

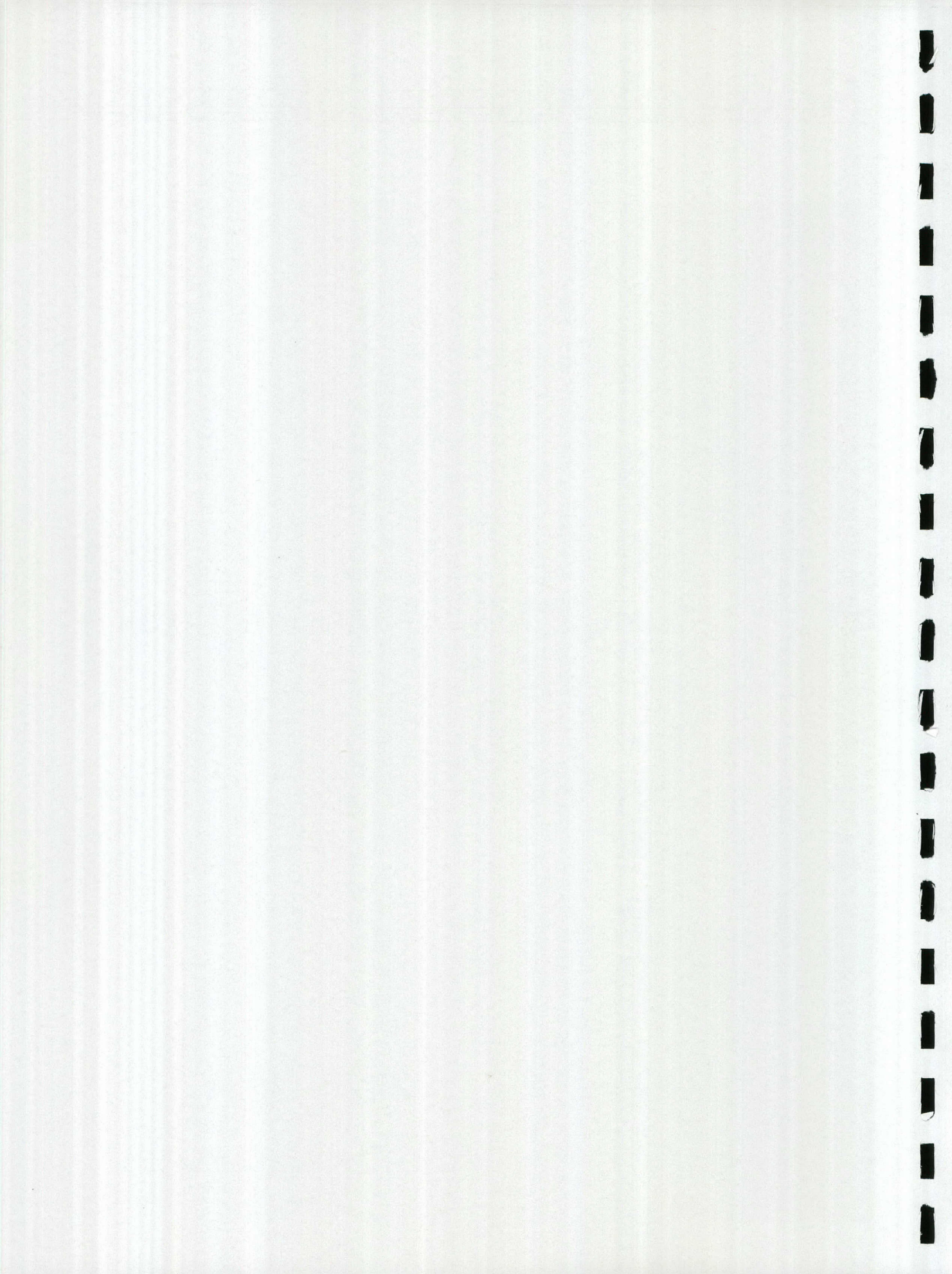
SUNSET ADVISORY COMMISSION



Sunset in Texas

2020–2021

87TH LEGISLATURE



SUNSET IN TEXAS

SEPTEMBER 2019



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SUNSET IN TEXAS

The public often perceives government agencies as inefficient, intrusive, burdensome, and outdated. The Texas Legislature created the Sunset process in 1977 in part to address these perceptions, and also to limit government expansion by questioning the need for and the effectiveness of state agencies and their programs.

Today, Sunset continues to be a powerful oversight tool the Legislature uses to regularly evaluate state government in a structured and focused way. The Sunset process shines a light on state agencies and programs to see if they are still relevant in a changing world. If the answer is yes, Sunset recommends improvements to make them more effective and efficient. If the answer is no, Sunset recommends abolishing the agency or transferring its functions to another agency with related functions.

*Sunset is a
powerful
legislative
oversight tool.*

What is Sunset and how does the process work?

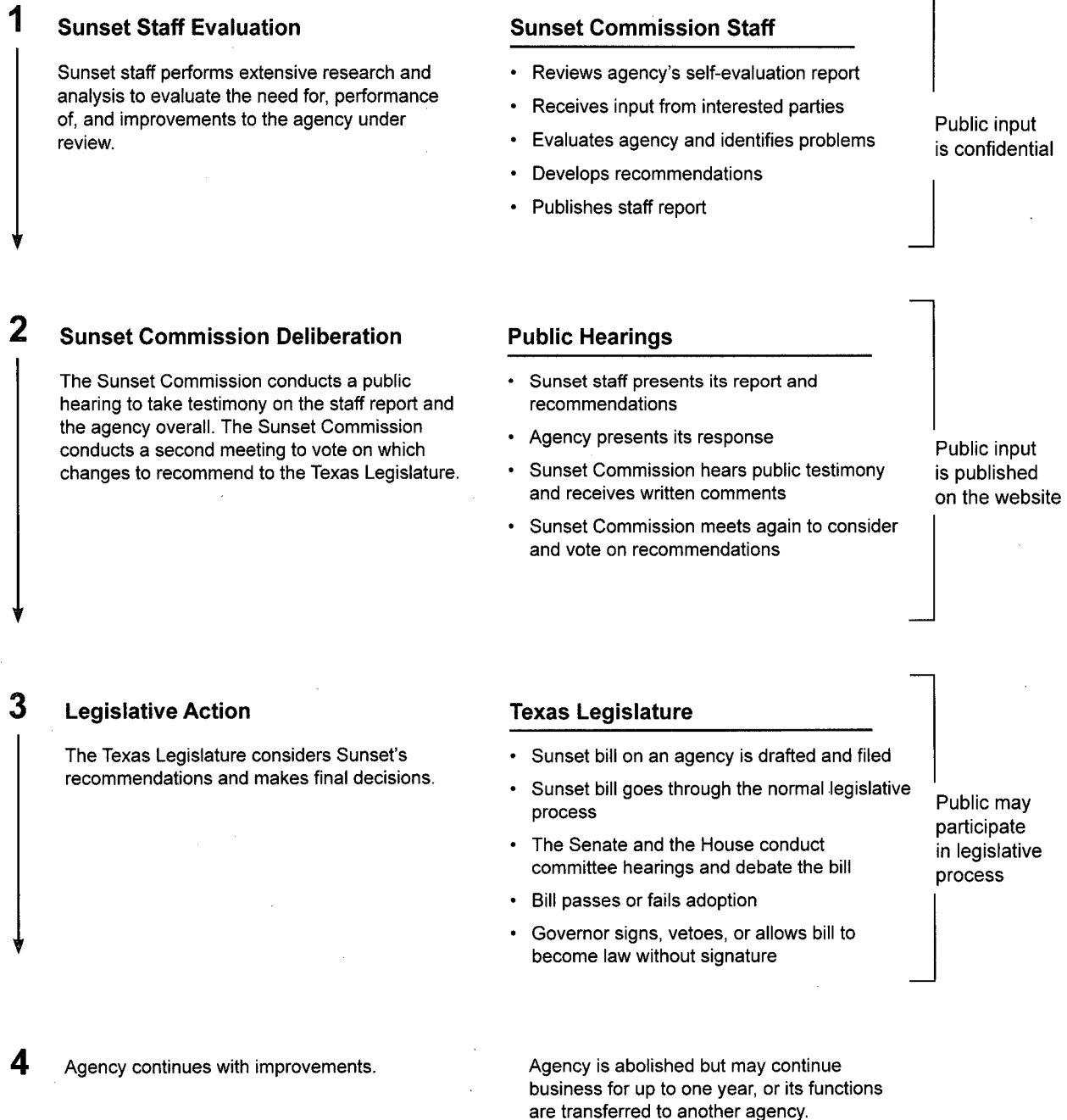
Sunset is the regular assessment of the continuing need for a state agency or program to exist. The Sunset process works by setting an automatic termination (Sunset) date in state law on which an agency will be abolished unless the Legislature passes a bill to continue it, typically for another 12 years. This date determines when an agency is subject to Sunset review and provides the Legislature a unique opportunity and a strong incentive to closely examine an agency's mission, priorities, and performance and take action to address problems identified.

Unlike other legislative oversight agencies that evaluate an agency's financial accountability or compliance with state and federal laws, a Sunset review starts by asking a more fundamental question — is the state agency still needed? If the answer is yes, then Sunset evaluates the agency's programs, operations, and success in fulfilling its mission. As part of the review, Sunset also seeks public input to identify problems and opportunities for improving the agency. The chart on the following page, *Sunset Review Process*, summarizes what happens during each stage of a Sunset review.

Who is the Sunset Commission?

The Sunset Commission has 12 members: five senators and one public member appointed by the lieutenant governor, and five representatives and one public member appointed by the speaker of the House of Representatives. The Senate and House members serve four-year terms and public members serve two-year terms. The commission's chair and vice chair positions rotate between the Senate and the House every two years. The Sunset Commission appoints an executive director who employs about 30 staff to conduct Sunset reviews, support Sunset Commission meetings, serve as a resource during session, and perform other duties on behalf of the commission.

Sunset Review Process



How many agencies are under Sunset review?

Sunset currently has 131 agencies scheduled for review during the next 12 years. The Legislature sets the Sunset review schedule in law, but the agencies and their Sunset dates are subject to change every legislative session. Sunset is scheduled to evaluate an average of 22 agencies every two years through 2031. A few agencies under Sunset review are not subject to abolishment, such as river authorities and state agencies created by the Texas Constitution. Most judicial and higher education agencies are not subject to Sunset review.

