Sunset Advisory Commission

Sunset in Texas

2017–2019
Cover Photo: The Texas Capitol rotunda houses the Texas Governors and Presidents Portrait Gallery. The gallery includes portraits of every government leader in Texas' history, including several presidents when Texas won its independence from Mexico and became a republic. Photo Credit: Janet Wood
SUNSET IN TEXAS
2017–2019
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“Is government giving us our money’s worth?” While this is a common question today, it was also on the minds of state legislators back in 1977. At that time, the Texas Legislature created the Sunset process to question the need for and success of agencies carrying out the responsibilities of state government. The Legislature relies on the Sunset process to regularly shine a light on state agencies and programs to see if they are still relevant in a changing world, and if so, how they can do their jobs better. The following material describes the Sunset process, its role in legislative oversight, and its demonstrated track record in streamlining and improving state government.

What Is Sunset?

Sunset is the regular assessment of the continuing need for a state agency or program to exist. While standard legislative oversight is concerned with agency compliance with legislative policies, Sunset starts with a more basic question: Do the agency’s functions continue to be needed? The Sunset process works by setting an automatic termination (Sunset) date on which an agency will be abolished unless a bill is passed to continue it. Beyond this fundamental question, Sunset has always been about more than just limiting the size of government. The process creates a unique opportunity and powerful incentive for the Legislature and stakeholders to look closely at each agency and make key improvements to how state government works.

How is the Sunset Commission Organized?

The 12-member Sunset Commission has five members of the Senate and one public member appointed by the Lieutenant Governor, and five members of the House and one public member appointed by the Speaker of the House of Representatives. Senate and House members serve four-year terms and public members serve two-year terms. The chairmanship rotates between the Senate and the House every two years and is assigned to a Senate member for the 2018–2019 review cycle. The Sunset Commission appoints a director who employs staff to carry out the commission’s responsibilities.

How Is an Agency Scheduled for Review Under Sunset?

About 140 agencies are subject to the Texas Sunset Act. Typically, an agency’s enabling law specifies the date upon which the agency is abolished, unless continued by legislation. Some agencies are not subject to abolishment or are considered under special-purpose reviews directed by the Legislature. Agencies typically undergo review once every 12 years, and about 20 to 30 agencies go through the Sunset process each legislative session.
**Sunset Review Time Frames**

*2017–2019 Review Cycle, 86th Legislative Session*

<table>
<thead>
<tr>
<th>Time Frame</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>September 2017</td>
<td>Agencies submit Self-Evaluation Reports.</td>
</tr>
<tr>
<td>September 2017 to January 2019</td>
<td>Sunset staff conducts evaluations and prepares reports; Sunset Commission holds public hearings and makes decisions.</td>
</tr>
<tr>
<td>February 2019</td>
<td>Sunset Commission submits its <em>Report to the 86th Legislature</em> with recommendations on each of the agencies under review.</td>
</tr>
<tr>
<td>January 2019 to May 2019</td>
<td>86th Legislature considers Sunset bills on agencies under review.</td>
</tr>
</tbody>
</table>

**What Changes Can Be Made Through Sunset?**

The Sunset Commission’s report on a typical agency must include a recommendation to abolish or continue the agency. Beyond continuation, Sunset reviews also focus on identifying areas of weakness in an agency’s operations and recommending specific solutions for improvement through changes in law and management directives to an agency’s leadership. The commission may also consider combining functions of two or more agencies to streamline state government.

**How Can the Public Participate in Sunset?**

Members of the public can provide valuable information to the Sunset Commission about how well or poorly an agency performs its functions. Individuals and organizations usually participate by identifying potential issues for study and by commenting on proposed changes to the agency, as described below. The easiest way to follow the Sunset process and begin participating is through the Sunset Commission's website, www.sunset.texas.gov. Please note that Sunset does not get involved in individual complaints, grievances, or cases.

- **Input with staff.** Sunset staff actively seeks input during an agency’s review, at which time interested persons and organizations may voice their concerns or ideas about the agency. Public input received during the staff review phase is confidential to encourage open participation.

- **Reading Sunset reports.** Sunset reports, including agency Self-Evaluation Reports, are available to the public through the Sunset website or in hard copy upon request. Sunset staff release a report on each agency under review containing recommendations for change. As each agency progresses through the review process, staff update the report twice, to document the decisions made by the Sunset Commission and later, the final actions taken by the Legislature. The chart on the following page, *The Sunset Process*, describes the different stages of the process.

- **Providing public comments.** After Sunset staff issue reports, the Sunset Commission conducts a public hearing on each agency under review to receive feedback on the staff’s work. This hearing offers the public an opportunity to testify in person about an agency and comment on the
Sunset staff’s recommendations or raise other issues. Any person or organization can also submit public comments in writing, which are shared with commission members and posted on Sunset’s website.

