



Tax & Budget

Testimony on SB 79 before the Senate Government Oversight and Reform Committee

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Good morning, Chairman Coley, Ranking Member Schiavoni and members of the committee. I am Wendy Patton, a Senior Project Director at Policy Matters Ohio, a nonprofit, nonpartisan organization with the mission of creating a more prosperous, equitable, sustainable and inclusive Ohio. Thank you for the opportunity to testify.

Senate Bill 79 would require standing committees of the Ohio legislature to review agencies in the Governor's cabinet for continuation. If the committee fails to vote on continuing an agency and the legislature is presented with no bill to renew the agency, it would be eliminated. Entire agencies, like the Ohio Department of Transportation, could be shuttered without a vote because a committee – just a handful of legislators – failed to discuss or reach agreement about recommendations within the specified timeframe.

Promoters of the sunset law admit it is a tool for legislatures to use in asserting authority against an executive branch. It's a time consuming and expensive approach.¹ Texas is the only state in which executive departments are vetted for continuation. In Texas, agencies are up for sunset once every 12 years. Under SB 79, they could be abolished once every four years.

In Texas, the failure of the legislature to vote on agency renewal recommendations during the 2017 legislative session may result in the elimination of essential agencies, including those that license doctors and other medical professionals. These critical public functions have been held hostage to unrelated issues like school finance, abortion and which people can use what bathroom.² The Governor has called for a costly special session³ to try to break the stalemate. This isn't the only time Texas has wrestled with the agency review process. In 2009 a special session was called to protect the state Department of Transportation from elimination under similar circumstances.⁴

¹ The Texas sunset review commission is a by a 12-member body served by with a professional staff of 28.

² According to the Dallas News: "Calling a special session could cost taxpayers hundreds of thousands of dollars, depending on how long lawmakers take to reach an agreement. Such a session could last as long as 30 days. In 2013, PolitiFact Texas estimated a one-month special session could cost \$716,100 to \$819,000 in lawmaker and staff per diems alone. That doesn't include other costs related to continued use of the state Capitol." <https://www.dallasnews.com/news/texas-legislature/2017/05/28/failure-arcane-sunset-bill-force-lawmakers-costly-overtime>

³ Patrick Svetek, "Gov. Abbott calls special session on bathrooms, abortion, school finance," Texas Tribune at <https://www.texastribune.org/2017/06/06/abbott-special-session-announcement/>; see also <https://www.texastribune.org/2017/06/06/heres-everything-you-need-know-about-must-pass-sunset-bills/>

⁴ Ibid.

Senate Bill 79 could set up similar confrontations here in Ohio. Agencies subject to this form of sunset review include the Department of Education, the Department of Natural Resources, the Environmental Protection Agency, the Department of Public Health, the Department of Rehabilitation and Corrections and the Department of Mental Health and Addiction Services. These agencies provide essential services that underpin our daily lives: oversight of state and federal funding of schools, ensuring the safety of dams and waterways, providing for clean air and water, enforcing public safety, and providing services to stem the drug epidemic sweeping our communities. These and other essential agencies could be held hostage to unrelated political struggles.

Many states have adopted sunset review processes, including Ohio.⁵ Some states pair analytical services with the review.⁶ Ohio already has analytical capacity. The biennial budget process offers opportunity for agency review once every two years, with analysis of agency staffing and operations provided by the Ohio Legislative Service Commission in the red books issued along with the executive budget. Ohio's year-around legislative process gives lawmakers scrutiny, oversight and corrections at any time.

Senate Bill 79 would create a redundant and potentially dangerous political process that lends itself to brinksmanship and hostage-taking. This would cause uncertainty for people and communities that depend on public services and for the thousands of businesses that supply goods and services to state agencies. We encourage you to reject the provisions of Senate Bill 79.

Thank you for the opportunity to contribute our testimony on this issue.

⁵ See the website for Ohio's sunset review process at <http://sunset.legislature.ohio.gov/>

⁶ The Texas sunset review commission is a by a 12-member body served by with a professional staff of 28.