What changes can be made through Sunset?

The Legislature makes the final decisions on statutory changes to an agency, based on the Sunset Commission's recommendations and public input. Typically, the Sunset Commission recommends whether to abolish or continue an agency, or to combine the functions of two or more agencies to streamline state government. The commission also recommends statutory changes to solve problems identified in the Sunset staff report and during public hearings. In addition, the Sunset Commission can issue management directives to an agency to address operational concerns identified during the staff review or public hearing. A few agencies undergo a special purpose or limited review, focusing on specific topics and issues specified by the Legislature.

What guides a Sunset review?

Since its creation in 1977, the Sunset process has evolved into a robust, structured process with specific review criteria, across-the-board recommendations, and models for good government best practices. These Sunset review components are briefly described below. The Sunset website sunset.texas.gov has more information.

- **Sunset review criteria.** The Legislature has established general criteria in the Texas Sunset Act for the Sunset Commission and staff to consider when reviewing all agencies, as well as specific criteria for reviews of occupational licensing agencies. The textbox on the following page, *Texas Sunset Act Review Criteria*, summarizes the criteria in Sections 325.011 and 325.0115, Government Code, which generally focus on the agency's efficiency, effectiveness, fairness, and accountability.
- **Sunset across-the-board recommendations.** The Sunset Commission has adopted across-the-board (ATB) recommendations based on the Legislature's Sunset review criteria. These ATBs apply consistent standards for open, responsive, and effective government across all state agencies under Sunset review. Examples include ensuring public representation on governing boards, prohibiting conflicts of interest, and providing opportunities for public comments at agency board meetings.
- **Model standards.** Sunset has developed several models to help guide reviews, including models for licensing and regulation, contracting, grant

The Legislature sets the Sunset review schedule in law.

Sunset has evolved into a robust, structured process with specific review criteria.

making, and nonprofit organizations. These models are built on Sunset's four decades of experience in evaluating state government, as well as other published best practices. The Sunset Licensing and Regulation Model is a nationally recognized set of standards for reviewing licensing agencies and programs. This model examines every aspect of a licensing agency or regulatory program, from the need for the agency to how licensing and enforcement should work. Before recommending changes to an agency's statute based on these standards, the Sunset Commission considers the agency's specific circumstances, ability to protect the public, and services to licensees.

Texas Sunset Act Review Criteria

All Sunset Reviews

1. How efficiently and effectively do the agency and its advisory committees operate?
2. How successful has the agency been in achieving its mission, goals, and objectives?
3. Does the agency perform any duties that are not statutorily authorized? If so, what is the authority for those activities and are they necessary?
4. What authority does the agency have related to fees, inspections, enforcement, and penalties?
5. In what ways could the agency's functions and operations be less burdensome or restrictive and still adequately protect and serve the public?
6. How much do the agency's programs and jurisdiction duplicate those of other agencies and how well does the agency coordinate with those agencies?
7. Does the agency promptly and effectively address complaints?
8. To what extent does the agency encourage and use public participation when making rules and decisions?
9. How has the agency complied with state and federal requirements regarding equal employment opportunity, the rights and privacy of individuals, and purchasing guidelines for historically underutilized businesses?
10. How effectively does the agency enforce rules on potential conflicts of interest of its employees?
11. How effectively and efficiently does the agency comply with the Public Information Act and the Open Meetings Act?
12. Would abolishing the agency cause federal government intervention or loss of federal funds?
13. Do the agency's statutory reporting requirements effectively fulfill a useful purpose?
14. Does the agency comply with cybersecurity best practices?

Occupational Licensing Agency Reviews

1. Does the agency's occupational licensing program serve a meaningful public interest and provide the least restrictive form of regulation needed to protect the public interest?
2. Could the program's regulatory objective be achieved through market forces, private certification and accreditation programs, or enforcement of other law?
3. Are the skill and training requirements for a license consistent with a public interest, or do they impede applicants, particularly those with moderate or low incomes, from entering the occupation?
4. What is the impact of the regulation on competition, consumer choice, and the cost of services?

PUBLIC PARTICIPATION IN SUNSET

Public participation is invaluable to the Sunset process and is welcomed at every stage to ensure everyone can have a say on agencies undergoing Sunset review. Individuals, organizations, and businesses directly or indirectly affected by an agency's operations and services have first-hand knowledge and experiences about the agency that can help Sunset identify problems and opportunities for improvement.

Here's how the public can get involved at every stage of a Sunset review. The table on the following page, *Sunset Review Timeline for the 87th Legislature*, provides general timeframes for each review stage.

- **Provide comments to Sunset staff.** Sunset staff actively seeks input when reviewing an agency. Interested persons and organizations may confidentially share their concerns and ideas about the agency with Sunset staff before the staff report is published. The Sunset website provides the project manager's contact information and has a confidential public comment form that goes directly to Sunset staff.
- **Read the Sunset reports.** Every agency prepares a self-evaluation report to the Sunset Commission that describes the agency's mission, functions, and programs and identifies issues and opportunities for change. Sunset publishes these reports on its website.

Sunset concludes the staff review of an agency by publishing a staff report with recommendations to the Sunset Commission. Sunset updates this report twice during the review process, first by adding the Sunset Commission's decisions on recommendations from staff and the public, and again by adding the Legislature's final decisions on the agency's Sunset bill.

- **Comment on staff reports and testify at public hearings.** After Sunset publishes the staff report on an agency, the Sunset Commission holds a public hearing on the report and the agency. Anyone can submit written comments before and at the hearing, and may also testify on the Sunset staff's recommendations and raise other agency-related issues not addressed in the staff report. Written comments submitted after the staff report is published are not confidential and are shared with Sunset Commission members and posted on Sunset's website.
- **Participate in the legislative session.** The Legislature must pass a bill to continue an agency that is subject to abolishment under Sunset and to adopt other statutory Sunset recommendations. The public can participate in the legislative process as they would with any bill, including contacting elected officials and testifying at legislative committee hearings. For more information about the legislative process, visit www.capitol.texas.gov.

Please note the Sunset Commission does not get involved or intervene in individual complaints, grievances, or administrative or legal cases. Sunset is

Everyone can have a say on agencies under Sunset review.

The public can testify on staff reports and propose other ideas at Sunset hearings.

not an ombudsman's office or an avenue for appeals and cannot influence or override an agency's decisions. While the public may comment on an agency's rules, processes, and regulatory activities, the Sunset Commission and staff may not accept confidential documents, written comments, or public testimony containing details about individual cases or appeals.

Sunset Review Timeline for the 87th Texas Legislature

September 2019	Agencies under review submit self-evaluation reports to the Sunset Commission. Sunset posts these reports on its website.
September 2019 to January 2021	Sunset staff evaluates each agency and publishes a staff report with recommendations to the Sunset Commission. Public input provided to staff before the report is published is confidential. Sunset posts the staff reports on its website. The Sunset Commission holds a public hearing and a decision meeting on each staff report and agency. Sunset posts written public comments and testimony and updated staff reports with commission decisions on its website.
February 2021	The Sunset Commission submits a summary report to the Texas Legislature with its recommendations for changes to every agency under review. Sunset posts this report on its website.
January to June 2021	The Legislature considers Sunset bills for agencies under review. Each agency's bill contains the Sunset Commission's statutory recommendations for that agency. After session, Sunset publishes a report with the final outcomes for every agency under review and posts the report on its website.

Accommodations for People with Disabilities

For the Sunset process to reach its full potential, everyone must be able to fully and equally participate in every phase of a Sunset review. Individuals with a disability or other special need have the right under the Americans with Disabilities Act (ADA) to reasonable accommodations to facilitate participation in the Sunset process. The Sunset Advisory Commission fully supports and encourages such participation and will work with anyone making a request for reasonable accommodations.

Following are examples of the types of accommodations that may be available with sufficient advance notice, generally four business days before the meeting date to allow staff time to make arrangements for requested equipment or services.

- **Assistive listening devices.** A limited number of assistive listening devices are available for Sunset Commission meetings held at the Texas Capitol Complex.
- **Interpreter services.** Subject to availability, interpreter services may be provided for Sunset Commission meetings and meetings with Sunset staff in the Sunset office.
- **Wheelchair accessibility.** Texas Capitol Complex meeting rooms are wheelchair accessible, but rooms may be crowded during Sunset hearings. On request, Sunset staff can reserve an area with an unrestricted view of the commission's activities and provide information on accessible routes to the meeting.
- **Hearing testimony.** Special accommodations for presenting testimony at a Sunset Commission hearing may be arranged. Accommodations to attend or participate in meetings at the Texas Capitol Complex may be subject to approval by the State Preservation Board.
- **Website accommodations.** The Sunset website at sunset.texas.gov is designed to meet ADA requirements. Online resources include information about the Sunset process, Sunset staff reports, reports to the Legislature, and summaries of Sunset legislation.

To request an ADA accommodation, contact the Sunset ADA coordinator at sunset@sunset.texas.gov or (512) 463-1300. To use a TTY, VCO, or HCO assistive device, contact Relay Texas at 7-1-1 and ask to be connected to (512) 463-1300.

The Capitol Building is managed by the State Preservation Board. For general information about accessibility of the Texas Capitol Complex, please contact the State Preservation Board at (512) 463-0063.



IMPACT OF SUNSET REVIEWS

The Sunset process is a key legislative oversight tool that has significantly streamlined and improved Texas government since it was created by the Texas Legislature in 1977. Sunset promotes a culture of continuous improvement in state government by providing an objective, nonpartisan public forum for evaluating the need for state agencies and their effectiveness, efficiency, and responsiveness to the public.

Changes made through the Sunset process demonstrate its positive impact, with a proven track record of reducing state agencies and programs, saving the state money, and updating and improving state laws. Key Sunset outcomes, highlighted in the textbox *Sunset's Impact Since 1977*, illustrate Sunset's success.

The Sunset process has led to major policy changes in almost every area of state government. Sunset recommendations also have eliminated duplication among agencies and programs, increased public participation and government accountability, and improved the quality and efficiency of government services.

