

SUNSET ADVISORY COMMISSION

Sunset in Texas

2024-25
89TH LEGISLATURE



SUNSET ADVISORY COMMISSION



To be appointed
Chair

To be appointed
Vice Chair

Representative Justin Holland

Senator Angela Paxton

Representative Terry Canales

Senator Charles Schwertner, M.D.

Representative Travis Clardy

Senator Drew Springer, Jr.

To be appointed

To be appointed

To be appointed, Public Member

To be appointed, Public Member

Eric Beverly
Executive Director

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 2023

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SUNSET IN TEXAS

The public often perceives government agencies as inefficient, intrusive, burdensome, and outdated.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

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

Sunset is
an effective
legislative
oversight tool.

What is Sunset and how does the process work?

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

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

Who is the Sunset Commission?

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

Sunset Review Process

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?

Sunset currently has 131 agencies scheduled for review during the next 12 years. The Legislature sets the Sunset review schedule in law, but the agencies and their Sunset dates are subject to change every legislative session. Sunset is scheduled to evaluate an average of 22 agencies every two years through 2035. A few agencies under Sunset review are not subject to abolishment, such as river authorities and state agencies created by the Texas Constitution. Most judicial and higher education agencies are not subject to Sunset review.

The Legislature has placed 131 agencies under Sunset review.

What changes can be made through Sunset?

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

What guides a Sunset review?

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

Statutory criteria and evaluation tools guide every Sunset review.

- **Sunset review criteria.** The Legislature has established general criteria in the Texas Sunset Act for the Sunset Commission and staff to consider when reviewing all agencies, as well as specific criteria for reviews of occupational licensing agencies. The textbox on the following page, *Texas Sunset Act Review Criteria*, summarizes the criteria in Sections 325.011, 325.0115, and 325.0124, Government Code, which generally focus on the agency's efficiency, effectiveness, fairness, and accountability.
- **Sunset across-the-board recommendations.** The Sunset Commission has adopted across-the-board (ATB) recommendations based on the Legislature's Sunset review criteria. These ATBs apply consistent standards for open, responsive, and effective government across all state agencies under Sunset review. Examples include ensuring public representation on governing boards, prohibiting conflicts of interest, and providing opportunities for public comments at agency board meetings.
- **Model standards.** Sunset has developed several models to help guide reviews, including models for licensing and regulation, contracting, grant making, and nonprofit organizations. These models are built on Sunset's four decades of experience in evaluating state government, as well as other

published best practices. The Sunset Licensing and Regulation Model is a nationally recognized set of standards for reviewing licensing agencies and programs. This model examines every aspect of a licensing agency or regulatory program, from the need for the agency to how licensing and enforcement should work. Before recommending changes to an agency's statute based on these standards, the Sunset Commission considers the agency's specific circumstances, ability to protect the public, and services to licensees.

Texas Sunset Act Review Criteria

All Sunset Reviews

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

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 89th 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 offices.

- **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.

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.

- **Comment on staff reports and testify at Sunset public hearings.** After Sunset publishes the staff report on an agency, the Sunset Commission holds a public hearing on the report and the agency. Anyone can submit written comments before and at the hearing, and may also testify on the Sunset staff’s recommendations and raise other agency-related issues not addressed in the staff report. Written comments submitted after the staff report is published are not confidential and are shared with Sunset Commission members and posted on Sunset’s website, 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.

Sunset Review Timeline for the 89th Texas Legislature

September 2023	The Sunset Commission posts a list of agencies currently under review and the agencies’ self-evaluation reports on its website.
September 2023 to January 2025	<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 2025	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 2025	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 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 by the Numbers*. 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 by the Numbers

Streamlining Texas government

- 42 agencies and programs abolished since Sunset's inception in 1977
- 53 agencies and programs consolidated since 1977

Saving taxpayer money

- \$1 billion in state and federal savings and revenue gains since 1985, when Sunset began tracking
- Return of \$16 for every \$1 appropriated to the Sunset Commission since 1985

Improving state agencies and laws

- 591 state agencies and programs reviewed since 1977
- 80% of statutory recommendations have passed the Legislature since 2001

2023 Legislative Session Highlights

During the 2022-23 biennium, Sunset evaluated 21 entities, most of which related to natural resources and criminal justice. Ultimately, the 88th Legislature adopted many changes recommended by the Sunset Commission, passing a state budget and Sunset bills that contained 95 percent of the commission's funding and statutory recommendations. Together, the commission's five funding recommendations, 138 statutory changes, and 85 management directives will position the agencies and entities to better serve and protect the people of Texas. Significant changes adopted through the Sunset process this biennium are highlighted below.

