

SUNSET ADVISORY COMMISSION

Guide to the Texas Sunset Process

July 2008



Sunset Advisory Commission



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In 1977, the Texas Legislature created the Sunset Advisory Commission to identify and eliminate waste, duplication, and inefficiency in government agencies. The 12-member Commission is a legislative body that reviews the policies and programs of more than 150 government agencies every 12 years. The Commission questions the need for each agency, looks for potential duplication of other public services or programs, and considers new and innovative changes to improve each agency's operations and activities. The Commission seeks public input through hearings on every agency under Sunset review and recommends actions on each agency to the full Legislature. In most cases, agencies under Sunset review are automatically abolished unless legislation is enacted to continue them.

GUIDE TO THE TEXAS SUNSET PROCESS



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JULY 2008

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Sunset in Texas

What Is Sunset?

Sunset is the regular assessment of the continuing need for a state agency to exist. While standard legislative oversight is concerned with agency compliance with legislative policies, Sunset asks a more basic question: Do the agency's functions continue to be needed? The Sunset process works by setting a date on which an agency will be abolished unless legislation is passed to continue its functions. This creates a unique opportunity for the Legislature to look closely at each agency and make fundamental changes to an agency's mission or operations if needed.

The Sunset process is guided by a 12-member body appointed by the Lieutenant Governor and the Speaker of the House of Representatives. Assisting the Commission is a staff whose reports provide an assessment of an agency's programs, giving the Legislature the information needed to draw conclusions about program necessity and workability.


How Is an Agency Scheduled for Review Under Sunset?

About 130 state agencies are subject to the Texas Sunset Act. The Sunset Act, which became effective in August 1977, specifies each agency's review date. Agencies under Sunset typically undergo review once every 12 years. Certain entities, such as universities and courts, are not subject to the Sunset Act. Some constitutionally-created agencies, such as the Board of Pardons and Paroles and the Board of Trustees of the Teacher Retirement System of Texas, are subject to Sunset review but not abolishment.


Generally, the Legislature groups and schedules agencies for review by function to allow the examination of all major state policies related to a particular function at once, such as health and human services, natural resources, and financial regulation. About 20 to 30 agencies go through the Sunset process each legislative session. The Legislature may change the review schedule to enable a close look at certain agencies of special legislative interest. By using the Sunset process to examine problem areas, the Legislature further strengthens the accountability of state agencies.

How Are Agencies Reviewed?

Staff of the Sunset Commission works extensively with each agency under review to evaluate the need for the agency, propose needed statutory or management changes, and develop legislation necessary to enact any proposed changes. A summary of the steps in a Sunset review can be found in the flowchart, *Sunset Review Process*.

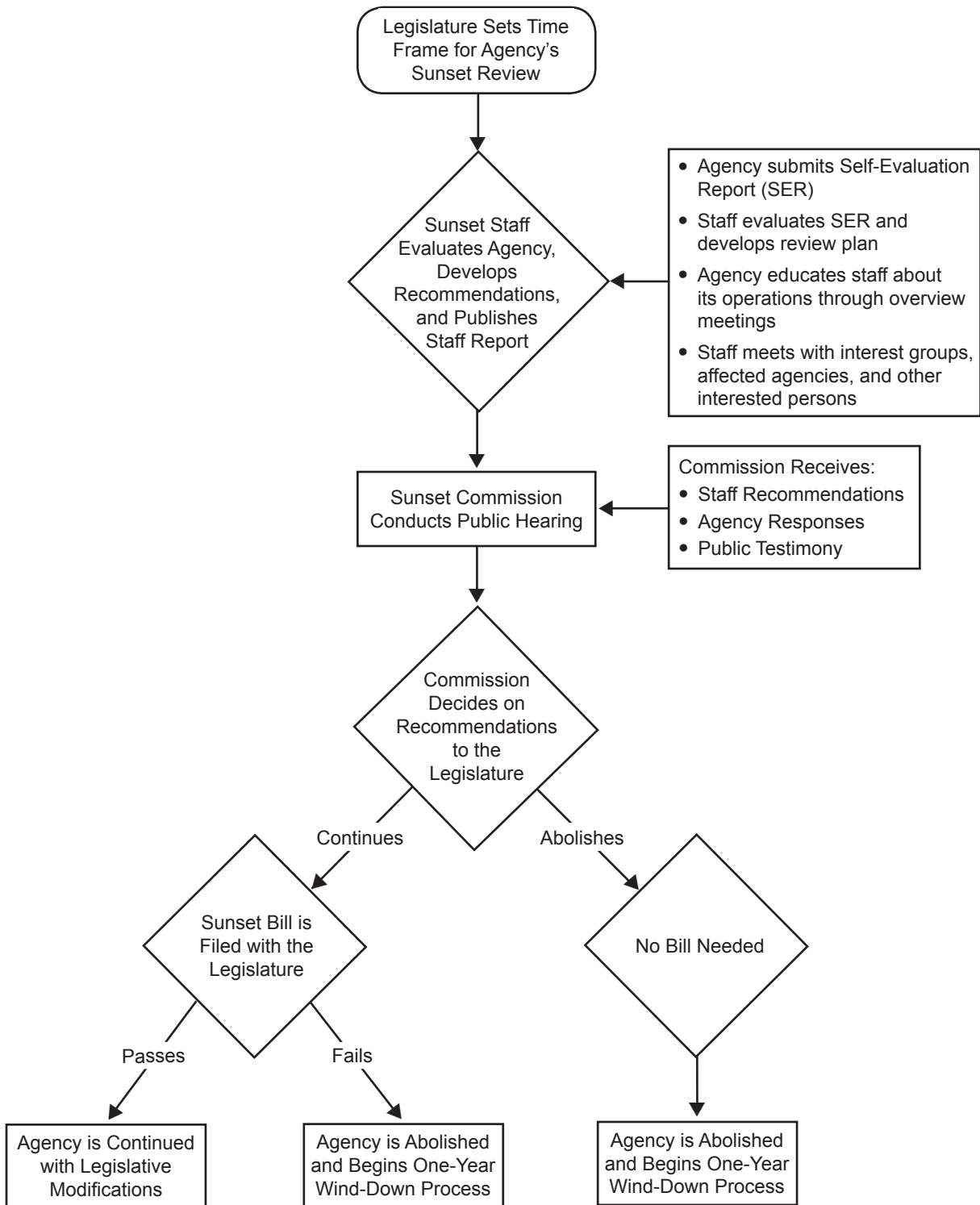


Sunset asks the basic question: Should a state agency be continued?



Sunset evaluates most state agencies every 12 years to determine if they are still needed.

Sunset Review Process



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, located in §325.011 of the Government Code (page 47 of this report), are summarized in the textbox, *Sunset Review Questions*.

The staff review of an agency typically takes from three to eight months depending on the size and complexity of the agency. Sunset staff gathers information from a broad range of sources. As a part of the review process, each agency submits a Self-Evaluation Report (SER) to the Sunset Commission. The SER identifies problems, opportunities, and issues that the agency feels should be considered in the Sunset review. Sunset staff also solicits input from interest groups and professional organizations, and encourages public input and discussion of agency functions. Staff collects and evaluates information from extensive interviews of agency personnel, performance reports, operational data, and other sources. Once the evaluation phase of the review is completed, Sunset staff publishes a report containing recommendations for statutory change by the Legislature and recommendations for agency management to implement to improve internal operations.

The Sunset Commission conducts a public hearing on each agency under review after publication of the staff report. The public hearing provides an opportunity for Sunset staff to present its recommendations, for the agency to formally respond to the staff recommendations, and for the public to comment on the report and to raise additional policy issues relating to the agency. This allows for broad public input into the Sunset process and begins the Commission's consideration of potential changes to recommend to the Legislature in the form of Sunset legislation.

All information presented to the Commission at the public hearing, whether submitted orally or in writing, is reviewed and compiled. The Commission meets in public session to review the input received and to make decisions

Sunset Review Questions

1. How efficiently and effectively does 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?

on Sunset staff recommendations and new issues from testimony. While additional testimony is not taken, resource witnesses may be asked to provide additional information, if needed. See the table, *Sunset Review Timeframes*, for an overall time sequence for reviews.

Sunset Review Timeframes

<i>August 2007</i>	Agencies submit Self-Evaluation Reports.
<i>September 2007 to January 2009</i>	Sunset staff prepares reports; Sunset Commission holds public hearings and makes decisions.
<i>February 2009</i>	Report to 81st Legislature on agencies subject to Sunset in 2009.
<i>January 2009 to May 2009</i>	Legislature considers Sunset Commission recommendations.

What Changes Can Be Made Through Sunset?

The Commission’s report on an agency must include a recommendation to abolish or continue the agency and may also contain other recommendations. If the Commission recommends continuation of an agency, the Commission must provide draft legislation to the Legislature to continue the agency for up to 12 years, and correct other problems identified during the Sunset review. The section, *Results of Previous Reviews*, which begins on page 11, gives examples of major changes that have been accomplished through the Sunset process. Although not required by law, the Commission’s legislative members traditionally introduce and carry Sunset legislation.

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A state agency undergoing Sunset review is automatically abolished unless the Legislature passes a bill to continue.

The Sunset Commission has also developed a set of standard recommendations that are applied to agencies. These Across-the-Board recommendations (ATBs) reflect an effort by the Legislature to place policy directives on agencies to prevent problems from occurring, instead of reacting to problems after the fact. The Commission’s ATBs are an outgrowth of review standards contained in the Sunset Act and are designed to ensure open, responsive, and effective government. Examples of ATBs include increasing public representation on the agency’s policy board, improving responsiveness to complaints filed by the public, and ensuring the opportunity for public input on issues under the agency’s jurisdiction. Each ATB is briefly explained in the section, *What Are Sunset Across-the-Board Recommendations?*, on page 7.

An agency is automatically abolished unless the Legislature passes legislation to continue the agency. If an agency is abolished, the Sunset Act provides for a one-year wind-down period to conclude its operations. The agency retains full authority and responsibility until the end of that year, when all property and records are transferred to an appropriate state agency.

How Can the Public Participate in Sunset?

Members of the public who participate in the review process 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. The following points illustrate the significant ways the public can participate in the Sunset review of an agency.

- ◆ ***Input with Staff.*** The staff seeks input during the review at which time interested persons and organizations may voice their concerns or ideas about the agency.
- ◆ ***Reviewing Sunset Reports.*** Sunset reports, including agency Self-Evaluation Reports and staff reports, are made available to the public on a regular basis to keep the public informed on the progress of the review.
- ◆ ***Testifying at Public Hearings.*** The Commission holds public hearings on the Sunset staff report for each agency under review. These hearings offer the public, interest groups, and professional trade associations an opportunity to comment on the agency and the Sunset staff's recommendations for the agency, and to raise new issues of their own before the Sunset Commission.
- ◆ ***Taking Part in the Legislative Session.*** Generally, if an agency is to be continued, a bill must be passed by the Legislature. The public can participate in the same way as with any other legislation.

For Sunset to reach its full potential, each Texan must be able to fully and equally participate in every phase of the Sunset review. Persons with special needs or questions about the Sunset process who wish to request an Americans with Disabilities Act (ADA) accommodation, should contact the Sunset ADA Coordinator. In addition, information on accommodations for people with disabilities can be found on the back cover of this report.

Persons interested in being placed on Sunset's mailing list and receiving the review schedule, meeting schedule, meeting agendas, staff reports, or decision materials should contact the Sunset Commission staff.

How Does Sunset Coordinate With Other Oversight Agencies?

The Sunset Commission is one of several agencies charged with monitoring state agency performance. These other oversight agencies include the State Auditor, Legislative Budget Board, Governor's Office of Budget and Planning, and Legislative Committees. Sunset regularly coordinates with these entities to reduce the possibility of duplication of effort and to assist in identifying issues that may be best addressed by Sunset or another agency. The role of each oversight agency is further explored in the textbox, *Coordination with Other Oversight Agencies*.



*Public comment
on an agency's
performance,
and suggestions
for improvement,
are critical
to the Sunset
review process.*

Coordination With Other Oversight Agencies

State Auditor

➤ The Office of the State Auditor (SAO) reviews fiscal and management controls, efficiency and effectiveness, and legal compliance of state agencies. Sunset staff review the results of SAO audits when forming agency recommendations. In turn, the State Auditor may monitor agency implementation of Sunset management recommendations.

Legislative Budget Board

➤ The Legislative Budget Board (LBB) prepares the appropriations bill, fiscal notes on proposed legislation, performance reports on state agencies, and reviews agency strategic plans. Because of its ongoing review of state agencies, the LBB serves Sunset as an important source of information on agency performance and budgets. Sunset staff also assist LBB staff in calculating the budgetary impact of recommendations in Sunset legislation.

