

# SUNSET ADVISORY COMMISSION

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## Sunset in Texas

2022–2023  
88TH LEGISLATURE



# SUNSET ADVISORY COMMISSION



**Senator Charles Schwertner, M.D.**  
*Chairman*

**To be appointed**  
*Vice Chair*

**Senator Brian Birdwell**

**Representative John Cyrier**

**Senator Eddie Lucio, Jr.**

**Representative Craig Goldman**

**Senator Angela Paxton**

**To be appointed**

**Senator Drew Springer, Jr.**

**To be appointed**

**James Lee, Public Member**

**To be appointed, Public Member**

**Jennifer Jones**  
*Executive Director*

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*Cover photo: The Texas State Capitol was completed in 1888. With the Goddess of Liberty atop the dome, the Texas State Capitol Building is 19 feet taller than the U.S. Capitol Building in Washington, D.C. The photo shows the south facade of the Capitol. Photo Credit: Janet Wood*

# SUNSET IN TEXAS

SEPTEMBER 2021



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# SUNSET IN TEXAS

The public often views government as inefficient, intrusive, burdensome, and outdated. The Texas Legislature created the Sunset process in 1977 to respond to these concerns by regularly examining the need for and effectiveness of state agencies and their programs. Today, the Legislature continues to use the Sunset process as an effective oversight tool to determine if state agencies and programs are still needed to serve and protect Texans.

## How does Sunset work?

Sunset is the regular assessment of the continuing need for a state agency or program to exist. The Legislature sets a Sunset review date in an agency's statute. With few exceptions, the agency is automatically abolished on this date unless the Legislature passes a bill to continue it, typically for 12 years. This termination date creates both a unique opportunity and a strong incentive for the Legislature to closely examine an agency's mission, purpose, programs, and performance and address any problems identified.

Sunset is  
an effective  
legislative  
oversight tool.

Unlike other legislative oversight agencies that evaluate an agency's financial accountability or compliance with state and federal laws, Sunset starts by asking the basic question – is the agency still needed? If the answer is no, Sunset recommends abolishing the agency or transferring its functions to another agency with similar responsibilities. If the answer is yes, Sunset further evaluates the agency's programs, operations, and public services and recommends ways to make the agency more effective and efficient.

During an agency's review, Sunset seeks comments and suggestions from regulated entities and individuals, stakeholders, and the public. This input helps identify problems and opportunities for improving the agency. The *Sunset Review Process* chart on the following page describes each stage of a Sunset review and ways in which the public can participate.

## Who is the Sunset Commission?

The Sunset Commission is a legislative advisory body with 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 to the Legislature during session, and perform other duties on behalf of the commission.

# Sunset Review Process

1

## Sunset Staff Evaluation

Sunset staff performs extensive research and analysis to evaluate the need for, performance of, and improvements to the agency under review.

## Sunset Commission Staff

- Reviews agency's self-evaluation report
- Receives input from interested parties
- Evaluates agency and identifies problems
- Develops recommendations
- Publishes staff report

Public input is confidential.

2

## Sunset Commission Deliberation

The Sunset Commission conducts a public hearing to take testimony on the staff report and the agency overall. The Sunset Commission conducts a second meeting to vote on which changes to recommend to the Texas Legislature.

## Public Hearings

- Sunset staff presents its report and recommendations
- Agency presents its response
- Sunset Commission hears public testimony and receives written comments
- Sunset Commission meets again to consider and vote on recommendations

Public input is published on the website.

3

## Legislative Action

The Texas Legislature considers Sunset's recommendations and makes final decisions.

## Texas Legislature

- Sunset bill on an agency is drafted and filed
- Sunset bill goes through the normal legislative process
- The Senate and the House conduct committee hearings and debate the bill
- Bill passes or fails adoption
- Governor signs, vetoes, or allows bill to become law without signature

Public may participate in legislative process.

4

Agency continues with improvements.

Agency is abolished but may continue business for up to one year, or its functions are transferred to another agency.



## How many agencies are under Sunset review?

As of September 2021, the Legislature has scheduled 129 agencies for Sunset review during the next 12 years. The Legislature determines when agencies undergo Sunset review and may change the review schedule through legislation. The Legislature also may direct the Sunset Commission to perform special purpose or limited reviews that focus on specific topics or concerns. A few agencies under Sunset review are not subject to abolishment, such as river authorities and state agencies created by the Texas Constitution. The Legislature has exempted most judicial and higher education agencies from Sunset review.

The Legislature has placed 129 agencies under Sunset review.

## What changes can be made through Sunset?

Typically, the Sunset Commission recommends continuing, transferring, or abolishing an agency, as well as other statutory changes to solve problems and make improvements identified in the Sunset staff report and through public comments. The Legislature makes the final decisions on Sunset recommendations for statutory changes through legislation. The Sunset Commission may also direct an agency to address management and operational problems that do not require statutory changes.

