuals through Texas Public Information Act (TPIA) reform.
2. Centralizing federal grant administration through a reimagined Office of State-Federal Relations (OSFR).
3. Establishing State oversight of special purpose districts (SPDs).

¹ The committee's jurisdiction extends to 14 different subject matter areas, including: "(1) the organization, operation, powers, regulations, and management of state departments, agencies, institutions, and advisory committees; (2) elimination of inefficiencies in the provision of state services; (3) the integrity and accountability of agency regulatory responsibility, review, and oversight, including the agency rulemaking process, agency review of existing rules, and judicial review of agency rules and decisions; (4) open government matters, including open records and open meetings; (5) access of state agencies to scientific and technological information; (6) the use by state agencies of advances in science and technology, including telecommunications, electronic technology, automated data processing, and artificial intelligence; (7) the promotion within the state of an advance described by Subdivision (6); (8) the uses of artificial intelligence and emerging technology; (9) the application of artificial intelligence and emerging technologies on various sectors of society, including employment, health care, homeland and national security, and transportation; (10) privacy and identity theft; (11) cybersecurity; (12) cooperation between the state or a local governmental entity and the scientific and technological community, including private businesses, institutions of higher education, and federal governmental laboratories; (13) inquiries to detect fraud, waste, and abuse in state government programs and operations and recommend appropriate legislation or other action; (14) the following state agencies: the Department of Information Resources, the Sunset Advisory Commission, and the Texas Space Commission" ([Texas House of Representatives, n.d.](#)).

4. Creating a central database of local regulatory adjustments resulting from the passage of the Texas Regulatory Consistency Act (TRCA).
5. Reviving Governor Reagan's California commission and apply the concept to Texas government.

These initiatives are explored in greater detail below and in some cases, legislation has already been filed to move from idea to action.

Goal #1: Empower individuals through TPIA reform.

Assigned Jurisdiction: (4) Open government matters, including open records and open meetings.

Issue: At its outset, the TPIA set forth an aspirational vision of the ideal relationship between the people and their government, with transparency as the hinge. [Chapter 552 of the Texas Government Code](#) articulates this dynamic well, stating:

"The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. **The people insist on remaining informed** so that they may retain control over the instruments they have created."
[emphasis mine]

However, for whatever the law aspires to be, it falls short in its current form and effect. Its deficiencies are many but include non-responsiveness, long delays, exorbitant cost estimates, excessive redactions, and unsearchable electronic information. Too, the TPIA suffers from an excessive number of carve-outs to disclosure, with "more than 70 separate permissive and mandatory exceptions scattered throughout the law" ([Quintero & Kerwin, 2024, p. 10](#)). As a result, this once well-regarded transparency tool has become dilapidated and unproductive in many ways.

To reverse the TPIA's erosion and restore its effectiveness, the DOGE committee should consider good government reforms that improve the transparency law's exceptions, definitions, format, and enforcement.

Recommendations:

- Eliminate and amend existing statutory exceptions in order to restore the presumption of openness. To view specific exception recommendations, see pages 19-23 in [Erosion through Exception](#).
- Amend the TPIA's definition of governmental body to include "nonprofit state associations and organizations that primarily represent governmental entities" ([Quintero, 2025, p. 4](#)). Two legislative proposals have thus far been proposed to achieve this effect.²
- Require electronic public information to be produced in a searchable and sortable format, such as an Excel spreadsheet, if it is maintained in that format and a requestor asks for it in that manner. "If not maintained in the requested format, require agencies to identify the least costly means of formatting the information" ([Bordelon et al., 2022, p. 5](#)). One legislative proposal has been filed to achieve this outcome.³

2 See [Senate Bill 758](#) and [House Bill 2388](#)

3 See [Senate Bill 50](#).

- Enhance TPIA enforcement. For example, a requestor should be able to file a complaint with the attorney general, and government officials found to have acted wrongly should face consequences such as additional open government training. Furthermore, if a requestor must resort to a civil lawsuit to force the release of information, the requestor should be able to recover attorneys' fees if they prevail. Several legislative proposals have been filed to achieve progress.⁴
- Designate a state agency as the central repository for all current Public Information Officer contact information, including emails and mailing addresses.⁵

Goal #2: Centralize federal grant administration through a reimagined OSFR.

Assigned Jurisdiction: (1) the organization, operation, powers, regulations, and management of state departments, agencies, institutions, and advisory committees; (4) Open government matters, including open records and open meetings.

Issue: Federal funding permeates Texas governments and this dynamic has been greatly exacerbated by the flood of pandemic-related aid. According to the Legislative Budget Board ([n.d.](#)), the amount of pandemic aid received by state and local governmental entities reached "a total of \$85.5 billion as of November 30, 2024 across the six federal bills."