In 2023, 95% of Sunset's funding and statutory recommendations became law.

Securing Needed Investments

- To help the Public Utility Commission of Texas (PUC) accomplish its critical and expanding responsibilities, the Legislature adopted the Sunset Commission's recommendations to appropriate the agency additional funds. These investments will help the historically under-resourced agency improve its capacity to analyze electric industry data and regulate water and wastewater utilities.

- The Sunset Commission found the Texas Juvenile Justice Department's (TJJD) staffing crisis perpetuates the agency's cycle of instability and limits the state's ability to fully implement needed structural reforms. The Legislature appropriated \$83 million for salary increases for certain TJJD and county staff, and an additional \$230 million for the construction of new state facilities and local placement and diversion grants.

Ensuring More Effective Oversight

- Sunset's second consecutive review of the Anatomical Board of the State of Texas (SAB) found that while the state continues to have an interest in overseeing whole body donations, the agency cannot continue to perform this oversight effectively. As such, the Legislature transferred SAB's functions to the Texas Funeral Service Commission and made several changes to refine and clarify the state's regulation of whole body donations.
- The Legislature attached the State Board of Veterinary Medical Examiners to the Texas Department of Licensing and Regulation (TDLR) for a four-year period to address the systemic data collection, reliability, and analysis issues, and poor enforcement procedures that have plagued the agency. During this temporary attachment, TDLR will provide the board with policymaking and administrative oversight, guidance, and support.

Driving Strategic Decision Making

- While the Texas Water Development Board (TWDB) successfully provides loans and grants for projects in areas such as water supply, flood control, and agricultural conservation, a significant increase in workload challenges the agency's ability to administer this function effectively. Sunset directed TWDB to collect and analyze information about its project review process and outreach efforts to eliminate inefficiencies and more effectively target agency activities.
- Sunset found the Texas State Soil and Water Conservation Board insufficiently prepared to administer its \$150 million dam structural repair program. For the remaining millions of unspent funds, the Legislature required the agency to develop and adopt a clear set of priorities, goals, and associated measures to ensure consistency, fairness, and accountability in fund administration.

Enhancing Public Engagement

- As the state's regulator of essential utilities, PUC has a duty to communicate well with the public. Sunset directed and the resulting Sunset bill required the agency to take steps to build a more robust and proactive approach to mass communications to ensure the public has the important information it needs and to provide additional opportunities for public input.
- Sunset's review of the Texas Commission on Environmental Quality (TCEQ) found an agency performing admirably to administer complex

Sunset strengthened Texas' regulation of whole body donations and veterinarians.

Sunset required PUC to improve its public communication.

programs while also struggling against misperceptions and distrust of its role as the state's environmental regulator. The Legislature enacted additional requirements for public information and solicitation of public input at TCEQ, and Sunset directed the agency to make its website more accessible.

- To encourage greater public understanding and participation in the work of river authorities in Texas, Sunset directed the San Jacinto River Authority to develop a public engagement policy and improve its external communications strategy, and directed the San Antonio River Authority to conduct more comprehensive, inclusive strategic planning for projects in the basin.

Sunset required TCOLE to set standards for law enforcement agencies.

Strengthening Enforcement Processes

- Sunset's review of the Texas Commission on Law Enforcement (TCOLE) found the state's approach to law enforcement lags behind the needs of the state. As such, the Legislature required TCOLE to set and enforce standards for law enforcement agencies, and to develop model policies for agencies in key areas, such as personnel files and fit-for-duty examinations.
- TCEQ's compliance monitoring and enforcement processes needed improvements to consistently and equitably hold regulated entities accountable. The Legislature increased administrative penalties for certain harmful, repeat, and avoidable violations and Sunset directed TCEQ to enhance its oversight of permitted facilities' compliance history.

Other Notable Achievements 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, and continue 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 the last two 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.

In the last two sessions, Sunset eliminated 68 license, registration, and permit types.

Sunset
overhauled
outdated,
inefficient
alcoholic
beverage
regulations.