Governor's Office of Budget and Planning

➤ The Office of Budget and Planning prepares the Governor's biennial budget recommendations for the Legislature to consider, monitors state appropriations and operations, and analyzes fiscal and economic issues. Through its regular monitoring of state agencies, the Office provides Sunset staff a valuable perspective on state agency performance.

Legislative Committees

➤ During a Sunset review, staff work closely with any standing or special committees that are studying issues related to the agency in an effort to identify issues and avoid duplication of effort. Previous committee reports are also reviewed to determine whether identified problems have been resolved.



The Lieutenant Governor and Speaker of the House appoint legislators and public members to serve on Sunset.

Who Is on the Sunset Commission?

The 12-member Sunset Advisory 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. The chairmanship rotates between the Senate and the House every two years and is assigned to a House member for the 2008 – 2009 biennium. Past and present members of the Sunset Commission are shown on page 59. The Sunset Commission is authorized to appoint a Director who employs sufficient staff to carry out the Commission's responsibilities.

Membership of the Sunset Advisory Commission 81st Legislature

Carl Isett, Chair Representative, <i>Lubbock</i>	Glenn Hegar, Jr., Vice Chair Senator, <i>Katy</i>
Dan Flynn Representative, <i>Van</i>	Kim Brimer Senator, <i>Fort Worth</i>
Linda Harper-Brown Representative, <i>Irving</i>	Robert F. Deuell, M.D. Senator, <i>Greenville</i>
Lois Kolkhorst Representative, <i>Brenham</i>	Craig Estes Senator, <i>Wichita Falls</i>
Ruth Jones McClendon Representative, <i>San Antonio</i>	Juan “Chuy” Hinojosa Senator, <i>McAllen</i>
Ike Sugg House Public Member, <i>San Angelo</i>	Charles McMahan Senate Public Member, <i>Schulenburg</i>

What Are Sunset Across-the-Board Recommendations?

Across-the-Board recommendations (ATBs) are statutory administrative policies adopted by the Sunset Commission as standards for state agencies, reflecting criteria in the Sunset Act designed to ensure open, responsive, and effective government.

1. Public Membership on State Agency Boards

While state agencies are designed to protect the health, welfare, and safety of the public, some agencies have governing boards with membership only from the regulated industry or groups affected by the activities of the agency. These boards may be more responsive to public interests with a direct public voice on the board. To ensure appropriate representation, this ATB requires that as close as possible to one-third of the board members represent the general public.

2. Prohibitions on Agency Conflicts of Interest

State agencies may have ties with professional trade organizations and other groups that may not be in the public interest. Conflicts of interest can also result when an agency’s board members or general counsel are involved in lobbying. This ATB reduces the possibility of such conflicts.

3. Unbiased Appointments to Agency Boards

The fairness and impartiality of state agencies’ operations are aided by policymaking bodies that are chosen on an impartial, unbiased basis. This Sunset ATB requires appointments to be made without regard to race, color, disability, sex, religion, age, or national origin.

*Sunset “ATBs” are
good government
standards
applied to all
agencies under
Sunset review.*

4. Governor Designation of State Agency Board Chairs

This ATB authorizes the Governor to designate the presiding officer as a means of increasing the agency's accountability to the State's leadership.

5. Specific Grounds for Removal of Agency Board Members

This ATB specifies the reasons for which a member of the policymaking body may be removed. To prevent questions on the validity of actions taken by boards, the provision clarifies that if grounds for removal exist, actions taken by the board are still valid.

6. Board Member Training

Members of policymaking bodies should be provided with adequate information and training to allow them to properly discharge their duties. This provision requires agencies to provide training and establishes the type of training and information to be included.

7. Separation of Agency Board and Staff Functions

State agencies have difficulties when their policymaking bodies also administer the agency. This recommendation requires each policymaking body to clearly separate its functions from those of agency management.

8. Public Testimony at Board Meetings

This requirement ensures the opportunity for public input to the policymaking body on issues under its jurisdiction.

9. Information on Complaints

Sunset reviews have found that some agencies do not maintain complete information on complaints. Inadequate information slows the resolution of complaints and limits the agency's ability to protect the public. This ATB requires agencies to maintain files on complaints and to inform parties to a complaint of its status and agency investigation and resolution procedures.

10. Technology Use

This recommendation requires agencies to ensure the effective use of technology in the delivery of services and provision of information to the public.

11. Alternative Dispute Resolution


This recommendation requires agencies to develop a written, comprehensive plan that encourages the use of alternative procedures for agency rulemaking, and internal and external disputes.

What Is the Sunset Occupational Licensing Model?

The Sunset Occupational Licensing Model is a collection of standard practices gleaned from more than 30 years of Sunset Commission reviews. The compilation of these standard practices provides a model for evaluating occupational licensing agencies, promoting efficiency, effectiveness, fairness, and accountability to protect the public. The Sunset Commission uses these standards to guide reviews of agency structure, oversight, and operations.

The model examines every aspect of an occupational licensing agency or program from the need for the agency to how licensing enforcement should work. For example, the model contains a standard relating to agency licensing that supports minimum experience requirements to ensure competency, but not limit entry to a profession. As another example, in the area of enforcement, the model indicates that an agency should have clear procedures, rules, and statutory authority for conducting inspections to ensure consistent treatment of licensees and timely compliance. The licensing model can be found on the Sunset website, located at www.sunset.state.tx.us.

Before recommending changes to an agency's statute based on these standards, the Sunset Commission considers the specific circumstances of the agency and the historical context of the issues. Common benefits of applying licensing model standards include agency efficiency, administrative flexibility, fairer processes for the licensee, and additional protections for consumers.



*The Occupational
Licensing Model
helps ensure
regulated
professions
remain
accountable to
the public.*

Results of Previous Reviews

Overview of Sunset Action

Since the first Sunset reviews in 1978, the Legislature has recognized the Sunset process as an important tool for overseeing state agencies and bringing needed change to state government. Originally established to provide an ongoing evaluation of government efficiency and effectiveness, Sunset has expanded its mission to serve the Legislature's need for analyzing significant state policies and for addressing special concerns regarding state agencies.

Early Sunset reviews focused on whether the State should regulate certain occupations and on how to ensure an arm's-length relationship between regulators and the regulated. The Sunset process has improved state agency operations by providing opportunities for greater public participation in decisionmaking and by guarding against potential and actual conflicts of interest. The process also makes it easier for agencies to achieve their mission by making needed changes to their operations or structure. As the Sunset process has matured over time, both the Commission and the Legislature have focused on substantive changes to the policies carried out by state agencies. Through these kinds of changes, the Legislature can determine the direction and mission of agencies under review.

The Sunset process has streamlined and changed state government. Since Sunset's inception in 1978, 54 agencies have been abolished and another 12 agencies have been consolidated. In addition, even as the scope of reviews has expanded, the Legislature has approved a large majority of the recommendations of the Sunset Commission. The most significant changes resulting from Sunset reviews are summarized in the following information. The table on page 12, *History of Sunset Commission Action – 1979 to 2007*, displays the total number of agencies reviewed and abolished, consolidated, or continued.

Sunset's Fiscal Impact

The fiscal impact of Sunset recommendations over time can be estimated through fiscal note data. Estimates from reviews conducted between 1982 and 2007 indicate a potential 25-year revenue savings of approximately \$784.5 million, compared with expenditures of \$24.9 million for the Sunset Commission. Based on these estimates, every dollar spent on the Sunset process earns the State more than \$31 in return.

*Through the
Sunset process,
54 agencies have
been abolished
and 12 have been
consolidated.*

*Sunset has
returned \$31
for each dollar
spent reviewing
agencies.*

History of Sunset Commission Action – 1979 to 2007

Legislative Session	Agencies Continued	Agencies Abolished Outright	Agencies Abolished & Functions Transferred	Agencies Consolidated	Agencies Separated	Agencies Reviewed
80th – 2007	14	1	1	0	0	23*
79th – 2005	21	2	3	1	0	29*
78th – 2003	23	1	2	0	0	29*
77th – 2001	21	1	0	1	0	25*
76th – 1999	22	1	0	2	0	25
75th – 1997	19	0	2	0	0	21
74th – 1995	16	0	2	0	0	18
73rd – 1993	27	1	1	2	0	31
72nd – 1991	23	3	3	1	0	30
71st – 1989	25	3	2	0	0	30
70th – 1987	18	1	1	0	0	20
69th – 1985	24	6	0	0	1	31
68th – 1983	29	3	0	0	0	32
67th – 1981	22	2	3	1	0	28
66th – 1979	12	8	1	4	1	26
TOTAL*	316	33	21	12	2	398
Percent	80%	8%	5%	3%	1%	

* Some agencies reviewed were not subject to continuation or abolishment or had their Sunset date removed. Also includes other special reviews and projects.

80th Legislature — 2007

The 80th Legislature evaluated 22 agencies and boards under Sunset review, and received one special study from the Sunset Commission. The Legislature continued 14 agencies and abolished two, while several agencies were not subject to abolishment under the Sunset Act, or had their Sunset dates removed. The Legislature also directed the Sunset Commission to continue evaluation of one agency under review, the Office of State-Federal Relations, by extending its Sunset date for only two years. For the 80th Legislative Session, Sunset legislation will result in more than \$447,000 in savings and revenue gains during the next biennium. Also, several bills contain changes that go beyond Sunset’s traditional role of eliminating duplication and waste, reflecting larger policy issues that both the Commission and Legislature considered to improve services to the citizens of Texas.

CRIMINAL JUSTICE AGENCIES – TEXAS DEPARTMENT OF CRIMINAL JUSTICE, BOARD OF PARDONS AND PAROLES, CORRECTIONAL MANAGED HEALTH CARE COMMITTEE

Ensure better information to policymakers regarding the criminal justice system, improved processes for parole decision making, and strengthened oversight and more transparency of correctional health care.

The Legislature continued the Texas Department of Criminal Justice (TDCJ) for four years and established a Criminal Justice Legislative Oversight Committee to provide objective research, analysis, and recommendations to help guide state criminal justice policies. The Sunset bill authorizes judges to permit the early medical release of state jail confinees who pose no risk to public safety due to their medical conditions, and requires TDCJ to establish a process for identifying and releasing eligible, low-risk offenders from parole and mandatory supervision early. The bill also requires the Board of Pardons and Paroles to annually review and update its parole guidelines, and report and explain to the Legislature its efforts to meet them. Finally, the bill requires TDCJ to monitor the quality of health care provided to offenders, and makes information about offender health care readily available to the public and offenders

TEXAS BOARD OF NURSING

Simplify the Nurse Board's process for approving nursing education programs and encourage an innovative approach by the Board for dealing with the nursing shortage in Texas.

The Sunset bill provides for the Nurse Board to approve nursing education programs by relying on national nursing accrediting agencies instead of ongoing Nurse Board approval, similar to how other health licensing agencies approve education programs. In addition, the Nurse Board must streamline its initial approval process by coordinating and eliminating overlap with the Texas Higher Education Coordinating Board and the Texas Workforce Commission in their processes for approving educational institutions. The bill also requires hospital-based diploma programs for registered nurses to entitle a student to a degree upon completion of the program by 2015, and it requires the Nursing Board to work with education stakeholders to implement a plan for promoting increased enrollment in nursing education programs.

OFFICE OF RURAL COMMUNITY AFFAIRS

Refocus the Office of Rural Community Affairs' mission and change its leadership to more effectively serve as a voice for rural Texas.

The Legislature continued the Office of Rural Community Affairs (ORCA) for six years, rather than for four years, as originally proposed by the Sunset Commission. The Sunset bill narrows ORCA's mission by requiring the

agency to serve as a clearinghouse for information on rural programs, and to identify and prioritize the most critical issues facing rural Texas and make recommendations to the Legislature to address these key concerns. The bill creates a new 11-member Board composed of eight public members, two rural officials or city or county employees, and the Commissioner of Agriculture. The Legislature modified the bill to remove direct appointments to the Board by the Lieutenant Governor and the Speaker of the House, and instead provides for appointment by the Governor of six individuals selected from lists of nominees submitted by the Lieutenant Governor and the Speaker of the House. The bill requires that all appointees reside in rural cities or counties and authorizes the Governor to appoint the presiding officer.

TEXAS STRUCTURAL PEST CONTROL BOARD

Abolish the Structural Pest Control Board and transfer its functions to the Texas Department of Agriculture.

The Sunset bill abolished the Board as an independent agency and transfers the regulation of the structural pest control industry to the Department of Agriculture. The bill established an advisory committee, with members appointed by the Agriculture Commissioner, to advise the Department on structural pest control issues. The bill also required the Department to develop a risk-based approach to inspections, a formal process for exam development, and more clear and consistent guidance for pesticide use in schools.

TEXAS ANIMAL HEALTH COMMISSION

Improve the Animal Health Commission's ability to adapt to a changing animal health environment by clarifying its role in emergency management.

