

Sunset Commission Meeting January 13, 2021

Decision Material

Teacher Retirement System of Texas
Texas Department of Licensing and Regulation
Texas Commission on Law Enforcement
Texas Commission on Jail Standards
State Board of Veterinary Medical Examiners
San Jacinto River Authority
Brazos River Authority
Texas Racing Commission
Texas Commission on Fire Protection
Texas Holocaust and Genocide Commission

TEACHER RETIREMENT SYSTEM OF TEXAS

Issue 1

TRS Needs to Repair Its Relationship With Its Members by Focusing on Their Needs.
(Page 9)

Change in Statute

Rec. 1.1 (Page 15)

Require TRS to develop a communication and outreach plan to better help members and employers plan for retirement.

Chair Cyrier Proposed Modification

Modify Recommendation 1.1 to also require TRS to respond to appeals at all levels of staff review within the same amount of time that members have to appeal agency decisions.

Representative Canales Proposed Modification

Modify Recommendation 1.1 to also require TRS to create a process for members with healthcare coverage appeals denied by third-party health plan administrators to appeal directly to the agency.

Amendment 1 by Representative Canales

Replace the proposed modification with the following language. Modify Recommendation 1.1 to also require TRS to create communication and engagement materials informing members of the existing option to request an external review of healthcare coverage appeals denied by third-party health plan administrators, and ensure members are aware they may work directly with TRS for assistance in navigating the appeals process.

Rec. 1.2 (Page 15)

Require TRS to make improved efforts to return contributions to inactive members before funds are forfeit. As a related management action, TRS would be directed to submit the required report on inactive members to the comptroller's office.

Chair Cyrier Proposed Modification

Modify the associated management action to direct TRS to develop a process to submit inactive member information to the comptroller's office upon request by the comptroller's office. (Management action — nonstatutory)

Management Action

Rec. 1.3 (Page 16)

Direct TRS to adopt a member engagement policy to increase transparency on key decisions.

Senator Lucio Proposed Modification 1

As an associated statutory recommendation, modify Recommendation 1.3 to also require the TRS Board of Trustees to appoint an ombudsman to monitor the agency's interactions with members and recommend changes to agency operations that would benefit members.

Amendment 1 by Senator Lucio and Senator Paxton

Amend the modification to specify the ombudsman would monitor the agency's interactions with members; investigate, escalate, and report to the board on member complaints; and recommend changes to agency operations that would benefit members and increase their input into agency decisions.

Senator Lucio Proposed Modification 2

Modify Recommendation 1.3 to also direct TRS to review the TRS-Care Retirees Advisory Committee and make any changes needed to more effectively receive feedback from retirees on TRS-Care.

Issue 2

TRS Needs More Effective Contract Management and Oversight. (Page 19)

Management Action

Rec. 2.1 (Page 22)

Direct TRS to fully centralize contracting functions and clarify roles and responsibilities between central contracts department staff and division staff managing contracts.

Rec. 2.2 (Page 22)

Direct TRS to enhance its contract monitoring process.

Rec. 2.3 (Page 23)

Direct TRS to include standard remedies in contracts and consistently apply enforcement tools.

Rec. 2.4 (Page 23)

Direct TRS to require staff who procure or manage contracts to complete the comptroller's contract training.

Issue 3

As One of the Largest Public Pension Funds in the U.S., TRS Would Benefit From Additional Oversight and Greater Transparency of Its Investment Practices. (Page 25)

Management Action

Rec. 3.1 (Page 28)

Direct TRS to perform a cost-benefit analysis of implementing an enhanced investment accounting system to provide increased oversight of the custodian bank's accounting data.

Rec. 3.2 (Page 28)

Direct TRS to have its Internal Investment Committee review internal investments and strategies.

Rec. 3.3 (Page 28)

Direct TRS to include clear, easily understandable information about alternative investments in its *Comprehensive Annual Financial Report*.

Issue 4

TRS' Statutes Do Not Reflect Some Standard Elements of Sunset Reviews. (Page 31)

Change in Statute

Rec. 4.1 (Page 33)

Update the standard across-the-board requirement related to board member training.

Rec. 4.2 (Page 33)

Abolish three, modify two, and consolidate two of TRS' reporting requirements.

Senator Lucio Proposed Modification

Modify Recommendation 4.2 to also direct TRS to provide more comprehensive information on TRS-Care healthcare costs to the Legislature and the Texas Department of Insurance in the consolidated TRS-Care report, including out-of-

pocket costs for retirees such as co-payments, deductibles, and non-covered services. (Management action — nonstatutory)

Representative Canales Proposed Modification

Modify Recommendation 4.2 to also direct TRS to provide information on incentive payments to TRS investment staff in its Comprehensive Annual Financial Report, including the method of calculating incentive pay and the amounts paid. (Management action — nonstatutory)

Rec. 4.3 (Page 34)

Update TRS' statute to reflect the requirements of the person-first respectful language initiative.

Management Action

Rec. 4.4 (Page 34)

Direct TRS to develop and maintain a system for receiving and responding to complaints.

