

Summary of Sunset Legislation


Based on recommendations from the Sunset Advisory Commission, the 81st Legislature considered legislation affecting 25 state agencies and boards under Sunset review. For the Sunset bills that passed, the Legislature adopted the majority of changes recommended by the Sunset Commission and made a number of modifications to the bills. Many Sunset bills contain changes to state government that go beyond Sunset's traditional role of eliminating duplication and waste, reflecting larger policy issues with a goal of improving services to the citizens of Texas. This report summarizes the significant results of Sunset bills considered by the 81st Legislature.

Of the 25 entities under Sunset review, the Legislature passed bills affecting 18. The Legislature, during the Regular Session, did not pass legislation on the Texas Department of Transportation, Texas Department of Insurance, Office of Public Insurance Counsel, Texas Racing Commission, Equine Research Account Advisory Committee, or the Texas State Affordable Housing Corporation. These agencies were continued until September 1, 2011, in legislation passed during the 1st Called Session.

The Legislature did not continue the Texas Residential Construction Commission. Although the Sunset Commission recommended continuation of the agency, along with a series of agency reforms, the Legislature ultimately decided to sunset the agency. The Residential Construction Commission is abolished on September 1, 2009, and may continue in existence to wind down its operations until September 1, 2010.

The Legislature also abolished the Board of Tax Professional Examiners and the Polygraph Examiners Board, transferring these agencies' functions to the Texas Department of Licensing and Regulation. The Legislature also abolished the Texas Israel Exchange Fund Board, allowing its function to continue with the Texas Department of Agriculture, but without an independent board. For four agencies, the Military Preparedness Commission, Private Security Board, Prescribed Burning Board, and the Office of Independent Ombudsman for the Texas Youth Commission, the Legislature removed their separate Sunset dates, providing that they be reviewed in conjunction with the state agencies to which they are administratively attached.

The Legislature continued 11 other agencies, many with significant changes. It directed the Sunset Commission to continue evaluation of the Texas Youth Commission and Texas Juvenile Probation Commission, by extending their Sunset dates for only two years.



*The 81st Legislature
continued 21 of the 25 entities
under Sunset review.*

Several key provisions of the Sunset bills are highlighted below, and the fiscal impact of each Sunset bill is summarized in the following table.

- ◆ Continue the Department of Public Safety (DPS) for six years. Clarify that emergency management is a DPS function with continuing ties to the Governor's Office. Rename the Office of Internal Affairs as the Office of Inspector General and increase its oversight by the Public Safety Commission. Require DPS to manage the vehicle inspection program as a civilian business operation with established goals and performance outcomes.
- ◆ Continue the Texas Department of Agriculture for 12 years. Restructure the Texas Agricultural Finance Authority's programs so they better meet the needs of Texas agriculture. Continue the Prescribed Burning Board as a semi-independent board and strengthen its enforcement authority over noncompliant licensees and unlicensed activity. Create grant programs to encourage rural economic development.
- ◆ Continue the Texas Youth Commission and Texas Juvenile Probation Commission as separate agencies with separate governing boards, and require focused Sunset reviews of the agencies in 2011. Require joint strategic planning to better integrate juvenile justice functions, including data sharing among youth-serving agencies.

The Sunset Commission will monitor these agencies to assess how well they implement the legislative directives contained in each Sunset bill. The State Auditor's Office will also evaluate each agency's response to implementing management recommendations made by the Sunset Commission. A Sunset Commission report during the next interim will detail each agency's implementation results.

The Sunset Commission must review and make recommendations on 27 agencies and programs during the next 15 months. Major reviews for the upcoming 2011 cycle include the Public Utility Commission, the Texas Commission on Environmental Quality, the Railroad Commission, and the Division of Workers' Compensation of the Texas Department of Insurance. Follow-up work in the Texas Department of Transportation, the Texas Department of Insurance, and the Texas Racing Commission is also on the schedule. A summary of action on Sunset bills by the 81st Legislature and a complete list of the 2011 review schedule follow.