## What guides a Sunset review?

Sunset is a robust, structured process that uses evaluation tools to help guide every review, including statutory review criteria, good government standards, and public sector best practices.

- **Statutory 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 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 an agency's efficiency, effectiveness, fairness, and accountability.
- **Across-the-board recommendations.** The Sunset Commission has adopted a set of across-the-board (ATB) recommendations based on the 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.
- **Evaluation standards.** Sunset has developed "models," or collections of accepted standards, for evaluating licensing and regulation, contracting, grant making, and affiliated nonprofits. These models are built on Sunset's four decades of experience in evaluating state government, as well as other published best practices. For example, the Sunset Licensing and Regulation Model is a nationally recognized set of standards for every aspect of a licensing agency or regulatory program, including the need for regulation, efficient licensing procedures, and effective enforcement activities. When

Statutory criteria and evaluation tools guide every Sunset review.

applying standards in these models, the Sunset Commission and staff also consider 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? Could any of the agency's programs be consolidated with other state agencies?
7. Does the agency promptly and effectively address complaints and use an appropriate administrative hearings process?
8. To what extent does the agency encourage and use public participation when making rules and decisions? Does the agency periodically review its rules to determine if they are necessary and benefit the public?
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?
5. Does the agency provide sufficient information on its website to enable the public to locate and verify licensed service providers and to file a complaint?

# 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 88th Legislature*, provides general timeframes for each review stage.

- **Learn about the agencies currently under Sunset review.**

The Sunset Commission begins a new review cycle every two years in the fall in odd-numbered years. Sunset posts a list of agencies under review on its website, along with the required self-evaluation reports (SER) submitted by each agency in the current review cycle. In the SER, agencies describe their mission, functions, and programs, provide operational and performance data, and identify potential issues and opportunities for change through the Sunset process. The website also contains historical reports from previous Sunset reviews of the agencies dating back to 1978.

- **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 Sunset 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. Comments provided to Sunset staff during this phase are confidential and are not published or forwarded to the agency or the Sunset Commission members or their staff.

- **Read the Sunset reports.** At the end of each agency's staff review, Sunset publishes an independent staff report with recommendations to the Sunset Commission. Sunset updates each agency's report with new information twice during the review process, first with the Sunset Commission's decisions on the recommendations from staff and the public, and later with the Legislature's final actions on the agency's Sunset bill. In addition to the individual agency reports, Sunset publishes two summary reports, one at the beginning of the regular legislative session and one at the end.

- **Comment on staff reports and testify at Sunset public hearings.** After Sunset publishes the staff report on an agency, the Sunset Commission

## Individual Complaints and Cases

Sunset welcomes public comments on an agency's rules, processes, and regulatory activities. However, the Sunset Commission does not get involved or intervene in individual complaints, grievances, or administrative or legal cases, including those relating to a state agency under review.

Sunset is not an ombudsman's office or an avenue for appeals and cannot influence or override an agency's decisions. The Sunset Commission and staff may not accept confidential documents, written comments, or public testimony containing details about individual cases or appeals.

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, as are any comments submitted for Sunset’s public hearing on an agency.

- **Participate in the legislative session.** The Legislature must pass a bill to continue an agency that is subject to abolishment under the Sunset Act, and to make other statutory changes to an agency under Sunset review. The public can participate in the legislative process as they would with any bill, including contacting elected officials and testifying at legislative committee hearings about an agency’s Sunset bill. For more information about the legislative process, visit [www.capitol.texas.gov](http://www.capitol.texas.gov).

### Sunset Review Timeline for the 88th Texas Legislature

September 2021	The Sunset Commission posts a list of agencies currently under review and the agencies’ self-evaluation reports on its website.
September 2021 to January 2023	<p>Sunset staff evaluates each agency scheduled for review and publishes a staff report with recommendations to the Sunset Commission. Sunset posts the staff reports on its website. The Sunset Commission holds a public hearing and a decision meeting on each agency.</p> <p>Public comments submitted before the Sunset staff report is published are confidential and are not forwarded to the agency being reviewed or to Sunset Commission members or their staff. Public comments submitted after the Sunset staff report is published generally are not confidential and are shared with commission members and posted on Sunset’s website, as are any comments submitted for Sunset’s public hearing on an agency.</p>
February 2023	The Sunset Commission submits a summary report to the Texas Legislature with its recommendations for every agency under review and posts this report on its website.
January to June 2023	The Legislature considers Sunset bills for each agency under review during the regular legislative session held every two years. The introduced version of each bill contains the Sunset Commission’s statutory recommendations, and the Legislature may change or remove these recommendations and add new ones to the bill. After session, Sunset publishes a summary report with the Legislature’s final actions 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.
- **Public 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](https://www.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](mailto: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 its inception, as shown in the textbox *Sunset's Impact Since 1977*. Sunset promotes a culture of continuous improvement in state government by providing an objective, nonpartisan public forum to evaluate the need for state agencies and assess their effectiveness, efficiency, fairness, accountability, and responsiveness to the public.