Proposed New Recommendation

Senator Paxton Proposed New Recommendation 1

Specify that TRS members who retire after January 1, 2011, and exceed employment after retirement limitations are subject to either a dollar-for-dollar reduction in their monthly annuity or forfeiture of their full monthly annuity, whichever is less. The dollar-for-dollar reduction does not apply if a disability retiree exceeds the 90-day limit for a school year, unless other existing exceptions for disability retirees apply.

TEXAS DEPARTMENT OF LICENSING AND REGULATION

Issue 1

The State Has a Continuing Need for TDLR, but the Effectiveness of Its Advisory Boards Could Be Improved. (Page 11)

Change in Statute

Rec. 1.1 (Page 15)

Continue TDLR for 12 years.

Vice Chair Buckingham Proposed Modification

Modify Recommendation 1.1 to remove the provision requiring TDLR programs transferred to the agency on or after September 1, 2016, to undergo a limited scope Sunset review in 2022–2023 and instead schedule these programs for review in 2033.

Rec. 1.2 (Page 15)

Remove advisory board meeting requirements from statute and authorize TDLR to call meetings as needed.

Rec. 1.3 (Page 15)

Authorize TDLR to create interdisciplinary advisory boards to coordinate the expertise and input for similar industries.

Rec. 1.4 (Page 15)

Update the standard across-the-board requirements regarding board member training and complaints.

Issue 2

Fifteen Occupational Licenses Are Not Necessary to Protect the Public. (Page 17)

Change in Statute

Rec. 2.1 (Page 33)

Eliminate the Polygraph Examiners Program.

Rec. 2.2 (Page 33)

Eliminate the Auctioneers Program.

Rec. 2.3 (Page 34)

Eliminate the Licensed Breeders Program.

Senator Lucio Proposed Modification

Sever Recommendation 2.3.

Rec. 2.4 (Page 34)

Eliminate the Professional Employer Organizations Program.

Chair Cyrier Proposed Modification

Sever Recommendation 2.4.

Rec. 2.5 (Page 34)

Eliminate the Weather Modification Program.

Chair Cyrier Proposed Modification

Sever Recommendation 2.5.

Rec. 2.6 (Page 34)

Eliminate the Responsible Pet Owner Program.

Senator Lucio Proposed Modification

Sever Recommendation 2.6.

Rec. 2.7 (Page 34)

Eliminate the journeyman lineman license.

Chair Cyrier Proposed Modification

Sever Recommendation 2.7.

Rec. 2.8 (Page 34)

Eliminate the journeyman industrial electrician license.

Chair Cyrier Proposed Modification

Sever Recommendation 2.8.

Rec. 2.9 (Page 34)

Eliminate the combative sports matchmaker license.

Rec. 2.10 (Page 35)

Eliminate the combative sports event coordinator license.

Rec. 2.11 (Page 35)

Eliminate the combative sports second license.

Issue 3

Regulating Barbering and Cosmetology Separately Is Inefficient, Unfair, and Unnecessary to Protect the Public. (Page 39)

Change in Statute

Rec. 3.1 (Page 47)

Consolidate Texas' regulation of barbers and cosmetologists, and administer the two programs as one.

Rec. 3.2 (Page 51)

Eliminate barbering and cosmetology instructor licenses.

Rec. 3.3 (Page 51)

Eliminate all wig-related licenses.

Rec. 3.4 (Page 51)

Eliminate state regulation of barber poles.

Issue 4

TDLR's Driver Training Programs Need Fundamental Reform to Eliminate Unnecessary, Burdensome, and Unfair Regulations. (Page 55)

Driver Improvement

Change in Statute

Rec. 4.1 (Page 64)

Eliminate the separate drug and alcohol driving awareness course and associated licenses.

Rec. 4.2 (Page 64)

Eliminate the separate specialized driving safety course and associated licenses.

Rec. 4.3 (Page 64)

Eliminate the separate driving safety course for drivers under 25 years old.

Rec. 4.4 (Page 64)

Eliminate the redundant driving safety school license.

Rec. 4.5 (Page 64)

Eliminate the driving safety instructor license.

Rec. 4.6 (Page 64)

Eliminate the minimum fees driving safety course providers must charge consumers.

Vice Chair Buckingham Proposed Modification

Sever Recommendation 4.6.

Driver Education and Parent-Taught Driver Education

Change in Statute

Rec. 4.7 (Page 65)

Modernize the licensing of driver education businesses.

Senator Hall Proposed Modification

Modify Recommendation 4.7 to clearly establish in the proposed new licensing structure a separate license for parent-taught driver education (PTDE) providers. With this modification, the new structure would be as follows:

- **In-person provider:** a business, other than a PTDE provider, offering driver education courses in person, in-car instruction, observation hours, and/or driver license exams
- **Online provider:** a business, other than a PTDE provider, offering driver education courses remotely through the internet rather than at an on-site location where the student is physically present
- **PTDE provider:** a business offering driver education courses that parents or designees use to teach their student

Statute would authorize PTDE providers to offer correspondence and/or online courses and would define the unique requirements for these providers. Specifically, statute would clearly require PTDE providers to adhere to minimum course curriculum standards established by TDLR. Statute would exempt PTDE providers from requirements to have an instructor but would specify that if the provider chooses to offer an instructor, that individual must be licensed. Statute would also require PTDE providers who offer online courses to include measures

to validate a student's active participation in the course but would exempt them from requirements to include mechanisms to validate a student's identity and other requirements applicable to online providers.