- **Taking part in the legislative session.** Generally, the Legislature must pass a bill to continue an agency under Sunset review or implement Sunset’s recommended improvements. Members of the public can participate in the legislative process as they would with any bill.

**The Sunset 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.

2. **Sunset Commission Staff**
   - Reviews agency’s Self-Evaluation Report
   - Receives input from interested parties
   - Evaluates agency and identifies problems
   - Develops recommendations
   - Publishes staff report

3. **Public Hearings**
   - Sunset staff presents its report and recommendations
   - Agency presents its response
   - Sunset Commission hears public testimony
   - Staff compiles all testimony for Commission consideration
   - Sunset Commission meets again to consider and vote on recommendations

4. **Sunset Publishes Staff Report**

5. **Sunset Commission Deliberation**
   - The Sunset Commission conducts a public hearing to take testimony on the staff report and the agency overall. Later, the Commission meets again to vote on which changes to recommend to the full Legislature.

6. **Public input is published on the website**

7. **Sunset Commission Recommends Action**
   - Agency continues with improvements.
   - Agency is abolished but may continue business for up to one year.

8. **Legislative Action**
   - The full Legislature considers Sunset recommendations and makes final determinations.

9. **Texas Legislature**
   - Sunset bill on an agency is drafted and filed
   - Sunset bills go through normal bill processes
   - 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

10. **Agency is abolished but may continue business for up to one year.**
What Standards Guide a Sunset Review?

Criteria in the Sunset Act

Sunset staff uses specific criteria set by the Legislature to evaluate each of the programs and functions of a state agency placed under Sunset review. These criteria generally focus on the efficiency, effectiveness, fairness, and accountability of an agency. In 2013, the Legislature added additional criteria specific to occupational licensing agencies. The textbox, *Sunset Review Questions*, summarizes the Sunset criteria, located in Sections 325.011 and 325.0115 of the Texas Government Code.

### Sunset Review Questions

**Questions for All Agencies**

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/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?

**Questions for Occupational Licensing Agencies**

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?
Sunset Across-the-Board Provisions

Across-the-Board (ATB) recommendations are statutory administrative policies adopted by the Sunset Commission as standards for state agencies. These recommendations reflect criteria in the Sunset Act designed to ensure open, responsive, and effective government. Examples of these provisions include ensuring public representation on agency governing boards and prohibitions on conflicts of interest. Routinely applying these ATB recommendations to agencies reflects an effort by the Legislature to prevent problems from occurring, instead of reacting to problems after the fact. A brief explanation of each ATB is available on Sunset’s website.

Model Standards for Licensing and Regulatory Agencies

The Licensing and Regulatory Model is a collection of evolving standards based on past Sunset experience reviewing licensing agencies and programs, as well as other published best practices that promote efficiency, effectiveness, fairness, and accountability. The 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 commission considers the specific circumstances of the agency and its ability to protect the public and serve licensees. The full Licensing and Regulatory Model is available on Sunset’s website.
IMPACT OF SUNSET REVIEWS

The Sunset process has significantly streamlined and improved Texas government over its 40-year history. Created by the Texas Legislature in 1977, Sunset is a key legislative oversight tool, providing an objective, nonpartisan public forum for evaluating the need for, effectiveness, efficiency, and responsiveness of state agencies, and promoting a culture of continuous improvement within state government.

Changes enacted through the Sunset process demonstrate its positive impact for Texas. Sunset has a proven track record of reducing the number of government programs, saving the state money, and effectively passing needed reforms into law.

Key Sunset outcomes, highlighted in the textbox *Sunset's Impact Since 1977*, illustrate Sunset’s success. More difficult to measure, but just as significant, are the major policy reforms resulting from the Sunset process, some of which are highlighted below. Changes enacted through the Sunset process have positively affected almost every area of state government, primarily by eliminating overlap and duplication among agencies and programs, increasing public participation and government accountability for citizens, and improving the quality and efficiency of service delivery.

**Highlights of Sunset Reforms**

- **Criminal justice.** In 2007, based in part on the Sunset review and resulting recommendations on the Texas Department of Criminal Justice, the Legislature invested about $241 million in offender treatment and rehabilitation programs that would have otherwise been appropriated for the construction and operations of new prisons. These diversion efforts resulted in lower recidivism and incarceration rates, saving an estimated $210.5 million in the first year of implementation and leading to the closure of the Central Unit in Sugar Land in 2011 — the first time in history Texas closed a state prison.

  In 2011, the Legislature passed the Sunset bill that merged the Texas Youth Commission and the Texas Juvenile Probation Commission — the former providing state care to more serious youth offenders and the latter overseeing county juvenile probation programs — into a new Texas Juvenile Justice Department. By streamlining state-level juvenile justice functions, the new law reduced organizational barriers to create a more seamless system that enhances both outcomes for youth and public safety.

