


SUNSET ADVISORY COMMISSION



**Final Results of
Sunset Reviews
2020–2021**

2020–2021

87TH LEGISLATURE

SUNSET ADVISORY COMMISSION



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Cover photo: The Texas Capitol is a marvel of craftsmanship down to the smallest details. Elaborate, custom-designed hardware accentuates the beautifully carved wooden doors. The Sargent and Co. of New Haven, Connecticut created the glass molds especially for the building in the 1880s. The Capitol hardware features incised designs of geometric and stylized floral motifs. This reflects the shift from the Renaissance Revival style of the building's interior architecture to the simpler Aesthetic Movement for its decorative details. Photo credit: Janet Wood

**FINAL RESULTS OF SUNSET REVIEWS
2020–2021**

JUNE 2021
87TH LEGISLATURE

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SUMMARY

Despite unprecedented challenges stemming from the COVID-19 pandemic, the Sunset Commission had a productive and successful review cycle. Sunset evaluated a diverse group of 19 entities, including the Texas Department of Licensing and Regulation (TDLR), Teachers Retirement System of Texas (TRS), Texas Department of Agriculture (TDA), and two river authorities. The cycle also included reviews of several agencies that license and regulate public safety officials and establishments, including firefighters, peace officers, and local jails. Due to the pandemic, Sunset conducted elements of its review work virtually and postponed the reviews of two entities within the governor's office — the Economic Development and Tourism Office and Office of State and Federal Relations — so it could focus on pandemic response efforts.

Ultimately, the 87th Legislature adopted most of the changes recommended by the Sunset Commission, passing 12 bills that contained 78 percent of the commission's statutory recommendations to the Legislature. Together, the commission's 115 statutory changes and 114 management directives to the entities will improve state government accountability and streamline licensing and other services. Significant changes include eliminating unnecessary licenses and regulations to reduce burdens on individuals and improve administrative efficiency, strengthening agency oversight and accountability, and ensuring agencies target their resources toward correcting recurring problems or high-risk activities. While most Sunset recommendations have no fiscal impact to the state and are designed to improve efficiency and service delivery over time, eliminating licenses and regulations usually means a loss in state revenue since the state will no longer collect certain regulatory fees. Overall, the adopted Sunset recommendations and management directives would have an estimated negative impact to the state of approximately \$35,100 over the next two fiscal years.

The Legislature enacted 78 percent of the Sunset Commission's statutory recommendations to strengthen state government and improve accountability.

This report summarizes the actions taken by the Sunset Commission and the 87th Legislature on each of the 19 entities reviewed this biennium. The individual agency sections in this report list both statutory changes and management directives adopted for implementation by each entity. The table on Page 3, *Sunset Legislation — 87th Legislature (Regular Session)*, lists the Sunset bill number, authors, fiscal impact, and final action taken on each of the entities reviewed.

Major changes adopted through the Sunset process this biennium are highlighted below.

- **TDLR.** The agency's functionally aligned structure allows it to eliminate duplicate administrative functions and maximize efficiency by performing similar licensing, customer service, and enforcement processes across all its programs. However, the Sunset review found that decades of receiving

new or troubled programs have stretched TDLR's ability to take on additional responsibilities without jeopardizing the quality of service to licensees and the general public. Acknowledging this, the TDLR Sunset bill eliminates 29 unnecessary licenses; streamlines the regulation of barbers, cosmetologists, and driver training providers; and requires TDLR to be more data-driven to focus its resources toward the highest risks to the public.

- **TRS.** The Sunset review came at a time of controversy for TRS, particularly with concern over its decision making regarding leasing expensive office space in downtown Austin. The Sunset review found TRS struggles to find the balance between managing its \$157 billion pension fund appropriately and ensuring its members, whom the pension fund ultimately serves, have the support and information needed to be secure in retirement. The TRS Sunset bill requires the agency to improve its outreach to members, including establishing an ombudsman to investigate complaints and identify ways to increase input from members. The Sunset Commission also directed TRS to be more transparent about its investment decisions as well as to centralize, clarify, and improve its contracting functions.
- **Agriculture and animal health.** Sunset reviewed several agencies that manage, regulate, or support various agricultural and related industries in Texas. The reviews of the Texas Animal Health Commission (TAHC) and TDA concluded certain regulations and functions were no longer needed or cost effective. For example, the TAHC Sunset bill requires the agency to close its disease testing laboratory and consolidates testing at the Texas A&M testing facility to improve cost effectiveness. The TDA Sunset bill eliminates the agency's aquaculture licensing program as well as the inactive Texas Rural Foundation and Early Childhood Health and Nutrition Interagency Council. The TDA Sunset bill also includes changes to improve the fairness and performance of the GO TEXAN marketing program and continues the Texas Boll Weevil Eradication Foundation to prevent the re-infestation of cotton pests in the United States.
- **Texas Commission on Law Enforcement.** The Sunset review of the Texas Commission on Law Enforcement (TCOLE) found the state's bifurcated regulatory system for peace officers to be fundamentally broken, resulting in poor accountability, lack of statewide standards, and inadequate training. The Sunset Commission made several recommendations to address these concerns, including establishing a blue-ribbon panel to comprehensively review and recommend needed changes to improve law enforcement regulation in Texas. However, the Sunset bill containing these recommendations did not pass. Instead, the Legislature continued TCOLE for two years and required it to undergo a limited scope Sunset review in the upcoming biennium in separate legislation.

In addition to the TCOLE Sunset bill, the Legislature did not pass three other Sunset bills this cycle. The Sunset bills to transfer the functions of the Anatomical Board of the State of Texas (SAB) and the Texas Racing Commission to larger agencies failed passage, as did the San Jacinto River Authority (SJRA) Sunset bill. However, the Legislature passed separate legislation that continued the Texas Racing Commission for six years and placed SAB and SJRA under Sunset review again in the upcoming biennium. In total, the Sunset Commission will review and make recommendations on 21 entities over the next two years. Upcoming reviews will also include the Public Utility Commission of Texas, Electric Reliability Council of Texas, Texas Juvenile Justice Department, and several natural resource agencies, including the Texas Commission on Environmental Quality and Low-Level Radioactive Waste Disposal Compact Commission. The appendix to this report provides a complete list of entities subject to Sunset review for the 88th Legislature.