<p style="text-align: center;"><i>Sunset's Impact Since 1977</i></p> <p>Streamlining Texas government</p> <ul style="list-style-type: none">• 41 agencies and programs abolished• 51 agencies and programs abolished and transferred or consolidated <p>Saving taxpayer money</p> <ul style="list-style-type: none">• \$1 billion in state and federal savings and revenue gains• Return of \$19 for every \$1 appropriated to Sunset Commission since 1985 <p>Improving state agencies and laws</p> <ul style="list-style-type: none">• 551 reviews of state agencies and programs• 80 percent of the Sunset Commission's recommendations to the Legislature have become state law since 2001

2019 Legislative Session Highlights

The Sunset Commission reviewed 32 agencies for the 86th Legislative Session and adopted 426 statutory and management recommendations. The Legislature adopted 92 percent of Sunset's 275 statutory recommendations and made further changes through the Sunset bills to improve state government.

Sunset bills passed by the Legislature in 2019 made significant changes, including

- eliminating 68 types of licenses, registrations, and permits held by more than 100,000 businesses and individuals;
- removing more than 20 unnecessary licensing barriers at a dozen state regulatory agencies;
- consolidating four behavioral health boards into a single new agency;
- combining the agency that regulates land surveyors with the agency that regulates professional engineers;
- transferring six state historic sites and one regulatory program to more appropriate agencies with similar functions; and
- reducing state fees and excise taxes on alcoholic beverages by nearly \$400,000 annually.

In 2019, Sunset eliminated 68 types of state licenses, permits, and registrations.

Sunset aligned regulation of four behavioral health professions.

More Accountable, Efficient State Government

- Consolidated the licensing and regulation of marriage and family therapists, professional counselors, psychologists, and social workers into the Texas Behavioral Health Executive Council, a new umbrella licensing agency. The executive council will align and improve regulation, standardize licensing and enforcement, and create administrative efficiencies and economies of scale, while preserving each profession's individual standards.
- Combined the two separate regulatory agencies for land surveyors and professional engineers into the new Texas Board of Professional Engineers and Land Surveyors. The move is intended to fix significant, longstanding problems at the land surveying board, such as poor budget management, a two-year backlog of complaint investigations, and faulty performance data tracking and reporting.
- Transferred six state historic sites under the Texas Parks and Wildlife Department to the Texas Historical Commission to focus on preserving their historical significance. The commission also will lead a master planning process for all state historic sites.
- Transferred the poorly managed motorcycle and all-terrain vehicle safety training program at the Department of Public Safety to the Texas Department of Licensing and Regulation, which has regulated other state driver education and safety programs since 2015.

Less Burdensome Regulation

- Eliminated more than 100,000 licenses, permits, and registrations by removing unnecessary, duplicative, or obsolete regulations for a variety of businesses and professions, such as motor vehicle salvage agents, cemetery brokers, real estate instructors, guard dog trainers, and agents of alcoholic beverage manufacturers and distributors.
- Removed more than 20 unnecessary barriers to licensure at a dozen agencies that regulate professions such as psychologists, physicians, land surveyors, and real estate brokers and agents. These barriers included unneeded residency and education requirements and oral exams, subjective qualifications, excessive hours of training and practice, and burdensome reference letter and notarization requirements.
- Combined all malt beverages into one regulatory category beginning in 2021, when they will be regulated and taxed under the same laws for the first time since Prohibition ended. Other changes include lowering state excise taxes on malt beverages by \$300,000 a year and reducing regulatory burdens for businesses that had to get separate licenses and permits, keep separate books, file separate tax reports, and comply with two sets of laws and rules for different types of malt beverages.

Sunset removed more than 20 barriers to licensure in Texas.

- Streamlined the state’s duplicative process for approving alcoholic beverages sold in Texas by accepting federally approved labels for products that comply with state laws and reducing application fees by nearly \$90,000 a year.
- Removed requirement for more than 10,000 local government entities to get approval for their records retention schedules from the Texas State Library and Archives Commission.
- Extended non-commercial driver license terms from six to eight years and commercial driver license terms from five to eight years to help address long waits at state driver license offices.

Enhanced Public Safety

- Improved the Department of Public Safety’s tracking of crime statistics and other key data to protect the Texas-Mexico border, and ensured the data will be shared with legislators, state and federal agencies, and the public to more effectively plan for border security programs and strategies.
- Enhanced coordination between the Texas Department of Motor Vehicles and county tax assessor-collectors to combat motor vehicle title fraud through better monitoring, controls, training, and contracting standards.
- Beginning in 2021, malt beverage containers must display the product’s alcohol content, similar to current requirements for distilled spirits and wine.

Sunset improved tracking of crime data to enhance border security strategies and programs.

Examples of Other Major Sunset Changes Since 1977

- **Better integrated health and human services.** Sunset reviews have led to major reforms of the state’s vast health and human services system, consolidating 12 agencies into a more integrated system of five agencies in 2003 and abolishing and transferring the functions of two agencies to the Health and Human Services Commission (HHSC) in 2015. Sunset also reorganized services along functional lines to better address problems of blurred accountability, fragmentation, and misaligned or poorly focused programs — all of which have real significance for how Texas serves clients of the health and human services system.

The Sunset process has improved specific programs, such as strengthening the Department of Family and Protective Services’ protection of children and vulnerable adults through better training and supervision of caseworkers, while removing burdens on staff to reduce turnover and increase time spent with children and families. Sunset also developed solutions to address major problems with HHSC’s Office of Inspector General, which detects fraud, waste, and abuse.

- **Innovative criminal justice programs.** Based in part on a Sunset review of the Texas Department of Criminal Justice in 2007, the Legislature invested about \$241 million in offender treatment and rehabilitation programs, money that would have otherwise been appropriated for new prisons. The

Sunset strengthened the state’s ability to protect children and vulnerable adults.

diversion programs reduced recidivism and incarceration rates, saving an estimated \$210.5 million in the first year alone, and led to the closure of the Central Unit in Sugar Land in 2011 — the first time in history Texas closed a state prison.

The Legislature redirected \$241 million to treat offenders instead of building new prisons.

A 2011 Sunset bill created the Texas Juvenile Justice Department by combining the Texas Youth Commission, which provided state care to serious youth offenders, and the Texas Juvenile Probation Commission, which oversaw county juvenile probation programs. The two agencies had operated in silos, resulting in almost no strategic planning for the integration of state and county services, ineffective sharing of critical information on youth moving through the system, and limited means for directing resources to programs that work. Creating a unified juvenile justice system anchored by a single state agency helped reduce inefficiencies and provide more seamless care for youth offenders.

- **Additional financing tools and accountability for state transportation projects.** Sunset reviews of the Texas Department of Transportation (TxDOT) provided additional tools to meet transportation needs, including creating the State Infrastructure Bank to help fund local transportation projects, encouraging privatization of engineering services, and improving monitoring of highway contracts. The Sunset process also abolished the Texas Turnpike Authority in 1997 and transferred state toll functions to TxDOT, generating more revenue for road projects. In 2011, the Sunset process focused on restoring legislative and public trust in TxDOT, resulting in a more integrated and understandable transportation planning process, a system to measure progress in meeting state transportation goals, a public involvement policy, and procedures for handling complaints. Through the Sunset process, the Legislature also authorized a limited number of comprehensive development agreements and design-build contracts to help meet the state's growing transportation needs.

In 2017, Sunset reviewed TxDOT after voters and the Legislature approved billions of dollars in dedicated transportation funding. The Legislature adopted Sunset recommendations to address continuing unresolved concerns such as lack of a transparent, performance-based planning and project selection process; project development and management inefficiencies affecting on-time and on-budget performance; and frequently delayed construction projects.

- **Streamlined state regulations.** Much of Sunset's work focuses on reviewing occupational licensing and regulatory agencies. Sunset has developed a nationally recognized model of best practices for evaluating state laws, agencies, and programs to ensure regulation serves a needed purpose and is fair, impartial, and transparent to the public and regulated businesses and individuals. For example, Sunset evaluates agencies' enforcement authority to ensure they can effectively enforce needed regulations to protect the public at minimal cost to taxpayers.

Sunset's nationally recognized licensing model applies best practices to regulatory agencies.

In 2009, the Sunset process abolished the Texas Residential Construction Commission because of fundamental flaws in regulating the residential construction industry that did more harm than good for homeowners filing complaints. A 2015 Sunset bill eliminated unneeded state regulation of eight low-risk health regulatory programs, and transferred 13 occupational licensing programs to the Texas Department of Licensing and Regulation and four to the Texas Medical Board to improve their efficiency and effectiveness.

- **More focused oversight of public education.** A 1988 Sunset review led to significant cost control measures for textbook purchases and overhauled state regulation of private technical schools, which charged high prices but provided little education to students. Sunset reviews of the Texas Higher Education Coordinating Board in 2003 and 2013 restructured student loan forgiveness programs, increased stakeholder influence, and focused the agency on effective coordination, not regulation, of higher education. The Legislature adopted Sunset recommendations in 2013 and 2015 to transfer the Texas Education Agency's regulatory responsibilities to more appropriate agencies and create better tools to address schools with serious academic and financial accountability problems, especially chronically poor-performing charter schools.
- **Greater transparency in regulating natural resources.** Based on two Sunset reviews of the Texas Commission on Environmental Quality (TCEQ), the Legislature adopted a more consistent and transparent approach to protecting the environment by using compliance history to encourage better performance and take appropriate enforcement action. Sunset reviews of the Railroad Commission of Texas increased the oil and gas industry's financial responsibility for oil field cleanup and well plugging, and improved the pipeline permitting process. A 2013 Sunset review transferred water utilities regulation from TCEQ to the Public Utility Commission of Texas, which has ratemaking expertise, allowing TCEQ to better focus on its environmental mission.
- **More accountable, efficient state pension plans.** The 1993 Sunset process led to a more equitable state pension system for teachers and state employees by allowing people who had worked for both the Employees Retirement System of Texas and the Teacher Retirement System of Texas to combine their service instead of having two separate plans. The Sunset bill also changed pension calculations, increasing pension checks for many retired teachers. In 2012, Sunset found the Office of Fire Fighters' Pension Commissioner had stopped performing many of its original functions and was providing inappropriate technical assistance and advocacy to local plans. The Legislature adopted Sunset's recommendation to abolish the agency and transfer oversight of local firefighter pensions to the State Pension Review Board. In 2017, the Sunset review of the Employees Retirement System increased board oversight and transparency of the agency's alternative investments and improved the group benefits program and insurance appeals process for members.