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A 2007 Sunset review contributed to major cost savings and improved outcomes in the criminal justice system.
• **Health and human services.** Sunset’s two efforts to review the state’s vast health and human services system have contributed to major reforms over the years, starting with reviews in the late 1990s and culminating most recently in 2015. Sunset’s early work supported the Legislature’s action in 2003 to begin consolidating twelve separate health and human services agencies into a more integrated system of five agencies. Sunset’s next review during the 2014–2015 review cycle resulted in additional changes to further reshape the system. The 2015 Health and Human Services Commission (HHSC) Sunset bill abolished the Department of Assistive and Rehabilitative Services (DARS) in 2016 and the Department of Aging and Disability Services (DADS) in 2017, consolidating their functions into HHSC. Beyond these two agencies, the bill reorganized all services within the system along functional lines to better address ongoing problems of fragmentation, misaligned or poorly focused programs, and blurred accountability — all of which have real significance for how Texas serves clients across the health and human services system.

In 2015, Sunset also made numerous recommendations to improve how specific programs within the system operate — for example, targeting changes to the Department of Family and Protective Services’ (DFPS) most basic, day-to-day responsibilities to protect children and vulnerable adults. The Sunset process removed unnecessary burdens on caseworkers to improve retention and increase the time they spend with children and families while also encouraging better training and supervision. Sunset also identified major problems with HHSC’s Office of Inspector General (OIG) — the entity charged with detecting fraud, waste, and abuse within the system. The 2015 OIG Sunset bill provided a roadmap to fix this broken entity characterized by its lack of fair, defensible processes and demonstrated results. Changes included refocusing OIG on its core mission and establishing clear criteria and timelines for OIG investigations and sanctions.

• **Transportation.** The 1997 Sunset review of the Texas Department of Transportation (TxDOT) provided additional tools to meet transportation needs through existing resources and without increasing taxes or fees. Key among these tools was establishing a State Infrastructure Bank to help fund local transportation projects, encouraging greater privatization of engineering services, and improving the monitoring of highway contracts. The 1997 review also abolished the Texas Turnpike Authority and transferred state toll functions to TxDOT, providing an additional revenue source for roadway projects. In 2011, the Sunset review focused on restoring legislative and public trust in TxDOT by requiring a more integrated and understandable transportation planning process, increased public involvement, and stronger internal controls. Through the Sunset process, the 2011 Legislature also authorized TxDOT and regional mobility authorities to enter into a limited number of comprehensive development agreements and design-build contracts, and transferred the regulation of oversize and overweight vehicles to the Texas Department of Motor Vehicles.
The most recent TxDOT review occurred in 2017, after voters and the Legislature approved billions of dollars in newly dedicated transportation funding. The Legislature approved a multitude of additional changes aimed at keeping pressure on the department to fully address previous concerns, including a continued push toward a more transparent, performance-based planning and project selection process; addressing well-documented inefficiencies in TxDOT’s project development pipeline to improve on-time and on-budget performance; and providing the department with additional contract management tools to improve timeliness of frequently delayed construction projects.

- **Regulatory.** Much of Sunset’s work over the years has focused on reviewing professional licensing and regulatory agencies, a key responsibility of state government. Sunset has developed nationally recognized model best practices for evaluating how state licensing and regulatory programs operate. Through each licensing or regulatory review, Sunset looks at every aspect of a program to ensure regulation is serving a needed purpose and regulatory agencies conduct their business with fairness, impartiality, and transparency to the public and regulated groups. Common recommendations include ensuring licensing agencies have clear and responsive complaint procedures and basic authority to effectively enforce needed regulations at minimal cost to taxpayers.

Beyond applying these general best practices to most regulatory agencies under review, the Sunset process has resulted in major changes to certain industries. In 2008, Sunset staff recommended abolishing the Texas Residential Construction Commission because of fundamental flaws in the state’s approach to regulating the residential construction industry. After considering and rejecting several ideas to strengthen the regulation of home builders, the Legislature abolished the commission on September 1, 2009. More recently, the 2015 Department of State Health Services Sunset bill streamlined the agency’s unmanageable regulatory responsibilities to allow it to focus on its core public health mission. The bill eliminated unneeded state regulation of eight low-risk regulatory programs and transferred 13 occupational licensing programs to the Texas Department of Licensing and Regulation and four to the Texas Medical Board where they would be more effectively administered. In 2017, the Legislature enacted the Sunset Commission’s recommendations to transfer another small and struggling licensing agency, the Texas State Board of Podiatric Medical Examiners, to the Texas Department of Licensing and Regulation where the regulation of podiatrists can be carried out more efficiently along with other health-related professions.