Rec. 4.8 (Page 65)

Eliminate pre-license and continuing education requirements for driver education instructors.

Rec. 4.9 (Page 66)

Require a memorandum of understanding to facilitate better coordination between TDLR and DPS.

Management Action

Rec. 4.10 (Page 66)

Direct TDLR to remove from rule certain driver education school inspection requirements.

Driver Improvement and Driver Education

Change in Statute

Rec. 4.11 (Page 66)

Eliminate prescriptive curriculum hours and authorize TDLR to set minimum hours in rule.

Rec. 4.12 (Page 66)

Eliminate costly course approval fees and streamline TDLR's process for approving driver training curricula.

Rec. 4.13 (Page 67)

Modify the membership of the Driver Training and Traffic Safety Advisory Committee to conform to the new licensing structure.

Management Action

Rec. 4.14 (Page 67)

Direct TDLR to list on its website only licensed instructors and providers, not the specific courses they offer.

Issue 5

The Texas Department of Motor Vehicles Could Regulate Used Automotive Parts Recyclers More Effectively Than TDLR. (Page 69)

Change in Statute

Rec. 5.1 (Page 72)

Transfer the regulation of UAPRs from TDLR to TxDMV, and consolidate the UAPR and salvage dealer licenses into a single license.

***Vice Chair Buckingham, Representative Canales, and Representative Goldman
Proposed Modification***

Sever Recommendation 5.1.

Issue 6

TDLR Lacks a Data-Driven, Risk-Based Strategy to Guide Key Regulatory Functions and Maximize Efficiency. (Page 77)

Change in Statute

Rec. 6.1 (Page 84)

Require TDLR to establish a risk-based approach to inspections.

Rec. 6.2 (Page 84)

Require TDLR to prioritize complaints based on the risk they pose to the public.

Management Action

Rec. 6.3 (Page 85)

Direct TDLR to develop a comprehensive, data-driven strategy for assessing program risks and setting regulatory priorities.

Issue 7

Key Elements of TDLR's Statute and Rules Do Not Conform to Common Regulatory Standards. (Page 87)

Change in Statute

Rec. 7.1 (Page 90)

Remove subjective licensure provisions from TDLR's statute.

Rec. 7.2 (Page 90)

Authorize TDLR to require disclosure of additional financial and controlling information of applicants for certain business licenses.

Rec. 7.3 (Page 91)

Clarify TDLR's general authority to adopt rules requiring continuing education, as necessary.

Rec. 7.4 (Page 91)

Authorize TDLR to deny license renewal applications for noncompliant applicants.

Rec. 7.5 (Page 91)

Provide TDLR general authority to order refunds.

Rec. 7.6 (Page 92)

Require TDLR to collect, maintain, and make publicly available detailed statistical information on complaints regarding its licensees.

Rec. 7.7 (Page 92)

Authorize the Texas Commission of Licensing and Regulation to dismiss low-level complaints and to delegate this authority to agency staff.

Management Action

Rec. 7.8 (Page 92)

Direct the agency to maintain complainants' confidentiality when possible.

Proposed New Recommendation

Vice Chair Buckingham Proposed New Recommendation 1

Authorize TDLR's advisory boards to continue holding fully telephonic or videoconference meetings.

TEXAS COMMISSION ON LAW ENFORCEMENT

Issue 1

Texas' Approach to Regulating Law Enforcement Is Ineffective. (Page 9)

Change in Statute

Rec. 1.1 (Page 18)

Establish a blue ribbon panel to comprehensively evaluate the regulation of law enforcement in Texas.

Vice Chair Buckingham Proposed Modification 1

Modify Recommendation 1.1 to also require the panel to meet monthly, authorize the panel to meet virtually, grant the panel subpoena power, and make the panel's working papers confidential.

Amendment 1 by Vice Chair Buckingham

Amend the modification to replace "make the panels working papers confidential" with "make confidential the panel's preliminary drafts and recommendations; memoranda expressing opinions, formulations, or recommendations of policy; and notes and correspondence with private individuals."

Vice Chair Buckingham Proposed Modification 2

Modify Recommendation 1.1 by changing the panel composition to better represent the state by requiring the three industry appointees include representation from both a rural county or small municipality, and a law enforcement agency.

Vice Chair Buckingham Proposed Modification 3

Modify Recommendation 1.1 to also require individual recommendations be adopted by a simple majority, but the panel's final report must be adopted by a supermajority of 10 votes.

Rec. 1.2 (Page 19)

Continue the Texas Commission on Law Enforcement for two years.

Issue 2

The Commission Does Not Follow Best Contracting Practices for Its IT Services.
(Page 21)

Management Action

Rec. 2.1 (Page 23)

Direct TCOLE to require regular training for all staff involved in the contracting process.