The Sunset bill clarified the Animal Health Commission's significantly expanded role in emergency management by providing statutory authority to plan for, prepare for, and respond to emergencies that impact livestock and fowl. The Sunset bill also removed limitations on several emergency management tools by clarifying the Commission's authority to issue statewide quarantines and dispose of diseased carcasses. In addition, the bill required the Commission to conduct a study of the State's capacity to perform disease testing for livestock and fowl during emergencies.

Agencies Continued

Alcoholic Beverage Commission, Texas
Animal Health Commission, Texas
Arts, Texas Commission on the
Correctional Managed Health Care Committee
Criminal Justice, Texas Department of
Higher Education Tuition Board, Prepaid
Historical Commission, Texas
Library and Archives Commission, Texas State

Nursing, Texas Board of
Real Estate Commission, Texas
Risk Management, State Office of
Rural Community Affairs, Office of
State-Federal Relations, Office of
Veterans Commission, Texas

Agencies Not Subject to Abolishment

Pardons and Paroles, Board of
Teacher Retirement System of Texas
Veterans' Land Board

Agencies Abolished and Functions Transferred

Structural Pest Control Board, Texas

Agencies Abolished

Historical Representation Advisory Committee

Agencies Removed From Review

Veterinary Medical Diagnostic Laboratory, Texas

79th Legislature — 2005

The 79th Legislature evaluated 24 agencies and five other entities under Sunset review. Final action continued 20 agencies and one of the five entities. The Legislature also directed the Sunset Commission to continue evaluation of two agencies under review, the Texas Education Agency and the Texas Alcoholic Beverage Commission, by extending their Sunset dates for only two years.

TEXAS STATE BOARD OF BARBER EXAMINERS AND TEXAS COSMETOLOGY COMMISSION

Abolish the Texas State Board of Barber Examiners and the Texas Cosmetology Commission and transfer the agencies' functions to the Texas Department of Licensing and Regulation.

The 79th Legislature made considerable changes to effectively regulate the barbering and cosmetology industries. The Sunset bill abolished the two agencies, and transferred the regulatory and licensing functions to the Texas Department of Licensing and Regulation (TDLR). The bill created two new advisory committees at TDLR to advise the Commission on Licensing and Regulation on technical matters relating to barbering and cosmetology. Finally, the bill focused the regulation of barbers and cosmetologists, requiring inspections to be risk-based, targeting sanitation violations.

TEXAS MEDICAL BOARD

Improve the Medical Board's ability to enforce its Act by clarifying the use and confidentiality of peer review documents in hearings by the Board and the State Office of Administrative Hearings.

The Sunset bill clarified that the Medical Board's current authority to disclose peer review documents in disciplinary hearings extends to formal contested case hearings before the State Office of Administrative Hearings (SOAH). The bill specified that peer review information may not be used as evidence at SOAH, except as the basis for the opinion of an expert witness called by the Medical Board. The bill also clarified that peer review documents remain confidential at the Board and at SOAH and that if admitted into evidence at SOAH, they must be admitted under seal. In addition, the Legislature added a provision that established grounds for disciplinary action for physicians who perform certain abortions.

PUBLIC UTILITY COMMISSION OF TEXAS

Strengthen PUC's oversight of the Electric Reliability Council of Texas and improve ERCOT's accountability to the public.

The Sunset bill clarified PUC's complete oversight authority over all facets of the Electric Reliability Council of Texas' (ERCOT) finances, budget, and operations. The bill also required ERCOT to add two independent Board members by September 2006; provided that the Board Chair must be an independent member; required ERCOT Board members to disclose any conflicts of interest, and recuse themselves from votes directly related to those interests; and required Board meetings to be open. In addition, the bill granted PUC the ability to assess up to \$25,000 administrative penalties against ERCOT. Finally, the Sunset bill required ERCOT to perform market monitoring through a contract with a private company selected by PUC.

TEXAS WORKERS' COMPENSATION COMMISSION

Abolish the Workers' Compensation Commission and transfer its functions to the Department of Insurance, and establish a network approach for workers' compensation.

The Legislature modified the Sunset provisions to establish a Division of Workers' Compensation within the Department of Insurance to administer and operate the workers' compensation system, including regulatory, dispute resolution, and workplace education and safety program functions performed by TWCC. The Sunset bill created a Governor-appointed Commissioner of Workers' Compensation to administer the Division and adopt rules. The bill also simplified the provision of workers' compensation health care by allowing networks similar to those found in group health insurance. In addition, the bill enhanced the delivery and quality of benefits for injured workers to focus on improving outcomes for return to work.

Agencies Continued

Acupuncture Examiners, Texas State Board of
Alcoholic Beverage Commission, Texas
Chiropractic Examiners, Texas Board of
Education Agency, Texas
Guaranteed Student Loan Corporation, Texas
Lottery Commission, Texas
Medical Board, Texas
Optometry Board, Texas
Pharmacy, Texas State Board of
Physician Assistant Examiners, Texas State Board of
Podiatric Medical Examiners, Texas State Board of
Psychologists, Texas State Board of Examiners of
Public Utility Commission of Texas
Public Utility Counsel, Office of
State Health Services, Department of
 Dietitians, Texas State Board of Examiners of
 Marriage and Family Therapists, Texas State Board of Examiners of
 Midwifery Board, Texas
 Perfusionists, Texas State Board of Examiners of
 Professional Counselors, Texas State Board of Examiners of
 Social Worker Examiners, Texas State Board of
Veterinary Medical Examiners, Texas State Board of

Agencies Not Subject to Abolishment

Education Service Centers, Regional
Windham School District

Agencies Abolished

Barber Examiners, Texas State Board of
Cosmetology Commission, Texas
Film Industry Development Loan Guarantee Program, Texas
Telecommunications Infrastructure Fund Board
Workers' Compensation Commission, Texas

Agencies Consolidated

Educator Certification, State Board for

78th Legislature — 2003

The 78th Legislature reviewed 26 agencies and three individual programs under Sunset review. Final action continued 21 agencies and two of the three programs. Three of the agencies reviewed were not subject to abolishment. Major changes made through Sunset legislation follow.

TEXAS DEPARTMENT OF ECONOMIC DEVELOPMENT AND TEXAS AEROSPACE COMMISSION

Abolish the Texas Department of Economic Development and the Texas Aerospace Commission and transfer their primary functions to the newly-created Texas Economic Development and Tourism Office within the Governor's Office.

The 78th Legislature established a new structure and focus for the State's economic development efforts. The bill passed by the Legislature created the Texas Economic Development Bank within the Office to ensure communities and businesses have access to capital for economic development purposes. The bill also required the Office to identify and assist industry clusters in the state, including advanced technology industries. Lastly, the bill called for improved coordination among the state agencies involved in tourism activities.

TEXAS WORKFORCE COMMISSION

Continue the Texas Workforce Commission for six years and improve customer service.

The Texas Workforce Commission (TWC) Sunset bill clearly separated the powers and duties of the Commissioners from the Executive Director and staff. Further, it directed TWC to partner with the business community to better equip workers and job seekers with the skills required to compete for jobs in this State. The bill required integration of key workforce programs to streamline the delivery of services, and required TWC to establish contracting guidelines for local workforce boards. In addition, the Legislature authorized TWC to use bonds to replenish the unemployment compensation fund and pay unemployment benefits rather than borrowing from the federal government.

TEXAS ETHICS COMMISSION

Grant the Texas Ethics Commission additional authority to conduct complaint investigations and streamline the complaint process by eliminating unnecessary steps and setting timelines for resolution.

The bill passed by the Legislature expanded the use of the Commission's electronic filing system to make campaign finance information easily accessible to the public. It further increased penalties for late-filed reports and established additional controls over campaign finances. The bill also prohibited legislators from representing clients before state agencies and required legislators who are lawyers to report all legislative continuances.

STATE BAR OF TEXAS

Simplify the State Bar's disciplinary process and make it more responsible to both aggrieved clients and lawyers.

The Sunset bill established a statutory framework for the State Bar's grievance system to streamline the process, improve accountability, promote consistency, reduce resolution time, and provide better assistance to the public. In addition, the bill increased funding for legal services to the indigent and for grants to counties for indigent defense services.

TEXAS HIGHER EDUCATION COORDINATING BOARD

Strengthen the Board's ability to ensure the state meets the goals of Closing the Gaps, the master plan for higher education in Texas.

The Board's Sunset bill required the Texas Higher Education Coordinating Board to annually assess how its activities support the Higher Education Plan, Closing the Gaps, and report to the Legislature on statutory changes that would allow the agency to better support the plan. The Sunset bill required the Coordinating Board to report to the Legislature on changes to the higher education funding system that best support Closing the Gaps. It also restructured loan forgiveness programs administered by the agency into loan repayment programs. In addition, the size of the Coordinating Board was reduced from 18 to nine members.

Agencies Continued

Accountancy, Texas State Board of Public
Administrative Hearings, State Office of
Architectural Examiners, Texas Board of
Bar of Texas, State
Correctional or Rehabilitation Facility Subchapter
Court Reporters Certification Board
Dental Examiners, State Board of
Educator Certification, State Board for
Engineers, Texas Board of Professional
Funeral Service Commission, Texas
Higher Education Coordinating Board, Texas
Housing and Community Affairs, Texas Department of
Housing Corporation, Texas State Affordable
Land Surveying, Texas Board of Professional
Law Examiners, Board of
Licensing and Regulation, Texas Department of
Lottery Commission, Texas
Plumbing Examiners, Texas State Board of
Purchasing from People with Disabilities, Texas Council on
Self-Directed Semi-Independent Agency Project Act
Tax Professional Examiners, Board of
Workforce Commission, Texas
Workforce and Economic Competitiveness, Texas Council on

Agencies Not Subject to Abolishment

Ethics Commission, Texas
Health, Texas Department of
Human Services, Department of

Agencies Abolished

Aerospace Commission, Texas
Economic Development, Texas Department of
Riding Stables Chapter

77th Legislature — 2001

The 77th Legislature reviewed 25 state agencies. Final action continued 21 agencies, abolished one, and merged one.

TEXAS DEPARTMENT OF ECONOMIC DEVELOPMENT

Continue the Department for two years.

The 77th Legislature did not adopt the original Sunset bill for the Department of Economic Development. The Department was continued for two years in separate legislation. This bill continued TDED until 2003, but did not continue the Smart Jobs Program which expired on December 31, 2001.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Increase the Department's public accountability and ensure that the agency allocates resources to best meet the state's most pressing housing needs.

The Legislature continued TDHCA for a two-year probationary period to provide for an evaluation of whether TDHCA successfully carried out the Sunset recommendations before the next legislative session. The final bill restructured the Department's Governing Board, provided meaningful opportunities for public participation at Board meetings and public hearings, and made information about community resources and affordable housing easily accessible to the public. The bill required that the Department strategically plan to serve Texans with the greatest need, and required that the agency use its multi-family housing finance programs to maximize resources and outcomes. In addition, the Sunset legislation ensured that the Department's programs provide fair access to housing. The Legislature added considerable implementation detail to many of the initial Sunset Commission recommendations, most notably concerning housing preservation and the administration of the low income housing tax credit program.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Improve the agency's position to address the state's environmental regulatory needs.

The bill passed by the Legislature gave regulated entities a larger stake in protecting the environment by establishing a performance-based regulatory structure tied to their compliance history. TNRCC's Sunset bill also reflected Sunset recommendations providing the agency tools to better support its environmental protection mission and affording greater public access to the agency's decision making process. The bill also contained several provisions added by the Legislature such as changing the agency's name to the Commission on Environmental Quality by 2004, permitting of "grandfathered" facilities, and continuing the program for remediating leaking underground petroleum storage tanks.

TEXAS PARKS AND WILDLIFE DEPARTMENT

Improve TPWD's ability to protect the state's natural and cultural resources and to provide outdoor recreation opportunities for Texans.

The Department's Sunset bill required it to assess the state's conservation and recreational needs and base its operations on this assessment. The bill established standard business oversight mechanisms for commercial ventures and other department operations. The bill also strengthened the TPWD's historical sites program. Lastly, the bill prohibited the promotion of tobacco in TPWD publications and ensured that advertising is appropriate for viewing by youth.

RAILROAD COMMISSION OF TEXAS

Improve the State's ability to clean up and prevent abandoned oil wells.

Based on a Sunset Commission recommendation, the Legislature increased funding for oil field cleanup and well-plugging activities by increasing the fees used to fund environmental protection efforts through the Oil Field Cleanup Fund. The bill also strengthened the financial security requirements of oil and gas operators to ensure their responsibility to clean up their oil field sites and thus reduce the State's liability for pollution and abandoned wells. The bill also created a voluntary cleanup program that released non-responsible parties from future liability, and suggested the adoption of risk-based assessment cleanup rules to guide remediation efforts.

