

Overview of the Sunset Process in Texas

for

The National Conference of State Legislatures



What is Sunset?

- ❖ **Created in 1977 by the Texas Legislature**
- ❖ **A key tool for the Legislature to oversee state agencies and improve how Texas government works**
- ❖ **Entities under Sunset are abolished unless continued by the Legislature**
 - Forces critical thinking about the need for and performance of an agency
 - Not just about abolishment — creates strong incentive to pass reforms

Agencies Under Sunset Review

- ❖ **About 140 entities are subject to Sunset**
 - Most executive branch agencies
 - Universities and courts are exempt
 - Some special purpose reviews (ex. river authorities)
- ❖ **Legislature sets Sunset schedule in law, usually every 12 years for each entity**
- ❖ **20–30 entities under review each biennium**

Who Is Sunset?



Chair and Vice Chair rotate between the Senate and House each biennium.
Staff of 30 conducts independent reviews for the Sunset Commission.

Sunset's Three-Phase Process

Public Involvement Throughout!

- ❖ **Phase 1:** Sunset staff review and report
- ❖ **Phase 2:** Sunset Commission public hearing, decisions
- ❖ **Phase 3:** Legislative action during the session

Sunset Standards for Reviews

- ❖ Criteria in the Texas Sunset Act (Texas Government Code, Chapter 325)
- ❖ Across-the-board “good government” standards
- ❖ Model standards for licensing and regulatory agencies

https://www.sunset.texas.gov/public/uploads/files/Licensing%20Model_October%202017.pdf

- ❖ Industry-specific best practices

Impact of Sunset Since 1977

❖ Streamlining state government

- 39 agencies/programs abolished
- 46 agencies/programs consolidated

❖ Saving taxpayers money

- \$981 million in savings and increased revenues
- Returned \$21 for every \$1 spent on Sunset process

❖ Providing effective oversight

- Conducted 500+ reviews of state agencies and programs
- About 80% of the Sunset Commission's recommendations typically become law
- Major reforms achieved in every area of government

Recent Example (2014): Department of State Health Services

- ❖ DSHS allocated \$70M a/yr and 756 full-time staff to administer 70+ regulatory programs; 24 were occ. licensing programs unaffiliated w/any of DSHS' public health functions
- ❖ **Sunset staff** proposed abolishing 19 programs, 15 of which were occ. licensing, and proposed transferring 12 other occ. licensing programs to an existing umbrella agency that specializes in occ. licensing
- ❖ **Sunset Commission** proposed abolishing 10 programs, 6 of which were occ. licensing, and proposed transferring 12 other occ. licensing programs to the umbrella agency
- ❖ **TX legislature** abolished 8 programs, 4* of which were occ. licensing programs, and transferred 13 to the umbrella agency and another 4 to Tx Medical Board

Programs Considered for Abolishment

Criteria	Would deregulation have little impact on public health or safety?	Do practitioners operate in a highly regulated environment?	Is regulation also provided by another state or local regulatory program, or private sector accreditation?	Does the program generate little regulatory activity?	Can consumers access enough information to make informed choices regarding this industry or field?	Does the program merely prohibit the use of a title, making regulation optional?
Programs						
Occupational						
Bottled/ Vended Water	x		x	x	x	
Certified Food Handlers	x		x	x	x	
Certified Food Managers	x		x	x	x	
Code Enforcement Officers	x		x	x		x
Contact Lens Dispensers	x			x	x	
Dietitians	x		x	x		x
Dyslexia Therapists and Practitioners	x			x		x
Medical Physicists	x	x	x	x		
Medical Radiologic Technologists	x	x	x	x		
Mold Assessors and Remediators	x		x	x	x	
Opticians	x		x	x	x	x
Offender Education Providers	x			x		
Perfusionists	x	x	x	x		
Personal Emergency Response System Providers	x			x	x	
Respiratory Care Practitioners	x	x	x	x		
Non-Occupational						
Bedding	x			x	x	
Indoor Air Quality in State Buildings	x			x	x	
Rendering	x			x	x	
Tanning Bed Facilities	x		x	x	x	