One issue with the influx of and heavy reliance upon federal funding is that these proceeds often come with onerous conditional requirements that tend to put upward pressure on spending and the growth of government. This concern is magnified when considering that the federal government sometimes circumvents the State to provide grants directly to local governments. In the absence of any meaningful oversight, it is very difficult to have a proper understanding of the strings that state-local governmental entities are subject to, the degree to which there are redundancies in the system, or how these funds may be affecting the character of Texas government, such as through the promotion of DEI, climate change, or gender ideology.

To promote a deeper understanding of federal funding effects and put the State in a better position to guard against making unnecessary spending commitments, the DOGE committee should consider ways to centralize certain processes at the state level.

Recommendations:

- In the 83rd Texas Legislature, policymakers proposed House Bill 1379 ([2013](#)) to create a statutory definition of "coercive federal funding program" and "coercive condition" to require the attorney general and the comptroller to jointly designate major sources of federal funding in the state budget as coercive in accordance with the definition. The bill required the Office of State-Federal Relations to coordinate an agency-wide effort to escape the conditions attached to programs officially designated as "coercive."

This effort was inspired by the actions of then-Governor Mike Pence who, during his tenure, created

⁴ See [Senate Bill 824](#) and [House Bill 2248](#), attorneys' fees, and [Senate Bill 1291](#), declaratory judgment.

⁵ See model legislation in **Appendix A – Model Legislation: Publication of Mailing Address and Email Address for TPIA Requests**

the Office of State-Based Initiatives in Indiana. Pence (2014, para. 6) explained the issue further, saying, “In July 2013 I signed an executive order which created the Office of State-Based Initiatives (OSBI) in Indiana. This new office coordinates with state agencies to perform a cost-benefit analysis on every federal grant opportunity; works with agencies to develop a block grant contingency plan; and tracks the costs of federal regulations by studying data, surveying businesses, and talking to Hoosiers.”

Previously filed legislation and the experience of other states can inform some future effort to turn the OSFR into an administrative body that oversees the application and award of federal grants, with an eye toward efficiency and effectiveness. By reimagining the system in this way, Texas can position itself as a supervising agent that monitors the receipt, requirements, and amount of federal aid flowing to Texas’ 150-plus state agencies and ~5,000 political subdivisions.

Goal #3: Establish State oversight of special purpose districts (SPDs).

Assigned Jurisdiction: (1) the organization, operation, powers, regulations, and management of state departments, agencies, institutions, and advisory committees; (14) the following state agencies: the Department of Information Resources, the Sunset Advisory Commission, and the Texas Space Commission.

Issue: Texas has the 2nd most number of local governmental entities in the nation, behind only Illinois⁶ (Smaldone & Wright, 2024). In such a heightened environment, the public can quickly become the victim of over-taxation, overregulation, and government overreach. One reason for the current state of affairs is the considerable number of special districts.

As evidence, consider how many SPDs exist in relation to the amount of property taxing units. According to the Texas Comptroller of Public Accounts (2024), the state of Texas was home to 4,644 cities, counties, school districts, and SPDs in 2023.⁷ Of this figure, nearly 50% were classified as special districts. Such outsized representation raises several important questions about the purpose, powers, and permanence of SPDs. Too, it elevates concerns that there is no supervising state agent to provide oversight.

Considering the nature of this issue, the committee should consider ways to increase its supervisory role in this domain. Key considerations for any future effort should involve satisfactorily answering the following questions:

- 1) Does the entity in question still fulfill a legitimate public purpose, or has its original problem been resolved?
- 2) Is the entity in question still primarily focused on its original purpose, or has it experienced some meaningful mission creep? If so, can its mission creep be performed by some other adjacent governmental entity?

⁶ The Federal Reserve Bank of St. Louis identifies the following five states as having the most number of local governmental entities as of 2022: Illinois (6,930); Texas (5,533); Pennsylvania (4,851); California (4,494); and Ohio (3,939) (Smaldone & Wright, 2024).

⁷ The Texas Comptroller of Public Accounts (n.d., p. 10) notes the following number of taxing units: school districts (1,014); cities (1,091); counties (254); and SPDs (2,285).

3) What avenues, if any, exist to rightsize the entity? Are there departments, personnel, or programs that can be reduced or eliminated without diminishing the entity's core mission?

Recommendation:

- Create a special branch within the Sunset Advisory Commission to review every SPD currently in operation and identify those that are no longer necessary, those who merit reconfiguration, or those whose functions might be consolidated within some neighboring political subdivision. To expedite the investigation, the committee may consider making a distinction between those SPDs which are infrastructure-related (e.g., municipal utility districts), and those entities whose duties are geared more toward service delivery (e.g., an arts and entertainment district or a crime control district).