*Sunset abolished
a regulatory
agency that
harmed
homeowners
filing
complaints.*

*Sunset helped
establish a
more equitable
pension system
for teachers and
state employees.*

REVIEW SCHEDULE BY YEAR

2021: 21 Reviews

Agriculture, Texas Department of
Early Childhood Health and Nutrition Interagency
Council¹
Prescribed Burning Board¹

Anatomical Board of the State of Texas

Animal Health Commission, Texas

Boll Weevil Eradication Foundation, Texas

Credit Union Department

Economic Development and Tourism Office, Texas

Fire Protection, Texas Commission on

Holocaust and Genocide Commission, Texas

Jail Standards, Texas Commission on

Law Enforcement, Texas Commission on

Licensing and Regulation, Texas Department of²

Parks and Wildlife Department, Texas

Prepaid Higher Education Tuition Board

Racing Commission, Texas

River Authorities
Brazos River Authority
San Jacinto River Authority

State-Federal Relations, Office of

Teacher Retirement System of Texas

Veterinary Medical Examiners, State Board of²

2023: 27 Reviews

Cancer Prevention and Research Institute of Texas

Emergency Communications, Commission on State

Environmental Quality, Texas Commission on
Low-Level Radioactive Waste Disposal Compact
Commission, Texas¹

Family and Protective Services, Department of²

Forest Service, Texas A&M

Health and Human Services Commission²

Health Services, Department of State²

Housing Corporation, Texas State Affordable

Injured Employee Counsel, Office of

Inspector General, Health and Human Services
Commission, Office of²

Insurance Counsel, Office of Public

Insurance, Texas Department of
Joint Underwriting and Advisory Organizations,
Texas Department of Insurance¹

Invasive Species Coordinating Committee, Texas

Juvenile Justice Department, Texas
Independent Ombudsman for the Texas Juvenile
Justice Department, Office of¹

Licensing and Regulation, Texas Department of²

Public Finance Authority, Texas

River Authorities
Bandera County River Authority and Groundwater
District
Lavaca-Navidad River Authority
San Antonio River Authority
Upper Guadalupe River Authority

Soil and Water Conservation Board, Texas State

Water Development Board, Texas

Water Implementation Fund for Texas, State

Workers' Compensation, Texas Department of Insurance
Division of

2025: 27 Reviews

Appraiser Licensing and Certification Board, Texas
Architectural Examiners, Texas Board of
Arts, Texas Commission on the
Criminal Justice, Texas Department of
 Correctional Managed Health Care Committee¹
 Pardons and Paroles, Board of¹
 Windham School District, Texas Department of
 Criminal Justice¹
Employee Charitable Campaign, State
Engineers and Land Surveyors, Texas Board of
Professional
Ethics Commission, Texas
Geoscientists, Texas Board of Professional
Higher Education Coordinating Board, Texas
Housing and Community Affairs, Texas Department of
Information Resources, Department of
Judicial Branch Certification Commission
Judicial Conduct, State Commission on
Lottery Commission, Texas
Pension Review Board, State
Preservation Board, State
Public Utility Commission of Texas
 Electric Reliability Council of Texas¹
Public Utility Counsel, Office of
Real Estate Commission, Texas
River Authorities
 Angelina and Neches River Authority
 Lower Neches Valley Authority
 Sabine River Authority of Texas
 Trinity River Authority of Texas

2027: 17 Reviews

Administrative Hearings, State Office of
Civil Commitment Office, Texas
Developmental Disabilities, Texas Council for
Education Agency, Texas
Expanded Learning Opportunities Council
Facilities Commission, Texas
Family and Protective Services, Department of
Health and Human Services Commission
Health Services, Department of State
 Maternal Mortality and Morbidity Review
 Committee, Texas¹
 Perinatal Advisory Council¹
Health Services Authority, Texas
People with Disabilities, Governor's Committee on
Public Health Funding and Policy Committee
State Use Program (WorksWonders), Texas Workforce
Commission
Workforce Commission, Texas
 Workforce Investment Council, Texas¹

2029: 18 Reviews

Bar of Texas, State
Behavioral Health Executive Council, Texas
Border Health Officials, Task Force of
Chiropractic Examiners, Texas Board of
Dental Examiners, Texas State Board of
Emergency Services Retirement System, Texas
Employees Retirement System of Texas
Law Examiners, Board of
Nursing, Texas Board of
Occupational Therapy Examiners, Texas Board of
Optometry Board, Texas
Pharmacy, Texas State Board of
Physical Therapy and Occupational Therapy Examiners,
Executive Council of
Physical Therapy Examiners, Texas Board of
Railroad Commission of Texas
River Authorities
 Sulphur River Basin Authority
 Upper Colorado River Authority
Transportation, Texas Department of

2031: 24 Reviews

Accountancy, Texas State Board of Public
Alcoholic Beverage Commission, Texas
Banking, Texas Department of
Consumer Credit Commissioner, Office of
Finance Commission of Texas
Funeral Service Commission, Texas
Historical Commission, Texas
Library and Archives Commission, Texas State
Medical Board, Texas
Military Department, Texas
Motor Vehicles, Texas Department of
Pediatric Acute-Onset Neuropsychiatric Syndrome
Advisory Council
Public Safety, Department of
Risk Management, State Office of
River Authorities
 Guadalupe-Blanco River Authority
 Lower Colorado River Authority
 Nueces River Authority
 Red River Authority of Texas
Savings and Mortgage Lending, Department of
School Land Board
Securities Board, State
Veterans Commission, Texas
Veterans' Land Board
Windstorm Insurance Association, Texas

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1 Statute requires agency to be reviewed in conjunction with the agency listed above it.

2 Limited or special purpose review.

AGENCIES UNDER THE TEXAS SUNSET ACT

<i>Agency</i>	<i>Sunset Citation Section</i>	<i>Last Sunset Review</i>	<i>Next Sunset Review</i>
Accountancy, Texas State Board of Public	901.006, Occupations Code	2019	2031
Administrative Hearings, State Office of	2003.023, Government Code	2015	2027
Agriculture, Texas Department of	11.003, Agriculture Code	2009	2021
Alcoholic Beverage Commission, Texas	5.01, Alcoholic Beverage Code	2019	2031
Anatomical Board of the State of Texas	691.003, Health and Safety Code	—	2021
Angelina and Neches River Authority	8501.0015, Special District Local Laws Code	—	2025
Animal Health Commission, Texas	161.027, Agriculture Code	2007	2021
Appraiser Licensing and Certification Board, Texas	1103.006, Occupations Code	2019	2025
Architectural Examiners, Texas Board of	1051.003, Occupations Code	2013	2025
Arts, Texas Commission on the	444.002, Government Code	2013	2025
Bandera County River Authority and Groundwater District	1A, Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971	—	2023
Banking, Texas Department of	12.109, Finance Code	2019	2031
Bar of Texas, State	81.003, Government Code	2017	2029
Behavioral Health Executive Council, Texas ¹	507.002, Occupations Code	—	2029
Boll Weevil Eradication Foundation, Texas	74.127, Agriculture Code	2009	2021
Border Health Officials, Task Force of	120.002, Health and Safety Code	—	2029
Brazos River Authority	8502.0021, Special District Local Laws Code	—	2021
Cancer Prevention and Research Institute of Texas ²	102.003, Health and Safety Code	—	2023
Chiropractic Examiners, Texas Board of	201.004, Occupations Code	2017	2029

Agency	Sunset Citation Section	Last Sunset Review	Next Sunset Review
Civil Commitment Office, Texas	420A.004, Government Code	—	2027
Consumer Credit Commissioner, Office of	14.066, Finance Code	2019	2031
Correctional Managed Health Care Committee ³	501.132, Government Code	2013	2025
Credit Union Department	15.212, Finance Code	2009	2021
Criminal Justice, Texas Department of	492.012, Government Code	2013	2025
Dental Examiners, Texas State Board of	251.005, Occupations Code	2017	2029
Developmental Disabilities, Texas Council for	112.023, Human Resources Code	2015	2027
Early Childhood Health and Nutrition Interagency Council ⁴	116.002, Health and Safety Code	—	2021
Economic Development and Tourism Office, Texas ⁵	481.003, Government Code	—	2021
Education Agency, Texas ⁶	7.004, Education Code	2015	2027
Electric Reliability Council of Texas ⁷	39.151, Utilities Code	2011	2025
Emergency Communications, Commission on State	771.032, Health and Safety Code	2011	2023
Emergency Services Retirement System, Texas	865.0011, Government Code	—	2029
Employee Charitable Campaign, State	659.140, Government Code	2013	2025
Employees Retirement System of Texas	815.005, Government Code	2017	2029
Engineers and Land Surveyors, Texas Board of Professional ⁸	1001.005, Occupations Code	—	2025
Environmental Quality, Texas Commission on	5.014, Water Code	2011	2023
Ethics Commission, Texas	571.022, Government Code	2013	2025
Expanded Learning Opportunities Council	33.254, Education Code	—	2027
Facilities Commission, Texas ⁹	2152.002, Government Code	2015	2027

Agency	Sunset Citation Section	Last Sunset Review	Next Sunset Review
Family and Protective Services, Department of ¹⁰	531.0206, Government Code and 40.003, Human Resources Code	2015	2023 2027
Finance Commission of Texas	11.108, Finance Code	2019	2031
Fire Protection, Texas Commission on	419.003, Government Code	2009	2021
Forest Service, Texas A&M	88.1016, Education Code	2011	2023
Funeral Service Commission, Texas	651.002, Occupations Code	2019	2031
Geoscientists, Texas Board of Professional	1002.003, Occupations Code	2019	2025
Guadalupe-Blanco River Authority	1A, Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933	2019	2031
Health and Human Services Commission ¹¹	531.004 and 531.0206, Government Code	2015	2023 2027
Health Services, Department of State ¹²	531.0206, Government Code and 1001.003, Health and Safety Code	2015	2023 2027
Health Services Authority, Texas	182.004, Health and Safety Code	—	2027
Higher Education Coordinating Board, Texas	61.0211, Education Code	2013	2025
Historical Commission, Texas	442.002, Government Code	2019	2031
Holocaust and Genocide Commission, Texas	449.002, Government Code	—	2021
Housing and Community Affairs, Texas Department of	2306.022, Government Code	2013	2025
Housing Corporation, Texas State Affordable	2306.5521, Government Code	2011	2023
Independent Ombudsman for the Texas Juvenile Justice Department, Office of ¹³	261.054, Human Resources Code	2011	2023
Information Resources, Department of	2054.005, Government Code	2013	2025
Injured Employee Counsel, Office of	404.003, Labor Code	2011	2023
Inspector General, Health and Human Services Commission, Office of ¹⁴	531.102, Government Code	2015	2023
Insurance, Texas Department of	31.004, Insurance Code	2011	2023