- **Education.** Early Sunset reviews of the State Textbook Committee and Texas Education Agency in the 1980s resulted in significant cost control measures for textbook purchases and a complete overhaul of state oversight of private technical schools, which were charging high prices with little education provided to students. The 2003 and 2013 reviews of the Texas Higher Education Coordinating Board restructured student loan forgiveness

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Sunset has developed nationally recognized model best practices for evaluating state licensing and regulatory programs.

An early Sunset review of the Texas Education Agency resulted in significant cost control measures for textbook purchases.
programs and ensured the agency remains focused on effective coordination, not regulation, of higher education and enhanced meaningful consideration of input from stakeholders. While the Legislature did not pass the bills containing all of Sunset’s recommendations on TEA in 2013 or 2015, many Sunset provisions did pass in other legislation during those sessions — including transferring TEA’s regulatory responsibilities to other, more appropriate agencies; and giving the agency better tools to address schools with serious academic and financial accountability problems, especially chronically poor-performing charter schools.

- **Natural resources / energy.** Through two reviews of Texas Commission on Environmental Quality (TCEQ) — in 2011 and its predecessor in 2001 — the Legislature instituted a more consistent and transparent approach to protect the environment by using entities’ compliance history to encourage better performance and to take appropriate enforcement action. Through three reviews of the Railroad Commission in 2017, 2011 and 2001, the Legislature enacted changes to ensure greater responsibility by the oil and gas industry instead of the taxpayers to pay for oil field cleanup and well plugging, in addition to updating the pipeline permitting process. Through Sunset reviews in 2013, the Legislature transferred regulation of water utilities from TCEQ to the Public Utility Commission (PUC) to align with PUC’s ratemaking expertise and allow TCEQ to better focus on its environmental mission.

- **Public safety.** Sunset reviews of the Texas Department of Public Safety (DPS) have focused on improving internal oversight within the agency and customer service to the general public. In 1999, the Legislature adopted Sunset Commission recommendations to provide additional resources and authority to create an Office of Audit and Review, change vehicle emission testing and safety inspection programs to better ensure vehicles comply with emission and safety standards, and authorize electronic renewal of drivers licenses. In 2009, the DPS Sunset bill focused on further modernizing the agency by requiring DPS to manage its vehicle inspection program as a civilian business operation with established goals and performance outcomes, and strengthening the office of inspector general.

- **Pensions.** Following the Sunset Commission’s review of the Employees Retirement and Teacher Retirement Systems, the 1993 Sunset bill changed the old practice of penalizing people who had worked in both systems and allowed people to be treated as if they had been in one system throughout their career. The Sunset bill also changed pension calculations, increasing pension checks for many retired teachers. In 2017, the Sunset review of the Employees Retirement System increased board oversight and transparency of the agency’s alternative investments and improved the Group Benefits Program and insurance appeals process for members.

The 2012 Sunset review of the Office of Fire Fighters’ Pension Commissioner found that this small agency had long ceased to perform many of its original functions and the ineffective technical assistance and advocacy the office
provided to local plans was also inappropriate. As a result, the Legislature adopted Sunset’s recommendation to abolish this agency and instead charge the Pension Review Board with overseeing local firefighter pensions.

- **Special reviews.** In 2011, through the Sunset process, the Legislature made needed changes in law to ensure that the Capital Metropolitan Transportation Authority in Austin more responsibly managed its finances and reserves, lowered its excessive labor costs, and prioritized needed maintenance of its outdated railroad bridges.

In 2013, a special Sunset review of the Port of Houston Authority provided the opportunity to change the organization’s culture and governance following a series of missteps and controversies. The Sunset bill made immediate changes to the Authority’s governing board, including requiring appointment of several new port commissioners and strengthening ethics standards.

In 2017, Sunset completed its first foray into regularly reviewing river authorities, evaluating the state’s four smallest authorities. Overall, the Sunset Commission found that the small size and limited resources of the authorities directly affects their capacity to carry out their missions and raises questions about their ability to solve local water needs or make a real impact on their watersheds. The Legislature took significant action in response to problems identified by the Sunset Commission, including: dissolving the Central Colorado River Authority, sweeping the board of the Sulphur River Basin Authority, providing a process for the Palo Duro River Authority to dissolve or allow its members to withdraw, and directing the Upper Colorado River Authority to better identify local priorities to stay relevant in its watershed.
# Review Schedule by Year