- **Improve efficiency of state licensing and regulatory programs.** The Texas Department of Licensing and Regulation's (TDLR) functionally aligned structure allows it to eliminate duplicative administrative functions and maximize efficiency by performing similar licensing, customer service, and enforcement processes across all its programs. However, the 2020-21 Sunset review found that decades of receiving new or troubled programs stretched TDLR's ability to take on additional responsibilities without jeopardizing the quality of service to licensees and the general public. Acknowledging this, the TDLR Sunset bill eliminated 29 unnecessary licenses; streamlined the regulation of barbers, cosmetologists, and driver training providers; and directed TDLR to be more data-driven in its inspection and enforcement processes to focus its resources on the highest risks to the public.
- Modernization of Prohibition-era alcoholic beverage laws. During the 2018-19 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 improved
financing
tools and
processes for
transportation
projects.

- **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.
- **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 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.

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

REVIEW SCHEDULE BY YEAR

2025: 12 Reviews

Criminal Justice, Texas Department of
Correctional Managed Health Care
Committee¹
Pardons and Paroles, Board of¹
Windham School District¹
Ethics Commission, Texas
Information Resources, Department of
Lottery Commission, Texas
Real Estate Commission, Texas³
River Authorities
Angelina and Neches River Authority
Lower Neches Valley Authority
Sabine River Authority of Texas
Trinity River Authority of Texas

2027: 19 Reviews

Administrative Hearings, State Office of
Civil Commitment Office, Texas
Developmental Disabilities, Texas Council for
People with Disabilities, Governor's Committee
on
Family and Protective Services, Department of
Health and Human Services Commission
Aging Coordinating Council, Statewide
Interagency¹
Health Services, Department of State
Maternal Mortality and Morbidity Review
Committee, Texas¹
Perinatal Advisory Council¹
Public Health Funding and Policy Committee
Health Services Authority, Texas
Juvenile Justice Department, Texas
Independent Ombudsman, Office of the¹
Soil and Water Conservation Board, Texas
State²
Veterinary Medical Examiners, State Board of
Workforce Commission, Texas
State Use Program (WorksWonders)
Workforce Investment Council, Texas¹

2029: 33 Reviews

Arts, Texas Commission on the
Bar of Texas, State
Law Examiners, Board of
Border Health Officials, Task Force of
Cancer Prevention and Research Institute of
Texas
Education Agency, Texas
Expanded Learning Opportunities Council
Emergency Communications, Commission on
State
Emergency Services Retirement System, Texas
Employee Charitable Campaign Policy
Committee, State
Employees Retirement System of Texas
Facilities Commission, Texas
Higher Education Coordinating Board, Texas
Housing and Community Affairs, Texas
Department of
Housing Corporation, Texas State Affordable
Injured Employee Counsel, Office of
Insurance, Texas Department of
Insurance Counsel, Office of Public
Joint Underwriting and Advisory
Organizations¹
Workers' Compensation, Division of
Judicial Branch Certification Commission
Judicial Conduct, State Commission on
Pension Review Board, State
Preservation Board, State
Public Finance Authority, Texas
Public Utility Commission of Texas
Electric Reliability Council of Texas¹
Public Utility Counsel, Office of
Racing Commission, Texas

Railroad Commission of Texas
River Authorities
Sulphur River Basin Authority
Upper Colorado River Authority
Transportation, Texas Department of

2031: 23 Reviews

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, Texas¹
Law Enforcement, Texas Commission on
Library and Archives Commission, Texas State
Military Department, Texas
Motor Vehicles, Texas Department of
Public Safety, Department of
Risk Management, State Office of
River Authorities
 Guadalupe-Blanco River Authority
 Lower Colorado River Authority
 Nueces River Authority
 Red River Authority of Texas
School Land Board
Securities Board, State
Veterans Commission, Texas
Veterans' Land Board
Windstorm Insurance Association, Texas

2033: 19 Reviews

Accountancy, Texas State Board of Public
Architectural Examiners, Texas Board of
Behavioral Health Executive Council, Texas
Chiropractic Examiners, Texas Board of
Dental Examiners, Texas State Board of
Engineers and Land Surveyors, Texas Board of
Professional
Geoscientists, Texas Board of Professional
Licensing and Regulation, Texas Department of
Medical Board, Texas
Nursing, Texas Board of
Optometry Board, Texas
Pediatric Acute-Onset Neuropsychiatric
Syndrome Advisory Council
Pharmacy, Texas State Board of
Physical Therapy and Occupational Therapy
Examiners, Executive Council of
Physical Therapy Examiners, Texas Board of
Occupational Therapy Examiners, Texas Board
of
Plumbing Examiners, Texas State Board of
Real Estate Commission, Texas
 Appraiser Licensing and Certification
 Board, Texas