Rec. 2.2 (Page 23)

Direct TCOLE to develop a formal contract development and solicitation process for all of its contracts.

Rec. 2.3 (Page 24)

Direct TCOLE to include detailed, actionable performance incentives in its contracts.

Issue 3

Key Elements of TCOLE's Statute and Procedures Do Not Conform to Common Licensing and Regulatory Standards. (Page 25)

Change in Statute

Rec. 3.1 (Page 30)

Require TCOLE to conduct fingerprint-based criminal background checks of all licensure applicants and licensees.

Rec. 3.2 (Page 32)

Remove a subjective qualification for licensure from statute.

Rec. 3.3 (Page 31)

Clearly authorize TCOLE to maintain confidentiality of complainants when possible.

Rec. 3.4 (Page 31)

Clearly authorize TCOLE to issue subpoenas for investigative records.

Rec. 3.5 (Page 31)

Authorize TCOLE to require confidential examinations of licensees suspected of being impaired.

Vice Chair Buckingham Proposed Modification

Modify Recommendation 3.5 to also improve the privacy protection for officers by requiring confidentiality for the identity of the reporting individual as well as TCOLE's investigation, deliberation, decision to order an examination, and any documentation developed during this process.

Rec. 3.6 (Page 31)

Authorize TCOLE to temporarily suspend a license if it finds an imminent threat to public health, safety, or welfare.

Management Action

Rec. 3.7 (Page 31)

Direct TCOLE to remove subjective and anticompetitive requirements for contracted training providers.

Rec. 3.8 (Page 31)

Direct TCOLE to develop an online complaint submission form.

Rec. 3.9 (Page 32)

Direct TCOLE to develop a penalty matrix.

Rec. 3.10 (Page 32)

Direct TCOLE to develop a strategy to analyze and use data in commission decision making.

Rec. 3.11 (Page 32)

Direct TCOLE to publish relevant commission information online.

Rec. 3.12 (Page 32)

Direct TCOLE to adopt rules to comply with the statutory requirement to establish a risk-based approach to audits.

Rec. 3.13 (Page 33)

Direct TCOLE to establish a written policy more clearly separating its administrative and criminal investigations and staff.

Issue 4

The Texas Commission on Law Enforcement's Statute Does Not Reflect Some Standard Elements of Sunset Reviews. (Page 35)

Change in Statute

Rec. 4.1 (Page 37)

Update the standard across-the-board requirement related to commission member training.

Rec. 4.2 (Page 37)

Update the commission's statute to reflect the requirements of the person-first respectful language initiative.

Rec. 4.3 (Page 37)

Authorize the commission to establish advisory committees in rule.

Management Action

Rec. 4.4 (Page 38)

Direct the commission to adopt a policy to ensure each rule undergoes meaningful review pursuant to state law.

Proposed New Recommendations

None received.

TEXAS COMMISSION ON JAIL STANDARDS

Issue 1

The Agency's Minimum Jail Standards are Overly Vague, Broad, and Stagnant, Creating Risks for Jails and Inefficiencies for the Agency. (Page 11)

Change in Statute

Rec. 1.1 (Page 17)

Require the commission to ensure minimum standards account for varying needs and levels of risk among different jails.

Rec. 1.2 (Page 17)

Clarify the commission has authority to revise, amend, and change rules as needed without specific legislative action or approval.

Management Action

Rec. 1.3 (Page 17)

Direct the commission to review its rules for vague and ineffective standards, and improve their specificity and usefulness.

Rec. 1.4 (Page 18)

Direct the agency to adopt a policy to ensure each rule undergoes meaningful review pursuant to state law.

Rec. 1.5 (Page 18)

Direct the agency to adjust its operational plan approval process so jails may have plans that implement higher-than-minimum standards.

Issue 2

The Agency's Inspection and Enforcement Processes Do Not Adequately and Efficiently Mitigate Risk in Jails. (Page 21)

Change in Statute

Rec. 2.1 (Page 27)

Require the commission to establish a risk-based approach to inspections.

Rec. 2.2 (Page 27)

Require the commission to adopt rules and policies for taking escalating actions against jails that remain out of compliance for extended or recurring periods of time.

Rec. 2.3 (Page 28)

Require the commission to adopt rules and procedures to assess compliance with all standards during a certain percentage of jail re-inspections.

Management Action

Rec. 2.4 (Page 28)

Direct the agency to develop clear, consistent procedures for conducting its monthly risk assessment.

Rec. 2.5 (Page 28)

Direct the agency to create a procedures manual detailing its inspection process.

Issue 3

The Agency Lacks Key Complaints Data and Investigation Processes to Best Ensure Jails Meet Minimum Standards. (Page 31)

Change in Statute

Rec. 3.1 (Page 37)

Require the commission to adopt rules directing jails to post information on the commission's complaints process.

Rec. 3.2 (Page 37)

Update statute to enhance existing requirements for tracking, analyzing, and reporting on complaints.