Agency	Sunset Citation Section	Last Sunset Review	Next Sunset Review
Insurance Counsel, Office of Public	501.003, Insurance Code	2011	2023
Invasive Species Coordinating Committee, Texas	776.007, Government Code	—	2023
Jail Standards, Texas Commission on	511.003, Government Code	2009	2021
Joint Underwriting and Advisory Organizations, Texas Department of Insurance ¹⁵	1805.060, Insurance Code	—	2023
Judicial Branch Certification Commission	152.001, Government Code	—	2025
Judicial Conduct, State Commission on	33.003, Government Code	2013	2025
Juvenile Justice Department, Texas ¹⁶	202.010, Human Resources Code	2011	2023
Lavaca-Navidad River Authority	1A, Chapter 186, Acts of the 50th Legislature, Regular Session, 1947	—	2023
Law Enforcement, Texas Commission on ¹⁷	1701.002, Occupations Code	2009	2021
Law Examiners, Board of	82.006, Government Code	2017	2029
Library and Archives Commission, Texas State	441.001, Government Code	2019	2031
Licensing and Regulation, Texas Department of ¹⁸	51.002 and 51.0021, Occupations Code	2003	2021 2023
Lottery Commission, Texas	467.002, Government Code	2013	2025
Low-Level Radioactive Waste Disposal Compact Commission, Texas ¹⁹	403.0054, Health and Safety Code	—	2023
Lower Colorado River Authority ²⁰	8503.0021, Special District Local Laws Code	2019	2031
Lower Neches Valley Authority	8504.0021, Special District Local Laws Code	—	2025
Maternal Mortality and Morbidity Review Committee, Texas ²¹	34.018, Health and Safety Code	—	2027
Medical Board, Texas	151.004, Occupations Code	2019	2031
Military Department, Texas	437.051, Government Code	2019	2031

<i>Agency</i>	<i>Sunset Citation Section</i>	<i>Last Sunset Review</i>	<i>Next Sunset Review</i>
Motor Vehicles, Texas Department of	1001.005, Transportation Code	2019	2031
Nueces River Authority	1.02A, Chapter 427, Acts of the 44th Legislature, 1st Called Session, 1935	2019	2031
Nursing, Texas Board of	301.003, Occupations Code	2017	2029
Occupational Therapy Examiners, Texas Board of	454.003, Occupations Code	2017	2029
Optometry Board, Texas	351.004, Occupations Code	2017	2029
Pardons and Paroles, Board of ²²	508.051, Government Code	2013	2025
Parks and Wildlife Department, Texas	11.0111, Parks and Wildlife Code	2009	2021
Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council	119A.009, Health and Safety Code	—	2031
Pension Review Board, State	801.107, Government Code	2013	2025
People with Disabilities, Governor's Committee on	115.005, Human Resources Code	2015	2027
Perinatal Advisory Council ²³	241.187, Health and Safety Code	—	2027
Pharmacy, Texas State Board of	551.005, Occupations Code	2017	2029
Physical Therapy and Occupational Therapy Examiners, Executive Council of	452.002, Occupations Code	2017	2029
Physical Therapy Examiners, Texas Board of	453.002, Occupations Code	2017	2029
Plumbing Examiners, Texas State Board of ²⁴	1301.003, Occupations Code	2019	—
Prepaid Higher Education Tuition Board	54.603, Education Code	2007	2021
Prescribed Burning Board ²⁵	153.044, Natural Resources Code	2009	2021
Preservation Board, State	443.002, Government Code	2013	2025
Public Finance Authority, Texas	1232.072, Government Code	2011	2023
Public Health Funding and Policy Committee	117.002, Health and Safety Code	—	2027
Public Safety, Department of	411.002, Government Code	2019	2031

Agency	Sunset Citation Section	Last Sunset Review	Next Sunset Review
Public Utility Commission of Texas	12.005, Utilities Code	2013	2025
Public Utility Counsel, Office of	13.002, Utilities Code	2011	2025
Racing Commission, Texas	2021.008(a), Occupations Code	2011	2021
Railroad Commission of Texas	81.01001, Natural Resources Code	2017	2029
Real Estate Commission, Texas	1101.006, Occupations Code	2019	2025
Red River Authority of Texas	1A, Chapter 279, Acts of the 56th Legislature, Regular Session, 1959	2019	2031
Risk Management, State Office of	412.021, Labor Code	2019	2031
Sabine River Authority of Texas	2A, Chapter 110, Acts of the 51st Legislature, Regular Session, 1949	—	2025
San Antonio River Authority	1-a, Chapter 276, Acts of the 45th Legislature, Regular Session, 1937	—	2023
San Jacinto River Authority	1A, Chapter 426, Acts of the 45th Legislature, Regular Session, 1937	—	2021
Savings and Mortgage Lending, Department of	13.012, Finance Code	2019	2031
School Land Board	32.003, Natural Resources Code	2019	2031
Securities Board, State	Article 581-2, O, V.T.C.S.	2019	2031
Soil and Water Conservation Board, Texas State ²⁶	201.025, Agriculture Code	2015	2023
State-Federal Relations, Office of	751.003, Government Code	2009	2021
State Use Program (WorksWonders), Texas Workforce Commission	122.0012, Human Resources Code	—	2027
Sulphur River Basin Authority	1A, Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985	2017	2029
Teacher Retirement System of Texas	825.006, Government Code	2007	2021
Transportation, Texas Department of	201.204, Transportation Code	2017	2029

<i>Agency</i>	<i>Sunset Citation Section</i>	<i>Last Sunset Review</i>	<i>Next Sunset Review</i>
Trinity River Authority of Texas	1A, Chapter 518, Acts of the 54th Legislature, Regular Session, 1955	—	2025
Upper Colorado River Authority	8506.0021, Special District Local Laws Code	2017	2029
Upper Guadalupe River Authority	1A, Chapter 5, Page 1062, Special Laws, Acts of the 46th Legislature, Regular Session, 1939	—	2023
Veterans Commission, Texas	434.002, Government Code	2019	2031
Veterans' Land Board	161.0111, Natural Resources Code	2019	2031
Veterinary Medical Examiners, State Board of ²⁷	801.003, Occupations Code	2017	2021
Water Development Board, Texas	6.013, Water Code	2011	2023
Water Implementation Fund for Texas, State	15.438, Water Code	—	2023
Windham School District, Texas Department of Criminal Justice ²⁸	19.0022, Education Code	2013	2025
Windstorm Insurance Association, Texas	2210.002, Insurance Code	2019	2031
Workers' Compensation, Texas Department of Insurance Division of	31.004, Insurance Code	2011	2023
Workforce Commission, Texas	301.008, Labor Code	2015	2027
Workforce Investment Council, Texas ²⁹	2308.005, Government Code	2015	2027

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¹ House Bill 1501, 86th Legislature, Regular Session, consolidated the Texas Board of Examiners of Marriage and Family Therapists, Board of Examiners of Professional Counselors, Board of Social Worker Examiners, and Board of Examiners of Psychologists to create the Texas Behavioral Health Executive Council.

² The Cancer Prevention and Research Institute of Texas went through Sunset review in 1999 as the Texas Cancer Council.

³ Statute requires the Sunset Commission to review the Correctional Managed Health Care Committee during the same period as the Texas Department of Criminal Justice.

⁴ Statute requires the Sunset Commission to review the Early Childhood Health and Nutrition Interagency Council as part of the Sunset review of the Texas Department of Agriculture.

⁵ The Texas Economic Development and Tourism Office went through Sunset review in 2003 as the Texas Department of Economic Development and the Texas Aerospace Commission.

⁶ Statute requires the 2027 Sunset review of the Texas Education Agency to include a review of three regional education service centers that serve diverse geographic areas of the state and diverse population sizes, and an evaluation of the agency's oversight of the centers. The most recent Sunset review of the agency in 2015 was limited to evaluating the appropriateness of Sunset Commission recommendations to the 83rd Legislature.

⁷ Statute requires the Sunset Commission to review the Electric Reliability Council of Texas during the same period as the Public Utility Commission of Texas.

⁸ The Texas Board of Professional Land Surveying was abolished and its functions combined with the Texas Board of Professional Engineers on September 1, 2019, creating the Texas Board of Professional Engineers and Land Surveyors. The Texas Board of Professional Engineers last went through Sunset review in 2013.

⁹ The most recent Sunset review of the Texas Facilities Commission in 2015 was limited to evaluating the appropriateness of Sunset Commission recommendations to the 83rd Legislature.

¹⁰ The 2023 Sunset review of the Department of Family and Protective Services is limited to evaluating whether to continue the department as a separate agency from the Health and Human Services Commission. This review is tied to a separate, limited-scope Sunset review in 2023 to

evaluate the commission's progress in meeting reorganization requirements. Any functions transferred from the department to the commission as part of the reorganization will be reviewed during the next full Sunset review of the commission in 2027.

11 Senate Bill 200, 84th Legislature, Regular Session, significantly reorganized the health and human services system and requires a limited-scope Sunset review in 2023 to evaluate the Health and Human Services Commission's progress in meeting reorganization requirements. The Sunset Commission will conduct a full review of the commission in 2027. The bill also abolished and transferred the functions of the Department of Aging and Disability Services and the Department of Assistive and Rehabilitative Services to the commission in 2017, and the Sunset Commission will evaluate these functions during the 2027 review.