2035: 25 Reviews

Agriculture, Texas Department of
Boll Weevil Eradication Foundation, Texas
Prescribed Burning Board
Animal Health Commission, Texas
Credit Union Department
Economic Development and Tourism Office,
Texas
Environmental Quality, Texas Commission on
Low-Level Radioactive Waste Disposal
Compact Commission, Texas¹
Energy Fund Advisory Committee, Texas
Fire Protection, Texas Commission on
Gulf Coast Protection District
Jail Standards, Texas Commission on
Parks and Wildlife Department, Texas
Prepaid Higher Education Tuition Board
River Authorities
Brazos River Authority
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,
Texas¹
State-Federal Relations, Office of
Teacher Retirement System of Texas
Water Development Board, Texas
Water Implementation Fund for Texas
Advisory Committee, State

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

² Limited scope review.

³ Special purpose review.

ENTITIES UNDER THE TEXAS SUNSET ACT

Entity	Sunset Citation Section	Last Sunset Review	Next Sunset Review
Accountancy, Texas State Board of Public	901.006 , Occupations Code	2019	2033
Administrative Hearings, State Office of	2003.023 , Government Code	2015	2027
Aging Coordinating Council, Statewide Interagency	531.499 , Government Code	—	2027
Agriculture, Texas Department of	11.003 , Agriculture Code	2021	2035
Alcoholic Beverage Commission, Texas	5.01 , Alcoholic Beverage Code	2019	2031
Angelina and Neches River Authority	8501.0015 , Special Districts and Local Laws Code	—	2025
Animal Health Commission, Texas	161.027 , Agriculture Code	2021	2035
Appraiser Licensing and Certification Board, Texas	1103.006 , Occupations Code	2019	2033
Architectural Examiners, Texas Board of	1051.003 , Occupations Code	2013	2033
Arts, Texas Commission on the	444.002 , Government Code	2013	2029
Banking, Texas Department of	12.109 , Finance Code	2019	2031
Bar of Texas, State	81.003 , Government Code	2017	2029
Behavioral Health Executive Council, Texas ¹	507.002 , Occupations Code	—	2033
Boll Weevil Eradication Foundation, Texas	74.127 , Agriculture Code	2021	2035
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	2035
Cancer Prevention and Research Institute of Texas ²	102.003 , Health and Safety Code	—	2029
Chiropractic Examiners, Texas Board of	201.004 , Occupations Code	2017	2033
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	501.132 , Government Code	2013	2025
Credit Union Department	15.212 , Finance Code	2021	2035
Criminal Justice, Texas Department of	492.012 , Government Code	2013	2025
Dental Examiners, Texas State Board of	251.005 , Occupations Code	2017	2033
Developmental Disabilities, Texas Council for	112.023 , Human Resources Code	2015	2027
Economic Development and Tourism Office, Texas	481.003 , Government Code	2023	2035
Education Agency, Texas ³	7.004 , Education Code	2015	2029
Electric Reliability Council of Texas	39.151(n) , Utilities Code	2023	2029

Entity	Sunset Citation Section	Last Sunset Review	Next Sunset Review
Emergency Communications, Commission on State	771.032 , Health and Safety Code	2011	2029
Emergency Services Retirement System, Texas	865.0011 , Government Code	—	2029
Employee Charitable Campaign Policy Committee, State	659.140(i) , Government Code	2013	2029
Employees Retirement System of Texas	815.005 , Government Code	2017	2029
Energy Fund Advisory Committee, Texas	34.0109(i) , Utilities Code	—	2035
Engineers and Land Surveyors, Texas Board of Professional ⁴	1001.005 , Occupations Code	—	2033
Environmental Quality, Texas Commission on	5.014 , Water Code	2023	2035
Ethics Commission, Texas	571.022 , Government Code	2013	2025
Expanded Learning Opportunities Council	33.254 , Education Code	—	2029
Facilities Commission, Texas ⁵	2152.002 , Government Code	2015	2029
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	2035
Funeral Service Commission, Texas	651.002 , Occupations Code	2019	2031
Geoscientists, Texas Board of Professional	1002.003 , Occupations Code	2019	2033
Guadalupe-Blanco River Authority	Senate Bill 626 , 86th Legislature, Regular Session, 2019 ⁶	2019	2031
Gulf Coast Protection District	9502.0105 , Special Districts and Local Laws Code	—	2035
Health and Human Services Commission ⁷	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	2029
Historical Commission, Texas	442.002 , Government Code	2019	2031
Holocaust, Genocide, and Antisemitism Advisory Commission, Texas ⁸	448.002 , Government Code	2021	2031
Housing and Community Affairs, Texas Department of	2306.022 , Government Code	2013	2029
Housing Corporation, Texas State Affordable	2306.5521 , Government Code	2011	2029
Independent Ombudsman for the Texas Juvenile Justice Department, Office of	261.054 , Human Resources Code	2023	2027
Information Resources, Department of	2054.005 , Government Code	2013	2025
Injured Employee Counsel, Office of	404.003 , Labor Code	2011	2029
Insurance, Texas Department of	31.004(a) , Insurance Code	2011	2029
Insurance Counsel, Office of Public	501.003 , Insurance Code	2011	2029