Management Action

Rec. 3.3 (Page 38)

Direct the agency to develop clear, detailed procedures for investigating complaints.

Rec. 3.4 (Page 38)

Direct the agency to develop a formal process to refer non-jurisdictional complaints to the appropriate agency.

Rec. 3.5 (Page 38)

Direct the commission to prioritize complaint investigations by risk level.

Rec. 3.6 (Page 39)

Direct the agency to publicize additional information about its complaints process.

Issue 4

The Agency's Poor Data Practices and Weak Communications Limit Its Transparency and Ability to Improve Jail Operations. (Page 41)

Change in Statute

Rec. 4.1 (Page 46)

Require the agency to conduct trend analysis with the data it collects.

Management Action

Rec. 4.2 (Page 46)

Direct the agency to publish certain information on its website for a specified amount of time.

Rec. 4.3 (Page 47)

Direct the agency to regularly review its Public Information Act requests and determine what information could be proactively published to optimize staff resources.

Rec. 4.4 (Page 47)

Direct the agency to ensure consistent, cohesive data tracking.

Rec. 4.5 (Page 47)

Direct the agency to expand certain procedures for information gathering and sharing to include more diverse groups of stakeholders.

Issue 5

The State Has a Continuing Need for the Texas Commission on Jail Standards.
(Page 49)

Change in Statute

Rec. 5.1 (Page 55)

Continue the Texas Commission on Jail Standards for 12 years.

Rec. 5.2 (Page 55)

Authorize the commission to establish advisory committees by rule.

Rec. 5.3 (Page 55)

Remove statutory requirements for jail officials to report certain juvenile justice information to the agency each year.

Rec. 5.4 (Page 55)

Update the standard across-the-board requirement related to commission member training.

Management Action

Rec. 5.5 (Page 55)

Direct the agency to conduct a staffing analysis to better align resource allocation with its core inspection function.

Rec. 5.6 (Page 56)

The agency should use its annual reporting requirement to proactively identify statutory changes needed to conduct its work more efficiently and effectively.

Proposed New Recommendation

Chair Cyrier Proposed New Recommendation 1

Require a law enforcement agency, once appointed by the commission, to conduct an investigation of a jail inmate's death in custody, unless the law enforcement agency can provide evidence of a clear conflict of interest that cannot be mitigated. Authorize the commission to determine whether the evidence is sufficient to prove a conflict of interest and that the law enforcement agency is unable to cure the conflict. If the evidence is sufficient, require the commission to appoint a different law enforcement agency to conduct the investigation.

STATE BOARD OF VETERINARY MEDICAL EXAMINERS

Issue 1

The State Has a Continuing Need to Regulate the Practice of Veterinary Medicine, but the Agency Continues to Struggle With Effective Data Collection and Trend Analysis. (Page 11)

Change in Statute

Rec. 1.1 (Page 13)

Continue the State Board of Veterinary Medical Examiners for eight years.

Proposed New Recommendations

Vice Chair Buckingham Proposed New Recommendation 1

Require the State Board of Veterinary Medical Examiners to undergo a special purpose Sunset review during the 2022–2023 biennium to evaluate the agency’s implementation of its database system and the agency’s processes and procedures for collecting and analyzing data.

Vice Chair Buckingham Proposed New Recommendation 2

Require the State Auditor’s Office, during its 2024–2025 audit period, to conduct an audit of the State Board of Veterinary Medical Examiners. The audit should focus on the agency’s implementation of the data-related recommendations adopted by the Sunset Advisory Commission in the 85th Legislative Session and identified as not fully implemented in the current staff report, and any additional recommendations identified in the special purpose Sunset review to be conducted during the 2022–2023 biennium.

SAN JACINTO RIVER AUTHORITY

Issue 1

SJRA's Growing Regional Role Requires Better Communication and Engagement Efforts to Improve Public Trust in the Authority. (Page 11)

Change in Statute

Rec. 1.1 (Page 17)

Require SJRA to adopt a public engagement policy that guides and encourages public involvement on key decisions.

Management Action

Rec. 1.2 (Page 17)

Direct SJRA to develop a strategic communications plan.

Rec. 1.3 (Page 17)

Direct SJRA to provide clear, understandable information on its rates and fees prominently on its website.

Vice Chair Buckingham Proposed Modification

Modify Recommendation 1.3 to also direct SJRA to provide prominently on its website clear, understandable information on associated expenses paid for by SJRA's rates and fees.

Rec. 1.4 (Page 18)

Direct SJRA to regularly update its website to provide current, easily accessible information.

Issue 2

SJRA's Contracting Function Lacks the Direction and Processes Needed to Consistently Receive Best Value. (Page 19)

Management Action

Rec. 2.1 (Page 23)

Direct SJRA to establish additional guidance for contracting needs and procurement methods and use open solicitations except in documented exceptions.

Rec. 2.2 (Page 24)

Direct SJRA to consistently monitor, document, and evaluate vendor performance.

Rec. 2.3 (Page 24)

Direct SJRA to improve the transparency, fairness, and effectiveness of its contracting process.