## 2019 — 31 Reviews

- Accountancy, Texas State Board of Public
- Alcoholic Beverage Commission, Texas
- Appraiser Licensing and Certification Board, Texas
- Banking Commissioner, Office of
- Consumer Credit Commissioner, Office of
- Counselors, Texas State Board of Examiners of Professional
- Finance Commission of Texas
- Funeral Service Commission, Texas
- Geoscientists, Texas Board of Professional
- Historical Commission, Texas
- Land Surveying, Texas Board of Professional
- Library and Archives Commission, Texas State
- Marriage and Family Therapists, Texas State Board of Examiners of
- Medical Board, Texas
- Military Department, Texas
- Motor Vehicles, Texas Department of
- Plumbing Examiners, Texas State Board of
- Psychologists, Texas State Board of Examiners of
- Public Safety, Texas Department of
- Real Estate Commission, Texas
- Risk Management Board and State Office of Risk Management
- River Authorities
  - Guadalupe-Blanco River Authority
  - Lower Colorado River Authority
  - Nueces River Authority
  - Red River Authority of Texas
- Savings and Mortgage Lending, Office of Commissioner and Department of
- School Land Board
- Securities Board, State
- Social Worker Examiners, Texas State Board of
- Veterans Commission, Texas
- Veterans’ Land Board
- Windstorm Insurance Association, Texas

## 2021 — 37 Reviews

- Agriculture, Texas Department of
  - Early Childhood Health and Nutrition Interagency Council
  - Prescribed Burning Board
- Animal Health Commission, Texas
- Boll Weevil Eradication Foundation, Board of Directors of the Official Cotton Growers’
- Credit Union Department and Commission
- Criminal Justice, Texas Board and Department of
  - Correctional Managed Health Care Committee
  - Pardons and Paroles, Board of
- Windham School District
- Economic Development and Tourism Office, Texas
- Facilities Commission, Texas
- Fire Protection, Texas Commission on
- Higher Education Tuition Board, Prepaid
- Holocaust and Genocide Commission, Texas
- Information Resources, Department of
- Injured Employee Counsel, Office of
- Inspector General of the Health and Human Services Commission, Office of
- Invasive Species Coordinating Committee, Texas
- Jail Standards, Commission on
- Juvenile Justice Board and Department, Texas
  - Independent Ombudsman of the Juvenile Justice Department, Office of
- Law Enforcement, Texas Commission on
- Licensing and Regulation, Texas Commission and Department of
- Lone Star Rail District
- Parks and Wildlife Department, Texas
- Procurement and Contracting System Evaluation
- Procurement and Support Services Division of the Comptroller of Public Accounts
- River Authorities
  - Brazos River Authority
  - Lower Neches Valley Authority
  - Sabine River Authority of Texas
  - San Jacinto River Authority
  - Upper Guadalupe River Authority
- State-Federal Relations, Office of
- State Use Program, Texas Workforce Commission’s Administration of the
- Veterinary Medical Examiners, State Board of
- Workers’ Compensation, Texas Department of Insurance Division of

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2023 — 32 Reviews

Cancer Prevention and Research Institute of Texas
Civil Commitment Office, Texas
Emergency Communications, Commission on State
Environmental Quality, Texas Commission on Low-Level Radioactive Waste Disposal Compact Commission, Texas
Expanded Learning Opportunities Council
Family and Protective Services, Department of Forest Service, Texas
Health and Human Services Commission
Health Services, Department of State
Housing Corporation, Texas State Affordable Insurance, Texas Department of
Insurance, Texas Department of Joint Underwriting and Advisory Organizations of the Texas Department of Insurance
Insurance Counsel, Office of Public
Judicial Branch Certification Commission
Judicial Conduct, State Commission on Maternal Mortality and Morbidity Task Force
Public Finance Authority, Texas
Public Health Funding and Policy Committee
Public Utility Commission of Texas
Electric Reliability Council of Texas
Public Utility Counsel, Office of Racing Commission, Texas
Regional Education Service Centers
River Authorities
  Angelina and Neches River Authority
  Bandera County River Authority and Groundwater District
  Lavaca-Navidad River Authority
  San Antonio River Authority
  Trinity River Authority of Texas
Soil and Water Conservation Board, State
Water Development Board, Texas
Water Implementation Fund for Texas Advisory Committee, State

2025 — 14 Reviews

Architectural Examiners, Texas Board of Arts, Texas Commission on the Education Agency, Texas
Emergency Services Retirement System, State Board of the Texas
Employee Charitable Campaign Policy Committee, State
Engineers, Texas Board of Professional Ethics Commission, Texas
Higher Education Coordinating Board, Texas
Housing and Community Affairs, Texas Department of Lottery Commission, Texas
Pension Review Board, State
Perinatal Advisory Council
Preservation Board, State
Teacher Retirement System of Texas, Board of Trustees of the

1 Reviewed in conjunction with the review(s) listed above
2 Limited-scope or special-purpose review
# Agencies Under the Texas Sunset Act