Goal #4: Creating a central database of local regulatory adjustments resulting from the passage of the Texas Regulatory Consistency Act (TRCA).

Assigned Jurisdiction: (3) the integrity and accountability of agency regulatory responsibility, review, and oversight, including the agency rulemaking process, agency review of existing rules, and judicial review of agency rules and decisions; (4) open government matters, including open records and open meetings.

Issue: The TRCA, also known as the [Death Star](#) law, is a profound attempt to roll back the local regulatory landscape into something more uniform and manageable. However, despite the passage of the law, the vast majority of cities and counties appear to be ignoring the law (see **Appendix B**). This willful defiance is likely related to a lawsuit challenging the law's constitutionality, which is currently being appealed to the Austin Appeals Court.⁸ The Texas Supreme Court may have to eventually decide on the matter.

In anticipation of some legal finality and the law's upholding, the DOGE committee should consider bringing an added measure of transparency to the law's implementation.

Recommendation:

- Task a state agency with documenting which regulations are being reduced or eliminated as a result of the Death Star law. Such a database will help the public understand how the legislature is working toward and preserving an atmosphere of limited government as well as illuminate the rules, regulations, and ordinances that could be adjusted in areas outside the affected jurisdiction.

Goal #5: Revive Governor Reagan's California commission and apply the concept to Texas government.

Assigned Jurisdiction: (1) the organization, operation, powers, regulations, and management of state departments, agencies, institutions, and advisory committees; (2) elimination of inefficiencies in the provision of state services; (3) the integrity and accountability of agency regulatory responsibility, review, and oversight, including the agency rulemaking process, agency review of existing rules, and judicial review of agency rules and decisions.

⁸ "In the underlying lawsuit, the City of Houston, joined by San Antonio and El Paso as intervenors and informally supported by several other cities, alleged that HB 2127 violates the Texas Constitution in multiple ways, including that the law is unconstitutionally vague. On August 30, 2023, Travis County District Court Judge Maya Gamble agreed, declaring that HB 2127 in its entirety is unconstitutional – both on its face and as applied to the *home rule* provision of the constitution and local laws not otherwise preempted by the Texas Constitution. The judge noted that the apparent absence of a severability clause from the Act meant that no 'provision can be given effect without the invalid provisions and application'" ([Ackie et al., 2023, para. 3](#)).

Issue: In the late 1960s, then-Governor Ronald Reagan signed an executive order establishing the Governor’s Survey on Efficiency and Cost Control, a private citizen-composed commission tasked with examining and evaluating the entirety of California state government. The monumental effort sought to bring a fresh perspective to old systems and determine what, if anything, could be improved.

Making up the commission’s membership were 250 business and industry professionals who freely donated their time and expertise toward achieving a common goal. Over the course of 10 months, this group thoroughly examined California state agencies and developed close to 2,000 specific recommendations. Full implementation of these recommendations could have yielded \$22 million in one-time savings, \$233 million in long-term reductions, \$153 million in cost avoidance, and \$118 million spared through deferrals. In addition to these state government savings, the commission also anticipated that their recommendations could produce annual savings of \$92 million and \$67 million for federal and local authorities, respectively.

Drawing from this experience years later, then-President Ronald Reagan initiated a similar effort examining the federal government in his first term. In the early 1980s, President Reagan signed an executive order establishing the Private Sector Survey on Cost Control, or the “Grace Commission” as it was better known, to identify excessive federal expenditures and improve managerial accountability. Like the California Commission before it, the Grace Commission was entirely constituted of private sector citizens who found numerous opportunities for government to better serve the public.

This blue-ribbon committee of private-sector leaders should be recreated in Texas and unleashed on state-local governments. Especially in light of today’s technological advancements, we may uncover far more opportunities than Reagan was ever able to do.

Recommendation:

- The DOGE committee should consider unleashing a similar state-based effort to investigate state government during the upcoming interim and even apply its investigatory aim toward institutions of higher education. Any committee structure should be modeled after then-Governor Reagan’s approach, which limited membership to only private sector actors and with an emphasis on bringing outside perspective to old, stagnant systems. **Appendix C** provides Reagan’s original executive order.

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Appendix A – Model Legislation: Publication of Mailing Address and Email Address for TPIA Requests

By: _____

____.B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the public information law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 552.234, Government Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) On or before October 1 of each year, a governmental body subject to the requirements of this Chapter must notify the attorney general of the mailing address and electronic mail address designated by the governmental body for receiving written requests for public information.