The Sunset process has led to major improvements in nearly every area of state government by:

- Abolishing unnecessary state agencies and programs, lowering state expenditures, and modernizing outdated state laws.
- Reducing state regulation of businesses and occupations, while continuing to protect the public and providing a more equitable path to working in Texas.
- Eliminating duplication among state agencies and programs, increasing public participation and government accountability, and improving the quality, consistency, and efficiency of state government services.

## Sunset's Impact Since 1977

### Streamlining Texas government

- 42 agencies and programs abolished
- 52 agencies and programs abolished and transferred or consolidated

### Saving taxpayer money

- \$1 billion in state and federal savings and revenue gains
- Return of \$18 for every \$1 appropriated to Sunset Commission since 1985

### Improving state agencies and laws

- 570 reviews of state agencies and programs
- 80 percent of the Sunset Commission's recommendations to the Legislature have become state law since 2001, when Sunset began tracking this measure

## 2021 Legislative Session Highlights

The Sunset Commission reviewed 19 state entities for the 87th regular legislative session in 2021, and made 115 statutory recommendations to the Legislature based on staff reports and public hearings. The Legislature adopted 78 percent of these recommendations and added other changes to further improve state government. The Sunset Commission also adopted 114 management directives to address operational concerns identified during the staff reviews. Together, these changes significantly improved state government by:

- Eliminating 31 license types across 18 regulatory programs, reducing unnecessary regulatory burdens for almost 140,000 licensees across Texas. Sunset further streamlined and removed other subjective, anticompetitive, or unnecessary regulatory requirements, eliminating barriers to working in Texas that have little or no impact on public safety.
- Making regulatory complaint processes easier for the public to use and more objective, and ensuring state agencies' inspections and enforcement actions are transparent, consistent, and focused on regulated activities that pose the greatest risk to the public.

The Legislature eliminated 31 license types to reduce regulatory burdens for almost 140,000 licensees.



Sunset  
streamlined  
regulation  
of 345,000  
barbers and  
cosmetologists.

- Clarifying stakeholder engagement standards and expectations to improve the content and quality of information provided to the public, and expanding opportunities for public participation and input in agencies' policies, planning processes, and operations.
- Improving agency management and operations by strengthening fiscal policies, reporting requirements, audits, tracking and use of data, fair contracting processes, and risk-based decision making and resource allocation.

Specific examples of the most impactful changes are highlighted below.

### **Less Burdensome Regulation**

- The Texas Department of Licensing and Regulation's resources and capabilities had been stretched thin by decades of taking on new or troubled programs, jeopardizing the quality of service to licensees and the general public. Sunset eliminated 29 types of licenses that provided little or no benefit to the public and were held by 16,000 businesses and individuals, such as polygraph examiners and combative sports event coordinators. Sunset also streamlined the regulation of about 345,000 barbers, cosmetologists, and their businesses to reduce both the department's workload and regulatory burdens on the licensees.
- The Sunset process removed unnecessary regulatory obstacles to doing business in Texas at 10 state agencies, such as notarization of application forms, subjective qualifications to get a license or permit, onerous educational requirements, inconsistencies in licensing and examination processes, and arbitrary rules on how criminal convictions affect eligibility for certification.

### **More Accountable, Efficient State Government**

Sunset lowered  
the state's  
cost of animal  
disease testing  
by closing  
an outdated  
inefficient  
laboratory.

- The Texas Animal Health Commission's animal health testing laboratory had become outdated, inefficient, and unjustifiably expensive to operate. Sunset directed the agency to close the lab and outsource regulatory animal health tests to Texas A&M University's nationally accredited veterinary lab, to the extent testing is available, efficient, and cost-effective. The change will lower the state's cost of testing for contagious animal diseases and eliminate duplication of state-funded operations.
- Historically, the Texas Commission on Law Enforcement has not effectively collected or used data to assess and prioritize regulatory processes such as audits, which state law requires to be risk-based. The Sunset Commission directed the agency to improve its approach to audits, contracting, and overall decision-making. Although the agency's Sunset bill did not pass, these management directives should lead to operational improvements.
- To improve consistency and efficiency of operations at the Texas Parks and Wildlife Department, the Legislature required the agency to adopt policies to guide its enforcement processes, and to standardize its regulatory



programs to the extent feasible. The department must also refine existing strategic planning efforts and establish a more complete and formal internal audit process.