Entity	Sunset Citation Section	Last Sunset Review	Next Sunset Review
Invasive Species Coordinating Committee, Texas	776.007 , Government Code	2023	2035
Jail Standards, Texas Commission on	511.003 , Government Code	2021	2035
Joint Underwriting and Advisory Organizations, Texas Department of Insurance	1805.060 , Insurance Code	—	2029
Judicial Branch Certification Commission	152.001 , Government Code	—	2029
Judicial Conduct, State Commission on	33.003 , Government Code		2013
Juvenile Justice Department, Texas	202.010 , Human Resources Code	2023	2027
Lavaca-Navidad River Authority	Senate Bill 2592 , 88th Legislature, Regular Session, 2023 ⁶	2023	2035
Law Enforcement, Texas Commission on ⁹	1701.002 , Occupations Code	2023	2031
Law Examiners, Board of	82.006 , Government Code	2017	2029
Library and Archives Commission, Texas State	441.001(q) , Government Code	2019	2031
Licensing and Regulation, Texas Department of ¹⁰	51.002 , Occupations Code	2021	2033
Lottery Commission, Texas	467.002 , Government Code	2013	2025
Low-Level Radioactive Waste Disposal Compact Commission, Texas	403.0054 , Health and Safety Code	2023	2035
Lower Colorado River Authority ¹¹	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	34.018 , Health and Safety Code	—	2027
Medical Board, Texas	151.004 , Occupations Code	2019	2033
Military Department, Texas	437.051 , Government Code	2019	2031
Motor Vehicles, Texas Department of	1001.005 , Transportation Code	2019	2031
Nueces River Authority	8511.0104 , Special Districts and Laws Code	2019	2031
Nursing, Texas Board of	301.003 , Occupations Code	2017	2033
Occupational Therapy Examiners, Texas Board of	454.003 , Occupations Code	2017	2033
Optometry Board, Texas	351.004 , Occupations Code	2017	2033
Pardons and Paroles, Board of	508.051 , Government Code	2013	2025
Parks and Wildlife Department, Texas	11.0111 , Parks and Wildlife Code	2021	2035
Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council	119A.009 , Health and Safety Code	—	2033
Pension Review Board, State	801.107 , Government Code	2013	2029
People with Disabilities, Governor's Committee on	115.005 , Human Resources Code	2015	2027
Perinatal Advisory Council	241.187(l) , Health and Safety Code	—	2027

Entity	Sunset Citation Section	Last Sunset Review	Next Sunset Review
Pharmacy, Texas State Board of	551.005 , Occupations Code	2017	2033
Physical Therapy and Occupational Therapy Examiners, Executive Council of	452.002 , Occupations Code	2017	2033
Physical Therapy Examiners, Texas Board of	453.002 , Occupations Code	2017	2033
Plumbing Examiners, Texas State Board of	1301.003 , Occupations Code	2019	2033
Prepaid Higher Education Tuition Board	54.603 , Education Code	2021	2035
Prescribed Burning Board	153.044 , Natural Resources Code	2021	2035
Preservation Board, State	443.002 , Government Code	2013	2029
Public Finance Authority, Texas	1232.072 , Government Code	2011	2029
Public Health Funding and Policy Committee	117.002 , Health and Safety Code	—	2027
Public Safety, Department of	411.002(c) , Government Code	2019	2031
Public Utility Commission of Texas	12.005 , Utilities Code	2023	2029
Public Utility Counsel, Office of	13.002 , Utilities Code	2023	2029
Racing Commission, Texas	2021.008 , Occupations Code	2021	2029
Railroad Commission of Texas	81.01001 , Natural Resources Code	2017	2029
Real Estate Commission, Texas	1101.006 , Occupations Code	2019	2025
Red River Authority of Texas	8510.0104 , Special Districts and Laws Code	2019	2031
Risk Management, State Office of	412.021(f) , Labor Code	2019	2031
Sabine River Authority of Texas	Senate Bill 619 , 86th Legislature, Regular Session, 2019 ⁶	—	2025
San Antonio River Authority	House Bill 1535 , 88th Legislature, Regular Session, 2023 ⁶	2023	2035
San Jacinto River Authority	House Bill 1540 , 88th Legislature, Regular Session, 2023 ⁶	2023	2035
Savings and Mortgage Lending, Department of	13.012 , Finance Code	2019	2031
School Land Board	32.003 , Natural Resources Code	2019	2031
Securities Board, State	Article 581-2, Subsection O, Vernon's Texas Civil Statutes	2019	2031
Soil and Water Conservation Board, Texas State ¹²	201.025 , Agriculture Code	2023	2027
State-Federal Relations, Texas Office of	751.003 , Government Code	2023	2035
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	2035
Transportation, Texas Department of	201.204 , Transportation Code	2017	2029