Vice Chair Buckingham Proposed Modification

Modify Recommendation 2.3 to also direct SJRA to publish the conflict of interest statements from employees who evaluate vendor responses to solicitations on its website.

Issue 3

SJRA's Governing Law and Processes Do Not Reflect Some Standard Elements of Sunset Reviews. (Page 27)

Change in Statute

Rec. 3.1 (Page 30)

Apply the standard across-the-board requirement regarding the governor's appointment of the presiding officer of the SJRA board.

Rec. 3.2 (Page 30)

Apply the standard across-the-board requirement regarding grounds for removal of a board member to SJRA.

Rec. 3.3 (Page 30)

Apply the standard across-the-board requirement regarding board member training to the SJRA board.

Rec. 3.4 (Page 30)

Apply the standard across-the-board requirement regarding the separation of duties of board members from those of SJRA staff.

Rec. 3.5 (Page 30)

Apply the standard across-the-board requirement regarding public testimony to SJRA.

Rec. 3.6 (Page 30)

Apply the standard across-the-board requirement regarding developing and maintaining a system for receiving and acting on complaints and making information on complaint procedures available to SJRA.

Management Action

Rec. 3.7 (Page 31)

Direct the Texas Legislative Council to update SJRA's governing law.

Rec. 3.8 (Page 31)

Direct SJRA to plan and monitor its efforts to increase workforce diversity.

Proposed New Recommendations

None received.

BRAZOS RIVER AUTHORITY

Issue 1

BRA Would Benefit From More Comprehensive and Transparent Planning for Water Supply Projects. (Page 11)

Management Action

Rec. 1.1 (Page 14)

Direct BRA to develop and adopt an objective process and evaluation criteria for prioritizing its projects.

Rec. 1.2 (Page 14)

Direct BRA to provide clearer information on project progression and expenditures.

Rec. 1.3 (Page 14)

Direct BRA to involve its board of directors more directly in developing its strategic plan.

Rec. 1.4 (Page 15)

Direct the authority to develop a public engagement policy for water supply projects.

Issue 2

BRA Should Enhance the Transparency and Accountability of Its Contracting Processes to Ensure Fair Selection of Qualified Vendors. (Page 17)

Management Action

Rec. 2.1 (Page 20)

Direct BRA to adopt objective criteria for awarding professional services contracts and document the basis for award decisions.

Rec. 2.2 (Page 20)

Direct BRA to evaluate and document vendor performance.

Rec. 2.3 (Page 21)

Direct BRA to improve its contracting processes to ensure sufficient transparency and fairness.

Vice Chair Buckingham Proposed Modification

Modify Recommendation 2.3 to also direct BRA to publish the conflict-of-interest statements submitted by members of the vendor evaluation committees to its website.

Issue 3

BRA's Statute Does Not Reflect Some Standard Elements of Sunset Reviews. (Page 23)

Change in Statute

Rec. 3.1 (Page 25)

Apply the standard across-the-board requirement regarding grounds for removal of a board member to BRA.

Rec. 3.2 (Page 25)

Apply the standard across-the-board requirement regarding board member training to BRA.

Rec. 3.3 (Page 25)

Apply the standard across-the-board requirement regarding the separation of duties of board members from those of staff to BRA.

Rec. 3.4 (Page 25)

Apply the standard across-the-board requirement regarding public testimony to BRA.

Rec. 3.5 (Page 25)

Apply the standard across-the-board requirement regarding developing and maintaining a system for receiving and acting on complaints to BRA.

Management Action

Rec. 3.6 (Page 25)

Direct BRA to more comprehensively plan and monitor its efforts to increase workforce diversity.

Proposed New Recommendations

None received.

TEXAS RACING COMMISSION

Issue 1

The Texas Department of Agriculture Could Regulate Pari-Mutuel Racing More Efficiently and Effectively Than the Texas Racing Commission. (Page 9)

Change in Statute

Rec. 1.1 (Page 14)

Transfer the regulation of pari-mutuel racing to the Texas Department of Agriculture, and reconstitute the Texas Racing Commission as a governor-appointed advisory board.

Chair Cyrrier Proposed Modification

Modify Recommendation 1.1 to transfer the Texas Racing Commission to the Comptroller of Public Accounts as a semi-independent board and maintain the Texas Racing Commission with the current board and the authority to regulate pari-mutuel racing in the state of Texas.

Issue 2

The Texas Racing Commission Does Not Effectively Administer Its Horse Industry Grant Program. (Page 17)

Change in Statute

Rec. 2.1 (Page 21)

Transfer administration of the Horse Industry Escrow Account to the Texas Department of Agriculture.

Chair Cyrrier Proposed Modification

Modify Recommendation 2.1 to transfer administration of the Horse Industry Escrow Account to the Comptroller of Public Accounts instead of the Texas Department of Agriculture, and direct the comptroller rather than the Texas Department of Agriculture to implement the management action recommendations adopted in this issue.

Management Action

Rec. 2.2 (Page 21)

Direct the Texas Department of Agriculture to develop and publish guidelines for evaluating grant applications.