Sunset Legislation — 87th Legislature (Regular Session)

Agency	Bill Number	House Bill Author	Senate Bill Author	FYs 2022–23 Fiscal Impact	Final Action
Agriculture, Texas Department of ----- Boll Weevil Eradication Foundation, Texas ----- Prescribed Burning Board ----- Early Childhood Health and Nutrition Interagency Council	S.B. 703	Canales	Buckingham	No fiscal impact	Continued for 12 years ----- Continued for 12 years ----- Continued for 12 years ----- Abolished
Anatomical Board of the State of Texas	H.B. 1565	Paddie	Buckingham	No fiscal impact	Failed to pass but continued for two years in S.B. 713
Animal Health Commission, Texas	S.B. 705	Cyrier	Lucio	\$261,022	Continued for 12 years
Brazos River Authority	H.B. 1570	Paddie	Hall	No fiscal impact	Not subject to abolishment
Credit Union Department	S.B. 707	Lambert	Paxton	No fiscal impact	Continued for 12 years
Fire Protection, Texas Commission on	S.B. 709	Canales	Hall	No fiscal impact	Continued for 12 years
Holocaust and Genocide Commission, Texas ¹	H.B. 1555	Goldman	Lucio	No fiscal impact	Replaced by the Texas Holocaust, Genocide, and Antisemitism Advisory Commission in H.B. 3257
Jail Standards, Texas Commission on	H.B. 1545	Cyrier	Hall	No fiscal impact	Continued for 12 years
Law Enforcement, Texas Commission on	H.B. 1550	Cyrier	Paxton	No fiscal impact	Failed to pass but continued for two years in S.B. 713
Licensing and Regulation, Texas Department of	H.B. 1560	Goldman	Buckingham	(\$296,110)	Continued for 12 years
Parks and Wildlife Department, Texas	S.B. 700	Cyrier	Buckingham	No fiscal impact	Continued for 12 years
Prepaid Higher Education Tuition Board	S.B. 702	Paddie	Paxton	No fiscal impact	Continued for 12 years

Agency	Bill Number	House Bill Author	Senate Bill Author	FYs 2022–23 Fiscal Impact	Final Action
Racing Commission, Texas	S.B. 704	Cyrier	Buckingham	No fiscal impact	Failed to pass but continued for six years in S.B. 713
San Jacinto River Authority	S.B. 716		Lucio	No fiscal impact ²	Failed to pass but not subject to abolishment
Teacher Retirement System of Texas	H.B. 1585	Lambert	Lucio	No fiscal impact	Not subject to abolishment
Veterinary Medical Examiners, State Board of	S.B. 713	Cyrier	Buckingham	No fiscal impact	Continued for eight years
Total				(\$35,088)	

¹ House Bill 1555, the bill containing the Sunset Commission's statutory recommendations for the Texas Holocaust and Genocide Commission (THGC), did not pass. Instead, the Legislature enacted House Bill 3257, which repeals THGC's enabling statute and creates the Texas Holocaust, Genocide, and Antisemitism Advisory Commission to the Texas Historical Commission.

² Senate Bill 713 places the San Jacinto River Authority under Sunset review again in 2022–23. The Sunset Act requires river authorities to pay for the costs of their reviews. The actual fiscal impact will ultimately depend on Sunset's review schedule and could not be estimated at the time of this report's publication.

TEXAS DEPARTMENT OF AGRICULTURE

TEXAS BOLL WEEVIL ERADICATION FOUNDATION

PRESCRIBED BURNING BOARD

EARLY CHILDHOOD HEALTH AND NUTRITION

INTERAGENCY COUNCIL

S.B. 703 Buckingham (Canales)

Staff Contact: Robert Romig

Continue

- Continue the Texas Department of Agriculture (TDA), the Prescribed Burning Board, and the Texas Boll Weevil Eradication Foundation for 12 years.
- Ensure only the Texas Boll Weevil Eradication Foundation, not its statute, is subject to abolishment.

Abolish

- Abolish the Early Childhood Health and Nutrition Interagency Council.
- Eliminate TDA's aquaculture licensing program and the inactive Texas Rural Foundation.

Governance

- Clearly authorize the Prescribed Burning Board to adopt all rules related to prescribed burning, including the schedule of sanctions currently adopted by TDA, and continue the board as a semi-independent board administratively attached to the department.
- Remove the TDA staff appointee from the State Seed and Plant Board to align with constitutional requirements.
- Direct the State Seed and Plant Board to adopt policies regarding the separation of duties of board members from those of the department by February 1, 2021. (Management action – nonstatutory)
- Direct the Texas Boll Weevil Eradication Foundation to implement a reserve fund balance policy by February 1, 2021. (Management action – nonstatutory)
- Direct TDA to improve its stakeholder engagement, website content, and public information. (Management action – nonstatutory)
- Direct TDA to adopt a policy to ensure each rule undergoes meaningful review pursuant to state law, and to adopt policies implementing alternative rulemaking and dispute resolution, by February 1, 2021. (Management action – nonstatutory)

- Apply the standard across-the-board requirements regarding the separation of board and staff duties and developing and maintaining a system for receiving and acting on complaints to the Texas Boll Weevil Eradication Foundation.
- Update the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public. Specify TDA and the Texas Boll Weevil Eradication Foundation may not inform parties of the status of complaints if doing so would jeopardize an ongoing investigation.
- Abolish three and modify one of TDA's reporting requirements.
- Update TDA's statute to reflect the requirements of the person-first respectful language initiative.