### Broader Public Engagement

- Sunset’s review of the Teacher Retirement System found a major disconnect between the agency and the retired teachers it serves, resulting in poor service and confusing requirements, particularly about the process to appeal agency decisions. Sunset required the agency’s board of trustees to appoint an independent ombudsman to monitor these interactions and recommend improvements, and required the agency to develop a strategic plan to communicate with and engage its customers.
- Despite the Texas Department of Agriculture’s broad reach across Texas, it lacked an effective strategy to engage stakeholders statewide. The Legislature increased opportunities for public input into the department’s activities by authorizing the creation of advisory committees and requiring a strategic planning process with public input for inspections. Sunset also directed the department to improve information for the public on its website about its regulations and operations.

Sunset required the Teacher Retirement System to appoint an ombudsman to improve services for retired teachers.

### More Effective Public Safety

- Having clear standards for jails is critical to the mission of the Texas Commission on Jail Standards to protect both inmates and the public. For years, however, the agency set vague, ineffective requirements for how jails are managed and operated. Sunset directed the agency to develop more specific and effective jail standards that account for risk. Further, Sunset legislation requires the agency to implement risk-based inspections and more consistent enforcement protocols, with escalating penalties for noncompliance.
- Complaints are an important tool in identifying and addressing regulatory violations that could harm the public. Sunset directed 11 agencies to more clearly explain their complaint filing procedures and final decisions to complainants, and to strengthen and formalize their processes for reviewing and investigating complaints, taking enforcement actions, and tracking, analyzing, and reporting complaint data. For example, Sunset directed the Credit Union Department to overhaul its complaints process and more clearly communicate its authority and process for investigating complaints.

Sunset improved public complaint processes at 11 regulatory agencies.

### Examples of Other Major Sunset Changes Since 1977

- **Nationally recognized best practices for state regulatory programs.** Much of Sunset’s work focuses on reviewing occupational licensing and regulatory agencies to identify unnecessary or subjective barriers to working in Texas. Sunset’s own nationally recognized model of best practices for evaluating regulatory laws, agencies, and programs ensures the regulation

serves a needed purpose and is fair, impartial, and transparent to the public and regulated businesses and individuals.

Sunset's model has enabled the Texas Legislature to streamline and reduce regulation, continuing to protect the public while removing legal barriers such as unneeded residency and education requirements, subjective licensing qualifications, and excessive hours of training, practice, and continuing education. In recent sessions, Sunset eliminated 68 types of licenses, registrations, and permits held by more than 100,000 businesses and individuals in low-risk fields such as cemetery brokers, real estate instructors, and guard dog trainers. Further, Sunset eliminated eight low-risk health regulatory programs and improved the efficiency and effectiveness of 17 other occupational licensing programs by moving them to more appropriate agencies.

Sunset  
overhauled  
outdated,  
inefficient  
alcoholic  
beverage  
regulations.

- **Modernization of Prohibition-era alcoholic beverage laws.** During a review of the Texas Alcoholic Beverage Commission, Sunset found that Texas regulated the alcoholic beverage industry under laws that were largely unchanged since they were enacted in 1935, shortly after Prohibition ended. The Sunset review strengthened the agency's ability to regulate the influential alcoholic beverage industry; simplified a byzantine licensing structure by reducing licenses and permits from 75 to 36; collapsed separate beer and ale regulatory programs based solely on alcohol content into a single malt beverage category and lowered state taxes on malt beverages; streamlined a lengthy label approval process; and allowed small brewpubs to sell malt beverages to go. Elected officials, regulators, and stakeholders praised the unprecedented modernization of alcoholic beverage laws achieved through the Sunset process.

Sunset aligned  
regulation of  
four behavioral  
health  
professions.

- **Aligned regulation of behavioral health professions.** The Legislature consolidated four behavioral health regulatory agencies into a new umbrella licensing agency, based on Sunset's findings of serious problems such as backlogs in processing licensing applications and investigating complaints. The Texas Behavioral Health Executive Council now oversees and coordinates the licensing and regulation of marriage and family therapists, professional counselors, psychologists, and social workers. This new structure aligns and improves regulation, standardizes licensing and enforcement, and creates administrative efficiencies and economies of scale, while preserving each profession's individual standards.
- **Innovative criminal justice programs.** Based in part on a Sunset review of the Texas Department of Criminal Justice, the Legislature invested about \$241 million in offender treatment and rehabilitation programs, money that would have otherwise been appropriated for new prisons. The 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 — the first time in history Texas closed a state prison.

The Sunset process also 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.

- **Integrated state health and human services.** Sunset reviews 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 and moving the functions of two abolished agencies to the Health and Human Services Commission (HHSC). Sunset also reorganized, aligned, and improved public services that significantly affect clients of Texas' health and human services system. The Sunset process improved specific programs, such as the training and supervision of caseworkers at the Department of Family and Protective Services to better protect children and vulnerable adults, reduce staff turnover, and increase caseworkers' time spent with children and families. Sunset also addressed major problems with HHSC's Office of Inspector General to improve detection of fraud, waste, and abuse.
- **More transparent, fair environmental regulations.** Based on two Sunset reviews of the Texas Commission on Environmental Quality, 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 actions. 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 strengthened regulatory authority over pipelines.
- **New financing tools and transparency for state transportation projects.** Sunset reviews of the Texas Department of Transportation provided new 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. Sunset also focused on restoring legislative and public trust in the department, 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.
- **Streamlined, more accountable state pension plans.** The 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 years of service for retirement eligibility. Sunset legislation also changed

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

Sunset led to a more equitable state pension system for teachers and state employees.