GENERAL SERVICES COMMISSION

Transfer responsibility for State telecommunication operations from GSC to the Department of Information Resources.

The final bill transferred technology functions to the Department of Information Resources and renamed and reconstituted the Commission as the Texas Building and Procurement Commission to reflect its new focus on procurement and building construction and maintenance operations. The bill implemented the State's electronic procurement network and streamlined the State's surplus property program.

TEXAS FUNERAL SERVICE COMMISSION

Improve the overall regulation of the funeral care industry.

The Funeral Service Commission's Sunset bill required the agency to effectively license, inspect, and investigate complaints against funeral directors and embalmers. The bill required the Commission to adopt guidelines for imposing sanctions and fines. It also authorized the Commission to register owners and operators of cemeteries and crematories. The Legislature approved a two-year continuation for the Commission to ensure that the needed changes are effectively implemented.

Agencies Continued

Aircraft Pooling Board, State
Banking, Department of
Coastal Coordination Council
Consumer Credit Commissioner, Office of
Economic Development, Texas Department of
Finance Commission of Texas
Fire Fighters' Pension Commissioner, Office of
Funeral Service Commission, Texas
General Services Commission
Housing Corporation, Texas State Affordable
Housing and Community Affairs, Texas Department of
Judicial Conduct, State Commission on
Natural Resource Conservation Commission, Texas
Parks and Wildlife Department, Texas
Pension Review Board, State
Prevention of Developmental Disabilities, Texas Office for the
Railroad Commission of Texas
Savings and Loan Department
Securities Board, State
Soil and Water Conservation Board, State
Water Development Board, State

Agencies Abolished

Energy Coordination Council, Texas

Agencies Consolidated

Homeless, Texas Interagency Council for the

76th Legislature — 1999

The 76th Legislature reviewed 25 agencies. Final action continued 22 agencies, abolished one, and consolidated two. Major changes made through Sunset follow.

TEXAS HEALTH AND HUMAN SERVICES COMMISSION

Strengthen the Health and Human Services Commission.

The Sunset Commission found that eight years after HHSC's creation, health and human services agencies continued to work in isolation, services were fragmented, and the State lacked an overall strategic vision or direction for these critical programs. The Legislature adopted Sunset recommendations to continue the Commission for eight years and to clearly direct and empower HHSC to create a streamlined, integrated system of business functions across the health and human services enterprise. The Sunset bill also authorized the Health and Human Services Commissioner to appoint or remove health and human services agency executive directors with the concurrence of the agency boards. Finally, the bill addressed Medicaid administration and the collection of client transportation data.

CHILD SUPPORT ENFORCEMENT, OFFICE OF THE ATTORNEY GENERAL

Enhance the State's ability to establish and collect child support.

The 75th Legislature required the Sunset Commission to evaluate the performance of the Attorney General's Child Support Enforcement Division and to recommend improvements. The resulting legislation streamlined establishment of paternity and removed the time-consuming process of court ratification of Child Support Court Masters orders. The bill also improved the Division's complaint tracking and resolution process, required timely sharing of child support information between state agencies, and directed the Sunset Commission to monitor, evaluate, and report to the 77th Legislature on the Division's progress in revamping the child support program.

TEXAS DEPARTMENT OF AGING / TEXAS DEPARTMENT OF HUMAN SERVICES

Merge long-term care programs into a new Department of Aging and Disability Services at the Department of Human Services.

The final bill phased in the consolidation of long-term care services programs at DHS, TDoA, TDH, and TRC to reduce the number of agencies people must contact to receive the array of long-term care services. In 2001, the legislature extended the date for this final consolidation until 2005. The bill did not change eligibility requirements for services, and it ensured the unique needs of the elderly will be met through the creation of an Aging Policy Council.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Improve TDCJ's ability to function as a unified criminal justice agency.

The bill reflected Sunset recommendations allowing the Department to reorganize its divisional structure and improving its coordination with parole and probation authorities. The bill largely included the Sunset recommendation to revise funding sources for probation departments to improve their ability to use these funds for the benefit of the State. The bill also incorporated and expanded on Sunset recommendations to improve oversight, operational, and job training aspects of prison industries programs. Finally, the Legislature added a provision for civilly committing persons identified as sexually violent predators after they have completed their sentence or have been released from a facility of the Texas Department of Mental Health and Mental Retardation.

TEXAS DEPARTMENT OF PUBLIC SAFETY

Strengthen internal oversight and accountability.

The Legislature agreed with Sunset Commission recommendations to provide additional resources, authority, and encouragement to assist DPS in better managing its affairs. Specifically, the bill created an Office of Audit and Review composed of the internal audit and inspection and planning functions to reduce the need for exceptional legislative review. In addition, changes to the State's vehicle emission testing and vehicle safety inspection programs were intended to allow the Department to better ensure vehicles are operated in compliance with emission and safety standards. The bill also made several changes to driver's licenses, including authorizing the electronic renewal of licenses and enhancing the protection and privacy of victims of domestic abuse.

ADVISORY COMMISSION ON STATE EMERGENCY COMMUNICATIONS

Restructure the Commission to better support its functions and provide public representation.

The Sunset review focused on the Commission's ability to provide accountability, increase efficiency of the 911 system, and maximize resources. The resulting Sunset bill reduced the Commission's size and changed its composition, restructured the funding of the State's 911 program to improve accountability and strategic planning, and improved the collection of emergency communication fees. In addition, the Legislature added a provision to provide Poison Control Centers with automatic name and location information of callers.

Agencies Continued

Blind, Texas Commission for the
Cancer Council, Texas

Child Support Enforcement, Office of the Attorney General
Childhood Intervention, Interagency Council on Early
Children's Trust Fund of Texas Council
Correctional Managed Health Care Advisory Committee
Criminal Justice, Texas Board and Department of
Deaf and Hard of Hearing, Texas Commission for the
Developmental Disabilities, Office for the Prevention of
Developmental Disabilities, Texas Planning Council for
Emergency Communications, Advisory Commission on State
Health and Human Services Commission, Texas
Health, Texas Board and Department of
Human Rights, Commission on
Incentive and Productivity Commission, Texas
Mental Health and Mental Retardation, Texas Department of
Pardons and Paroles, Board of
People with Disabilities, Governor's Committee on
Private Investigators and Private Security Agencies, Texas Board of
Public Safety, Texas Department of
Rehabilitation Commission, Texas
Rural Health Initiatives, Center for

Agencies Abolished

Hospital Equipment Financing Council, Texas

Agencies Consolidated

Aging, Texas Department on
Human Services, Texas Department of

75th Legislature — 1997

The 75th Legislature reviewed 21 agencies. Final action continued 19 agencies while abolishing and transferring functions of two. Major changes made through Sunset are shown below.

TEXAS DEPARTMENT OF TRANSPORTATION / TEXAS TURNPIKE AUTHORITY

Improve ability to meet a greater portion of state transportation needs.

The Sunset bill provided the Department with a number of additional financing methods for transportation projects and improved the way it conducts its business. Most significantly, the bill abolished the Texas Turnpike Authority and transferred state toll functions to the Department. Additionally, the bill established a State Infrastructure Bank to take full advantage of federal highway funding flexibility, improved the monitoring of highway contracts, and encouraged greater privatization of engineering services.

TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES

Strengthen the Department's ability to protect children from abuse and neglect.

The Sunset bill promoted the protection of children in three ways. First, the bill separated abuse investigations from service delivery while providing a more flexible response system to reports of abuse. Second, by improving coordination and removing obstacles, the bill intended to speed placement of abused children through conservatorship or adoption. Finally, improvements in PRS' contract administration were enacted to ensure greater accountability and quality of care provided by private services providers.

TEXAS RACING COMMISSION

Restructure the Commission to improve policymaking and promote growth of the racing industry.

The Sunset bill restructured the Commission to increase expertise and improve policymaking. The bill also increased oversight of track facilities and encouraged economic growth within the racing industry through cross-species simulcasting.

TEXAS CREDIT UNION COMMISSION

Increase public input in the regulation of the credit union industry.

The Sunset bill required that a majority of the Commission be public members, expanded notice requirements for credit union charters and mergers, and allowed interested persons to comment on proposed expansions.

TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE

Improve accountability for substance abuse services.

The Sunset bill provided statutory direction in key policy areas, including statewide planning for service delivery and contract administration, to ensure the accountability of substance abuse service providers that receive state funding.

Agencies Continued

Acupuncture Examiners, Texas State Board of
Adjutant General's Department
Alcohol and Drug Abuse, Texas Commission on
Automobile Theft Prevention Authority
Credit Union Commission, Texas
Criminal Justice Policy Council
Fire Protection, Texas Commission on
Information Resources, Department of
Jail Standards, Commission on

Juvenile Probation Commission, Texas
Law Enforcement Officer Standards and Education, Commission on
National Guard Armory Board
Pardons and Paroles, Board of
Preservation Board, State
Protective and Regulatory Services, Texas Department of
Public Finance Authority, Texas
Racing Commission, Texas
Transportation, Texas Department of
Youth Commission, Texas

Agencies Abolished with Functions Transferred

Sex Offender Treatment, Council on
Turnpike Authority, Texas

74th Legislature — 1995

The 74th Legislature reviewed 18 agencies, two of which were not subject to abolishment. The Legislature continued 16 and abolished two agencies. Two agencies – the State Preservation Board and the Racing Commission – were continued without changes but were scheduled for review again in 1997. In addition, one agency that had been abolished in 1993, the State Board of Dental Examiners, was re-created. Major changes made through Sunset are shown below.

TEACHER RETIREMENT SYSTEM OF TEXAS

Raise retirement benefits for the oldest career educators and provide cost of living increases for all retirees.

The Sunset review of the Teacher Retirement System found that the pension benefits of many TRS retirees to be low and even slightly below the poverty line for the oldest retirees. Based on these findings, the Legislature adopted a recommendation of the Sunset Commission to raise retirement benefits for TRS retirees by \$1.8 billion, focusing the largest benefit increases on the oldest retirees who retired before 1960. Under the bill, all members who retired before September 1, 1993 had their benefits increased by an additional \$1,800 per year, but the oldest members saw their benefits increased by an additional \$5,500 per year.

TEXAS WORKERS' COMPENSATION COMMISSION

Reduce state losses from worker injuries through stronger risk management programs.

State agencies have not had incentive to develop risk management programs for state employees. The Sunset Commission developed a series of recommendations adopted by the Legislature to help provide safe work places

for state employees, timely benefits, and return-to-work programs for injured state workers. The implementation of these risk management provisions saved the State approximately \$8,910,000 for the 1996-97 biennium by reducing workers' compensation losses.

TEXAS WORKERS' COMPENSATION RESEARCH CENTER

Merge functions of the Research Center and the Legislative Oversight Committee on Workers' Compensation.

The Legislature must have objective information and a mechanism for using this information for it to properly monitor and evaluate the workers' compensation system. Through the Sunset process, the Legislature addressed both needs by merging the research, database, and monitoring functions of the Workers' Compensation Research Center with the Legislative Oversight Committee on Workers' Compensation. The new agency, the Research and Oversight Council on Workers' Compensation, improves the usefulness of information to decision makers on the performance of the workers' compensation system and establishes early-warning mechanisms to anticipate and timely deal with future problems.

TEXAS DEPARTMENT OF AGRICULTURE

Restructure and refocus the Agriculture Resources Protection Authority (ARPA) for pesticide regulation.

The refinement of pesticide regulation, begun in earlier Sunset reviews, continued by revamping ARPA, the coordinating body for pesticide regulation created in 1989. Based on Sunset recommendations, the Legislature expanded ARPA's membership to strengthen the link with the Governor and other pesticide-related agencies. The Legislature also shifted ARPA's oversight authority from hearing appeals of agency orders and approving agency rules to reviewing pesticide enforcement activity reports and reviewing and commenting on strategic plans and appropriations requests.

Agencies Continued

Agriculture, Texas Department of
Animal Health Commission, Texas
Arts, Texas Commission on the
Equine Research Account Advisory Committee
Food and Fibers Commission, Texas
Guadalupe-Blanco River Authority
Historical Commission, Texas
Library and Archives Commission, Texas State
Preservation Board, State
Public Utility Commission
Public Utility Counsel, Office of
Racing Commission, Texas

State-Federal Relations, Office of
Teacher Retirement System of Texas
Workers' Compensation Commission, Texas
Workers' Compensation Insurance Fund, Texas

Agencies Abolished and Functions Transferred

Antiquities Committee
Workers' Compensation Research Center, Texas

73rd Legislature — 1993

The 73rd Legislature reviewed 31 agencies, three of which were not subject to abolishment. Final action continued 27 agencies, abolished two, and merged two. Three agencies – Public Utility Commission, Office of Public Utility Counsel, and Teacher Retirement System – were continued without changes but were scheduled for review again in 1995. Major changes made through Sunset are shown below.