(f) The attorney general shall create and maintain on its public Internet website a publicly accessible database of the mailing address and electronic mail address provided by each governmental body under subsection (e) for receiving written requests for public information.

Section 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.

Appendix B – City and County Responses to TRCA TPIA requests

In late 2024, the Texas Public Policy Foundation sent the following TPIA request or one substantially similar to it to select cities and counties around the state to assess what actions, if any, those governmental entities had taken to comport with the TRCA.

“To whom it may concern—

Pursuant to the Texas Public Information Act, Ch. 552 of the Texas Government Code, I respectfully request the electronic return of the following information:

– Any documents or records identifying the ordinances, orders, rules, or regulations that have been altered or eliminated in response to the passage of House Bill 2127 (2023), otherwise known as the Texas Regulatory Consistency Act. As per the House Research Organization, the TRCA “prohibit[s] a municipality or county from adopting, enforcing, or maintaining an ordinance, order, or rule regulating conduct in a field of regulation occupied by a provision of certain statutory codes unless the municipal or county regulation was expressly authorized by another statute.” The prohibitions which became effective September 1, 2023 apply to the following sections of state Code: Agriculture, Business & Commerce, Finance, Insurance, Labor, Natural Resources, Occupations, and Property.

Please let me know if I can clarify my request in any way. Additionally, as this is a matter of great public interest, I humbly request a waiver of any fees or charges.”

Below are the most pertinent parts of the responses received, providing in direct quotes. *Complete responses available upon request.* It is worth noting that no local governmental entity admitted to adjusting its regulatory framework in response to the new law.

Municipal Responses to TPIA Request

City of Arlington	“We have searched our records and have been unable to locate any records maintained by the City responsive to your request.”
City of Austin	“The City of Austin has no responsive documents to your request.”
City of El Paso	“Please be advised that I have been informed that there are no responsive documents pertaining to your request. Per the City Clerks Office HB2127 was presented back in June 5, 2023 there was no action taken, no documentation on the legislative repository was related to HB2127.”
City of Lubbock	“This email is to notify you that no records exist. Your request has been closed.”
City of Plano	“This is not something that is tracked by the City of Plano.”
City of San Antonio	“The City of San Antonio has reviewed its files and has determined there are no responsive documents to your request.”

County Responses to TPIA Request

Bexar County	"There are no county wide policies that have been altered or eliminated by the passage of HB 2127."
Collin County	"Additionally, please note that the County does not maintain a centralized document or analysis specifically addressing the Texas Regulatory Consistency Act unless explicitly discussed in County meetings or reports."
Dallas County	"County Administration made a good faith effort to relate your request to information collected, assembled, and maintained by Dallas County. No records responsive to your request were identified or located."
Denton County	"This office has no records responsive to your request."
Fort Bend County	"Your request was forwarded to me from our Public Information team. In response to your request, no documents exist that identify any ordinances, orders, rules, or regulations that have been altered or eliminated in response to the passage of House Bill 2127."
Hidalgo County	"Please be advised that the County of Hidalgo, Texas does not have any responsive information for your request."

Executive Department
State of California

EXECUTIVE ORDER R2-67

In recent years, expenditures for state services have increased at a rate far in excess of population growth, resulting in a critical current excess of expenditures over available revenues.

I consider it vital to the economic health and prosperity of California that state government be conducted in the most business-like and economical manner, and that the people of this state be assured that their tax dollars are spent wisely.

At the last meeting of the Governor's Council, I announced an impending study designed to help the departments evaluate existing programs and adjust them to the level of current revenue. Prominent leaders of business and industry have in the public interest volunteered to conduct intensive research of the current programs and procedures of state government as a contribution to our determined effort to provide essential services at a cost the taxpayer can afford to pay thereby lessening the burden of government.

By virtue of the authority vested in me as Governor of the State of California, I am, therefore, initiating on this date, the Governor's Survey on Efficiency and Cost Control, and appointing O. Kenneth Pryor as Chairman. The survey has retained Warren King & Associates, Inc. as consultants to the program. I authorize the survey to make such studies and investigations as they consider necessary to determine how the services of the State of California may be provided its citizens in the most efficient, expeditious, and economical manner, and to that end, further authorize them to select and retain as their agents and assistants such executives and experts from business and industry as are skilled in the conduct of private enterprise.

With the initiation of this survey, I further direct each officer and employee of this state to furnish the consultants and their representatives complete information concerning their respective agencies, departments, and subdivisions thereof, and to give the consultants and their agents every assistance in the performance of their duties.



Richard Reagan
GOVERNOR

ATTEST: *Thomas J. McLaughlin*
SECRETARY OF STATE

Bert Clinton

