

## Excerpt from Texas Sunset Advisory Commission FAQ

### Doesn't Texas already have oversight through audits and the budget process?

While standard legislative oversight is concerned with agency compliance with legislative policies, Sunset asks a more basic question, "Does the agency and its functions continue to be needed and if so, what improvements need to be made?" As such, Sunset provides a unique opportunity for the Legislature to look closely at each agency and make fundamental changes to an agency's mission or operations if needed.

### Who makes up the Sunset Advisory Commission?

The [Sunset Advisory Commission](#) is a 12-member body, with five senators and one public member appointed by the Lieutenant Governor, and five members of the House of Representatives and one public member appointed by the Speaker of the House. The Sunset Commission employs a Director who hires an independent [staff](#) of about 25 policy analysts and five administrative staff to conduct the Sunset reviews.

### Which agencies are subject to Sunset?

The Texas Sunset Act applies to about [130 agencies and other governmental entities](#). Each agency's particular Sunset date is specified in its enabling statute. Some state agencies, such as universities and courts, are not subject to the Sunset Act and some constitutionally created agencies, such as the Teachers' Retirement System, must undergo a Sunset review, but are not subject to abolishment under the Sunset Act.

About 20 to 30 agencies go through the Sunset review process each biennium. An agency typically undergoes a Sunset review once every 12 years, but the Legislature can change an agency's Sunset date to allow for more or less time between reviews.

### How many agencies has Sunset abolished?

The Sunset process has streamlined and changed state government. Since Sunset's inception in 1977, 79 agencies have been abolished, including 37 agencies that were completely abolished and 42 that were abolished with certain functions transferred to existing or newly created agencies.

### How much money has Sunset saved?

The fiscal impact of Sunset recommendations over time can be estimated through fiscal note data. Estimates from reviews conducted between 1982 and 2013 indicate a 31-year positive fiscal impact of approximately \$945.6 million, compared with expenditures of \$37.2 million for the Sunset Commission. Based on these figures, every dollar spent on the Sunset process has earned the State approximately \$25 in return.

### Who sunsets Sunset?

As an agency created by the Legislature, the Legislature may choose to cease the Sunset process by passing a bill during any legislative session. The Legislature has openly discussed the advantages and disadvantages of the Sunset process several times over the years. However, the advantages (as discussed above) have always been determined to strongly outweigh the disadvantages.

### How are agencies reviewed?

Please refer to the [process flowchart](#).

*Sunset Staff Review.* Staff of the Sunset Commission works extensively with each agency under review to evaluate the need for the agency and propose needed statutory or management changes. The Sunset staff's review of an agency typically takes from three to eight months depending on the size and complexity of the agency. Sunset staff uses specific criteria set out in the Texas Sunset Act, discussed further in [Sunset in Texas](#), to evaluate each of the programs and functions of an agency under review.

Sunset staff gathers information from a broad range of sources. First, each agency under review submits a Self-Evaluation Report (SER) that identifies problems, opportunities, and issues the agency feels should be considered in its review. Sunset staff solicits input from the public, interest groups and professional organizations regarding agency functions. Sunset staff also collects and evaluates information from extensive interviews of agency personnel, performance reports, operational data, and other sources. Once the evaluation phase of the review is completed, Sunset staff publishes a staff report, which contains recommendations to the Sunset Commission for changes to the state laws that govern the agency and to the management of the agency.

*Sunset Commission Deliberation.* After publication of the staff report, the Sunset Commission conducts a public hearing on each agency under review. The public hearing provides an opportunity for Sunset staff to present its report and recommendations; for the agency to formally respond to the staff recommendations; and for the public and other interested parties to comment on the report as well as the agency's operations and policies overall. All information presented at the public hearing is reviewed and compiled by Sunset staff. The Sunset Commission meets at a later date (typically about a month later) to decide and vote on whether to continue or abolish the agency and, if the agency is continued, on any changes needed to improve the agency's operations.

*Legislative Action.* The Commission's decisions, including whether or not to continue the agency, are drafted into a bill that goes through the legislative process just like any other bill. Generally, the Legislature must pass the agency's Sunset bill for the agency to be continued.

## How can I participate in an agency's Sunset review?

The Sunset process is designed to ensure that state government is responsive and transparent to the people of Texas. To this end, the Sunset Commission and staff encourage public participation and present many opportunities to do so during the Sunset review process. See more guidance on [How to Participate in Sunset](#).

*Mailing List.* Anyone interested in receiving the Sunset review schedule, Commission meeting schedule and agendas, staff reports, and hearing materials can sign up for the [Sunset mailing list](#).

*Input During the Sunset Staff Review.* To provide input during the staff's evaluation of an agency, you may [contact Sunset](#) directly or fill out the [public input form](#). This input is not subject to public disclosure under the Public Information Act.

*Response to a Sunset Staff Report.* Once Sunset publishes a staff report, you may respond to the report in writing by filling out the [public input form](#). These responses are considered public information and are subject to disclosure under the Public Information Act and published on the Sunset website.

*Testifying before the Sunset Commission.* The Sunset Commission holds a public hearing on each agency under review. Please check the [Sunset Commission Meetings page](#) for the meeting schedule and agendas. These hearings provide the opportunity to testify about an agency and comment on the Sunset staff's report and recommendations. If you would like to testify before the Commission, witness affirmation forms are available at the public hearing. Public hearings are webcast and [archives](#) are available.

*Participating in the Legislative Session.* Generally, the statutory recommendations resulting from a Sunset review are drafted into a bill that must be passed by the Legislature to continue the agency. Anyone can participate in the legislative process as they would with any other piece of legislation.

*Accommodations.* Persons with special needs or those who wish to request an Americans with Disabilities Act (ADA) accommodation should refer to the [Accommodations for People With Disabilities at Sunset Commission Meetings Policy](#).

## **What changes can be made through Sunset?**

Generally, the Sunset Act requires the Sunset Commission to recommend abolishing or continuing each agency under Sunset review. If the Commission chooses to continue an agency, it can make other recommendations to improve the agency's operations. These improvements may include transferring certain functions to another agency to eliminate duplication or increase efficiency of operations. The Sunset Commission can recommend two types of actions: statutory changes by altering the state laws that govern a particular agency; or management changes, which usually direct the agency to change its rules or internal policies.

## **What changes cannot be made through Sunset?**

Sunset does not get involved in individual complaints, grievances, or cases. Sunset is not an ombudsman's office or an avenue for appeals. Rather, Sunset gathers information relating to the types of complaints, grievances, and cases the agency has overall and assesses this information to see whether a larger policy issue that can be addressed through the Sunset review process exists. The Sunset review process is also not the place to request additional funding or staff; this should be done through the appropriations process.

## **What happens if an agency is abolished?**

If an agency is abolished, the agency has one year to conclude its operations. The agency retains full authority and responsibility until the end of that year, when all property and records are transferred to an appropriate state agency.

## **What are Across-the-Board-Recommendations (ATBs)?**

Across-the-Board-Recommendations(ATBs)are statutory administrative policies adopted by the Sunset Commission as standards for state agencies, reflecting criteria in the Sunset Act designed to ensure open, responsive, and effective government. The ATBs are discussed further in [Sunset in Texas](#).

## **How does Sunset coordinate with other oversight agencies?**

The Sunset Commission is one of several agencies charged with monitoring state agency performance. These other oversight agencies include the State Auditor, Legislative Budget Board, Governor's Office of Budget and Planning, and legislative committees. Sunset regularly coordinates with these agencies to avoid duplication of effort and to identify issues that may be addressed by Sunset or another agency.