81st Session Sunset Summary Information

| Agency | Action | Two-Year Net Fiscal Impact | Bill Author | | Bill Number |
|--|---------------------------------------|----------------------------|----------------|--------------|-------------|
| | | | Senate | House | |
| Agriculture, Texas Department of | Continued | No Impact | Estes/Hegar | Flynn | S.B. 1016 |
| Boll Weevil Eradication Foundation, Texas | Continued | No Impact | Hegar | Flynn | H.B. 1580 |
| Credit Union Department | Continued | No Impact | Estes | Flynn | H.B. 2735 |
| Equine Research Account Advisory Committee | Two-year Extension | No Impact | Hinojosa | Isett | S.B. 1013 |
| Fire Protection, Texas Commission on | Continued | No Impact | Estes | Harper-Brown | S.B. 1011 |
| Housing Corporation, Texas State Affordable | Two-year Extension | No Impact | Deuell | McClendon | S.B. 1002 |
| Insurance, Texas Department of | Two-year Extension | No Impact | Hegar | Isett | S.B. 1007 |
| Insurance Counsel, Office of Public | Two-year Extension | No Impact | Deuell | Isett | S.B. 1001 |
| Jail Standards, Texas Commission on | Continued | No Impact | Deuell | Harper-Brown | S.B. 1009 |
| Juvenile Probation Commission, Texas | Two-year Continuation | No Impact | Hinojosa/Hegar | McClendon | H.B. 3689 |
| Law Enforcement Officer Standards and Education, Texas Commission on | Continued | \$109,403 | Deuell | Harper-Brown | H.B. 3389 |
| Military Preparedness Commission, Texas | Sunset Date Removed* | No Impact | Hinojosa | Isett | H.B. 2546 |
| Office of Independent Ombudsman for the Texas Youth Commission | Sunset Date Removed* | No Impact | Hinojosa/Hegar | McClendon | H.B. 3689 |
| Parks and Wildlife Department, Texas | Continued | No Impact | Hegar | Harper-Brown | H.B. 3391 |
| Polygraph Examiners Board | Abolished / Transferred | \$72,600 | Hinojosa | Kolkhorst | S.B. 1005 |
| Prescribed Burning Board | Sunset Date Removed* | \$117,038 | Estes/Hegar | Flynn | S.B. 1016 |
| Private Security Board | Sunset Date Removed* | No Impact | Hinojosa | Kolkhorst | H.B. 2730 |
| Public Safety, Department of | Continued | \$410,900 | Hinojosa | Kolkhorst | H.B. 2730 |
| Racing Commission, Texas | Two-year Extension | No Impact | Hinojosa | Isett | S.B. 1013 |
| Residential Construction Commission, Texas | Abolished | No Impact | Hegar | McClendon | H.B. 2295 |
| State-Federal Relations, Office of | Continued / Administratively Attached | No Impact | Deuell | Flynn | S.B. 1003 |
| Tax Professional Examiners, Board of | Abolished / Transferred | No Impact | Estes | Flynn | H.B. 2447 |
| Texas-Israel Exchange Fund Board | Abolished | No Impact | Estes/Hegar | Flynn | S.B. 1016 |
| Transportation, Texas Department of | Two-year Extension | No Impact | Hegar | Isett | H.B. 300 |
| Youth Commission, Texas | Two-year Continuation | (\$1,486,330) | Hinojosa/Hegar | McClendon | H.B. 3689 |

Fiscal Impact Total

(\$776,389)

* These agencies undergo Sunset review at the same time as the agency to which they are administratively attached.

2011 Sunset Review Schedule

Capital Metropolitan Transportation Authority¹
Coastal Coordination Council
Electric Reliability Council of Texas (ERCOT)¹
Electronic Government Program Management Office of the Department of Information Resources
Emergency Communications, Commission on State
Environmental Quality, Texas Commission on
Equine Research Account Advisory Committee²
Forest Service, Texas
Hearing Instruments, State Committee of Examiners in the Fitting and Dispensing of
Housing and Community Affairs, Texas Department of
Housing Corporation, Texas State Affordable²
Information Resources, Department of
Injured Employee Counsel, Office of
Insurance, Texas Department of²
Insurance Counsel, Office of Public²
Juvenile Probation Commission, Texas³
On-site Wastewater Treatment Research Council
Public Finance Authority, Texas
Public Utility Commission of Texas
Public Utility Counsel, Office of
Racing Commission, Texas²
Railroad Commission of Texas
Soil and Water Conservation Board, State
Speech-Language Pathology and Audiology, State Board of Examiners for
Transportation, Texas Department of²
Water Development Board, Texas
Workers' Compensation, Texas Department of Insurance Division of
Youth Commission, Office of Independent Ombudsman of the Texas³
Youth Commission, Texas³

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¹ Subject to a special purpose review.

² These agencies were continued until September 1, 2011, in legislation passed during the 1st Called Session, 81st Legislature. The Sunset Commission must conduct a limited review of these agencies in 2011.

³ The Sunset Commission must conduct a focused review of the Texas Youth Commission, Texas Juvenile Probation Commission, and Office of Independent Ombudsman of the Texas Youth Commission in 2011.