

SUNSET ADVISORY COMMISSION

Final Results of Sunset Reviews 2022-23

2022-23
88TH LEGISLATURE



SUNSET ADVISORY COMMISSION



Senator Charles Schwertner, M.D.
Chairman

Representative Justin Holland
Vice Chair

Senator Nathan Johnson

Representative Keith Bell

Senator Angela Paxton

Representative Terry Canales

Senator Charles Perry

Representative Travis Clardy

Senator Drew Springer, Jr.

Representative Craig Goldman

James "Jim" Lee, Public Member

Jeff Austin III, Public Member

Brian Francis
Acting Director

Cover photo: The Texas State Capitol was completed in 1888. With the Goddess of Liberty atop the dome, the Texas State Capitol Building is 19 feet taller than the U.S. Capitol Building in Washington, D.C. The photo shows the south facade of the Capitol. Photo Credit: Janet Wood

**FINAL RESULTS OF SUNSET REVIEWS
2022-23**

JUNE 2023
88TH LEGISLATURE

TABLE OF CONTENTS

| Page

Summary

..... 1

Agencies

Anatomical Board of the State of Texas 5

Bandera County River Authority and Groundwater District..... 7

Texas Economic Development and Tourism Office 9

 Office of State-Federal Relations

Texas Commission on Environmental Quality 11

 Texas Low-Level Radioactive Waste Disposal Compact Commission

Texas Juvenile Justice Department 15

 Office of the Independent Ombudsman

Lavaca-Navidad River Authority 19

Texas Commission on Law Enforcement 21

Public Utility Commission of Texas 23

 Electric Reliability Council of Texas

 Office of Public Utility Counsel

San Antonio River Authority..... 27

San Jacinto River Authority 29

Texas State Soil and Water Conservation Board..... 31

 Texas Invasive Species Coordinating Committee

Upper Guadalupe River Authority..... 33

State Board of Veterinary Medical Examiners 35

Texas Water Development Board..... 37

 State Water Implementation Fund for Texas Advisory Committee

Appendix

Sunset Review Schedule — 2024-25 39

SUMMARY

Over the last two years, the Sunset Commission worked diligently to improve state government. For the first time in more than 20 years, every Sunset bill passed into law, leading to statewide efficiency, effectiveness, fairness, and accountability gains across numerous regulatory areas. During the 2022-23 biennium, Sunset evaluated 21 entities, most of which related to natural resources and criminal justice, including the Public Utility Commission of Texas (PUC), Texas Commission on Environmental Quality (TCEQ), Texas Water Development Board, Texas Juvenile Justice Department (TJJD), and a limited scope re-review of the Texas Commission on Law Enforcement (TCOLE).

Ultimately, the 88th Legislature adopted most of the changes recommended by the Sunset Commission, passing a state budget and all 15 Sunset bills that contained 95 percent of the commission's funding and statutory recommendations. Together, the commission's five funding recommendations, 138 statutory changes, and 85 management directives will position the agencies and entities to better serve and protect the people of Texas. Significant changes enacted through the Sunset process included securing investments in understaffed yet critical government functions; removing unnecessary regulatory burdens on Texans; and increasing accountability across key agency duties, like contracting, grantmaking, and public engagement.

The Legislature adopted 95% of the Sunset Commission's recommendations.

The development and passage of Sunset recommendations occurred against the backdrop of a historic, record-breaking \$33 billion budget surplus for the State of Texas.¹ While the vast majority of Sunset recommendations will have no fiscal impact to the state, the commission and Legislature adopted others that required additional appropriations. For example, lawmakers allocated over \$300 million across the biennium to TJJD for the construction of new state juvenile facilities, expansion of local placement and diversion funding, and salary increases for certain staff.² TCEQ also received about \$20 million across the biennium, in part to implement Sunset recommendations related to its website, access to public records, and permitting and enforcement duties.³ Finally, the Legislature appropriated about \$8 million across the biennium to PUC to fund certain exceptional items the Sunset Commission supported, such as enhancing the agency's data analytics capabilities, and to ensure the agency can cover its costs to regulate water and wastewater utilities.⁴

This report summarizes actions the Sunset Commission and Legislature took regarding each reviewed entity this biennium. Individual agency sections in this report list funding changes, statutory updates, and management directives adopted for relevant entities to implement. The table on Page 3, *Sunset Legislation — 88th Legislature (Regular Session)*, lists the Sunset bill number, authors, and final actions taken on each entity.