TEXAS ALCOHOLIC BEVERAGE COMMISSION

Focus agency efforts on enforcing state alcoholic beverage laws.

The agency had several major responsibilities that related indirectly to the apprehension of liquor law violators. Holding hearings on liquor law violations and collecting and auditing liquor taxes are important functions but they direct attention and funding away from direct law enforcement activities.

These functions were transferred to the State Office of Administrative Hearings and to the Comptroller of Public Accounts. This leaves the agency responsible for investigating and apprehending liquor law violators.

TEXAS DEPARTMENT OF INSURANCE

Reorganize the decision making process.

The Sunset bill streamlined the decision making process of the Department by giving the governor more direct policy control to solve ongoing problems. The full-time three-member insurance board was eliminated and the Governor was given the power to appoint a Commissioner of Insurance with sole responsibility for all insurance regulation, including the setting of all insurance rates.

EMPLOYEES RETIREMENT SYSTEM AND TEACHER RETIREMENT SYSTEM

Make it easy for employees to add together service credits from both systems.

The Sunset bill changed the old system, which penalized people who had worked in both retirement systems. Often these people ended up getting

lower benefits. The change would allow a person to be treated as if he had been in one system throughout his career.

TEXAS DEPARTMENT OF PUBLIC SAFETY

Strengthen laws to prevent underage drinking.

The Sunset bill had provisions to help in the fight to stop young drivers from driving while intoxicated, including a lower blood alcohol limit for persons under 21.

Agencies Continued

Alcoholic Beverage Commission, Texas
Chiropractic Examiners, Texas Board of
Commerce, Texas Department of
Counselors, Texas State Board of Examiners of Professional
Dietitians, Texas State Board of Examiners of
Employees Retirement System of Texas
General Services Commission
Hearing Aids, Texas Board of Examiners in the Fitting and Dispensing of
Insurance, Texas Department of
Insurance Counsel, Office of Public
Marriage and Family Therapists, Texas State Board of Examiners of
Medical Examiners, Texas State Board of
Midwifery Board
Nurse Examiners, Board of
Optometry Board, Texas
Pharmacy, Texas State Board of
Podiatry Examiners, Texas State Board of
Psychologists, Texas State Board of Examiners of
Public Utility Commission
Public Utility Counsel, Office of
Public Safety, Texas Department of
Social Work Certification, Council for
Speech-Language Pathology and Audiology, State Committee of
Examiners for
Teacher Retirement System of Texas
Turnpike Authority, Texas
Veterinary Medical Examiners, Texas
Vocational Nurse Examiners, Board of

Agencies Abolished

Dental Examiners, Texas State Board of

Agencies Abolished and Functions Transferred

Nursing Home Administrators, Texas Board of Licensure for

Agencies Consolidated

Occupational Therapy Examiners, Texas Advisory Board of
Physical Therapy Examiners, Texas Board of

72nd Legislature — 1991

The 72nd Legislature reviewed 30 agencies. Final action continued 23, abolished six, and merged one. Major changes made through Sunset are shown below.

GENERAL SERVICES COMMISSION

Prioritize elimination of architectural barriers for persons with disabilities.

A state program was in place at the time of the Sunset review to remove barriers that interfered with access by the disabled to government buildings and other public buildings. Sunset strengthened this program by transferring it from GSC to the Texas Department of Licensing and Regulation, which has a regional office structure and expertise in inspection and enforcement. The law was also strengthened by removing some exemptions from the program, allowing TDLR to assess fees, and making the program consistent with the federal Americans with Disabilities Act.

TEXAS MOTOR VEHICLE COMMISSION

Protect auto buyers and strengthen the State's lemon law.

Consumers who purchase cars that are “lemons” should be protected. Before Sunset, the law placed unnecessary roadblocks in the way of consumers who wanted to return a defective car. The law was changed through Sunset to make it easier for consumers to return a defective car. Among other changes, the new law shortened the timeframe for resolving complaints and increased the time consumers could be protected after purchasing a lemon.

STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

Promote minority hiring.

At the time of the Sunset review, the Department had a comparatively low number of minority and women employees in professional and upper management positions. The Sunset bill required the Department to increase its efforts to recruit and hire qualified women and minority applicants in a variety of ways.

TEXAS STRUCTURAL PEST CONTROL BOARD

Strengthen public protection through better pesticide regulation.

The process begun to strengthen pesticide regulation in the 71st Legislature continued in the Sunset review of the Structural Pest Control Board. The Sunset process benefitted consumers in a variety of ways. For example, the Legislature required schools, day-care centers, hospitals, and nursing homes to begin using licensed pesticide applicators to increase the public's protection from misapplication of pesticides.

TEXAS FUNERAL SERVICE COMMISSION

Create a majority of public members on the agency's board.

When this agency was first reviewed in 1979, it was dominated by licensees and their associations. One-third public membership on the board was a major step forward. The second review in 1991 found that the agency dealt mainly with consumer complaints and did not need a majority of professional licensee members on the board. As a result, the composition of the Funeral Service Commission was changed to five public members representing consumer interests and four licensee members.

Agencies Continued

Accountancy, Texas State Board of Public
State Aircraft Pooling Board
Architectural Examiners, Texas Board of
Bar of Texas, State
Barber Examiners, State Board of
Capital Metropolitan Transportation Authority
Cosmetology Commission, Texas
Dallas Area Rapid Transit Authority
Fire Fighters' Pension Commissioner, Office of
Fire Protection Personnel Standards and Education, Commission on
Funeral Service Commission, Texas
Highways and Public Transportation, State Department of
Board of Irrigators, Texas
Jail Standards, Commission on
Law Examiners, Board of
Motor Vehicle Commission, Texas
Pension Review Board, State
Purchasing and General Services Commission, State
Real Estate Commission, Texas
National Research Laboratory Commission, Texas
Structural Pest Control Board, Texas
Professional Land Surveying, Texas Board of
Turnpike Authority, Texas

Agencies Abolished

Civil Defense and Disaster Compact Administrator for Texas,
Office of the
Conservation Foundation, Texas
Good Neighbor Commission

Agencies Abolished and Functions Transferred

Disabilities, Council on
Health and Human Services Coordinating Council, Texas
Long-Term Care Coordinating Council for the Elderly

Agencies Consolidated

Housing Agency, Texas

71st Legislature — 1989

The 71st Legislature reviewed 30 agencies. Final action continued 25 and abolished five. Major changes made through Sunset are shown below.

TEXAS DEPARTMENT OF AGRICULTURE

Build on current levels of pesticide regulation.

State policy at the time of the Sunset review allowed seven agencies to set rules governing pesticides. Businesses and consumers were not served well by shifting, changing regulations. The Sunset bill created a coordinating body for pesticide regulation, chaired by the Commissioner of Agriculture, to provide stability in a politically charged area.

TEXAS EDUCATION AGENCY

Modernize regulation of proprietary schools.

Private technical schools train over 70,000 students a year for technical occupations. State policies covering these schools were in drastic need of revision at the time of the Sunset review. Some schools charged students high prices and provided little education in return. The Texas Education Agency, which regulated these schools, had neither the authority nor a clear mandate to correct these abuses. The Sunset bill gave the agency a clear mission and authority to ensure that students get the education they paid for.

STATE TEXTBOOK COMMITTEE

Control costs of public school textbooks.

When the commission was reviewed, the state spent \$40 million per biennium to purchase textbooks. Over time the State had gradually become convinced

that little could be done to control these costs. The Sunset review found otherwise, and cost control measures enacted through Sunset are now in use.

COMMISSION ON HUMAN RIGHTS

Make the State's EEO policy stronger.

The Sunset Commission is statutorily required to analyze agency compliance with state EEO policy. During Sunset reviews, it quickly became apparent that the State had developed no coherent policy, relying instead on fragments of policy developed to meet particular demands. Commission recommendations dealt with this situation by fashioning a general policy that the State can modify and refine as needed.

Agencies Continued

Agriculture, Texas Department of
Air Conditioning and Refrigeration Contractors Advisory Board
Animal Health Commission, Texas
Corpus Christi Regional Transit Authority
Higher Education Coordinating Board, Texas
Education Agency, Texas
Education Commissioner for Texas, Office of Compact for
Education Compact Commissioner for Texas, Office of the
Southern Regional
Education, State Board of
Guaranteed Student Loan Corporation, Texas
Harris County Metropolitan Rapid Transit Authority
Human Rights, Commission on
Industrialized Building Code Council, Texas
Labor and Standards, Office of Commissioner
(Department of Licensing and Regulation)
Natural Fiber and Food Protein Commission
On-Site Wastewater Treatment Research Council
Property Tax Board, State
Revenue Estimates, Committee on State
Seed and Plant Board, State
Surplus Property Agency, Texas
Tax Compact Commissioner for Texas, Office of Multistate
Teacher's Professional Practices Commission
Teaching Profession, Commission on Standards for the
Textbook Committee, State

Agencies Abolished

Indian Commission, Texas
Poultry Improvement Board
Western Information Network Association

Agencies Abolished and Functions Transferred

Canvassers, State Board of
Physical Fitness, Governor's Commission on

70th Legislature — 1987

The 70th Legislature reviewed 20 agencies. Final action continued 18 and abolished two. Major changes made through Sunset are shown below.

TEXAS DEPARTMENT OF HUMAN SERVICES

Strengthen child abuse laws.

The Sunset review found that state policies did not clearly set out what constituted child abuse. Absence of a clear definition made it difficult to enforce the law and protect children who needed it. The Sunset process strengthened enforcement of child abuse laws by clarifying and defining child abuse.

TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Require proper placement and treatment for persons with mental illness.

Legislative studies undertaken before the Sunset review of TDMHMR showed that the mentally ill were often placed in state hospitals rather than being treated more appropriately in the community. The problem stemmed in part from courts committing the mentally ill to a facility of their choosing, whether a state hospital or a community facility. The new law, starting as a pilot project, required all commitments to be made to local mental health authorities, who would use their professional expertise to choose the most appropriate location for treating the patient.

Agencies Continued

Adult Probation Commission, Texas
Aged and Disabled, Advisory Committee for Services to
Child Care Administrators, Advisory Council on
Child Care Facilities, Advisory Committee on
Children, Office of the Administrator of the Interstate Compact
on the Placement of
Conservation Foundation, Texas
Corrections, Texas Department of
Deaf, Texas Commission for the
Diabetes Council, Texas
Human Services, Texas Department of
Juvenile Probation Commission, Texas
Juvenile Services, Advisory Council on
Mental Health Administrator for Texas, Office of the
Interstate Compact on

Mental Health and Mental Retardation, Texas Department of Pardons and Paroles, Texas Board of Parole Compact Administrator for Texas, Office of Interstate Private Investigators and Private Security Agencies, Texas Board of Youth Commission, Texas

Agencies Abolished

Health and Human Services Coordinating Council, Medical Care Advisory Committee of the

Agencies Abolished and Functions Transferred

Technology Training Board

69th Legislature — 1985

The 69th Legislature reviewed 31 agencies. Final action continued 24, abolished six, and separated one. Major changes made through Sunset follow.

TEXAS AIR CONTROL BOARD

Improve regulation of air quality by periodically “sunsetting” facility permits.

Before Sunset, the Texas Air Control Board reviewed each facility once and then issued a permit for the life of the facility. The Sunset process changed this approach by requiring a formal review of operating permits every 15 years. The periodic review forced the Air Control Board to review the status quo and required permitted facilities to make changes to improve air quality.

TEXAS WATER COMMISSION

Stop water polluters through mandatory compliance.

Polluters often stayed out of compliance with their water permits for long periods of time. No mechanism existed to force action against violators. Sunset changed this. Chronic violators, whether a city or an individual, now have to come before the Texas Water Commission for a mandatory hearing to explain why they are not able to comply.

TEXAS DEPARTMENT OF HEALTH

Protect the public through expanded medical facility regulation.

During the Sunset review, new types of medical facilities were being created. The new facilities were not regulated, while existing facilities with similar services had to meet licensing requirements. The Sunset bill gave those supporting regulation of the new facilities a chance to change the law. The

Legislature ended up giving the Texas Department of Health new authority to protect the public by setting standards for ambulatory surgical centers, abortion clinics, and birthing centers.