12 The 2023 Sunset review of the Department of State Health Services is limited to evaluating the need to continue the department as a state agency separate from the Health and Human Services Commission. This review is tied to a separate, limited-scope Sunset review in 2023 to evaluate the commission's progress in meeting reorganization requirements. Any functions transferred from the department to the commission as part of the reorganization will be reviewed during the next full Sunset review of the commission in 2027.

13 Statute requires the Sunset Commission to review the Office of Independent Ombudsman for the Texas Juvenile Justice Department during the same period as the Texas Juvenile Justice Department. The office most recently went through Sunset review in 2011 as the Texas Youth Commission Office of Independent Ombudsman.

14 The Sunset review of the Office of Inspector General, Health and Human Services Commission in 2023 is a special-purpose review of the office's overall performance, with a focus on the office's investigations and the effectiveness and efficiency of the office's processes.

15 Statute requires the Sunset Commission to review the Joint Underwriting and Advisory Organizations during the same period as the Texas Department of Insurance.

16 The Texas Juvenile Justice Department went through Sunset review in 2011 as the Texas Youth Commission and the Texas Juvenile Probation Commission.

17 The Texas Commission on Law Enforcement went through Sunset review in 2009 as the Texas Commission on Law Enforcement Officer Standards and Education.

18 Statute specifies that the 2021 Sunset review of the Texas Department of Licensing and Regulation may not include programs transferred to the department on or after September 1, 2016. A limited Sunset review in 2023 will evaluate programs transferred to the department on or after September 1, 2016.

19 Statute requires the Sunset Commission to review the Texas Low-Level Radioactive Waste Disposal Compact Commission during the same period as the Texas Commission on Environmental Quality.

20 The Sunset review of the Lower Colorado River Authority may not include the river authority's management of the generation or transmission of electricity or its affiliated nonprofit corporations.

21 Senate Bill 750, 86th Legislature, Regular Session, changed the name of the Maternal Mortality and Morbidity Task Force to the Texas Maternal Mortality and Morbidity Review Committee, and requires the Sunset review to occur during the same period as the Department of State Health Services in 2027.

22 Statute requires the Sunset Commission to review the Board of Pardons and Paroles during the same period as the Texas Department of Criminal Justice.

23 Senate Bill 749, 86th Legislature, Regular Session, removes a specific Sunset date for the Perinatal Advisory Council and requires the Sunset Commission to review the advisory council at the same time as the Department of State Health Services. Senate Bill 619, 86th Legislature, Regular Session sets a 2027 Sunset date for both entities.

24 Senate Bill 621, 86th Legislature, Regular Session, was the Sunset bill for the Texas State Board of Plumbing Examiners. The Legislature was unable to reconcile differences between the Senate and House versions of the bill and the agency was scheduled to be abolished and the law to expire September 1, 2019. However, the governor issued Executive Order No. GA-06 to suspend abolishment of the agency and Chapter 1301, Occupations Code, until May 31, 2021.

25 Statute requires the Sunset Commission to review the Prescribed Burning Board during the same period as the Texas Department of Agriculture.

26 A special-purpose Sunset review in 2015 evaluated the Texas State Soil and Water Conservation Board's implementation of Sunset recommendations adopted by the 84th Legislature in 2013 for flood control, water quality management planning, and water supply enhancement.

27 A special-purpose Sunset review of the State Board of Veterinary Medical Examiners in 2021 will evaluate the effectiveness of recommendations made to the 85th Legislature.

28 Statute requires the Sunset Commission to review the Windham School District during the same period as the Texas Department of Criminal Justice.

29 Statute requires the Sunset Commission to review the Texas Workforce Investment Council during the same period as the Texas Workforce Commission.

TEXAS SUNSET ACT

CHAPTER 325, GOVERNMENT CODE

Section

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325.023 Review of Proposed Legislation Regulating an Occupation

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325.025 River Authorities Subject to Review

Section 325.001. Short Title

This chapter may be cited as the Texas Sunset Act.

Section 325.002. Definitions

In this chapter:

- (1) "State agency" means an entity expressly made subject to this chapter.
- (2) "Advisory committee" means a committee, council, commission, or other entity created under state law whose primary function is to advise a state agency.
- (3) "Commission" means the Sunset Advisory Commission.

Section 325.003. Sunset Advisory Commission

(a) The Sunset Advisory Commission is a legislative agency that consists of five members of the Senate 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 lieutenant governor and the speaker of the House may serve as one of the legislative appointees.

(a-1) A public member acts on behalf of the legislature when participating on the commission in furtherance of the legislature's duty to provide oversight of executive branch agencies' implementation of legislative priorities.

(b) An individual is not eligible for appointment as a public member if the individual or the individual's spouse is:

- (1) regulated by a state agency that the commission will review during the term for which the individual would serve;
- (2) employed by, participates in the management of, or directly or indirectly has more than a 10 percent interest in a business entity or other organization regulated by a state agency the commission will review during the term for which the individual would serve; or
- (3) required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession or entity related to the operation of an agency under review.

(c) It is a ground for removal of a public member from the commission if the member does not have the qualifications required by Subsection (b) for appointment to the commission at the time of appointment or does not maintain the qualifications while serving on the commission. The validity of the commission's action is not affected by the fact that it was taken when a ground for removal of a public member from the commission existed.

(d) Legislative members serve four-year terms, with terms staggered so that the terms of as near to one-half of the legislative members appointed by the lieutenant governor as possible and the terms of as near to one-half of the legislative members appointed by the speaker as possible expire September 1

of each odd-numbered year. If the lieutenant governor or the speaker serves on the commission, service continues until resignation from the commission or until the individual ceases to hold the office. Public members serve two-year terms expiring September 1 of each odd-numbered year.

(e) Members other than the lieutenant governor and the speaker are subject to the following restrictions:

(1) after a legislative member serves two terms on the commission or a public member serves three terms on the commission, the individual is not eligible for appointment to another term or part of a term;

(2) a legislative member who serves a full term may not be appointed to an immediately succeeding term; and

(3) a public member may not serve more than two consecutive terms, and, for purposes of this prohibition, a member is considered to have served a term only if the member has served more than half of the term.

(e-1) If an individual serves for less than a full term, the term is not counted toward determining the individual's eligibility to serve on the commission under Subsection (e)(1) unless the individual was a member of the commission for each public hearing at which the state agencies being reviewed during the individual's term were discussed.

(f) The lieutenant governor and speaker shall make their appointments before September 1 of each odd-numbered year.

(g) If a legislative member ceases to be a member of the house from which he was appointed, the member vacates his membership on the commission.

(h) If a vacancy occurs, the appropriate appointing authority shall appoint a person to serve for the remainder of the unexpired term in the same manner as the original appointment.

(i) The commission shall have a chairman and vice chairman as presiding officers. The chairmanship and vice chairmanship must alternate every two years between the two membership groups appointed by the lieutenant governor and the speaker. The chairman and vice chairman may not be from the same membership group. The lieutenant governor shall designate a presiding officer from his appointed membership group and the speaker shall designate the other presiding officer from his appointed membership group.

(j) Seven members of the commission constitute a quorum. A final action or recommendation may not be made unless approved by a record vote of a majority of members appointed by the lieutenant governor and the speaker of the House. All other actions by the commission shall be decided by a majority of the members present and voting.

(k) Each member of the commission is entitled to reimbursement for actual and necessary expenses incurred in performing commission duties. Each legislative member is entitled to reimbursement from the appropriate fund of the member's respective house. Each public member is entitled to reimbursement from funds appropriated to the commission.

Section 325.004. Staff

- (a) The commission shall employ an executive director to act as the executive head of the commission.
- (b) The executive director shall employ persons necessary to carry out this chapter through funds made available by the legislature.
- (c) The chairman and vice chairman of the commission may each employ a staff to work for them on matters related to commission activities.

Section 325.005. Rules

The commission shall adopt rules necessary to carry out this chapter.

Section 325.007. Agency Report to Commission

- (a) Before September 1 of the odd-numbered year before the year in which a state agency subject to this chapter is abolished, the agency shall report to the commission:
 - (1) information regarding the application to the agency of the criteria in Section 325.011; and
 - (2) any other information that the agency considers appropriate or that is requested by the commission.
- (b) The reports under Subsection (a) must be submitted in electronic format only. The commission shall prescribe the electronic format to be used.

Section 325.0075. Reporting Requirements of Agency Being Reviewed

Before September 1 of the odd-numbered year before the year in which a state agency subject to this chapter is abolished, the agency shall submit to the commission, the governor, the lieutenant governor, and each member of the legislature a report that:

- (1) lists each report that the agency is required by a statute to prepare; and
- (2) evaluates the need for each report listed in Subdivision (1) based on whether factors or conditions have changed since the date the statutory requirement to prepare the report was enacted.

Section 325.008. Commission Duties

- (a) Before January 1 of the year in which a state agency subject to this chapter and its advisory committees are abolished, the commission shall:
 - (1) review and take action necessary to verify the reports submitted by the agency under Section 325.007;
 - (2) consult the Legislative Budget Board, the Governor's Budget, Policy, and Planning Division, the State Auditor, and the comptroller of public accounts, or their successors, on the application to the agency of the criteria provided in Section 325.011;
 - (3) conduct a review of the agency based on the criteria provided in Section 325.011 and prepare a written report; and

(4) review the implementation of commission recommendations contained in the reports presented to the legislature during the preceding legislative session and the resulting legislation.

(b) The written report prepared by the commission under Subsection (a)(3) is a public record.

(c) Work performed under this section by the state auditor is subject to approval by the legislative audit committee for inclusion in the audit plan under Section 321.013(c).

Section 325.009. Public Hearings

(a) Before February 1 of the year a state agency subject to this chapter and its advisory committees are abolished, the commission shall conduct public hearings concerning but not limited to the application to the agency of the criteria provided in Section 325.011.

(b) The commission may hold the public hearings after the review of the agency required by Section 325.008(a)(3) is complete and available to the public.

(c) Notwithstanding Subsection (a), the commission may not discuss in a public hearing the application to an agency of the criteria provided in Section 325.011(14). The commission staff shall notify the commission of any findings and recommendations regarding the criteria provided in Section 325.011(14).

Section 325.010. Commission Report

(a) At each regular legislative session, the commission shall present to the legislature and the governor a report on the agencies and advisory committees reviewed.