GO TEXAN Program

- Re-establish the GO TEXAN program and its purpose in statute, ensuring the new statutory framework includes all elements of the current program, including promotion of agricultural, non-agricultural, and value-added products in Texas.
- Require TDA to study the GO TEXAN program, in partnership with the Sunset Commission, focused on the purpose and objectives of the program, and report any findings and recommendations to the Sunset Commission, speaker, lieutenant governor, and the governor's office by December 31, 2022.
- Direct TDA to establish a mission, goals, objectives, and clear performance measures for the GO TEXAN program. (Management action – nonstatutory)
- Direct TDA to develop a policy to ensure expired members comply with department rules. (Management action – nonstatutory)

Licensing

- Require TDA and the Prescribed Burning Board to develop guidelines for evaluating applicants' criminal history in all of their occupational licensing programs.
- Direct TDA to comply with statute directing rules and procedures for military service members, veterans, and military spouses by February 1, 2021. (Management action – nonstatutory)
- Provide clear statutory authority for the Prescribed Burning Board to issue licenses by reciprocity for substantially equivalent states.
- Direct the Prescribed Burning Board to remove subjective criteria from its certification application by February 1, 2021. (Management action – nonstatutory)
- Remove subjective requirements for becoming a licensed seed producer.
- Remove an outdated notary requirement to allow electronic submission of home-delivered meal grant applications.

Enforcement

- Require a memorandum of understanding between TDA and the Office of the Attorney General to facilitate better coordination and handling of consumer protection cases.

- Statutorily require TDA to develop a strategic plan with public input for inspections that tracks and measures the effectiveness of its enforcement efforts.
- Direct TDA and the Health and Human Services Commission to share information about the licensing and registration status of food program participants. (Management action – nonstatutory)
- Direct TDA to collect and analyze data from its regulatory programs to increase their effectiveness. (Management action – nonstatutory)
- Direct TDA to establish a consistent policy for auditing continuing education providers and courses. (Management action – nonstatutory)

Advisory Committees

- Continue three of TDA's statutory advisory committees and eliminate 24 advisory committees that are inactive or already abolished by operation of law.
- Authorize the department to create advisory committees by rule.
- Recreate the Citrus Budwood Advisory Council in statute to continue the composition, responsibilities, and oversight of the council currently found in Agriculture Code Chapter 19, and exempt it from the expiration provisions of Government Code Chapter 2110.
- Direct TDA to provide a list to the Sunset Commission of any committees under this recommendation that would be removed from statute, but that are actively being used and that TDA intends to re-create by February 1, 2021. (Management action – nonstatutory)

Mental Health Awareness

- Require TDA to develop a farmer mental health and suicide prevention program.

Hemp Production

- Align state law with federal regulations to allow a hemp producer to harvest hemp up to 30 days after sample testing occurs instead of 20 days.

ANATOMICAL BOARD OF THE STATE OF TEXAS

S.B. 713 Buckingham (Cyrier) – Sunset Schedule Bill

H.B. 1565 Paddie (Buckingham) – SAB Sunset Bill (Not Enacted)

Staff Contact: Darren McDivitt

House Bill 1565, the bill containing the Sunset Commission's statutory recommendation to transfer the Anatomical Board of the State of Texas (SAB) to the Texas Funeral Service Commission, did not pass during the 87th Legislature. Instead, the Legislature passed Senate Bill 713, which continues SAB for two years and places it under Sunset review again in 2022–23.

Continue

- Continue the Anatomical Board of the State of Texas for two years.

TEXAS ANIMAL HEALTH COMMISSION

S.B. 705 Lucio (Cyrer)

Staff Contact: Darren McDivitt

Continue

- Continue the Texas Animal Health Commission (TAHC) for 12 years.

Animal Health Lab

- Require TAHC to close its lab and designate the Texas A&M Veterinary Medical Diagnostic Laboratory as the state's regulatory animal health lab in statute to the extent testing is available, efficient, and cost effective.

Animal Health Programs

- Direct TAHC and the Texas Department of Agriculture to enter into a memorandum of understanding by February 1, 2021, to ensure TAHC is notified when animals are rejected at state animal export facilities and to conduct a study that tracks animals rejected at any export facility. (Management action – nonstatutory)
- Remove outdated, overly prescriptive, restrictive provisions in statute to provide TAHC more flexibility to prevent, manage, and eradicate reportable animal diseases.
- Direct TAHC to provide clear, consistent public information about state animal health laws and rules, regulatory programs, and appeals processes by February 1, 2021. (Management action – nonstatutory)
- Direct TAHC and Texas A&M AgriLife Extension Service to enter into a memorandum of understanding to jointly develop and coordinate educational programs and information about animal health. (Management action – nonstatutory)
- Authorize TAHC to delegate its authority to establish a quarantine to the executive director.
- Authorize TAHC to require a report within 24 hours of a diagnosis of a USDA reportable disease and to require slaughter for animals with a USDA reportable disease.
- Remove automatic expiration of rules regarding the duty to report certain animal diseases within 24 hours.

Enforcement

- Require TAHC to regularly conduct trend analysis of its compliance data.
- Direct TAHC to complete and implement its penalty matrix by February 1, 2021. (Management action – nonstatutory)
- Direct TAHC to include explicit guidance in all field manuals on documenting incidents of noncompliance and corresponding educational conversations. (Management action – nonstatutory)
- Direct TAHC to share its compliance database with regional office staff to facilitate information flow between Austin and the field by February 1, 2021. (Management action – nonstatutory)

- Direct TAHC to review and update all training materials and guidelines for consistency and conformity with statute and rules. (Management action – nonstatutory)

Governance

- Authorize TAHC to establish advisory committees by rule.
- Direct TAHC to adopt a policy to ensure each rule undergoes meaningful review pursuant to state law, and update the Sunset Commission on its progress by February 1, 2021. (Management action – nonstatutory)
- Update the standard across-the-board requirements on board member training and grounds for removal of a board member.
- Update the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public. Specify TAHC may not inform parties of the status of complaints if doing so would jeopardize an ongoing investigation.
- Exempt disease lists in rule from a statutory requirement for an agency to repeal a rule that imposes a cost on regulated persons when adopting rules that increase costs to regulated persons.

BRAZOS RIVER AUTHORITY

H.B. 1570 Paddie (Hall)

Staff Contact: Robert Romig

Sunset Review

- Specify the Brazos River Authority (BRA) is subject to Sunset review, but not abolishment, again in 2033.