Rec. 2.3 (Page 21)

Direct the Texas Department of Agriculture to develop processes for monitoring grant recipients and tracking performance measures.

Rec. 2.4 (Page 21)

Direct the Texas Department of Agriculture to develop and implement a consistent timeline for grant applications.

Issue 3

Key Elements of the Texas Racing Commission's Statute and Rules Do Not Conform to Common Licensing Standards. (Page 23)

Change in Statute

Rec. 3.1 (Page 26)

Clearly define the categories of licenses requiring a fingerprint-based criminal background check.

Rec. 3.2 (Page 26)

Remove the requirement for licensees to resubmit fingerprints every 36 months.

Rec. 3.3 (Page 26)

Remove subjective licensure requirements from statute.

Rec. 3.4 (Page 26)

Require administrative penalty revenue be deposited into the General Revenue Fund.

Management Action

Rec. 3.5 (Page 26)

Direct the commission to establish and consistently apply policies for testing certain licensure applicants.

Rec. 3.6 (Page 26)

Direct the commission to remove potential barriers to licensing in its examination process.

Rec. 3.7 (Page 27)

Direct the commission to establish policies for uniform use of its reciprocity authority.

Rec. 3.8 (Page 27)

Direct the commission to adopt policies to improve racetrack inspections.

Issue 4

The Texas Racing Commission's Statute Does Not Reflect Some Standard Elements of Sunset Reviews. (Page 29)

Change in Statute

Rec. 4.1 (Page 30)

Update the standard across-the-board requirement related to public membership on the commission.

Rec. 4.2 (Page 30)

Update the standard across-the-board requirement related to commission member training.

Rec. 4.3 (Page 31)

Update statute to reflect the requirements of the person-first respectful language initiative.

Proposed New Recommendations

None received.

TEXAS COMMISSION ON FIRE PROTECTION

Issue 1

The State Has a Continuing Need for the Texas Commission on Fire Protection, but the Effectiveness and Transparency of Its Advisory Committees Could Be Improved. (Page 9)

Change in Statute

Rec. 1.1 (Page 13)

Continue the Texas Commission on Fire Protection for 12 years.

Rec. 1.2 (Page 13)

Update the standard across-the-board requirement related to commission member training.

Management Action

Rec. 1.3 (Page 13)

Direct TCFP to evaluate the continued usefulness and effectiveness of its advisory committees.

Rec. 1.4 (Page 14)

Direct TCFP to maintain documentation on complaints.

Issue 2

The Texas Commission on Fire Protection's Statute and Operations Do Not Reflect Some Regulatory Best Practices and Standard Elements of Sunset Reviews. (Page 15)

Change in Statute

Rec. 2.1 (Page 18)

Authorize TCFP to provide biennial renewal for certifications.

Rec. 2.2 (Page 18)

Authorize TCFP to enter into reciprocity agreements with other state fire personnel certification agencies.

Rec. 2.3 (Page 18)

Abolish TCFP's general reporting requirement on the commission's activities.

Rec. 2.4 (Page 18)

Update TCFP's statute to reflect the requirements of the person-first respectful language initiative.

Management Action

Rec. 2.5 (Page 19)

Direct TCFP to create a standard complaint form and publish it in a prominent location on the agency's website.

Rec. 2.6 (Page 19)

Direct the commission to review rules covering how criminal convictions relate to eligibility for certification.

Rec. 2.7 (Page 19)

Direct TCFP to adopt a policy to ensure each rule undergoes meaningful review pursuant to state law.

Proposed New Recommendations

Senator Paxton Proposed New Recommendation 1

Amend statute to specify advisory committee members serve six-year staggered terms and may not be appointed to more than one term.

Amendment 1 by Senator Paxton

Amend the proposed new recommendation to specify advisory committee members may not be appointed to consecutive terms.

Senator Paxton Proposed New Recommendation 2

Change the composition of the commission to require one of the members selected from a list submitted by the Texas Fire Chiefs Association, and one of the members selected from a list submitted by the Texas State Association of Fire Fighters, to each be employed by a political subdivision with a population of more than 100,000. Reduce from two to one member selected from a list submitted by the State Firemen's and Fire Marshals' Association of Texas, and re-purpose that member position to be a chief officer with a minimum rank that is equivalent to the position immediately below that of the fire chief, and employed by a fire department under the jurisdiction of the commission, that serves a population of over 500,000.

Amendment 1 by Senator Paxton

Amend and replace the proposed new recommendation as follows. Change the composition of the commission to require one of the two members selected from

a list submitted by the Texas Fire Chiefs Association, and one of the two members selected from a list submitted by the Texas State Association of Fire Fighters, to each be employed by a political subdivision with a population of more than 100,000 as the other member is statutorily required to serve a population of less than 100,000. Reduce from two to one member selected from a list submitted by the State Firemen's and Fire Marshals' Association of Texas, and re-purpose that member position to be a chief officer with a minimum rank that is equivalent to the position immediately below that of the fire chief, and employed by a fire department under the jurisdiction of the commission, that serves a population of over ~~500,000~~ 250,000.