Major changes adopted through the Sunset process this biennium are highlighted on the following page.

- **PUC.** Following Winter Storm Uri in 2021, the Legislature made numerous changes to the electric industry and moved up the Sunset date for PUC to keep a close watch on changes. The Sunset review found PUC ill-prepared to become a more active overseer of the Electric Reliability Council of Texas (ERCOT) and market participants, and woefully under-resourced given its critical responsibilities. Agreeing with this conclusion, the Legislature significantly increased the agency's funding but also found more work is still needed to strengthen the electric grid. Among other changes, the PUC Sunset bill establishes guardrails on certain potential market reliability programs and provides additional direction to ERCOT for dealing with market uncertainty. Finally, to continue monitoring the agency, the PUC Sunset bill increases legislative oversight of the agency's implementation of electric market legislation and continues it for just six years.
- **TCEQ.** The Sunset Commission's review of TCEQ found an agency performing admirably to administer complex programs while also struggling against misperceptions and distrust of its role as the state's environmental regulator. To address these frustrations and help restore trust in the agency, the TCEQ Sunset bill increases opportunities for public input, clarifies certain decision-making processes, and expands the availability of online information such as permit applications. To improve the agency's enforcement function, the bill increases administrative penalties for certain harmful, repeat, and avoidable violations and requires TCEQ to enhance its oversight of permitted facilities' compliance history, while also establishing an enforcement diversion program for small businesses and local governments.
- **TCOLE.** In 2021, the Legislature did not pass the TCOLE Sunset bill and directed Sunset to conduct a limited scope re-review of the agency. The limited scope review once again found the state's bifurcated regulatory system for law enforcement is fundamentally broken, resulting in poor accountability and a lack of statewide standards. In the agency's Sunset bill, the Legislature took steps to improve the effectiveness of law enforcement regulation, including requiring TCOLE to set and enforce standards for law enforcement agencies in areas such as requiring appropriate communications equipment and developing model policies for agencies in key areas, including active shooter response, misconduct investigations, and fit-for-duty examinations. The bill strengthens background check requirements by standardizing personnel files and requiring law enforcement agencies to check a national decertification database before hiring. The bill also eliminates the misleading discharge categories from the F-5 separation form, which were often either negotiated or overturned at the State Office of Administrative Hearings, most commonly by default when an agency's chief administrator failed to appear.
- **TJJD.** Since its creation in 2011, TJJD has been trapped in a cycle of instability marked by repeat controversy and frequent leadership shakeups. During its Sunset review, TJJD's chronic staff shortages fueled the agency's turmoil, heightening safety risks, decreasing access to rehabilitation, and preventing greater focus on reforms designed to keep youth closer to home. The TJJD Sunset bill continues the agency for only four years; advances planning efforts to serve more justice-involved youth locally; restructures the agency's governing board; and reduces barriers to certification for county-level juvenile probation employees. Further, as noted above, TJJD received \$200 million for the construction of new state facilities, \$31 million for an expansion of local placement and diversion funding, and \$83 million for state- and county-level salary increases.

Over the next two years, the Sunset Commission will review and make recommendations on 12 entities. Key upcoming reviews will include the Texas Department of Criminal Justice, Texas Lottery Commission, Texas Ethics Commission, and Department of Information Resources. The appendix to this report provides a complete list of entities subject to Sunset review during the 2024-25 biennium.