Agencies Continued

Aging, Texas Department on
Air Control Board, Texas
Alcoholism, Texas Commission on
Anatomical Board of the State of Texas
Blind, State Commission for the
Canadian River Compact Commissioner for Texas
Conservation Foundation, Texas
Deaf, Texas Commission for the
Entomologist, Office of State
Gulf States Marine Fisheries Commission
Health, Texas Department of
Land, Boards for Lease of State-Owned
Mental Health Administrator for Texas
Occupational Therapy, Texas Advisory Board of
Parks and Wildlife Department, Texas
Pecos River Compact Commissioner for Texas
Red River Compact Commissioner for Texas
Rehabilitation Commission, Texas
Rio Grande River Compact Commissioner for Texas
Sabine River Compact Commissioner for Texas
School Land Board
Soil and Water Conservation Board, State
University Lands, Board for Lease of
Veterans' Land Board

Agencies Abolished

Coastal & Marine Council, Texas
Forester, Office of State
Health Facilities Commission, Texas
Health and Welfare Services, Texas Coordinating Commission for
Office of Interstate Compact on Occupational Safety Board
Prosecutor Council

Separated Agency Functions

Water Resources, Texas Department of

68th Legislature — 1983

The 68th Legislature reviewed 32 agencies. Final action continued 29 and abolished three. Major changes made through Sunset follow.

PUBLIC UTILITY COMMISSION

Strengthen representation for small consumers in utility ratesetting.

During the PUC's first Sunset review, the Legislature found that, while utilities and large businesses had a strong voice in PUC ratesetting hearings, residential and small commercial ratepayers were virtually unrepresented. As a remedy, the Legislature created the Office of Public Utility Counsel to advocate for these smaller ratepayers in PUC proceedings.

RAILROAD COMMISSION

Ease restrictions on trucking.

In 1983, a trucker who wanted to operate within the state had to meet a heavy burden of proof by showing a public need for the proposed service. This approach was overly restrictive. Lowering the burden through Sunset started the discussion of trucking deregulation. Subsequent legislatures have continued to make changes designed to bring a better balance to trucking regulation.

Agencies Continued

Antiquities Committee
Arts, Texas Commission on the
Banking Board, State
Banking Commission, State
Blind and Severely Disabled Persons, Texas Committee on
Purchases of Products and Services of
Community Affairs, Texas Department of
Consumer Credit Commissioner, Office of
Credit Union Commission
Depository Board, State
Employment Commission, Texas
Finance Commission
Historical Commission, Texas
Industrial Accident Board
Industrial Commission, Texas
Insurance, State Board of
Intergovernmental Relations, Advisory Council on
Law Enforcement Officer Standards and Education, Texas
Commission on
Library and Archives Commission, Texas State
Mining Compact Commissioner for Texas, Office of Interstate
Nuclear Compact Board Member for Texas, Office of Southern
Interstate
Oil Compact Commissioner, Office of Interstate
Public Utility Commission

Railroad Commission
Savings and Loan Commissioner, Office of
Social Work Certification, Council for
State-Federal Relations, Office of
State Securities Board
Technical-Vocational Education, Advisory Council for
Uniform State Laws, Texas Commission on

Agencies Abolished

Energy and Natural Resources Advisory Council, Texas
Historical Resources, Texas Development Council
Interstate Cooperation, Texas Commission on

66th and 67th Legislatures — 1979 and 1981

The 66th and 67th Legislatures reviewed 54 agencies, primarily focusing on professional licensing agencies. The Legislature continued 34 agencies with changes, abolished 14 agencies, combined five agencies and separated one agency.

Major changes developed by the first two Commissions were applied to professional licensing agencies. The Sunset Commission developed statutory language to correct a number of problems common to professional licensing agencies, and later expanded the scope of the language to apply to any agency under Sunset review. These standard provisions are outlined below.

- ◆ Governor designation of agencies' presiding officers. Increases agencies' accountability to the executive branch by empowering the Governor to designate the presiding officer of an agency's oversight board or commission.
- ◆ Public members on boards. Provides the public with a direct voice in agencies' activities.
- ◆ Prohibit conflicts of interest. Breaks close ties between agencies and associations and other groups. Prioritizes fairness and impartiality in agencies' regulatory activities and decisions.
- ◆ Development of EEO policy. Places a highly visible emphasis on fair and impartial hiring and promotion of state employees.
- ◆ Provision for public testimony. Increases the opportunity for public input and participation in agency activities.

Agencies Continued

Accountancy, State Board of Public
Adjutant General's Department
Aeronautics Commission

Amusement Machine Commission
Armory Board, National Guard
Bar of Texas, State
Barber Examiners, Board of
Chiropractic Examiners, Board of
Cosmetology Commission, Texas
Dental Examiners, Board of
Engineers, Board of Registration for Professional
Good Neighbor Commission
Hearing Aids, Board of Examiners in the Fitting and Dispensing of
Law Examiners, Board of
Medical Examiners, Texas State Board of
Morticians, State Board of
Motor Vehicle Commission, Texas
Nurse Examiners, Board of
Nursing Home Administrators
Optometry Board, Texas
Pharmacy, Texas State Board of
Physical Therapy Examiners, Texas State Board of
Plumbing Examiners, Board of
Podiatric Examiners, Texas State Board of
Private Investigators and Private Security Agencies, Board of
Psychologists, Texas State Board of Examiners of
Real Estate Commission
Real Estate Research Center
Structural Pest Control Board
Texas Turnpike Authority
Veterans Affairs Commission
Veterinary Medical Examiners, Texas Board of
Vocational Nurse Examiners, Board of
Water Well Drillers Board

Agencies Abolished

Battleship Texas Commission
Burial Association Rate Board
County and District Road Indebtedness, Board of
Navy, Inc., Texas
Pesticide Advisory Committee
Pink Bollworm Commission
Private Employment Agency Regulatory Board, Texas
Stonewall Jackson Memorial Board
Social Psychotherapy, Board of Examiners in
Tuberculosis Nurse Examiners, Board of
Vehicle Equipment Safety Commission

Agencies Abolished and Transferred

Civil Air Patrol
Library Examiners, Board of
Nimitz Memorial Naval Museum Commission

Agencies Consolidated

Architectural Examiners, Board of
Landscape Architects, Board of
Polygraph Examiners Board
Surveyors, Board of Registration for Public
Surveyors, Board of Examiners of Licensed State Land

Texas Sunset Act

Chapter 325, Government Code

	<u>Section</u>
325.001	Short Title
325.002	Definitions
325.003	Sunset Advisory Commission
325.004	Staff
325.005	Rules
325.007	Agency Report to Commission
325.008	Commission Duties
325.009	Public Hearings
325.010	Commission Report
325.011	Criteria for Review
325.012	Recommendations
325.0125	Review of Certain Agencies
325.0126	Monitoring of Recommendations
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
325.024	Gifts and Grants

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

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.

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; and

(12) the effect of federal intervention or loss of federal funds if the agency is abolished.

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; and

(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.

(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 325.0125. 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 325.013. 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 Texas Building and Procurement Commission. 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 inspect the records, documents, and files of any state agency.

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.

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 325.024. 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.

Sunset Commission Rules

Rule 1. Presiding Officers

The Commission shall have, as presiding officers, a chairman and a vice-chairman. The chairmanship and vice-chairmanship must alternate between the two membership groups appointed by the Lieutenant Governor and the Speaker of the House. The chairman and vice-chairman may not be from the same membership group. The Lieutenant Governor and the Speaker of the House shall each designate a presiding officer from their appointed membership group. The chairman may designate a member of the Commission to preside at a meeting of the Commission in the absence of the chairman and vice-chairman. The chairman's designee shall preside at the will of the chairman and shall preside only in the absence of the chairman and vice-chairman.

Rule 2. Meetings: Time, Place and Notice

- (a) The Commission shall meet at the call of the chairman at times and places determined by the chairman after consultation with the vice-chairman.
- (b) The chairman shall have notice of each meeting posted as required by the "Open Meetings Act," Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Chapter 551, Government Code).

Rule 3. Quorum

- (a) A quorum shall consist of at least seven members of the Commission.
- (b) A quorum is not necessary for the taking of testimony or for work sessions, provided that not less than four members of the Commission are present for these purposes.

Rule 4. Subpoena Power and Oaths

- (a) The chairman, or in the absence of the chairman, the chairman's designee, shall issue a subpoena, in the name of the Commission, when a majority of the Commission so directs.
- (b) Any member of the Commission may administer an oath to a witness who appears before the Commission.

Rule 5. Record of Meetings

- (a) The chairman shall ensure that accurate minutes are kept of each meeting and shall have each meeting recorded. The minutes of a meeting are subject to approval and correction by the Commission at the next meeting.
- (b) The chairman shall ensure that a record is maintained of the name and address of each witness who appears before the Commission, and of the name and current address of each individual, corporation, or association the witness represents.

Rule 6. Committees

- (a) The chairman may appoint committees, as necessary, to consider or study subjects referred to them by the chairman, and may appoint the chairman of each committee.
- (b) A committee shall report to the Commission as instructed by the chairman.
- (c) The meetings of a committee shall be posted in the same manner required of the Commission. A majority of a committee constitutes a quorum. A quorum is not necessary for the taking of public testimony.

Rule 7. Decisions

- (a) A final decision of the Commission to adopt and to present to the Legislature and Governor the report on each agency required by Section 325.010 of the Texas Sunset Act shall require a record vote of a majority of the full membership of the Commission.
- (b) A decision of the Commission to exempt an inactive agency from the reporting, hearing, and evaluation requirements of the Texas Sunset Act shall require an affirmative record vote of all members of the Commission.
- (c) Any other decision of the Commission not covered under Rule 7(a) and Rule 7(b) require a vote of a majority of a quorum.
- (d) A member of the Commission who dissents from the adoption of the report, required by Section 325.010 of the Texas Sunset Act, is entitled to have a dissenting statement included in the report.

Rule 8. Procedures

Meetings of the Commission or its committees shall be conducted according to accepted parliamentary procedures.

Rule 9. Amendments to Rules

- (a) These rules may be amended after notice of a proposed amendment is placed on the agenda for a meeting of the Commission. The proposed amendment may be adopted at the meeting by a vote of a majority of the members of the Commission.
- (b) The chairman shall place a notice of a proposed amendment of these rules on the agenda for a meeting of the Commission when requested in writing by a member of the Commission, provided the request is received before the posting deadline for the meeting.

Related Statutory Provisions

Several state statutes have provisions relating to the Texas Sunset Act or the Sunset Commission. These provisions are briefly described below.

Government Code

§ 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, 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.

Sunset Commission Members



81st Legislature – 2009

Senator Glenn Hegar, Jr., Vice Chair	Representative Carl Isett, Chair
Senator Kim Brimer	Representative Dan Flynn
Senator Robert F. Deuell, M.D.	Representative Linda Harper-Brown
Senator Craig Estes	Representative Lois Kolkhorst
Senator Juan “Chuy” Hinojosa	Representative Ruth Jones McClendon
Charles McMahan, Public Member*	Ike Sugg, Public Member

* Charles McMahan was appointed to fill the unexpired term of Michael Stevens.



80th Legislature – 2007

Senator Kim Brimer, Chair	Representative Vicki Truitt, Vice Chair
Senator Robert F. Deuell, M.D.	Representative Byron Cook
Senator Craig Estes	Representative Dan Flynn*
Senator Eliot Shapleigh	Representative Lois Kolkhorst**
Senator John Whitmire	Representative Ruth Jones McClendon
Howard Wolf, Public Member	Ike Sugg, Public Member

* Representative Dan Flynn was appointed to fill the unexpired term of Representative Glenn Hegar.

** Representative Lois Kolkhorst was appointed to fill the unexpired term of Representative Carl Isett.



79th Legislature – 2005

Senator Jane Nelson, Vice Chair	Representative Burt Solomons, Chair
Senator John Carona	Representative Byron Cook*
Senator Mike Jackson	Representative Jim Dunnam
Senator Eliot Shapleigh	Representative Peggy Hamric
Senator John Whitmire	Representative Vicki Truitt
Howard Wolf, Public Member	John Shields, Public Member

* Representative Byron Cook was appointed to fill the unexpired term of Representative Glenn O. Lewis.



78th Legislature – 2003

Senator Jane Nelson, Chair	Representative Warren Chisum, Vice Chair
Senator Mike Jackson	Representative Jim Dunnam
Senator Eddie Lucio, Jr.	Representative Pete Gallego
Senator Eliot Shapleigh*	Representative Burt Solomons
Dr. Tim Roth, Public Member	Libby Linebarger, Public Member

* Senator Eliot Shapleigh was appointed to fill the unexpired term of Senator David Sibley.