TEXAS HOLOCAUST AND GENOCIDE COMMISSION

Issue 1

The Texas Holocaust and Genocide Commission Has Never Functioned as Intended, Cannot Show Measurable Benefit to the State, and Should Be Abolished. (Page 9)

Change in Statute

Rec. 1.1 (Page 16)

Abolish the Texas Holocaust and Genocide Commission.

Representative Goldman Proposed Modification

Replace the staff recommendation to abolish the Texas Holocaust and Genocide Commission and instead continue the commission until September 1, 2027, and transfer its oversight to the Office of the Texas Secretary of State. The commission would be administratively attached to and overseen by the Office of the Secretary of State, which would hire staff to administer and advise the commission, set commission staff salaries, perform commission staff evaluations, and approve the commission's budget. The modification would improve the operation and oversight of the commission's grant program by requiring the commission to develop an annual grant budget, approve uniform funding cycles and maximum grant limits, establish a conflict of interest policy, and conduct periodic audits of the program or grantees. The commission would be required to provide an annual report on its activities to the Governor, Lieutenant Governor, and Speaker of the Texas House of Representatives. The commission would no longer be statutorily required to determine which, if any, existing Holocaust or other genocide memorials, exhibits, or other resources could be included in or used to support Holocaust and genocide courses of study and awareness programs.

Amendment 1 by Representative Goldman

Replace the proposed modification with the following language. Continue the Texas Holocaust and Genocide Commission (THGC) as an advisory committee of the Texas Historical Commission (THC). Clarify THGC's advisory status, authority, duties, and accountability in statute as follows:

- a. Sunset date.** As an advisory committee to THC, THGC would no longer have a separate Sunset date and would be reviewed as part of THC during its next Sunset review currently scheduled for 2031.

- b. Advisory status.** THC would have ultimate responsibility for THGC's advisory duties and would supervise THGC, approve its actions, monitor its performance, and hold it accountable. As the oversight body, THC would have final approval of THGC's rules, budget, expenditures, contracts, and matching grant awards. THC would be authorized to adopt rules as necessary to guide THGC in performing its statutory duties. THC would also have authority to delegate certain final authorities to THGC that are appropriate for an advisory body, such as approval of educational materials for the annual Holocaust Remembrance Week.
- c. Memorandum of understanding.** Require THC and THGC to develop and enter into a memorandum of understanding (MOU) by September 1, 2021, to establish each entity's roles and responsibilities, as well as policies and processes for how they will be carried out. THC and THGC should designate a timeframe and procedure to periodically review and update the MOU.
- d. Commission composition and advisors.** Reduce the size of the commission to be comparable to THC's commission and its other advisory boards by eliminating the three ex officio positions. THC and THGC would be authorized to coordinate with the Texas Education Agency, Texas Higher Education Coordinating Board, and the Texas Veterans Commission as necessary to perform THGC's statutory duties. Also eliminate the two legislative advisory positions. These roles are unusual for an advisory body and could potentially lead to conflicts and misunderstandings among THC, THGC, and the advisors.
- e. Commission member training.** Require THC to provide training for THGC commission members on their advisory role and duties, and their relationship with THC.
- f. Funding and operational oversight.** THC would work with THGC and the Legislative Budget Board to develop goals, outcomes, strategies, and performance measures for THGC during the state appropriations process. THC would receive, manage, and oversee any appropriations made to carry out THGC's statutory duties.
- g. Administrative services and staffing.** Authorize THC to hire, manage, and evaluate staff as necessary to support THGC's advisory duties. Staff would be employees of THC and their salaries and titles should be commensurate with other THC employees with comparable duties.

THC would provide administrative support as necessary for THGC's duties, including but not limited to budget and finance, legal services, human resources, and information technology.

- h. Clarify statutory duties.** Require THC, in coordination with THGC, to establish and adopt rules, policies, and procedures for THGC's matching grant program, including an annual budget and funding cycle, program goals, grant eligibility criteria, and grant application and selection processes. THC and THGC should also consider and establish requirements for in-kind services and matching fund waivers, maximum grant limits, conflicts of interest, grant program data collection and evaluation, and periodic audits of the grant program and grant recipients.

Also eliminate the statutory provision requiring THGC to determine which, if any, existing Holocaust or other genocide memorials, exhibits, or other resources could be included in or used to support Holocaust and genocide courses of study and awareness programs.

- i. Accountability.** Require THC to report on THGC in its statutorily mandated biennial report to the Legislature and the governor. The report should include information on THGC's activities to advise, assist, and support others using existing resources; the matching grant program; an updated assessment of the state's Holocaust and genocide educational resources and needs; an updated list of volunteer speakers; THGC's coordination of commemorative or memorial events; and any efforts to improve Holocaust and genocide educational resources.

Also specify THGC is subject to THC's internal audit program and may be included in external reviews of THC, such as state audits.

These statutory changes would be effective September 1, 2021. THC and THGC would be required to provide a written update to the Sunset Commission on the progress in implementing these recommendations by December 1, 2022. The update would identify any obstacles or concerns encountered during implementation.

Proposed New Recommendations

None received.