Project Planning

- Direct BRA to develop and adopt an objective process and evaluation criteria for prioritizing its projects. (Management action – nonstatutory)
- Direct BRA to provide clearer information on project progression and expenditures to its board and the public. (Management action – nonstatutory)
- Direct BRA to involve its board of directors more directly in developing its strategic plan. (Management action – nonstatutory)
- Direct BRA to develop a public engagement policy for water supply projects. (Management action – nonstatutory)

Contracting

- Direct BRA to adopt objective criteria for awarding professional services contracts and document the basis for award decisions. (Management action – nonstatutory)
- Direct BRA to evaluate and document vendor performance. (Management action – nonstatutory)
- Direct BRA to improve its contracting processes to ensure sufficient transparency and fairness, including publishing on its website the conflict-of-interest statements of the members of the vendor evaluation committees. (Management action – nonstatutory)

Governance and Organizational Best Practices

- Apply the standard across-the-board requirements related to grounds for removal of a board member, board member training, separating policy making and staff functions, and public testimony.
- Apply the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public. Specify BRA may not inform parties of the status of complaints if doing so would jeopardize an ongoing investigation.
- Direct BRA to more comprehensively plan and monitor its efforts to increase workforce diversity. (Management action – nonstatutory)

CREDIT UNION DEPARTMENT

S.B. 707 Paxton (Lambert)

Staff Contact: Merrell Foote

Continue

- Continue the Credit Union Department for 12 years.

Complaints

- Require the department to track more comprehensive complaint and enforcement data to support analysis and guide regulatory activities.
- Direct the department to regularly analyze and report on complaint and enforcement data and trends. (Management action – nonstatutory)
- Direct the department to establish clear procedures for processing and investigating all complaints it receives. (Management action – nonstatutory)
- Direct the department to disclose summary complaint resolution information to complainants and document final disposition. (Management action – nonstatutory)
- Direct the department to develop a penalty matrix. (Management action – nonstatutory)
- Direct the department to more clearly communicate its authority, processes for investigating complaints, and complaint determinations. (Management action – nonstatutory)
- Direct the department to incorporate examiners' review of all jurisdictional complaints into the credit union examination process. (Management action – nonstatutory)

Fees and Budgeting

- Direct the Credit Union Commission to implement a more streamlined and reliable fee assessment policy and process. (Management action – nonstatutory)
- Direct the commission to update its reserve fund policy to address long-term capital funding needs and maintain an adequate reserve balance. (Management action – nonstatutory)
- Direct the commission to implement an independent audit process for the department. (Management action – nonstatutory)

Communications

- Require the department to develop a process for notifying credit unions about federal regulatory changes that override state regulations.
- Direct the department to regularly update its website content. (Management action – nonstatutory)

Governance

- Eliminate the statutory notarization requirement for articles of incorporation in new charter applications.

- Update the standard across-the-board requirement related to board member training.
- Update the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public. Specify the department may not inform parties of the status of complaints if doing so would jeopardize an ongoing investigation.

TEXAS COMMISSION ON FIRE PROTECTION

S.B. 709 Hall (Canales)

Staff Contact: Lauren Ames

Continue

- Continue the Texas Commission on Fire Protection (TCFP) for 12 years.
- Ensure only the agency, not its statute, is subject to abolishment.

Licensing and Enforcement

- Authorize TCFP to provide biennial renewal for certifications.
- Authorize TCFP to enter into reciprocity agreements with other state fire personnel certification agencies.
- Direct the commission to review rules covering how criminal convictions relate to eligibility for certification. (Management action – nonstatutory)
- Direct TCFP to create a standard complaint form and publish it in a prominent location on the agency’s website. (Management action – nonstatutory)

Governance

- Update the standard across-the-board requirement related to board member training.
- Direct TCFP to evaluate the continued usefulness and effectiveness of its advisory committees. (Management action – nonstatutory)
- Specify advisory committee members serve six-year staggered terms and may not serve more than two consecutive terms, rather than prohibit any consecutive terms.
- Abolish TCFP’s general reporting requirement on the commission’s activities.
- Update TCFP’s statute to reflect the requirements of the person-first respectful language initiative.
- Direct TCFP to adopt a policy to ensure each rule undergoes meaningful review pursuant to state law. (Management action – nonstatutory)
- Direct TCFP to maintain documentation on complaints. (Management action – nonstatutory)
- Update the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public. Specify TCFP may not inform parties of the status of complaints if doing so would jeopardize an ongoing investigation.

TEXAS HOLOCAUST AND GENOCIDE COMMISSION

H.B. 3257 King, P. (Alvarado) – Texas Holocaust, Genocide, and Antisemitism Advisory Commission

H.B. 1555 Goldman (Lucio) – Texas Holocaust and Genocide Commission Sunset Bill (Not Enacted)

Staff Contact: Merrell Foote

House Bill 1555, the bill containing the Sunset Commission's statutory recommendations for the Texas Holocaust and Genocide Commission (THGC), did not pass during the 87th Legislature. Instead, the Legislature enacted House Bill 3257, which repeals THGC's enabling statute and creates the Texas Holocaust, Genocide, and Antisemitism Advisory Commission to the Texas Historical Commission. The Legislature also incorporated the Sunset Commission's recommendations for THGC into H.B. 3257 to ensure accountability and oversight of the new advisory commission.

Replace THGC

- Repeal the enabling statute for THGC and establish the Texas Holocaust, Genocide, and Antisemitism Advisory Commission as an advisory commission to the Texas Historical Commission.
- Require the Texas Historical Commission and the advisory commission to provide a written update to the Sunset Commission on its progress in implementing H.B. 3257 and any obstacles or concerns encountered during implementation by December 1, 2022.

Advisory Commission Members

- Require the governor to appoint the advisory commission's nine members to six-year staggered terms and to designate the chair.
- Specify member qualifications, eligibility of former THGC members for appointment, term limits, quorum, subcommittees, travel expenses, quarterly meetings, and public access.
- Require the Texas Historical Commission to provide a training program for advisory commission members on their advisory role, duties, and relationship with the commission.

Advisory Commission Duties

- Specify the advisory commission's duties in supporting public education and awareness of the Holocaust, other genocides, and antisemitism in Texas as follows:
 - Conduct a biennial study and submit a report on antisemitism in Texas to the governor and the Legislature.