Sunset created better regulatory tools to improve poor-performing schools.

pension calculations, increasing pension checks for many retired teachers. Sunset strengthened oversight of the Employees Retirement System's board and transparency of the agency's alternative investments, provided more opportunities for stakeholder input in the group benefits program, and enabled members to directly participate in the insurance appeals process.

- **Cost controls and better oversight in public education.** Sunset established significant cost control measures for textbooks approved by the state for use in public schools, and overhauled state regulation of private technical schools that charged high prices but provided little education to students. Sunset reviews of the Texas Higher Education Coordinating Board restructured student loan forgiveness programs, increased stakeholder influence, and focused the agency on effectively coordinating higher education instead of regulation. Sunset also created better regulatory tools to improve schools with serious academic and financial accountability problems, especially chronically poor-performing charter schools.

# REVIEW SCHEDULE BY YEAR

## 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<sup>1</sup>  
Juvenile Justice Department, Texas  
Independent Ombudsman for the Texas  
Juvenile Justice Department, Office of<sup>1</sup>  
Law Enforcement, Texas Commission on<sup>2</sup>  
Public Utility Commission of Texas  
Electric Reliability Council of Texas<sup>1</sup>  
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, Texas Office of  
Veterinary Medical Examiners, State Board of<sup>3</sup>  
Water Development Board, Texas  
Water Implementation Fund for Texas  
Advisory Committee, State

## 2025: 27 Reviews

Architectural Examiners, Texas Board of  
Arts, Texas Commission on the  
Criminal Justice, Texas Department of  
Correctional Managed Health Care  
Committee<sup>1</sup>  
Pardons and Paroles, Board of<sup>1</sup>  
Windham School District, Texas  
Department of Criminal Justice<sup>1</sup>  
Employee Charitable Campaign Policy  
Committee, 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  
Injured Employee Counsel, Office of  
Insurance, Texas Department of  
Joint Underwriting and Advisory  
Organizations, Texas Department of  
Insurance<sup>1</sup>  
Workers' Compensation, Texas Department  
of Insurance Division of  
Insurance Counsel, Office of Public  
Judicial Branch Certification Commission  
Judicial Conduct, State Commission on  
Lottery Commission, Texas  
Pension Review Board, State  
Preservation Board, State  
River Authorities  
Angelina and Neches River Authority  
Lower Neches Valley Authority  
Sabine River Authority of Texas  
Trinity River Authority of Texas

## 2027: 22 Reviews

Administrative Hearings, State Office of  
Civil Commitment Office, Texas  
Developmental Disabilities, Texas Council for  
Education Agency, Texas  
Emergency Communications, Commission on  
State  
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, Texas<sup>1</sup>  
Perinatal Advisory Council<sup>1</sup>  
Health Services Authority, Texas  
Housing Corporation, Texas State Affordable  
People with Disabilities, Governor's Committee  
on  
Plumbing Examiners, Texas State Board of  
Public Finance Authority, Texas  
Public Health Funding and Policy Committee  
Racing Commission, Texas  
State Use Program (WorksWonders), Texas  
Workforce Commission  
Workforce Commission, Texas  
Workforce Investment Council, Texas

## 2029: 20 Reviews

Bar of Texas, State  
Behavioral Health Executive Council, Texas  
Border Health Officials, Task Force of  
Cancer Prevention and Research Institute of  
Texas  
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  
Veterinary Medical Examiners, State Board of



## 2031: 27 Reviews

Accountancy, Texas State Board of Public  
Alcoholic Beverage Commission, Texas  
Finance Commission of Texas  
Banking, Texas Department of  
Consumer Credit Commissioner, Office of  
Savings and Mortgage Lending,  
Department of  
Funeral Service Commission, Texas  
Historical Commission, Texas  
Holocaust, Genocide, and Antisemitism  
Advisory Commission, Texas<sup>1</sup>  
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  
Real Estate Commission, Texas  
Appraiser Licensing and Certification  
Board, Texas  
Risk Management, State Office of  
River Authorities  
Guadalupe-Blanco River Authority  
Lower Colorado River Authority  
Nueces River Authority  
Red River Authority of Texas  
School Land Board  
Securities Board, State  
Veterans Commission, Texas  
Veterans' Land Board  
Windstorm Insurance Association, Texas

## 2033: 13 Reviews

Agriculture, Texas Department of  
Boll Weevil Eradication Foundation, Texas  
Prescribed Burning Board  
Animal Health Commission, Texas  
Jail Standards, Texas Commission on  
Credit Union Department  
Fire Protection, Texas Commission on  
Gulf Coast Protection District  
Licensing and Regulation, Texas Department of  
Parks and Wildlife Department, Texas  
Prepaid Higher Education Tuition Board  
River Authority  
Brazos River Authority  
Teacher Retirement System of Texas

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<sup>1</sup> Statute requires agency to be reviewed in conjunction with the agency listed above it.