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<th>Agency</th>
<th>Sunset Citation</th>
<th>Last Sunset Review</th>
<th>Next Sunset Review</th>
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<tbody>
<tr>
<td>Accountancy, Texas State Board of Public</td>
<td>§ 901.006, Occupations Code</td>
<td>2003</td>
<td>2019</td>
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<td>Agriculture, Texas Department of</td>
<td>§ 11.003, Agriculture Code</td>
<td>2009</td>
<td>2021</td>
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<td>Alcoholic Beverage Commission, Texas</td>
<td>§ 5.01(b), Alcoholic Beverage Code</td>
<td>2007</td>
<td>2019</td>
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<td>Angelina and Neches River Authority</td>
<td>§ 8501.0015, Special District Local Laws Code</td>
<td>—</td>
<td>2023</td>
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<tr>
<td>Appraiser Licensing and Certification Board, Texas</td>
<td>§ 1103.006, Occupations Code</td>
<td>—</td>
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<td>Architectural Examiners, Texas Board of</td>
<td>§ 1051.003, Occupations Code</td>
<td>2013</td>
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<td>Arts, Texas Commission on the</td>
<td>§ 444.002, Government Code</td>
<td>2013</td>
<td>2025</td>
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<td>Bandera County River Authority and Groundwater District</td>
<td>Section 3, Chapter 1148 (S.B. 523), Acts of the 84th Legislature, Regular Session, 2015.</td>
<td>—</td>
<td>2023</td>
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<td>Banking Commissioner, Office of</td>
<td>§ 12.109, Finance Code</td>
<td>2001</td>
<td>2019</td>
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<td>Bar of Texas, State</td>
<td>§ 81.003, Government Code</td>
<td>2017</td>
<td>2029</td>
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<td>Boll Weevil Eradication Foundation, Board of Directors of the Official Cotton Growers’</td>
<td>§ 74.127, Agriculture Code</td>
<td>2009</td>
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<td>Border Health Officials, Task Force of</td>
<td>§ 120.002, Health and Safety Code</td>
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<td>2029</td>
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<td>Brazos River Authority</td>
<td>§ 8502.0021, Special District Local Laws Code</td>
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<td>Cancer Prevention and Research Institute of Texas</td>
<td>§ 102.003, Health and Safety Code</td>
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<td>Chiropractic Examiners, Texas Board of</td>
<td>§ 201.004, Occupations Code</td>
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<td>Civil Commitment Office, Texas</td>
<td>§ 420A.004, Government Code</td>
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<td>Correctional Managed Health Care Committee</td>
<td>§ 501.132, Government Code</td>
<td>2013</td>
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<td>Counselors, Texas State Board of Examiners of Professional</td>
<td>§ 503.005, Occupations Code</td>
<td>2017</td>
<td>2019</td>
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<td>Credit Union Department and Commission</td>
<td>§ 15.212, Finance Code</td>
<td>2009</td>
<td>2021</td>
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<td>Criminal Justice, Texas Board and Department of</td>
<td>§ 492.012, Government Code</td>
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<td>Dental Examiners, State Board of</td>
<td>§ 251.005, Occupations Code</td>
<td>2017</td>
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<td>Developmental Disabilities, Texas Council for</td>
<td>§ 112.023, Human Resources Code</td>
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1 Statute subjects the Correctional Managed Health Care Committee to Sunset review during the same period in which the Texas Board and Department of Criminal Justice are reviewed.

2 Statute subjects the Council to review during the same period in which the Texas Department of Agriculture is reviewed.

3 Reviewed as the Texas Department of Economic Development.

4 The Texas Education Agency was subject to a limited Sunset review in 2015 regarding the appropriateness of recommendations made by the Sunset Commission to the 83rd Legislature.

5 Statute subjects the Electric Reliability Council of Texas to Sunset review during the same period in which the Public Utility Commission of Texas is reviewed.

6 House Bill 1675, 83rd Legislature, subjected the Texas Facilities Commission to a limited Sunset review in 2015 regarding the appropriateness of recommendations made by the Sunset Commission to the 83rd Legislature.
In addition to requirements to reorganize the health and human services system, Senate Bill 200, 84th Legislature requires a full Sunset review of DFPS in 2023. This review is tied to a separate, limited-scope Sunset review in 2023 to evaluate HHSC’s progress in meeting reorganization requirements. Any functions transferred from DFPS to HHSC as part of the reorganization would be reviewed as part of the next full Sunset review of HHSC in 2027.

Senate Bill 200, 84th Legislature, significantly reorganizes the health and human services system, and requires a limited-scope Sunset review in 2023 to evaluate HHSC’s progress in meeting reorganization requirements. Senate Bill 200 also requires a full Sunset review of HHSC in 2027, in which HHSC will be subject to abolishment. The functions of the Department of Aging and Disability Services and Department of Assistive and Rehabilitative Services will be reviewed as a part of HHSC in 2027, as SB 200 abolishes and transfers their functions to HHSC by September 1, 2017.

In addition to requirements to reorganize the health and human services system, Senate Bill 200, 84th Legislature requires a full Sunset review of DSHS in 2023. This review is tied to a separate, limited-scope Sunset review in 2023 to evaluate HHSC’s progress in meeting reorganization requirements. Any functions transferred from DSHS to HHSC as part of the reorganization would be reviewed as part of the next full Sunset review of HHSC in 2027.

