

# A Preview of Sunset Legislation During the 2021 Legislative Session

Steven Ogle  
Tamara Aronstein  
Texas Sunset Advisory Commission

1

## What is Sunset?

- ▶ Sunset is the regular assessment of the continuing need for a state agency or program to exist.
  - ✓ Are the agency, its functions, and programs needed?
  - ✓ Does the agency present the best organizational structure to provide these services?
  - ✓ Does the agency's mission need to be redirected or modernized?
  - ✓ Is the agency achieving its statutory objectives?
- ▶ The Sunset process works by setting an automatic termination (Sunset) date on which an agency will be abolished unless a bill is passed to continue it.
- ▶ The process creates a unique opportunity and powerful incentive for the Legislature and stakeholders to look closely at each agency and make key improvements to how state government works.

2

## Commission Membership

- ▶ 5 senators appointed by the lieutenant governor and 5 representatives appointed by the speaker of the House
  - ▶ Serve staggered, four-year terms
- ▶ 2 public members who “[act] on behalf of the legislature,” one each appointed by the lieutenant governor and speaker of the House
  - ▶ Serve two-year terms

3

## Current Sunset Commission Membership

<b>Chair</b>	<b>Vice Chair</b>
<b>Representative John Cyrier</b>	<b>Senator Dawn Buckingham, M.D.</b>
<b>Representative Terry Canales</b>	<b>Senator Pat Fallon</b>
<b>Representative Craig Goldman</b>	<b>Senator Bob Hall</b>
<b>Representative Stan Lambert</b>	<b>Senator Eddie Lucio, Jr.</b>
<b>Representative Chris Paddie</b>	<b>Senator Angela Paxton</b>
<b>Julie Harris-Lawrence (Public Member)</b>	<b>Ralph Duggins (Public Member)</b>

4

# Recommendations and Criteria

Staff apply criteria in the Texas Sunset Act to identify issues and recommend solutions.

- ▶ **Fairness**
  - ▶ Do processes account for due process, objectivity, and reasonableness?
- ▶ **Effectiveness**
  - ▶ Is the state getting its money's worth?
- ▶ **Efficiency**
  - ▶ Is there a more cost-effective, less cumbersome, or more cohesive way to perform a certain function?
- ▶ **Accountability**
  - ▶ Is the public able to participate in its government? Is the agency transparent to stakeholders, the Legislature, and executive leadership?

The Sunset Commission may modify, adopt, or not adopt staff recommendations. Commission members also may propose new recommendations for the commission to consider adopting.

- ▶ **Statutory changes** are put into a bill and must be approved by the Senate and House like any other legislation.
- ▶ **Management actions** do not require legislative action and take effect upon adoption by the Sunset Commission.

5

# Stakeholder Engagement

**Opportunities for stakeholder interactions occur throughout the review process**

- ▶ **Primary Stakeholders** – directly affected by agency operations, mission, or processes (ex. professional associations, regulated entities)
- ▶ **Secondary Stakeholders** – indirectly affected or seeking to change agency operations (ex. advocacy or interest groups, different licensee populations)

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: A Preview of Sunset Legislation During the 2021 Legislative Session

Also available as part of the eCourse

[2020 Advanced Administrative Law eConference](#)

First appeared as part of the conference materials for the

15<sup>th</sup> Annual Advanced Texas Administrative Law Seminar session

"A Preview of Sunset Legislation During the 2021 Legislative Session"