<sup>2</sup> Limited scope review.

<sup>3</sup> Special purpose review.





# AGENCIES UNDER THE TEXAS SUNSET ACT

Agency	Sunset Citation Section	Last Sunset Review	Next Sunset Review
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	2021	2033
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	2023
Angelina and Neches River Authority	8501.0015, Special Districts and Local Laws Code	—	2025
Animal Health Commission, Texas	161.027, Agriculture Code	2021	2033
Appraiser Licensing and Certification Board, Texas	1103.006, Occupations Code	2019	2031
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	Senate Bill 523, 84th Legislature, Regular Session, 2015 <sup>1</sup>	—	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 <sup>2</sup>	507.002, Occupations Code	—	2029
Boll Weevil Eradication Foundation, Texas	74.127, Agriculture Code	2021	2033
Border Health Officials, Task Force of	120.002, Health and Safety Code	—	2029
Brazos River Authority	8502.0021, Special Districts and Local Laws Code	2021	2033
Cancer Prevention and Research Institute of Texas <sup>3</sup>	102.003, Health and Safety Code	—	2029
Chiropractic Examiners, Texas Board of	201.004, Occupations Code	2017	2029
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 <sup>4</sup>	501.132, Government Code	2013	2025
Credit Union Department	15.212, Finance Code	2021	2033
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
Economic Development and Tourism Office, Texas <sup>5</sup>	481.003, Government Code	—	2023
Education Agency, Texas <sup>6</sup>	7.004, Education Code	2015	2027

Agency	Sunset Citation Section	Last Sunset Review	Next Sunset Review
Electric Reliability Council of Texas <sup>7</sup>	39.151(n), Utilities Code	2011	2023
Emergency Communications, Commission on State	771.032, Health and Safety Code	2011	2027
Emergency Services Retirement System, Texas	865.0011, Government Code	—	2029
Employee Charitable Campaign Policy Committee, State	659.140(i), Government Code	2013	2025
Employees Retirement System of Texas	815.005, Government Code	2017	2029
Engineers and Land Surveyors, Texas Board of Professional <sup>8</sup>	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 <sup>9</sup>	2152.002, Government Code	2015	2027
Family and Protective Services, Department of	40.003, Human Resources Code	2015	2027
Finance Commission of Texas	11.108, Finance Code	2019	2031
Fire Protection, Texas Commission on	419.003, Government Code	2021	2033
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	Senate Bill 626, 86th Legislature, Regular Session, 2019 <sup>1</sup>	2019	2031
Gulf Coast Protection District <sup>10</sup>	Senate Bill 1160, 87th Legislature, Regular Session, 2021	—	2033
Health and Human Services Commission <sup>11</sup>	531.004, Government Code	2015	2027
Health Services, Department of State	1001.003, Health and Safety Code	2015	2027
Health Services Authority, Texas	182.004, Health and Safety Code	2015	2027
Higher Education Coordinating Board, Texas	61.0211, Education Code	2013	2025
Historical Commission, Texas	442.002, Government Code	2019	2031
Holocaust, Genocide, and Antisemitism Advisory Commission, Texas <sup>12</sup>	448.002, Government Code	2021	2031
Housing and Community Affairs, Texas Department of	2306.022, Government Code	2013	2025
Housing Corporation, Texas State Affordable	2306.5521, Government Code	2011	2027
Independent Ombudsman for the Texas Juvenile Justice Department, Office of <sup>13</sup>	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	2025