- Provide advice and assistance to public and private primary and secondary schools and institutions of higher education in Texas.
 - Meet with and provide information and assistance to public and private organizations.
 - Compile a list of volunteer speakers who have agreed to share their knowledge and experiences regarding the Holocaust and other genocides.
 - Annually coordinate events in Texas memorializing the Holocaust and other genocides and solicit volunteers to participate in commemorative events.
 - Collaborate with groups to support efforts to recognize International Holocaust Remembrance Day and make recommendations on whether it should be a state holiday.
- Authorize the Texas Historical Commission and the advisory commission to cooperate with other organizations, elected officials, and state agencies, including the Texas Education Agency, Texas Higher Education Coordinating Board, and Texas Veterans Commission.

Oversight and Accountability

- Specify the advisory commission is under direction of the Texas Historical Commission and subject to its internal audit program and external evaluations and reviews, such as state audits.
- Require the Texas Historical Commission to:
 - Receive, manage, and oversee any appropriations made to carry out the advisory commission's duties.
 - Hire, manage, and evaluate staff and provide administrative support as necessary to support the advisory commission's duties.
 - Adopt rules as necessary governing the operation of the advisory commission, which may include delegation of certain final decisions and authorities to the advisory commission.
 - Work with the advisory commission and the Legislative Budget Board to develop goals, strategies, and performance measures for the advisory commission during the state appropriations process.
 - Report on the advisory commission in its biennial report to the Legislature and the governor.
- Authorize the Texas Historical Commission to accept gifts and grants on behalf of the advisory commission and to contract with nonprofit organizations to fulfill the advisory commission's duties.

TEXAS COMMISSION ON JAIL STANDARDS

H.B.1545 Cyrier (Hall)

Staff Contact: Rachel Gandy

Continue

- Continue the Texas Commission on Jail Standards for 12 years.
- Ensure only the agency, not its statute, is subject to abolishment.

Standards Development

- Require the commission to ensure minimum standards account for varying needs and levels of risk among different jails.
- Clarify the commission has authority to revise, amend, and change rules as needed without specific legislative action or approval.
- Direct the commission to review its rules for vague and ineffective standards, and improve their specificity and usefulness. (Management action – nonstatutory)
- Direct the agency to adopt a policy to ensure each rule undergoes meaningful review pursuant to state law. (Management action – nonstatutory)
- Direct the agency to adjust its operational plan approval process so jails may have plans that implement higher-than-minimum standards. (Management action – nonstatutory)

Inspections and Enforcement

- Require the commission to establish a risk-based approach to inspections.
- Require the commission to adopt rules and policies for taking escalating actions against jails that remain out of compliance for extended or recurring periods of time.
- Require the commission to adopt rules and procedures to assess compliance with all standards during a certain percentage of jail re-inspections.
- Direct the agency to conduct a staffing analysis to better align resource allocation with its core inspection function. (Management action – nonstatutory)
- Direct the agency to develop clear, consistent procedures for conducting its monthly risk assessment. (Management action – nonstatutory)
- Direct the agency to create a procedures manual detailing its inspection process. (Management action – nonstatutory)

Complaint and Investigation Procedures

- Update the agency's statute to enhance existing requirements for tracking, analyzing, and reporting on complaints.

- Require the commission to adopt rules directing jails to post information on the commission's complaints process.
- Require a law enforcement agency, once appointed by the commission, to conduct an investigation of a jail inmate's death in custody, unless the law enforcement agency can provide evidence of a clear conflict of interest that cannot be mitigated.
- Direct the agency to develop clear, detailed procedures for investigating complaints. (Management action – nonstatutory)
- Direct the agency to develop a formal process to refer non-jurisdictional complaints to the appropriate agency. (Management action – nonstatutory)
- Direct the commission to prioritize complaint investigations by risk level. (Management action – nonstatutory)
- Direct the agency to publicize additional information about its complaints process. (Management action – nonstatutory)

Data Analysis and Reporting

- Require the agency to conduct trend analysis with the data it collects.
- Remove statutory requirements for jail officials to report certain juvenile justice information to the agency each year.
- Direct the agency to publish certain information on its website for a specified amount of time. (Management action – nonstatutory)
- Direct the agency to regularly review its Public Information Act requests and determine what information could be proactively published to optimize staff resources. (Management action – nonstatutory)
- Direct the agency to ensure consistent, cohesive data tracking. (Management action – nonstatutory)
- Direct the agency to expand certain procedures for information gathering and sharing to include more diverse groups of stakeholders. (Management action – nonstatutory)

Governance

- Authorize the commission to establish advisory committees by rule.
- Update the standard across-the-board requirement related to board member training.
- Update the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public. Specify the agency may not inform parties of the status of complaints if doing so would jeopardize an ongoing investigation.
- The agency should use its annual reporting requirement to proactively identify statutory changes needed to conduct its work more efficiently and effectively. (Management action – nonstatutory)

TEXAS COMMISSION ON LAW ENFORCEMENT

S.B. 713 Buckingham (Cyrier) – Sunset Schedule Bill

H.B. 1550 Cyrier (Paxton) – TCOLE Sunset Bill (Not Enacted)

Staff Contact: Andrew McConnell

House Bill 1550, the bill containing the Sunset Commission's statutory recommendations for the Texas Commission on Law Enforcement (TCOLE), did not pass during the 87th Legislature. Instead, the Legislature passed Senate Bill 713, which continues TCOLE for two years. Senate Bill 713 also directs the Sunset Commission to conduct a limited scope review of TCOLE focused on the appropriateness of Sunset's recommendations to the 87th Legislature. Although the statutory recommendations for TCOLE did not pass, the Sunset Commission adopted several nonstatutory management actions TCOLE should implement over the next two years.

Continue

- Continue the Texas Commission on Law Enforcement for two years.