77th Legislature – 2001

Senator Chris Harris, Vice Chair	Representative Fred Bosse, Chair
Senator Judith Zaffirini	Representative Brian McCall
Senator Eddie Lucio, Jr.	Representative Warren Chisum
Senator David Sibley	Representative Pete Gallego
Dr. Tim Roth, Public Member	William M. Jeter III, Public Member



76th Legislature – 1999

Senator J.E. (Buster) Brown, Chair	Representative Patricia Gray, Vice Chair
Senator Chris Harris	Representative Fred Bosse
Senator Frank Madla	Representative Allen Hightower
Senator Judith Zaffirini	Representative Brian McCall
Honorable Robert Lanier, Public Member	William M. Jeter III, Public Member



75th Legislature – 1997

Senator Ken Armbrister, Vice Chair	Representative Patricia Gray, Chair*
Senator David Sibley	Representative Fred Bosse**
Senator J.E. (Buster) Brown	Representative Allen Hightower
Senator Frank Madla	Representative Barry Telford
Dr. Isabella Cunningham, Public Member	Mike Sims, Public Member

* Representative Patricia Gray was appointed to fill the Chair at the resignation of Representative Layton Black.
 ** Representative Fred Bosse was appointed to fill the unexpired term of Representative Layton Black.



74th Legislature – 1995

Senator Ken Armbrister, Chair	Representative Layton Black, Vice Chair
Senator Mike Moncrief	Representative David Counts
Senator Carl Parker	Representative Patricia Gray
Senator David Sibley	Representative Barry Telford
Chuck Bailey, Public Member	Mike Sims, Public Member



73rd Legislature – 1993

Senator Carl Parker, Vice Chair	Representative David Cain, Chair
Senator Steve Carriker	Representative Ashley Smith
Senator O.H. (Ike) Harris*	Representative David Counts
Senator Mike Moncrief	Representative Layton Black**
Paul N. Wageman, Public Member	Charles Edmonds, Public Member

* Senator Harris was appointed to fill the unexpired term of Senator Gene Green.

** Representative Black was appointed to fill the unexpired term of Representative Nicholas Perez.



72nd Legislature – 1991

Senator Gonzalo Barrientos, Chair	Representative Lena Guerrero, Vice Chair
Senator Don Henderson	Representative Bruce Gibson*
Senator Gene Green	Representative David Cain
Senator Steve Carriker	Representative Ashley Smith
Dr. Nancy C. Speck, Public Member	Ms. Lynn Eggers, Public Member

* Representative Gibson was appointed to fill the unexpired term of Representative Bill Hammond.



71st Legislature – 1989

Senator Bob McFarland, Vice Chair	Representative Jack Vowell, Chair
Senator Gene Green*	Representative Al Granoff
Senator Gonzalo Barrientos	Representative Lena Guerrero
Senator Don Henderson	Representative Bill Hammond
Jane Hickie, Public Member	Charles Edmonds, Public Member

* Senator Green was appointed to fill the unexpired term of Senator John Montford.



70th Legislature – 1987

Senator Chet Edwards, Chair	Representative Patricia Hill, Vice Chair
Senator Ray Farabee*	Representative Bruce Gibson
Senator John Montford	Representative Al Granoff
Senator Bob McFarland	Representative Jack Vowell
Pete Snelson, Public Member	Charles Edmonds, Public Member
	Representative Charles Evans**

* Senator Farabee was appointed to fill the unexpired term of Senator John Sharp.

** Representative Charles Evans - Ex officio member.

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69th Legislature – 1985

Senator Kent Caperton, Vice Chair	Representative Charles Evans, Chair*
Senator Bill Sarpalius	Representative Gary Thompson
Senator Chet Edwards	Representative Bruce Gibson
Senator John Sharp	Representative Patricia Hill
Jesse M. Erwin, Jr., Public Member	Harry J. Stone, Jr., Public Member

* Representative Charles Evans was appointed to fill the unexpired term of Representative Elton Bomer.

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68th Legislature – 1983

Senator Ed Howard, Chair	Representative Charles Evans, Vice Chair
Senator O.H. (Ike) Harris	Representative Elton Bomer
Senator Bill Sarpalius	Representative Ernestine Glossbrenner*
Senator Kent Caperton	Representative Gary Thompson
Vernon McGee, Public Member	Carol Barger, Public Member

* Representative Ernestine Glossbrenner was appointed to fill the unexpired term of Representative Al Brown.

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67th Legislature – 1981

Senator Ed Howard, Vice Chair	Representative Bennie Bock, Chair
Senator O.H. (Ike) Harris	Representative Charles Evans
Senator A.R. (Babe) Schwartz	Representative Bill Ceverha
Senator Lloyd Doggett	Representative Al Brown, Jr.*

* Representative Al Brown, Jr. was appointed to fill the unexpired term of Representative Mike Ezzell.

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66th Legislature – 1979

Senator Bill Meier, Chair	Representative Bennie Bock, Vice Chair
Senator Lloyd Doggett	Representative Bill Ceverha
Senator A.R. (Babe) Schwartz	Representative Lee F. Jackson
Senator W.E. Snelson	Representative Lance Lalor

Review Schedule by Year

2009 – 27 Reviews

Agriculture, Texas Department of
Boll Weevil Eradication Foundation, Board of Directors of the Official Cotton Growers'
Credit Union Commission
Equine Research Account Advisory Committee
Facilities Commission, Texas¹
Fire Protection, Texas Commission on
Housing Corporation, Texas State Affordable
Insurance, Texas Department of
Insurance Counsel, Office of Public
Jail Standards, Commission on
Juvenile Probation Commission, Texas
Law Enforcement Officer Standards and Education, Texas Commission on
Medical Board, Texas²
Military Preparedness Commission, Texas
Parks and Wildlife Department, Texas
Polygraph Examiners Board
Prescribed Burning Board
Private Security Board, Texas
Public Safety, Texas Department of
Racing Commission, Texas
Residential Construction Commission, Texas
State-Federal Relations, Office of³
Tax Professional Examiners, Board of
Texas-Israel Exchange Fund Board
Transportation, Texas Department of
Youth Commission, Office of Independent Ombudsman
Youth Commission, Texas

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¹ The Sunset Commission must conduct a limited study of the transfer of powers and duties from the Texas Building and Procurement Commission to the Texas Facilities Commission in 2009, and a full review of the Texas Facilities Commission in 2013.

² The Sunset Commission must conduct a limited review of the Texas Medical Board's performance measures in 2009, and a full review of the agency in 2017.

³ The Sunset Commission must conduct a limited review of the Office of State-Federal Relations in 2009.

2011 – 25 Reviews

Aging and Disability Services, Department of
Assistive and Rehabilitative Services, Department of
Criminal Justice, Texas Board and Department of ¹
Developmental Disabilities, Texas Council for
Education Agency, Texas (2012)²
Electronic Government Program Management Office of the Department of Information
Resources
Emancipation Juneteenth Cultural and Historical Commission, Texas
Emergency Communications, Commission on State
Family and Protective Services, Department of
Fire Fighters' Pension Commissioner, Office of
Health and Human Services Commission
Health Services, Department of State
Health Services Authority, Texas
Housing and Community Affairs, Texas Department of
Information Resources, Department of
Injured Employee Counsel, Office of
Insurance, Division of Workers' Compensation of the Texas Department of
Lottery Commission, Texas and Lottery Division of the Texas Lottery Commission
Pardons and Paroles, Board of
People with Disabilities, Governor's Committee on
Procurement and Support Services Division, Comptroller of Public Accounts³
Public Finance Authority, Texas
Public Utility Commission of Texas
Public Utility Counsel, Office of
Tax Division, State Office of Administrative Hearings

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¹ S.B. 909, 80th Legislature, removed the Correctional Managed Health Care Committee's separate Sunset date. The Committee will be reviewed as part of each review of the Texas Department of Criminal Justice.

² The Texas Education Agency has a Sunset date of 2012. Therefore, the Sunset review must occur in 2011.

³ The Sunset Commission must conduct a limited review of the transfer of powers and duties from the Texas Building and Procurement Commission to the Comptroller of Public Accounts in 2011.

2013 – 27 Reviews

Arts, Texas Commission on the
Banking Commissioner, Office of
Coastal Coordination Council
Consumer Credit Commissioner, Office of
Court Interpreter Advisory Board, Licensed
Environmental Quality, Texas Commission on
Facilities Commission, Texas¹
Finance Commission of Texas
Hearing Instruments, State Committee of Examiners in the Fitting and Dispensing of
Judicial Conduct, State Commission on
Occupational Therapy Examiners, Texas Board of
Orthotics and Prosthetics, Texas Board of
Pension Review Board, State
Physical Therapy and Occupational Therapy Examiners, Executive Council of
Physical Therapy Examiners, Texas Board of
Preservation Board, State
Railroad Commission of Texas
Rural Community Affairs, Office of
Savings and Mortgage Lending, Department of
Securities Board, State
Self-Directed Semi-Independent Agency Project Act
Soil and Water Conservation Board, State
Speech-Language Pathology and Audiology, State Board of Examiners for
Veterans Commission, Texas
Wastewater Treatment Research Council, On-Site
Water Development Board, Texas
Workforce Commission, Texas

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¹ The Sunset Commission must conduct a limited study of the transfer of powers and duties from the Texas Building and Procurement Commission to the Texas Facilities Commission in 2009, and a full review of the Texas Facilities Commission in 2013.

2015 – 20 Reviews

Adjutant General's Department¹
Accountancy, Texas State Board of Public
Administrative Hearings, State Office of
Architectural Examiners, Texas Board of
Bar of Texas, State
Court Reporters Certification Board
Dental Examiners, State Board of
Economic Development and Tourism Office, Texas
Engineers, Texas Board of Professional
Ethics Commission, Texas
Funeral Service Commission, Texas
Geoscientists, Texas Board of Professional
Guardianship Certification Board
Higher Education Coordinating Board, Texas
Land Surveying, Texas Board of Professional
Law Examiners, Board of
Licensing and Regulation, Texas Commission and Department of
People with Disabilities, Texas Council on Purchasing from
Plumbing Examiners, Texas State Board of
Workforce Investment Council, Texas

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¹ S.B. 1724, 80th Legislature, abolished the Texas Military Facilities Commission and transferred its functions to the Adjutant General's Office.

2017 – 16 Reviews

Chiropractic Examiners, Texas Board of
Counselors, Texas State Board of Examiners of Professional
Dietitians, Texas State Board of Examiners of
Guaranteed Student Loan Corporation, Texas
Marriage and Family Therapists, Texas State Board of Examiners of
Medical Board, Texas¹
Midwifery Board
Nursing, Texas Board of
Optometry Board, Texas
Organ, Tissue, and Eye Donor Council, Texas
Perfusionist Advisory Committee, Texas State
Pharmacy, Texas State Board of
Podiatric Medical Examiners, Texas State Board of
Psychologists, Texas State Board of Examiners of
Social Worker Examiners, Texas State Board of
Veterinary Medical Examiners, State Board of

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¹ The Sunset Commission must conduct a limited review of the Texas Medical Board's performance measures in 2009, and a full review of the agency in 2017.

2019 – 9 Reviews

Alcoholic Beverage Commission, Texas

Animal Health Commission, Texas

Higher Education Tuition Board, Prepaid

Historical Commission, Texas

Library and Archives Commission, Texas State

Real Estate Commission, Texas

Risk Management Board

Teacher Retirement System of Texas, Board of Trustees of the

Veterans' Land Board

Agencies Under the Texas Sunset Act

Agency	Sunset Citation	Last Sunset Review	Next Sunset Review
Accountancy, Texas State Board of Public	§ 901.006, Occupations Code	2003	2015
Adjutant General's Department	§ 431.023, Government Code	1997	2015 ¹
Administrative Hearings, State Office of	§ 2003.023, Government Code	2003	2015
Aging and Disability Services, Department of	§ 161.003, Human Resources Code	—	2011
Agriculture, Texas Department of	§ 11.003, Agriculture Code	1995	2009
Alcoholic Beverage Commission, Texas	§ 5.01(b), Alcoholic Beverage Code	2007	2019
Animal Health Commission, Texas	§ 161.027, Agriculture Code	2007	2019
Appraiser Licensing and Certification Board, Texas	§ 1103.006, Occupations Code	—	²
Architectural Examiners, Texas Board of	§ 1051.003, Occupations Code	2003	2015
Arts, Texas Commission on the	§ 444.002(a), Government Code	2007	2013
Assistive and Rehabilitative Services, Department of	§ 117.003, Human Resources Code	—	2011
Banking Commissioner, Office of	§ 12.109, Finance Code	2001	2013
Bar of Texas, State	§ 81.003, Government Code	2003	2015
Boll Weevil Eradication Foundation, Board of Directors of the Official Cotton Growers'	§ 74.127, Agriculture Code	—	2009
Cancer Council, Texas	§ 102.003, Health and Safety Code	1999	³
Chiropractic Examiners, Texas Board of	§ 201.004, Occupations Code	2005	2017
Coastal Coordination Council	§ 33.211, Natural Resources Code	2001	2013
Consumer Credit Commissioner, Office of	§ 14.066, Finance Code	2001	2013
Counselors, Texas State Board of Examiners of Professional	§ 503.005, Occupations Code	2005	2017
Court Interpreter Advisory Board, Licensed	§ 57.051, Government Code	—	2013
Court Reporters Certification Board	§ 52.014, Government Code	2003	2015
Credit Union Commission	§ 15.212, Finance Code	1997	2009
Criminal Justice, Texas Board and Department of	§ 492.012, Government Code	2007	2011 ⁴
Dental Examiners, State Board of	§ 251.005, Occupations Code	2003	2015
Developmental Disabilities, Texas Council for	§ 112.023, Human Resources Code	1999	2011
Dietitians, Texas State Board of Examiners of	§ 701.003, Occupations Code	2005	2017
Economic Development and Tourism Office, Texas	§ 481.003, Government Code	2003 ⁵	2015