Agency	Sunset Citation Section	Last Sunset Review	Next Sunset Review
Insurance, Texas Department of	31.004, Insurance Code	2011	2025
Insurance Counsel, Office of Public	501.003, Insurance Code	2011	2025
Invasive Species Coordinating Committee, Texas	776.007, Government Code	—	2023
Jail Standards, Texas Commission on	511.003, Government Code	2021	2033
Joint Underwriting and Advisory Organizations, Texas Department of Insurance <sup>14</sup>	1805.060, Insurance Code	—	2025
Judicial Branch Certification Commission	152.001, Government Code	—	2025
Judicial Conduct, State Commission on	33.003, Government Code	2013	2025
Juvenile Justice Department, Texas <sup>15</sup>	202.010, Human Resources Code	2011	2023
Lavaca-Navidad River Authority	Senate Bill 523, 84th Legislature, Regular Session, 2015 <sup>1</sup>	—	2023
Law Enforcement, Texas Commission on <sup>16</sup>	1701.002, Occupations Code	2021	2023
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 <sup>17</sup>	51.002, Occupations Code	2021	2033
Lottery Commission, Texas	467.002, Government Code	2013	2025
Low-Level Radioactive Waste Disposal Compact Commission, Texas <sup>18</sup>	403.0054, Health and Safety Code	—	2023
Lower Colorado River Authority <sup>19</sup>	8503.0021, Special Districts and Laws Code	2019	2031
Lower Neches Valley Authority	8504.0021, Special Districts and Laws Code	—	2025
Maternal Mortality and Morbidity Review Committee, Texas <sup>20</sup>	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
Motor Vehicles, Texas Department of	1001.005, Transportation Code	2019	2031
Nueces River Authority	Senate Bill 625, 86th Legislature, Regular Session, 2019 <sup>1</sup>	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 <sup>21</sup>	508.051, Government Code	2013	2025
Parks and Wildlife Department, Texas	11.0111, Parks and Wildlife Code	2021	2033

Agency	Sunset Citation Section	Last Sunset Review	Next Sunset Review
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 <sup>22</sup>	241.187(l), 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 <sup>23</sup>	1301.003, Occupations Code	2019	2027
Prepaid Higher Education Tuition Board	54.603, Education Code	2021	2033
Prescribed Burning Board <sup>24</sup>	153.044, Natural Resources Code	2021	2033
Preservation Board, State	443.002, Government Code	2013	2025
Public Finance Authority, Texas	1232.072, Government Code	2011	2027
Public Health Funding and Policy Committee	117.002, Health and Safety Code	—	2027
Public Safety, Department of	411.002, Government Code	2019	2031
Public Utility Commission of Texas	12.005, Utilities Code	2013	2023
Public Utility Counsel, Office of	13.002, Utilities Code	2011	2023
Racing Commission, Texas	2021.008, Occupations Code	2021	2027
Railroad Commission of Texas	81.01001, Natural Resources Code	2017	2029
Real Estate Commission, Texas	1101.006, Occupations Code	2019	2031
Red River Authority of Texas	Senate Bill 627, 86th Legislature, Regular Session, 2019 <sup>1</sup>	2019	2031
Risk Management, State Office of	412.021, Labor Code	2019	2031
Sabine River Authority of Texas	Senate Bill 619, 86th Legislature, Regular Session, 2019 <sup>1</sup>	—	2025
San Antonio River Authority	Senate Bill 523, 84th Legislature, Regular Session, 2015 <sup>1</sup>	—	2023
San Jacinto River Authority	Senate Bill 713, 87th Legislature, Regular Session, 2021 <sup>1</sup>	2021	2023
Savings and Mortgage Lending, Department of	13.012, Finance Code	2019	2031

Agency	Sunset Citation Section	Last Sunset Review	Next Sunset Review
School Land Board	32.003, Natural Resources Code	2019	2031
Securities Board, State	Article 581-2, Subsection O, Vernon's Texas Civil Statutes	2019	2031
Soil and Water Conservation Board, Texas State	201.025, Agriculture Code	2015	2023
State-Federal Relations, Texas Office of <sup>25</sup>	751.003, Government Code	2009	2023
State Use Program (WorksWonders), Texas Workforce Commission	122.0012, Human Resources Code	—	2027
Sulphur River Basin Authority	8508.0005, Special Districts and Laws Code	2017	2029
Teacher Retirement System of Texas	825.006, Government Code	2021	2033
Transportation, Texas Department of	201.204, Transportation Code	2017	2029
Trinity River Authority of Texas	Senate Bill 619, 86th Legislature, Regular Session, 2019 <sup>1</sup>	—	2025
Upper Colorado River Authority	8506.0021, Special Districts and Laws Code	2017	2029
Upper Guadalupe River Authority	Senate Bill 619, 86th Legislature, Regular Session, 2019 <sup>1</sup>	—	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 <sup>26</sup>	801.003, Occupations Code	2021	2023 2029
Water Development Board, Texas	6.013, Water Code	2011	2023
Water Implementation Fund for Texas Advisory Committee, State	15.438(k), Water Code	—	2023
Windham School District, Texas Department of Criminal Justice <sup>27</sup>	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	2025
Workforce Commission, Texas	301.008, Labor Code	2015	2027
Workforce Investment Council, Texas <sup>28</sup>	2308.005, Government Code	2015	2027

<sup>1</sup> The senate bill or house bill cited in the table placed the river authority under Sunset review and contains the statutory citation for the river authority's original enabling statute.

<sup>2</sup> 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.

<sup>3</sup> The Cancer Prevention and Research Institute of Texas went through Sunset review in 1999 as the Texas Cancer Council.