(b) In the report the commission shall include:

(1) its findings regarding the criteria prescribed by Section 325.011, except Section 325.011(14);

(2) its recommendations based on the matters prescribed by Section 325.012, except recommendations relating to criteria prescribed by Section 325.011(14); and

(3) other information the commission considers necessary for a complete review of the agency.

Section 325.011. Criteria for Review

The commission and its staff shall consider the following criteria in determining whether a public need exists for the continuation of a state agency or its advisory committees or for the performance of the functions of the agency or its advisory committees:

(1) the efficiency and effectiveness with which the agency or the advisory committee operates;

(2) (A) an identification of the mission, goals, and objectives intended for the agency or advisory committee and of the problem or need that the agency or advisory committee was intended to address; and

(B) the extent to which the mission, goals, and objectives have been achieved and the problem or need has been addressed;

(3) (A) an identification of any activities of the agency in addition to those granted by statute and of the authority for those activities; and

(B) the extent to which those activities are needed;

(4) an assessment of authority of the agency relating to fees, inspections, enforcement, and penalties;

(5) whether less restrictive or alternative methods of performing any function that the agency performs could adequately protect or provide service to the public;

(6) the extent to which the jurisdiction of the agency and the programs administered by the agency overlap or duplicate those of other agencies, the extent to which the agency coordinates with those agencies, and the extent to which the programs administered by the agency can be consolidated with the programs of other state agencies;

(7) the promptness and effectiveness with which the agency addresses complaints concerning entities or other persons affected by the agency, including an assessment of the agency's administrative hearings process;

(8) an assessment of the agency's rulemaking process and the extent to which the agency has encouraged participation by the public in making rules and decisions and the extent to which the public participation has resulted in rules that benefit the public;

(9) the extent to which the agency has complied with:

(A) federal and state laws and applicable rules regarding equality of employment opportunity and the rights and privacy of individuals; and

(B) state law and applicable rules of any state agency regarding purchasing guidelines and programs for historically underutilized businesses;

(10) the extent to which the agency issues and enforces rules relating to potential conflicts of interest of its employees;

(11) the extent to which the agency complies with Chapters 551 and 552 and follows records management practices that enable the agency to respond efficiently to requests for public information;

(12) the effect of federal intervention or loss of federal funds if the agency is abolished; and

(13) the extent to which the purpose and effectiveness of reporting requirements imposed on the agency justifies the continuation of the requirement.

(14) an assessment of the agency's cybersecurity practices using confidential information available from the Department of Information Resources or any other appropriate state agency.

Section 325.0115. Criteria for Review of Certain Agencies

(a) In this section:

(1) "License" means a license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by an individual to engage in a particular occupation or profession.

(2) "Public interest" means protection from a present and recognizable harm to public health, safety, or welfare. The term does not include speculative threats, or other non-demonstrable menaces to public health, safety, or welfare. For the purposes of this subdivision, the term "welfare" includes the financial health of the public when the absence of governmental regulation unreasonably increases risk and liability to broad classes of consumers.

(b) In an assessment of an agency that licenses an occupation or profession, the commission and its staff shall consider:

- (1) whether the occupational licensing program:
 - (A) serves a meaningful, defined public interest; and
 - (B) provides the least restrictive form of regulation that will adequately protect the public interest;
- (2) the extent to which the regulatory objective of the occupational licensing program may be achieved through market forces, private or industry certification and accreditation programs, or enforcement of other law;
- (3) the extent to which licensing criteria, if applicable, ensure that applicants have occupational skill sets or competencies that correlate with a public interest and the impact that those criteria have on applicants, particularly those with moderate or low incomes, seeking to enter the occupation or profession; and
- (4) the impact of the regulation, including the extent to which the program stimulates or restricts competition and affects consumer choice and the cost of services.

(c) As part of the commission's review of an agency that licenses an occupation or profession, the commission and its staff shall determine whether the governing body of the agency being reviewed has made an evaluation regarding the type of personal information of license holders that the agency should make available on the agency's Internet website based on the following factors:

- (1) the type of information the public needs to file a complaint with the agency;
- (2) the type of information the public needs to locate an existing or potential service provider;
- (3) the type of information the public needs to verify a license; and
- (4) whether making the information available on the agency's Internet website could subject a license holder to harassment, solicitation, or other nuisance.

(d) If the commission determines that the governing body of an agency has not completed the evaluation described by Subsection (c), the commission shall make a recommendation that the governing body of the agency perform such an evaluation.

Section 325.012. Recommendations

- (a) In its report on a state agency, the commission shall:
- (1) make recommendations on the abolition, continuation, or reorganization of each affected state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees;

(2) make recommendations on the consolidation, transfer, or reorganization of programs within state agencies not under review when the programs duplicate functions performed in agencies under review;

(3) make recommendations to improve the operations of the agency, its policy body, and its advisory committees, including management recommendations that do not require a change in the agency's enabling statute; and

(4) make recommendations on the continuation or abolition of each reporting requirement imposed on the agency by law.

(b) The commission shall include the estimated fiscal impact of its recommendations and may recommend appropriation levels for certain programs to improve the operations of the state agency, to be forwarded to the Legislative Budget Board.

(c) The commission shall have drafts of legislation prepared to carry out the commission's recommendations under this section.

(d) After the legislature acts on the report under Section 325.010, the commission shall present to the state auditor the commission's recommendations that do not require a statutory change to be put into effect. Based on a risk assessment and subject to the legislative audit committee's approval of including the examination in the audit plan under Section 321.013, the state auditor may examine the recommendations and include as part of the next approved audit of the agency a report on whether the agency has implemented the recommendations and, if so, in what manner.

Section 325.0123. Review of Certain Agencies for Respectful Language

(a) As a part of its review of a health and human services agency, the commission shall consider and make recommendations regarding the statutory revisions necessary to use the phrase "intellectual disability" instead of "mental retardation" and to use the phrase "person with intellectual disability" instead of "person with mental retardation."

(b) As a part of its review of an agency, the commission shall consider and recommend, as appropriate, statutory revisions in accordance with the person first respectful language initiative under Chapter 392.

Section 325.0125. Review of Certain Agencies

(a) In the two-year period preceding the date scheduled for the abolition of a state agency under this chapter, the commission may exempt certain agencies from the requirements of this chapter relating to staff reports, hearings, and reviews.

(b) The commission may only exempt agencies that have been inactive for a period of two years preceding the date the agency is scheduled for abolition or that have been rendered inactive by an action of the legislature.

(c) The commission's action in exempting agencies under this section must be done by an affirmative record vote and must be decided by a majority of all members present and voting.

Section 325.0126. Monitoring of Recommendations

During each legislative session, the staff of the commission shall:

- (1) monitor legislation affecting agencies that have undergone sunset review immediately before the legislative session;
- (2) notify the members of the commission about any amendment to the legislation prepared under Section 325.012(c) that modifies the commission's recommendations for a state agency; and
- (3) provide legislative services to support the passage of the legislation prepared under Section 325.012(c).

Section 325.0127. Cost of Review

(a) In this section, "self-directed semi-independent agency" means a state agency that has status as a self-directed semi-independent agency under the Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), Chapter 16, Finance Code, Chapter 1105, Occupations Code, or any other law. The term does not include the Texas Department of Insurance's actuarial division and financial examinations division as those terms are defined by Section 401.251, Insurance Code.

(b) A self-directed semi-independent agency shall pay the costs incurred by the commission in performing a review of the agency under this chapter. The commission shall determine the costs of the review, and the agency shall pay the amount of those costs promptly on receipt of a statement from the commission regarding those costs.

Section 325.013. Abolition of Advisory Committees

An advisory committee, the primary function of which is to advise a particular state agency, is abolished on the date set for abolition of the agency unless the advisory committee is expressly continued by law.

Section 325.015. Continuation by Law

(a) During the regular session immediately before the abolition of a state agency or an advisory committee that is subject to this chapter, the legislature by law may continue the agency or advisory committee for a period not to exceed 12 years.

(b) This chapter does not prohibit the legislature from:

- (1) terminating a state agency or advisory committee subject to this chapter at a date earlier than that provided in this chapter; or
- (2) considering any other legislation relative to a state agency or advisory committee subject to this chapter.

Section 325.017. Procedure After Termination

(a) A state agency that is abolished in an odd-numbered year may continue in existence until September 1 of the following year to conclude its business. Unless the law provides otherwise, abolishment does not reduce or otherwise limit the powers and authority of the state agency during the concluding year. A state agency is terminated and shall cease all activities at the expiration of the one-year period. Unless the law provides otherwise, all rules that have been adopted by the state agency expire at the expiration of the one-year period.

(b) Any unobligated and unexpended appropriations of an abolished agency or advisory committee lapse on September 1 of the even-numbered year after abolishment.

(c) Except as provided by Subsection (f) or as otherwise provided by law, all money in a dedicated fund of an abolished state agency or advisory committee on September 1 of the even-numbered year after abolishment is transferred to the General Revenue Fund. The part of the law dedicating the money to a specific fund of an abolished agency becomes void on September 1 of the even-numbered year after abolishment.

(d) Unless the law or a rider in the General Appropriations Act provides otherwise, an abolished state agency or advisory committee funded in the General Appropriations Act for both years of the biennium may not spend or obligate any of the money appropriated to it for the second year of the biennium.

(e) Unless the governor designates an appropriate state agency as prescribed by Subsection (f), property and records in the custody of an abolished state agency or advisory committee on September 1 of the even-numbered year after abolishment shall be transferred to the comptroller. If the governor designates an appropriate state agency, the property and records shall be transferred to the designated state agency.