Licensing

- Direct TCOLE to remove subjective and anticompetitive requirements for contracted training providers. (Management action – nonstatutory)

Enforcement

- Direct TCOLE to develop a penalty matrix. (Management action – nonstatutory)
- Direct TCOLE to adopt rules to comply with the statutory requirement to establish a risk-based approach to audits. (Management action – nonstatutory)
- Direct TCOLE to establish a written policy more clearly separating its administrative and criminal investigations and staff. (Management action – nonstatutory)
- Direct TCOLE to develop an online complaint submission form. (Management action – nonstatutory)

Governance

- Direct TCOLE to develop a strategy to analyze and use data in commission decision making and publish relevant commission information online. (Management action – nonstatutory)
- Direct the commission to adopt a policy to ensure each rule undergoes meaningful review pursuant to state law. (Management action – nonstatutory)

Contracting

- Direct TCOLE to improve IT contracting by requiring regular training, a formal contracting process, and performance incentives in its contracts. (Management action – nonstatutory)

TEXAS DEPARTMENT OF LICENSING AND REGULATION

H.B. 1560 Goldman (Buckingham)

Staff Contact: Emily Johnson

Continue

- Continue the Texas Department of Licensing and Regulation (TDLR) for 12 years and remove the statutory provision requiring TDLR programs transferred to the agency on or after September 1, 2016, to undergo a limited scope Sunset review in 2022–23.

Governance and Advisory Boards

- Remove advisory board meeting requirements from statute and authorize TDLR to call meetings as needed.
- Authorize TDLR’s advisory boards to continue holding fully telephonic or videoconference meetings.
- Authorize TDLR to create interdisciplinary advisory boards to coordinate the expertise and input for similar industries.
- Specify a person may be a member of the Texas Commission of Licensing and Regulation if the person or person’s spouse is registered, certified, or licensed by a regulatory agency in the field of health care.
- Update the standard across-the-board requirement related to board member training.
- Update the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public. Specify TDLR may not inform parties of the status of complaints if doing so would jeopardize an ongoing investigation.

Polygraph, Auctioneers, and Combative Sports Programs

- Eliminate the Polygraph Examiners Program.
- Eliminate the combative sports matchmaker license.
- Eliminate the combative sports event coordinator license.
- Eliminate the combative sports second license.
- Require TDLR to study the regulation of auctioneering and submit a report to the Legislature by January 1, 2023, with any findings and recommendations to improve public safety and the department’s processes.

Barbering and Cosmetology Programs

- Consolidate Texas’ regulation of barbers and cosmetologists, and administer the two programs as one.
- Eliminate barbering and cosmetology instructor licenses.

- Eliminate all wig-related licenses.
- Eliminate state regulation of barber poles.
- Authorize, rather than require, TDLR to deny an application, or suspend or revoke a barbering or cosmetology license if the applicant or licensee engages in certain behavior.
- Specify private postsecondary barbering and cosmetology schools are not required to allow a student to reenter a course if the student presents a danger to the other students or staff of the school.

Driver Training Programs

Driver Improvement

- Eliminate the separate drug and alcohol driving awareness course and associated licenses.
- Eliminate the separate specialized driving safety course and associated licenses.
- Eliminate the separate driving safety course for drivers under 25 years old.
- Eliminate the redundant driving safety school license.
- Eliminate the driving safety instructor license.

Driver Education and Parent-Taught Driver Education

- Modernize the licensing of driver education businesses by establishing three different license types, including a separate license with distinct regulatory requirements for parent-taught driver education providers, and creating more parity among businesses.
- Authorize TDLR to provide for the issuance of a single license to a person who provides driver education courses under more than one license type.
- Eliminate pre-license and continuing education requirements for driver education instructors.
- Require a memorandum of understanding to facilitate better coordination between TDLR and the Department of Public Safety.
- Direct TDLR to remove from rule certain driver education school inspection requirements. (Management action – nonstatutory)

Driver Improvement and Driver Education

- Eliminate prescriptive curriculum hours and authorize TDLR to set minimum hours in rule.
- Eliminate costly course approval fees and streamline TDLR's process for approving driver training curricula.
- Modify the membership of the Driver Training and Traffic Safety Advisory Committee to conform to the new licensing structure.
- Authorize TDLR to refer to driver education and driver safety providers as schools in rules, forms, records, licenses and other agency documents.

- Direct TDLR to list on its website only licensed instructors and providers, not the specific courses they offer. (Management action – nonstatutory)

Residential Service Companies

- Transfer the licensing and regulation of residential service companies from the Texas Real Estate Commission to TDLR.

Inspection and Complaint Priorities

- Require TDLR to establish a risk-based approach to inspections but retain statutory inspection requirements for the Licensed Breeder Program.
- Require TDLR to prioritize complaints based on the risk they pose to the public.
- Direct TDLR to develop a comprehensive, data-driven strategy for assessing program risks and setting regulatory priorities. (Management action – nonstatutory)

Licensing and Enforcement

- Remove subjective licensure provisions from TDLR's statute.
- Authorize TDLR to require disclosure of additional financial and controlling information of applicants for certain business licenses.
- Clarify TDLR's general authority to adopt rules requiring continuing education, as necessary, but retain prescriptive statutory continuing education requirements in the Property Tax Professionals and Property Tax Consultants programs.
- Provide TDLR general authority to order refunds.
- Require TDLR to collect, maintain, and make publicly available detailed statistical information on complaints regarding its licensees.
- Require TDLR to dismiss low-level complaints.
- Direct TDLR to maintain complainants' confidentiality when possible. (Management action – nonstatutory)

TEXAS PARKS AND WILDLIFE DEPARTMENT

S.B. 700 Buckingham (Cyrier)

Staff Contact: Danielle Nasr

Continue

- Continue the Texas Parks and Wildlife Department (TPWD) for 12 years.