Entity	Sunset Citation Section	Last Sunset Review	Next Sunset Review
Trinity River Authority of Texas	Senate Bill 619 , 86th Legislature, Regular Session, 2019 ⁶	—	2025
Upper Colorado River Authority	8506.0021 , Special Districts and Laws Code	2017	2029
Upper Guadalupe River Authority	House Bill 1555 , 88th Legislature, Regular Session, 2023 ⁶	2023	2035
Veterans Commission, Texas	434.002(a) , Government Code	2019	2031
Veterans' Land Board	161.0111 , Natural Resources Code	2019	2031
Veterinary Medical Examiners, State Board of ¹³	801.003 , Occupations Code	2023	2027
Water Development Board, Texas	6.013 , Water Code	2023	2035
Water Implementation Fund for Texas Advisory Committee, State	15.438(k) , Water Code	2023	2035
Windham School District, Texas Department of Criminal Justice	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(b) , Insurance Code	2011	2029
Workforce Commission, Texas	301.008 , Labor Code	2015	2027
Workforce Investment Council, Texas	2308.005 , Government Code	2015	2027

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

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

³ Statute requires the 2029 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.

⁴ 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.

⁵ 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.

⁶ 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.

⁷ 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.

⁸ 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.

⁹ The most recent Sunset review of the Texas Commission on Law Enforcement in 2023 was limited to evaluating the appropriateness of the Sunset Commission's recommendations for the agency made to the 87th Legislature.

¹⁰ Statute exempted programs transferred to the Texas Department of Licensing and Regulation (TDLR) on or after September 1, 2016, from the 2021 Sunset review. The Sunset Commission will evaluate these programs during the department's 2033 review.

¹¹ Statute exempts the Lower Colorado River Authority's management of the generation or transmission of electricity and its affiliated nonprofit corporations from Sunset review.

¹² Senate Bill 1424, 88th Legislature, Regular Session, directs the Sunset Commission to conduct a limited scope review of the Texas State Soil and Water Conservation Board in 2027, limited to reviewing the Board's dam structural repair grant program.

¹³ The most recent Sunset review of the State Board of Veterinary Medical Examiners in 2023 was limited to evaluating the Board's database system and collection and use of data.

Section

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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 325.0124. Review of Agency's Sale of Personal Data

- (a) In this section, "personal data" means any information relating to an identified or identifiable individual that directly or indirectly identifies the individual by reference to:
- (1) an identifier for the individual, including a name, an identification number, location information, or an online identifier; or
 - (2) one or more factors specific to the physical, psychological, genetic, mental, economic, cultural, or social identity of the individual.
- (b) As part of its review of a state agency, the commission shall determine whether the state agency sells personal data the agency possesses. If the state agency sells personal data, the commission shall determine:
- (1) to whom the personal data is sold;
 - (2) to the extent possible, the purpose for which the personal data is sold;

- (3) the amount the state agency receives for the sale of the personal data; and
- (4) the law that authorizes the state agency to sell the personal data.

(c) The commission shall recommend prohibiting the sale of the personal data by a state agency, unless the commission identifies a compelling state or public interest justifying the state agency's authority to sell the personal data. If the commission recommends continuing the state agency's authority to sell personal data, the commission shall make any recommendations it considers necessary to protect the personal data from improper use and dissemination.

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.

Sunset Advisory Commission

Location

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

Mail

PO Box 13066
Austin, TX 78711

Website

www.sunset.texas.gov

Email

sunset@sunset.texas.gov

Phone

(512) 463-1300