(f) The legislature recognizes the state's continuing obligation to pay bonded indebtedness and all other obligations, including lease, contract, and other written obligations, incurred by a state agency abolished under this chapter, and this chapter does not impair or impede the payment of bonded indebtedness and all other obligations including lease, contract, and other written obligations, in accordance with their terms. If an abolished state agency has outstanding bonded indebtedness or other outstanding obligations, including lease, contract, and other written obligations, the bonds and all other obligations, including lease, contract, and other written obligations, remain valid and enforceable in accordance with their terms and subject to all applicable terms and conditions of the laws and proceedings authorizing the bonds and all other obligations, including lease, contract, and other written obligations. The governor shall designate an appropriate state agency that shall continue to carry out all covenants contained in the bonds and in all other obligations, including lease, contract and other written obligations, and the proceedings authorizing them, including the issuance of bonds, and the performance of all other obligations, including lease, contract, and other written obligations, to complete the construction of projects or the performance of other obligations, including lease, contract, and other written obligations. The designated state agency shall provide payment from the sources of payment of the bonds in accordance with the terms of the bonds and shall provide payment from the sources of payment of all other obligations, including lease, contract, and other written obligations, in accordance with their terms, whether from taxes, revenues, or otherwise, until the bonds and interest on the bonds are paid in full and all other obligations, including lease, contract, and other written obligations, are performed and paid in full. If the proceedings so provide, all funds established by laws or proceedings authorizing the bonds or authorizing other obligations, including lease, contract, and other written obligations, shall remain with the comptroller or the previously designated trustees. If the proceedings do not provide that the funds remain with the comptroller or the previously designated trustees, the funds shall be transferred to the designated state agency.

Section 325.018. Subpoena Power

(a) The commission may issue process to compel the attendance of witnesses and the production of books, record, papers, and other objects necessary or proper for the purposes of the commission proceedings. The process may be served on a witness at any place in this state.

(b) If a majority of the commission directs the issuance of a subpoena, the chairman shall issue the subpoena in the name of the commission.

(c) If the chairman is absent, the chairman's designee may issue a subpoena or other process in the same manner as the chairman.

(d) If necessary to obtain compliance with a subpoena or other process, the commission may issue attachments. The attachments may be addressed to and served by any peace officer in this state.

(e) Testimony taken under subpoena must be reduced to writing and given under oath subject to the penalties of perjury.

(f) A witness who attends a commission proceeding under process is entitled to the same mileage and per diem as a witness who appears before a grand jury in this state.

Section 325.019. Assistance of and Access to State Agencies

(a) The commission may request the assistance of state agencies and officers. When assistance is requested, a state agency or officer shall assist the commission.

(b) In carrying out its functions under this chapter, the commission or its designated staff member may attend any meetings and proceedings of any state agency, including any meeting or proceeding of the governing body of the agency that is closed to the public, and may inspect the records, documents, and files of any state agency, including any record, document, or file that is:

- (1) attorney work product;
- (2) an attorney-client communication; or
- (3) made privileged or confidential by law.

(c) It is the intent of the legislature to allow the commission and its designated staff members to have access to all meetings or proceedings of a state agency being reviewed by the commission under this chapter and to all records, documents, and files of that agency. To the extent that this section conflicts with other law that purports to limit the commission's access to meetings or proceedings or to records, documents, and files, this section controls. If federal law prohibits a state agency from disclosing information in a record, document, or file to the commission, including information in a record, document, or file created as a result of or considered during a meeting or proceeding, the state agency may redact the protected information from the record, document, or file.

(d) Communications, including conversations, correspondence, and electronic communications, between the commission or its staff and a state agency that relate to a request by the commission for assistance in conducting a review under this chapter are confidential. A state agency's internal communications related to a request for assistance by the commission are confidential, including any information prepared or maintained by the state agency at the request of the commission or its staff. With respect to a document, file, or other record prepared or maintained by the state agency that was created in the normal course of the agency's business and not at the request of the commission, the confidentiality created by this subsection applies only to information in the possession of the commission.

Section 325.0195. Records Protected From Disclosure

(a) A working paper, including all documentary or other information, prepared or maintained by the commission staff in performing its duties under this chapter or other law to conduct an evaluation and prepare a report is excepted from the public disclosure requirements of Section 552.021.

(b) A record held by another entity that is considered to be confidential by law and that the commission receives in connection with the performance of the commission's functions under this chapter or another law remains confidential and is excepted from the public disclosure requirements of Section 552.021.

(c) A state agency that provides the commission with access to a privileged or confidential communication, record, document, or file under Section 325.019 for purposes of a review under this chapter does not waive the attorney-client privilege, or any other privilege or confidentiality requirement protected or required by the Texas Constitution, common law, statutory law, or rules of evidence, procedure, or professional conduct, with respect to the communication, record, document, or file provided to the commission. For purposes of this subsection, a communication includes a discussion that occurs at a meeting or proceeding of the state agency that is closed to the public.

(d) The state agency may require the commission or the members of the commission's staff who view, handle, or are privy to information, or who attend a meeting that is not accessible to the public, to sign a confidentiality agreement that covers the information and requires that:

(1) the information not be disclosed outside the commission for purposes other than the purpose for which it was received;

(2) the information be labeled as confidential;

(3) the information be kept securely; and

(4) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned to the governmental body remaining confidential and subject to the confidentiality agreement.

(e) A person who obtains access to confidential information in connection with the performance of the commission's duties under this chapter or another law commits an offense if the person knowingly:

(1) uses the confidential information for a purpose other than the purpose for which the information was received or for a purpose unrelated to the law that permitted the person to obtain access to the information, including solicitation of political contributions or solicitation of clients;

(2) permits inspection of the confidential information by a person who is not authorized to inspect the information; or

(3) discloses the confidential information to a person who is not authorized to receive the information.

Section 325.020. Relocation of Employees

If an employee is displaced because a state agency or its advisory committee is abolished, reorganized or continued, the state agency and the Texas Workforce Commission shall make a reasonable effort to relocate the displaced employee.

Section 325.021. Saving Provision

Except as otherwise expressly provided, abolition of a state agency does not affect rights and duties that matured, penalties that were incurred, civil or criminal liabilities that arose, or proceedings that were begun before the effective date of the abolition.

Section 325.022. Review of Proposed Legislation Creating an Agency

(a) Each bill filed in a house of the legislature that would create a new state agency or a new advisory committee to a state agency shall be reviewed by the commission.

(b) The commission shall review the bill to determine if:

(1) the proposed functions of the agency or committee could be administered by one or more existing state agencies or advisory committees;

(2) the form of regulation, if any, proposed by the bill is the least restrictive form of regulation that will adequately protect the public;

(3) the bill provides for adequate public input regarding any regulatory function proposed by the bill; and

(4) the bill provides for adequate protection against conflicts of interest within the agency or committee.

(c) On request, the commission shall forward a written comment on the legislation to the author of the bill and to the presiding officer of the committee to which the bill is referred.

Section 325.023. Review of Proposed Legislation Regulating an Occupation

(a) Not later than December 31 of an odd-numbered year, a member of the legislature may submit proposed legislation that would create an occupational licensing program or significantly affect an existing occupational licensing program to the commission for review and analysis. A request under this section may be submitted after December 31 of an odd-numbered year on the approval of the commission's chair based on the recommendation of the executive director. The commission's chair may, on the recommendation of the executive director, deny a request for review under this section.

(b) If the commission reviews and analyzes legislation proposing the regulation of an occupation, the commission shall submit a report to the legislature before the start of the next legislative session regarding the commission's findings on the need for regulating the occupation and the type of regulation recommended, if any.

(c) In analyzing legislation proposing the creation of an occupational licensing program, the Commission shall determine whether:

(1) the unregulated practice of the occupation would be inconsistent with the public interest as defined by Section 325.0115;

(2) the public can reasonably be expected to benefit from an assurance of initial and continuing professional skill sets or competencies; and

(3) the public can be more effectively protected by means other than state regulation.

(d) If the commission reviews and analyzes proposed legislation amending an existing occupational licensing program, the commission shall submit a report to the legislature before the start of the next legislative session regarding the commission's findings on the need for the proposed legislation.

Section 325.024. Gifts and Grants

(a) The commission may accept gifts, grants, and donations from any organization described in Section 501(c)(3) of the Internal Revenue Code for the purpose of funding any activity under this chapter.

(b) All gifts, grants, and donations must be accepted in an open meeting by a majority of the voting members of the commission and reported in the public record of the commission with the name of the donor and purpose of the gift, grant, or donation.

Sec. 325.025. River Authorities Subject to Review

(a) A river authority listed in Subsection (b) is subject to a limited review under this chapter as if it were a state agency but may not be abolished.

(b) This section applies to the:

- (1) Angelina and Neches River Authority;
- (2) Bandera County River Authority and Groundwater District;
- (3) Brazos River Authority;
- (4) Guadalupe-Blanco River Authority;
- (5) Lavaca-Navidad River Authority;
- (6) Lower Colorado River Authority;
- (7) Lower Neches Valley Authority;
- (8) Nueces River Authority;
- (9) Red River Authority of Texas;
- (10) Sabine River Authority of Texas;
- (11) San Antonio River Authority;
- (12) San Jacinto River Authority;
- (13) Sulphur River Basin Authority;
- (14) Trinity River Authority of Texas;
- (15) Upper Colorado River Authority; and
- (16) Upper Guadalupe River Authority.

(c) The limited review under this chapter must assess each river authority's:

- (1) governance;
- (2) management;
- (3) operating structure; and
- (4) compliance with legislative requirements.

(d) A river authority shall pay the cost incurred by the commission in performing a review of the authority under this section. The commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the commission detailing the cost.

(e) A river authority reviewed by the commission under this section may not be required to conduct a management audit under Chapter 292, Title 30, Texas Administrative Code.



RELATED STATUTORY PROVISIONS

Several state statutes have provisions relating to the Texas Sunset Act or the Sunset Commission. These provisions are briefly described below.

Government Code

Section 321.013 Requires the state auditor to recommend to the Legislative Audit Committee an annual audit plan, taking into consideration any recommendations made jointly by representatives of the Sunset Commission, the Legislative Budget Board, and the State Auditor's Office.

Section 321.0134 Prohibits the state auditor from scheduling an effectiveness audit of an agency that is undergoing Sunset review.

Section 322.0175 Requires the Legislative Budget Board to conduct a strategic fiscal review of most agencies when they are under Sunset review. River authorities and agencies that do not receive legislative appropriations are exempt.

Section 326.003 Requires the Sunset Commission, the Legislative Budget Board, and the State Auditor's Office to form a committee that makes recommendations for coordinating the agencies' oversight functions.

Section 2056.010 Requires the Sunset Commission, the state auditor, the Legislative Budget Board, and other agencies that conduct performance audits to consider the degree to which an agency under review conforms to its strategic plan.

Natural Resources Code

Section 31.156 Requires the General Land Office to review an agency's real property inventory during the calendar year before the agency is scheduled for abolition under the Texas Sunset Act.



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