Permits and Licenses

- Authorize the Texas Parks and Wildlife Commission to provide an opportunity to access an informal review panel process for nonrecreational license and permit types at its discretion. (Management action – nonstatutory)
- Require TPWD to establish a risk-based approach to inspections.
- Direct the agency to adopt policies for using its full range of existing enforcement authority, including revocation and suspension in appropriate cases. (Management action – nonstatutory)
- Direct TPWD to clearly and actively communicate enforcement processes and outcomes to licensees. (Management action – nonstatutory)
- Direct TPWD to standardize administration of its regulatory programs to the extent feasible and appropriate. (Management action – nonstatutory)
- Direct TPWD to review and update all reporting deadlines and timeframes for licenses. (Management action – nonstatutory)

Strategic Planning

- Require TPWD to refine the scope of the Land and Water Plan and measure its effectiveness every five years.
- Direct TPWD to improve and use the Natural Agenda as the agency's sole, agencywide strategic plan. (Management action – nonstatutory)
- Direct TPWD to institute processes to better ensure consistent, actionable policies and practices across the agency's divisions. (Management action – nonstatutory)
- Direct the Texas Parks and Wildlife Commission to establish a conservation and recreation planning subcommittee. (Management action – nonstatutory)

Internal Audit

- Direct TPWD to fully identify and prioritize the risks of all of the agency's activities in its risk assessment process. (Management action – nonstatutory)
- Direct TPWD to develop a more complete and diversified internal audit plan. (Management action – nonstatutory)

- Direct the Texas Parks and Wildlife Commission to formally establish an internal audit subcommittee. (Management action – nonstatutory)
- Direct TPWD to use its newly developed quarterly audit status report to provide more information about the status and implementation of audit recommendations. (Management action – nonstatutory)

Public Input and Transparency

- Direct the agency to ensure there is an opportunity for the public to submit written comments online for every Texas Parks and Wildlife Commission action item that requires a vote. (Management action – nonstatutory)
- Direct the agency to improve transparency of its advisory committees by providing easy access to the names of the advisory committees, the members and who they represent, and the committees' meeting dates and minutes. (Management action – nonstatutory)

Governance

- Direct TPWD to actively monitor its efforts to increase workforce diversity and report success measures to the Texas Parks and Wildlife Commission. (Management action – nonstatutory)
- Apply the standard across-the-board requirement regarding board member training.
- Apply the standard across-the-board requirement regarding developing and maintaining a complaints system and making information on complaint procedures available to the public. Specify TPWD may not inform parties of the status of complaints if doing so would jeopardize an ongoing investigation.
- Update TPWD's statute to reflect the requirements of the person-first respectful language initiative.

PREPAID HIGHER EDUCATION TUITION BOARD

S.B. 702 Paxton (Paddie)

Staff Contact: Morgan Constantino

Continue

- Continue the Prepaid Higher Education Tuition Board for 12 years.
- Ensure only the board, not its statute, is subject to abolishment.

Governance

- Authorize the board to appoint advisory committees by rule and provide further direction related to establishing advisory committees in rule.
- Update the standard across-the-board requirement related to board member training.
- Update the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public. Specify the board may not inform parties of the status of complaints if doing so would jeopardize an ongoing investigation.

Website

- Direct the board to update its websites to provide more user-friendly information, including information about the board and its operations. (Management action – nonstatutory)

TEXAS RACING COMMISSION

S.B. 713 Buckingham (Cyrier) – Sunset Schedule Bill

S.B. 704 Buckingham (Cyrier) – Texas Racing Commission Sunset Bill (Not Enacted)

Staff Contact: Lauren Ames

Senate Bill 704, the bill containing the Sunset Commission's statutory recommendations for the Texas Racing Commission, did not pass during the 87th Legislature. Instead, the Legislature passed Senate Bill 713, which continues the commission until 2027. Senate Bill 713 also requires the commission to replace certain employees by December 1, 2021. Although the statutory recommendations for the commission did not pass, the Sunset Commission adopted four nonstatutory management actions relating to licensing and enforcement the commission should implement over the next two years. While the Legislature did not pass legislation transferring the Texas Racing Commission to the comptroller or any other agency, the commission should consider implementing the grants administration management actions but is not required to do so.

Continue

- Continue the Texas Racing Commission for six years, until 2027.

Governance

- Require the Texas Racing Commission to replace all employees employed on August 31, 2021, who are in an exempt position or in salary group B27 or higher by December 1, 2021.

Licensing and Enforcement

- Direct the commission to establish policies for uniform use of its reciprocity authority. (Management action – nonstatutory)
- Direct the commission to establish and consistently apply policies for testing certain licensure applicants. (Management action – nonstatutory)
- Direct the commission to remove potential barriers to licensing in its examination process. (Management action – nonstatutory)
- Direct the commission to adopt policies to improve racetrack inspections. (Management action – nonstatutory)

Grants Administration

- Direct the Comptroller of Public Accounts to develop and publish guidelines for evaluating grant applications. (Management action – nonstatutory)

- Direct the Comptroller of Public Accounts to develop processes for monitoring grant recipients and tracking performance measures. (Management action – nonstatutory)
- Direct the Comptroller of Public Accounts to develop and implement a consistent timeline for grant applications. (Management action – nonstatutory)

SAN JACINTO RIVER AUTHORITY

S.B. 713 Buckingham (Cyrier) – Sunset Schedule Bill

S.B. 716 Lucio – SJRA Sunset Bill (Not Enacted)

Staff Contact: Alan Leonard

Senate Bill 716, the bill containing the Sunset Commission’s statutory recommendations for the San Jacinto River Authority (SJRA), did not pass during the 87th Legislature. Instead, the Legislature passed Senate Bill 713 which places SJRA under Sunset review again in 2022–23. River authorities are subject to review, but not abolishment under the Sunset Act. Although the statutory recommendations for SJRA did not pass, the Sunset Commission adopted eight nonstatutory management actions SJRA and the Texas Legislative Council should implement over the next two years.

Sunset Review

- Specify SJRA is subject to Sunset review, but not abolishment, again in 2023.

Public Engagement and Communication

- Direct SJRA to develop a strategic communications plan. (Management action – nonstatutory)
- Direct SJRA to provide prominently on its website clear, understandable information on its rates and fees, and the associated expenses paid for by these rates and fees. (Management action – nonstatutory)
- Direct SJRA to regularly update its website to provide current, easily accessible information. (Management action – nonstatutory)

Contracting

- Direct SJRA to establish additional guidance for contracting needs and procurement methods and use open solicitations except in documented exceptions. (Management action – nonstatutory)
- Direct SJRA to consistently monitor, document, and evaluate vendor performance. (Management action – nonstatutory)
- Direct SJRA to improve the transparency, fairness, and effectiveness of its contracting process, including publishing on its website conflict-of-interest statements from employees who evaluate vendor responses to solicitations. (Management action – nonstatutory)

Governance and Organizational Best Practices

- Direct the Texas Legislative Council to update SJRA’s governing law. (Management action – nonstatutory)
- Direct SJRA to plan and monitor its efforts to increase workforce diversity. (Management action – nonstatutory)

TEACHER RETIREMENT SYSTEM OF TEXAS

H.B. 1585 Lambert (Lucio)

Staff Contact: Tamara Aronstein

Sunset Review

- Specify the Teacher Retirement System of Texas (TRS) is subject to Sunset review, but not abolishment, again in 2033.