<sup>4</sup> Statute requires the Sunset Commission to review the Correctional Managed Health Care Committee during the same period as the Texas Department of Criminal Justice.

<sup>5</sup> The Texas Economic Development and Tourism Office went through Sunset review in 2003 as the Texas Department of Economic Development. The Sunset Commission postponed the office's 2021 Sunset review until 2023 due to the COVID-19 pandemic.

<sup>6</sup> 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.

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

<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> Section 9502.0105, Special Districts and Laws Code.

<sup>11</sup> Senate Bill 200, 84th Legislature, Regular Session, significantly reorganized the health and human services system and abolished and transferred the functions of the Department of Aging and Disability Services and the Department of Assistive and Rehabilitative Services to the Health and Human Services Commission in 2017. The Sunset Commission will evaluate these functions during the commission's 2027 review.

<sup>12</sup> House Bill 3257, 87th Legislature, Regular Session, repealed the enabling statute for the Texas Holocaust and Genocide Commission and created the Texas Holocaust, Genocide, and Antisemitism Advisory Commission to the Texas Historical Commission. Statute requires the Sunset Commission to review the new advisory commission during the same period as the Texas Historical Commission.

<sup>13</sup> 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.

<sup>14</sup> Statute requires the Sunset Commission to review the Joint Underwriting and Advisory Organizations during the same period as the Texas Department of Insurance.

<sup>15</sup> The Texas Juvenile Justice Department went through Sunset review in 2011 as the Texas Youth Commission and the Texas Juvenile Probation Commission.

<sup>16</sup> Senate Bill 713, 87th Legislature, Regular Session, directs the Sunset Commission to conduct a limited scope review of the Texas Commission on Law Enforcement in 2023, focusing on the appropriateness of the Sunset Commission's recommendations for the agency made to the 87th Legislature.

<sup>17</sup> Statute exempted programs transferred to the Texas Department of Licensing and Regulation (TDLR) on or after September 1, 2016 from the 2021 Sunset review. These programs will be included in TDLR's next Sunset review.

<sup>18</sup> 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.

<sup>19</sup> Statute exempts the Lower Colorado River Authority's management of the generation or transmission of electricity and its affiliated nonprofit corporations from Sunset review.

<sup>20</sup> 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 Commission to review the committee during the same period as the Department of State Health Services.

<sup>21</sup> Statute requires the Sunset Commission to review the Board of Pardons and Paroles during the same period as the Texas Department of Criminal Justice.

<sup>22</sup> Senate Bill 749, 86th Legislature, Regular Session, requires the Sunset Commission to review the Perinatal Advisory Council during the same period as the Department of State Health Services.

<sup>23</sup> The 2019 Sunset bill for the Texas State Board of Plumbing Examiners did not pass the 86th Legislature. The governor issued an executive order in June 2019 to suspend abolishment of the agency and its enabling statute for two years. House Bill 636, 87th Legislature, Regular Session, continued the agency with a 2027 Sunset date.

<sup>24</sup> Statute requires the Sunset Commission to review the Prescribed Burning Board during the same period as the Texas Department of Agriculture.

<sup>25</sup> The Sunset Commission postponed the office's 2021 Sunset review until 2023 due to the COVID-19 pandemic.

<sup>26</sup> Senate Bill 713, 87th Legislature, Regular Session, directs the Sunset Commission to conduct a special purpose review of the State Board of Veterinary Medical Examiners' database system and collection and use of data in 2023, and directs a limited scope audit by the State Auditor's Office with a report due to the Sunset Commission by December 1, 2024. The bill also schedules the board for a full Sunset review in 2029.

<sup>27</sup> Statute requires the Sunset Commission to review the Windham School District during the same period as the Texas Department of Criminal Justice.

<sup>28</sup> Statute requires the Sunset Commission to review the Texas Workforce Investment Council during the same period as the Texas Workforce Commission.





### **Section**

325.001	Short Title
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325.008	Commission Duties
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### **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 its 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;
- (13) the extent to which the purpose and effectiveness of reporting requirements imposed on the agency justifies the continuation of the requirement; and
- (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, that have been rendered inactive by an action of the legislature, or that the commission determines are unable to participate in the review due to a declared disaster.

(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.

(g) Except as provided by Subsections (a), (e), and (f), all legal interests of a state agency abolished in an odd-numbered year are transferred to the comptroller on the date the state agency is terminated under Subsection (a).

(h) On the date a state agency that is abolished in an odd-numbered year is terminated under Subsection (a), the governor may designate another state agency to administer any law previously administered by the abolished state agency that remains in effect and a reference in any law to the

abolished state agency means the designated state agency. The governor is not required to designate the same state agency under this subsection that is designated under Subsection (f).

### **Section 325.018. Subpoena Power**

(a) The commission may issue process to compel the attendance of witnesses and the production of books, records, 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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