

Texas Public Policy Foundation

The Sunset Process

Legislator's Guide to the Issues 2015-16

The Sunset Process



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 “sun-setted” unless extended by the Texas Legislature. This was designed to eliminate unnecessary or outdated regulatory bodies, and streamlining regulatory processes.

In Texas, the 12-member SAC includes five members from 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 new provision will help reduce the special interest policy initiatives and allow the Commission to concentrate on reducing the size, scope, reach, and cost of government.
- Focus the SAC 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 or not to eliminate or consolidate agency functions.
- Require all policy related 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. These committees will be responsible to work with the SAC staff to reduce the cost of government for agencies that are less than 1% of the biennium budget.

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Resources

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