<i>Agency</i>	<i>Sunset Citation</i>	<i>Last Sunset Review</i>	<i>Next Sunset Review</i>
Education Agency, Texas	§ 7.004, Education Code	2005	2011 ⁶
Electronic Government Program Management Office of the Department of Information Resources	§ 2055.003, Government Code	—	2011
Emancipation Juneteenth Cultural and Historical Commission, Texas	§ 448.002, Government Code	—	2011
Emergency Communications, Commission on State	§ 771.032, Health and Safety Code	1999	2011
Engineers, Texas Board of Professional	§ 1001.005, Occupations Code	2003	2015
Environmental Quality, Texas Commission on	§ 5.014, Water Code	2001 ⁷	2013
Equine Research Account Advisory Committee	§ 88.524(b), Education Code	1995	2009
Ethics Commission, Texas	§ 571.022, Government Code	2003	2015
Facilities Commission, Texas	§ 2152.004, Government Code	2001 ⁸	2009 ⁹
Family and Protective Services, Department of	§ 40.003, Human Resources Code	1997 ¹⁰	2011
Finance Commission of Texas	§ 11.108, Finance Code	2001	2013
Fire Fighters' Pension Commissioner, Office of	Art. 6243e, § 21(h), V.T.C.S.	2001	2011
Fire Protection, Texas Commission on	§ 419.003, Government Code	1997	2009
Funeral Service Commission, Texas	§ 651.002, Occupations Code	2003	2015
Geoscientists, Texas Board of Professional	§ 1002.003, Occupations Code	—	2015
Guaranteed Student Loan Corporation, Texas	§ 57.12, Education Code	2005	2017
Guardianship Certification Board	§ 111.003, Government Code	—	2015
Health Services, Department of State	§ 1001.003, Health and Safety Code	—	2011
Health Services Authority, Texas	§ 182.052, Health and Safety Code	—	2011
Health and Human Services Commission, Texas	§ 531.004, Government Code	1999	2011
Hearing Instruments, State Committee of Examiners in the Fitting and Dispensing of	§ 402.002, Occupations Code	1993	2013
Higher Education Coordinating Board, Texas	§ 61.0211, Education Code	2003	2015
Higher Education Tuition Board, Prepaid	§ 54.603, Education Code	2007	2019
Historical Commission, Texas	§ 442.002(k), Government Code	2007	2019
Housing and Community Affairs, Texas Department of	§ 2306.022, Government Code	2003	2011
Housing Corporation, Texas State Affordable	§ 2306.5521, Government Code	2003	2009
Information Resources, Department of	§ 2054.005, Government Code	1997	2011
Injured Employee Counsel, Office of	§ 404.003, Labor Code	—	2011
Insurance, Division of Workers' Compensation of the Texas Department of	§ 31.004, Insurance Code	2005 ¹¹	2011

Agency	Sunset Citation	Last Sunset Review	Next Sunset Review
Insurance, Texas Department of	§ 31.004, Insurance Code	1993	2009
Insurance Counsel, Office of Public	§ 501.003, Insurance Code	1993	2009
Jail Standards, Commission on	§ 511.003, Government Code	1997	2009
Judicial Conduct, State Commission on	§ 33.003, Government Code	2001	2013
Juvenile Probation Commission, Texas	§ 141.012, Human Resources Code	1997	2009
Land Surveying, Texas Board of Professional	§ 1071.003, Occupations Code	2003	2015
Law Enforcement Officer Standards and Education, Texas Commission on	§ 1701.002, Occupations Code	1997	2009
Law Examiners, Board of	§ 82.006, Government Code	2003	2015
Library and Archives Commission, Texas State	§ 441.001(q), Government Code	2007	2019
Licensing and Regulation, Texas Commission and Department of	§ 51.002, Occupations Code	2003	2015
Lottery Commission, Texas and Lottery Division of the Texas Lottery Commission	§ 467.002 and § 466.003, Government Code	2005	2011
Marriage and Family Therapists, Texas State Board of Examiners of	§ 502.003, Occupations Code	2005	2017
Medical Board, Texas	§ 151.004, Occupations Code	2005 ¹²	2009 ¹³
Midwifery Board	§ 203.006, Occupations Code	2005	2017
Military Preparedness Commission, Texas	§ 436.003, Government Code	—	2009
Nursing, Texas Board of	§ 301.003, Occupations Code	2007 ¹⁴	2017
Occupational Therapy Examiners, Texas Board of	§ 454.003, Occupations Code	1993	2013
Optometry Board, Texas	§ 351.004, Occupations Code	2005	2017
Organ, Tissue, and Eye Donor Council, Texas	§ 113.002, Health and Safety Code	—	2017
Orthotics and Prosthetics, Texas Board of	§ 605.003, Occupations Code	—	2013
Pardons and Paroles, Board of	§ 508.051, Government Code	2007	2011
Parks and Wildlife Department, Texas	§ 11.0111, Parks and Wildlife Code	2001	2009
Pension Review Board, State	§ 801.107, Government Code	2001	2013
People with Disabilities, Governor's Committee on	§ 115.005, Human Resources Code	1999	2011
People with Disabilities, Texas Council on Purchasing from	§ 122.006, Human Resources Code	2003	2015
Perfusionist Advisory Committee, Texas State	§ 603.005, Occupations Code	2005 ¹⁵	2017
Pharmacy, Texas State Board of	§ 551.005, Occupations Code	2005	2017

<i>Agency</i>	<i>Sunset Citation</i>	<i>Last Sunset Review</i>	<i>Next Sunset Review</i>
Physical Therapy and Occupational Therapy Examiners, Executive Council of	§ 452.002, Occupations Code	—	2013
Physical Therapy Examiners, Texas Board of	§ 453.002, Occupations Code	1993	2013
Plumbing Examiners, Texas State Board of	§ 1301.003, Occupations Code	2003	2015
Podiatric Medical Examiners, Texas State Board of	§ 202.002, Occupations Code	2005	2017
Polygraph Examiners Board	§ 1703.005, Occupations Code	1981	2009
Prescribed Burning Board	§ 153.044, Natural Resources Code	—	2009
Preservation Board, State	§ 443.002, Government Code	1997	2013
Private Security Board, Texas	§ 1702.003, Occupations Code	1999 ¹⁶	2009
Procurement and Support Services Division of the Comptroller of Public Accounts	§ 2151.0041, Government Code	2001 ¹⁷	2011
Psychologists, Texas State Board of Examiners of	§ 501.005, Occupations Code	2005	2017
Public Finance Authority, Texas	§ 1232.072, Government Code	1997	2011
Public Safety, Texas Department of	§ 411.002(c), Government Code	1999	2009
Public Utility Commission of Texas	§ 12.005, Utilities Code	2005	2011
Public Utility Counsel, Office of	§ 13.002, Utilities Code	2005	2011
Racing Commission, Texas	Art. 179e, § 18.01(a), V.T.C.S.	1997	2009
Railroad Commission of Texas	Art. 6445a, V.T.C.S.	2001	2013
Real Estate Commission, Texas	§ 1101.006, Occupations Code	2007	2019
Residential Construction Commission, Texas	§ 401.006, Property Code	—	2009
Risk Management Board	§ 412.021(f), Labor Code	2007	2019
Rural Community Affairs, Office of	§ 487.002 Government, Code	2007	2013
Savings and Mortgage Lending, Department of	§ 13.012, Finance Code	2001	2013
Securities Board, State	Art. 581-2, § O, V.T.C.S.	2001	2013
Self-Directed Semi-Independent Agency Project Act	Art. 8930, § 4(c), V.T.C.S.	2003	2013
Social Worker Examiners, Texas State Board of	§ 505.005, Occupations Code	2005	2017
Soil and Water Conservation Board, State	§ 201.025, Agriculture Code	2001	2013
Speech-Language Pathology and Audiology, State Board of Examiners for	§ 401.002, Occupations Code	1993	2013
State-Federal Relations, Office of	§ 751.003, Government Code	2007	2009
Tax Division, State Office of Administrative Hearings	§ 2003.102, Government Code	—	2011
Tax Professional Examiners, Board of	§ 1151.003, Occupations Code	2003	2009

<i>Agency</i>	<i>Sunset Citation</i>	<i>Last Sunset Review</i>	<i>Next Sunset Review</i>
Teacher Retirement System of Texas, Board of Trustees of the	§ 825.006, Government Code	2007	2019
Texas-Israel Exchange Fund Board	§ 45.006(i), Agriculture Code	—	2009
Transportation, Texas Department of	§ 201.204, Transportation Code	1997	2009
Veterans Commission, Texas	§ 434.002(a), Government Code	2007	2013
Veterans' Land Board	§ 161.0111, Natural Resources Code	2007	2019
Veterinary Medical Examiners, State Board of	§ 801.003, Occupations Code	2005	2017
Wastewater Treatment Research Council, On-Site	§ 367.003, Health and Safety Code	1989	2013
Water Development Board, Texas	§ 6.013, Water Code	2001	2013
Workforce Commission, Texas	§ 301.008, Labor Code	2003	2013
Workforce Investment Council, Texas	§ 2308.005, Government Code	2003 ¹⁸	2015
Youth Commission, Office of Independent Ombudsman	§ 64.054, Human Resources Code	—	2009
Youth Commission, Texas	§ 61.020, Human Resources Code	1997	2009

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¹ S.B. 1724, 80th Legislature, abolished the Texas Military Facilities Commission and transferred its functions to the Adjutant General's Office.

² The Texas Appraiser Licensing and Certification Board is subject to the Sunset Act in the legislative session following federal action removing the requirement for the preparation and use of an appraisal by federally-regulated financial institutions.

³ Voters approved HJR 90, a constitutional amendment, in November 2007, and as a result the Texas Cancer Council was abolished and its functions transferred to the Cancer Research Institute of Texas, with a Sunset date of 2021.

⁴ S.B. 909, 80th Legislature, removed the Correctional Managed Health Care Committee's separate Sunset date. The Committee will be reviewed as part of each review of the Texas Department of Criminal Justice.

⁵ Reviewed as the Texas Department of Economic Development.

⁶ The Texas Education Agency has a Sunset date of 2012. Therefore, the Sunset review must occur in 2011.

⁷ Reviewed as the Texas Natural Resource Conservation Commission.

⁸ Reviewed as the General Services Commission.

⁹ The Sunset Commission must conduct a limited study of the transfer of powers and duties from the Texas Building and Procurement Commission to the Texas Facilities Commission in 2009, and a full review of the Texas Facilities Commission in 2013.

¹⁰ Reviewed as the Texas Department of Protective and Regulatory Services.

¹¹ Reviewed as the Texas Workers' Compensation Commission.

¹² Reviewed as the Texas State Board of Medical Examiners.

¹³ The Sunset Commission must conduct a limited review of the Texas Medical Board's performance measures in 2009, and a full review of the agency in 2017.

¹⁴ Reviewed as the Board of Nurse Examiners.

¹⁵ Reviewed as the Texas State Board of Examiners of Perfusionists.

¹⁶ Reviewed as the Texas Board of Private Investigators and Private Security Agencies.

¹⁷ Reviewed as the General Services Commission.

¹⁸ Reviewed as the Texas Council on Workforce and Economic Competitiveness.

Accommodations for People With Disabilities

Persons with special needs or questions about the Sunset process or wish to request an Americans with Disabilities Act (ADA) accommodation, please contact the Sunset ADA Coordinator at (512) 463-1300. Individuals with a hearing impairment may call (800) 735-2989 for operator assistance in contacting the Sunset office.

Maps of the Capitol Building and complex showing accessible parking, wheelchair access routes, locations of elevators, cafeteria, meeting rooms, restrooms, telephones, and TDD phones are available from Sunset staff. 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) 463-5495.

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 provide interpreter services when needed for Commission meetings or meetings in the Sunset office. Prior notification is requested 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.

Many Sunset documents are available through the Internet on the Sunset website located at www.sunset.state.tx.us. The documents available include Sunset staff reports, the *Report to the 80th Legislature*, and *Summary of Sunset Legislation*.

The Sunset Commission will also assist in providing Sunset documents in alternative forms for visually impaired participants. Agency-prepared *Self-Evaluation Reports* should be requested from each respective agency's ADA Coordinator.



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