Reviewed as the Office of the Independent Ombudsman of the Texas Youth Commission.

Statute subjects the Office of the Independent Ombudsman of the Juvenile Justice Department to Sunset review during the same period in which the Texas Board and Department of Juvenile Justice are reviewed.

Senate Bill 207, 84th Legislature, requires the Sunset Commission to conduct a special-purpose review of the overall performance of HHSC’s Office of Inspector General.

Statute subjects the Joint Underwriting and Advisory Organization of the Texas Department of Insurance to Sunset review during the same period in which the Texas Department of Insurance is reviewed.

Reviewed as the Texas Youth Commission and the Texas Juvenile Probation Commission.

Reviewed as the Texas Commission on Law Enforcement Officer Standards and Education.

The Lone Star Rail District is the only Intermunicipal Commuter Rail District subject to Sunset review under § 173.005, Transportation Code.

Statute subjects the Texas Low-Level Radioactive Waste Disposal Compact Commission to Sunset review during the same period in which the Texas Commission on Environmental Quality is reviewed.

Statute subjects the Board of Pardons and Paroles to Sunset review during the same period in which the Texas Board and Department of Criminal Justice are reviewed.

Statute subjects the Prescribed Burning Board to Sunset review during the same period in which the Texas Department of Agriculture is reviewed.

House Bill 2472, 83rd Legislature, requires the Sunset Commission to evaluate the state’s overall procurement system, including any provision in state law that relates to procurement and contracting for goods and services, and to present recommendations to the Legislature by January 1, 2021. This evaluation will be concurrent with the Sunset reviews of the Department of Information Resources and the Comptroller’s Procurement and Support Services Division, which operate the state’s two statewide purchasing programs.

The Sunset Commission conducted a limited review of the transfer of certain procurement powers and duties from the Texas Building and Procurement Commission to the Comptroller of Public Accounts.

House Bill 2472, 83rd Legislature, subjects the Comptroller’s state purchasing authority to Sunset review in 2021.

The date identified in the Sunset provision for Regional Education Service Centers (§ 8.010, Education Code) was changed by an instructional provision in Senate Bill 1404, 85th Legislature.

Reviewed as the Savings and Loan Department.

The 82nd Legislature continued the State Soil and Water Conservation Board until 2023, but required the Sunset Commission to conduct a special purpose review for the 84th Legislature regarding the implementation of Sunset recommendations on flood control, the water quality management plan, and the water supply enhancement program.

Senate Bill 319, 85th Legislature subjects the State Board of Veterinary Medical Examiners to a special-purpose review in 2021 limited to the effectiveness of recommendations made to the 85th Legislature.

Statute subjects the Windham School District within the Texas Department of Criminal Justice to Sunset review during the same period in which the Texas Department of Criminal Justice is reviewed.
TEXAS SUNSET ACT
CHAPTER 325, GOVERNMENT CODE

Section
325.001 Short Title
325.002 Definitions
325.003 Sunset Advisory Commission
325.004 Staff
325.005 Rules
325.007 Agency Report to Commission
325.0075 Reporting Requirements of Agency Being Reviewed
325.008 Commission Duties
325.009 Public Hearings
325.010 Commission Report
325.011 Criteria for Review
325.0115 Criteria for Review of Certain Agencies
325.012 Recommendations
325.0123 Review of Certain Agencies for Respectful Language
325.0125 Review of Certain Agencies
325.0126 Monitoring of Recommendations
325.0127 Cost of Review
325.013 Abolition of Advisory Committees
325.015 Continuation by Law
325.017 Procedure After Termination
325.018 Subpoena Power
325.019 Assistance of and Access to State Agencies
325.0195 Records Protected from Disclosure
325.020 Relocation of Employees
325.021 Saving Provision
325.022 Review of Proposed Legislation Creating An Agency
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 agency 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 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.

(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 an individual serves six years 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.

(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.

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;

(2) its recommendations based on the matters prescribed by Section 325.012; 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 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; and

(13) the extent to which the purpose and effectiveness of reporting requirements imposed on the agency justifies the continuation of the requirement.

(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.

Section 325.012. Recommendations

(a) In its report on a state agency, the commission shall:

(1) make recommendations on the abolition, continuation, or reorganization of each affected state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees;

(2) make recommendations on the consolidation, transfer, or reorganization of programs within state agencies not under review when the programs duplicate functions performed in agencies under review;

(3) make recommendations to improve the operations of the agency, its policy body, and its advisory committees, including management recommendations that do not require a change in the agency’s enabling statute; and

(4) make recommendations on the continuation or abolition of each reporting requirement imposed on the agency by law.

(b) The commission shall include the estimated fiscal impact of its recommendations and may recommend appropriation levels for certain programs to improve the operations of the state agency, to be forwarded to the Legislative Budget Board.