Member Communication and Engagement

- Require TRS to develop a communication and outreach plan to better help members and employers plan for retirement; create communication and engagement materials informing members of the existing option to request an external review of healthcare coverage appeals denied by third-party health plan administrators; and ensure members are aware they may work directly with TRS for assistance in navigating the appeals process.
- Require TRS to respond to appeals at all levels of staff review within the same amount of time that members have to appeal agency decisions.
- Require the TRS Board of Trustees to appoint an ombudsman to monitor the agency's interactions with active and retired members; investigate, escalate, and report to the board on member complaints; and recommend changes to agency operations that would benefit members and increase their input into agency decisions.
- Require TRS to make improved efforts to return contributions to inactive members before funds are forfeit and, as a management action, direct TRS to develop a process to submit inactive member information to the Comptroller of Public Accounts upon its request.
- Direct TRS to adopt a member engagement policy to increase transparency on key decisions by February 1, 2021. As part of this provision, direct TRS to review the TRS-Care Retirees Advisory Committee and make any changes needed to more effectively receive feedback from retirees on TRS-Care. (Management action – nonstatutory)

Employment After Retirement Reductions

- Specify that TRS members who retire after January 1, 2021 and exceed employment after retirement limitations are subject to a three-strikes system for any violations of the limitations. Require TRS to send a warning the first time a retiree violates employment after retirement limitations. For a subsequent violation, the retiree is subject to a dollar-for-dollar reduction. For any future violations, retirees lose their entire monthly annuity.

Contracting

- Direct TRS to fully centralize contracting functions and clarify roles and responsibilities between central contracts department staff and division staff managing contracts, and report its progress on implementing this recommendation to the Sunset Commission by February 1, 2021. (Management action – nonstatutory)

- Direct TRS to enhance its contract monitoring process and report its progress on this recommendation to the Sunset Commission by February 1, 2021. (Management action – nonstatutory)
- Direct TRS to include standard remedies in contracts and consistently apply enforcement tools. Direct TRS to provide an update on the implementation of this recommendation to the Sunset Commission by February 1, 2021. (Management action – nonstatutory)
- Direct TRS to require staff who procure or manage contracts to complete the comptroller’s contract training and report to the Sunset Commission on its implementation of this recommendation by February 1, 2021. (Management action – nonstatutory)

Investments

- Direct TRS to perform a cost-benefit analysis of implementing an enhanced investment accounting system to provide increased oversight of the custodian bank’s accounting data and report to the Sunset Commission on the estimated costs and benefits and the agency’s recommended approach by February 1, 2021. (Management action – nonstatutory)
- Direct TRS to have its Internal Investment Committee review internal investments and strategies. (Management action – nonstatutory)
- Direct TRS to include clear, easily understandable information about alternative investments in its Comprehensive Annual Financial Report and report on its status in implementing this recommendation to the Sunset Commission by February 1, 2021. (Management action – nonstatutory)

Governance

- Update the standard across-the-board requirement related to board member training.
- Update the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public. Specify TRS may not inform parties of the status of complaints if doing so would jeopardize an ongoing investigation.
- Abolish three, modify two, and consolidate two of TRS’ reporting requirements and, as a management action, direct TRS to provide more comprehensive information on TRS-Care healthcare costs to the Legislature and the Texas Department of Insurance in the consolidated TRS-Care report.
- Direct TRS to provide information on incentive payments to TRS investment staff in its Comprehensive Annual Financial Report. (Management action – nonstatutory)
- Direct TRS to develop and maintain a system for receiving and responding to complaints and report its progress to the Sunset Commission by February 1, 2021. (Management action – nonstatutory)
- Update TRS’ statute to reflect the requirements of the person-first respectful language initiative if the changes would not impact TRS’ ability to administer disability retirement benefits. Ultimately, statute was not updated because Texas Legislative Council determined a change could have a negative impact.

STATE BOARD OF VETERINARY MEDICAL EXAMINERS

S.B. 713 Buckingham (Cyrier)

Staff Contact: Morgan Constantino

Continue and Ongoing Oversight

- Continue the State Board of Veterinary Medical Examiners for eight years, until 2029.
- Ensure only the agency, not its statute, is subject to abolishment.
- Require the State Board of Veterinary Medical Examiners to undergo a special purpose Sunset review in 2022–23 to evaluate the agency’s implementation of its database system and the agency’s processes and procedures for collecting and analyzing data.
- Require the State Auditor’s Office, during its 2024–25 audit period, to conduct a limited scope audit of the State Board of Veterinary Medical Examiners, focusing on the agency’s implementation of the previously adopted but not fully implemented Sunset data-related recommendations made to the 85th Legislature.

APPENDIX

Sunset Review Schedule — 2023

21 Reviews

Anatomical Board of the State of Texas

Economic Development and Tourism Office, Texas

Environmental Quality, Texas Commission on

- Low-Level Radioactive Waste Disposal Compact Commission, Texas

Juvenile Justice Department, Texas

- Independent Ombudsman for the Juvenile Justice Department, Office of

Law Enforcement, Texas Commission on¹

Public Utility Commission of Texas

- Electric Reliability Council of Texas

Public Utility Counsel, Office of

River Authorities

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

Soil and Water Conservation Board, Texas State

- Invasive Species Coordinating Committee, Texas

State-Federal Relations, Office of

Veterinary Medical Examiners, State Board of²

Water Development Board, Texas

- Water Implementation Fund of Texas, State

¹ Limited scope review.

² Special purpose review.

Sunset Advisory Commission

Location

Robert E. Johnson Bldg., 6th Floor
1501 North Congress Avenue
Austin, TX 78701

Mail

PO Box 13066
Austin, TX 78711

Website

www.sunset.texas.gov

Email

sunset@sunset.texas.gov

Phone

(512) 463-1300