(c) The commission shall have drafts of legislation prepared to carry out the commission’s recommendations under this section.

(d) After the Legislature acts on the report under Section 325.010, the commission shall present to the state auditor the commission’s recommendations that do not require a statutory change to be put into effect. Based on a risk assessment and subject to the Legislative Audit Committee’s approval of including the examination in the audit plan under Section 321.013, the state auditor may examine the recommendations and include as part of the next approved audit of the agency a report on whether the agency has implemented the recommendations and, if so, in what manner.

Section 325.0123. Review of Certain Agencies for Respectful Language

(a) As a part of its review of a health and human services agency, the commission shall consider and make recommendations regarding the statutory revisions necessary to use the phrase “intellectual disability” instead of “mental retardation” and to use the phrase “person with intellectual disability” instead of “person with mental retardation.”
(b) As a part of its review of an agency, the commission shall consider and recommend, as appropriate, statutory revisions in accordance with the person first respectful language initiative under Chapter 392.

Section 325.0125. Review of Certain Agencies
(a) In the two-year period preceding the date scheduled for the abolition of a state agency under this chapter, the commission may exempt certain agencies from the requirements of this chapter relating to staff reports, hearings, and reviews.

(b) The commission may only exempt agencies that have been inactive for a period of two years preceding the date the agency is scheduled for abolition or that have been rendered inactive by an action of the Legislature.

(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 monitor legislation affecting agencies that have undergone Sunset review and shall periodically report to the members of the commission on proposed changes which would modify prior recommendations of the commission.

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.

Section 325.018. Subpoena Power

(a) The commission may issue process to compel the attendance of witnesses and the production of books, record, 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.
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.
Several state statutes have provisions relating to the Texas Sunset Act or the Sunset Commission. These provisions are briefly described below.

**Government Code**

§ 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.

§ 321.0134  Prohibits the state auditor from scheduling an effectiveness audit of an agency that is undergoing Sunset review.

§ 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.

§ 2056.002  Requires each state agency to send a copy of the agency’s strategic plan to the Sunset Commission, the governor, the lieutenant governor, the speaker of the House, the Legislative Budget Board, the state auditor, the comptroller, the Department of Information Resources, the Legislative Reference Library, and the Texas State Library.

§ 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.

§ 2102.009  Requires state agencies’ internal auditors to prepare an annual report and submit it to the Sunset Commission, the governor, the Legislative Budget Board, the state auditor, the agency’s policymaking body, and the agency’s administrator.

§ 2102.0091  Requires any audit report submitted to, and any response issued by, a state agency’s governing board or administrator to also be filed with the Sunset Commission, the governor, the Legislative Budget Board, and the state auditor.

**Natural Resources Code**

§ 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.
Accommodations for People With Disabilities

For the Sunset process to reach its full potential, each Texan must be able to fully and equally participate in every phase of the Sunset review. Individuals with a disability or other special need have the right under the Americans with Disabilities Act (ADA) to reasonable accommodations in order to facilitate participation in the Sunset process. The Sunset Advisory Commission fully supports and encourages such participation. Persons who wish to request an ADA accommodation should contact the Sunset ADA Coordinator at sunset@sunset.texas.gov or at (512) 463-1300. Individuals using a TTY, VCO, or HCO assistive device may contact Relay Texas at 7-1-1 and have the communication assistant who answers dial (512) 463-1300. The Sunset Advisory Commission will work with anyone making a request to provide reasonable accommodations.

Sunset Commission meetings are held in rooms equipped with a limited number of assistive listening devices. If you require an assistive listening device, please contact the Sunset ADA Coordinator when you decide to attend a Sunset meeting so that the necessary equipment can be reserved. The Sunset Commission will try to provide interpreter services when needed for Commission meetings or meetings in the Sunset office. Sufficient prior notification, preferably 72 hours prior to the scheduled meeting, is required to allow staff to arrange for interpreter services.

Meeting rooms in the Capitol Extension are wheelchair accessible; however, rooms may become very crowded during hearings. With prior notification, the Sunset ADA Coordinator can advise a person with a disability of the most accessible routes to the meetings and reserve an area that will provide an unrestricted view of the Commission's activities. A person with a disability who may require special accommodations to present testimony to the Commission should contact the Sunset ADA Coordinator prior to the Commission meeting to ensure that appropriate accommodations are available. Please be aware, accommodations to attend or participate in meetings at the Capitol Building or complex may also be subject to approval by the State Preservations Board.

Many Sunset documents are available through the Internet on the Sunset website located at www.sunset.texas.gov. Documents available include Sunset staff reports, reports to the Legislature, and summaries of Sunset legislation.

The Capitol Building is managed by the State Preservation Board. If you have questions regarding accessibility of the Capitol Building and complex, please contact the State Preservation Board at (512) 463-0063.

Sunset Advisory Commission

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