Sunset Legislation — 88th Legislature (Regular Session)

Agency	Bill Number	Senate Bill Author	House Bill Author	Final Action
Anatomical Board of the State of Texas	SB 2040	Springer	Clardy	Abolished and transferred to the Texas Funeral Services Commission
Bandera County River Authority and Groundwater District	SB 1659	Schwertner	Holland	Removed from Sunset review
Texas Economic Development and Tourism Office	HB 1515	Springer	Clardy	Continued for 12 years
Texas Commission on Environmental Quality	SB 1397	Schwertner	Bell	Continued for 12 years
Texas Low-Level Radioactive Waste Disposal Compact Commission				Not subject to abolishment
Texas Juvenile Justice Department	SB 1727	Schwertner	Canales	Continued for 4 years
Office of the Independent Ombudsman				Not subject to abolishment
Lavaca-Navidad River Authority	SB 2592	Paxton	Clardy	Not subject to abolishment
Texas Commission on Law Enforcement (Limited Scope Re-Review)	SB 1445	Paxton	Goldman	Continued for 8 years
Public Utility Commission of Texas	HB 1500	Schwertner	Holland	Continued for 6 years
Electric Reliability Council of Texas				Not subject to abolishment
Office of Public Utility Counsel				Continued for 6 years
San Antonio River Authority	HB 1535	Johnson	Clardy	Not subject to abolishment
San Jacinto River Authority	HB 1540	Paxton	Holland	Not subject to abolishment
Texas State Soil and Water Conservation Board	SB 1424	Perry	Clardy	Continued for 12 years
Texas Invasive Species Coordinating Committee				
Office of State-Federal Relations	HB 1550	Springer	Goldman	Continued for 12 years
Upper Guadalupe River Authority	HB 1555	Johnson	Clardy	Not subject to abolishment
State Board of Veterinary Medical Examiners (Special-Purpose Review)	SB 1414	Johnson	Holland	Continued and temporarily attached to the Texas Department of Licensing and Regulation for 4 years
Texas Water Development Board	HB 1565	Perry	Canales	Continued for 12 years
State Water Implementation Fund for Texas Advisory Committee				

¹ Texas Comptroller of Public Accounts, *Biennial Revenue Estimate 2024-2025 Biennium*, January 2023, p. 2, accessed online June 14, 2023, <https://comptroller.texas.gov/transparency/reports/biennial-revenue-estimate/2024-25/>.

² Texas Juvenile Justice Department, Article V, p. V-26 (HB 1), Acts of the 88th Legislature, Regular Session, 2023 (General Appropriations Act).

³ Texas Commission on Environmental Quality, Section 18.57, p. IX-133, Article IX (HB 1), Acts of the 88th Legislature, Regular Session, 2023 (General Appropriations Act); Senate Finance Committee Decision Document, Article VI – Natural Resources, p.17, HB 1 (March 27, 2023), accessed online June 12, 2023, https://www.lbb.texas.gov/Documents/Appropriations_Bills/88/Senate_Adopted/Article%20VI_03_25_2023.pdf; House Appropriations Committee Decision Document, Article VI – Natural Resources, pp. 15-16, HB 1 (March 16, 2023), accessed online June 12, 2023, https://www.lbb.texas.gov/Documents/Appropriations_Bills/88/House_Adopted/HAC%20Article%20VI.pdf.

⁴ Public Utility Commission of Texas, *Legislative Appropriations Request for Fiscal Years 2024 and 2025*, pp. 60-79, accessed online on June 12, 2023, <https://ftp.puc.texas.gov/public/puct-info/agency/resources/reports/approp/legappreq24-25.pdf>; Senate Finance Committee Decision Document, Article VIII – Regulatory, pp. 41-42, HB 1 (March 27, 2023), accessed online June 12, 2023, https://www.lbb.texas.gov/Documents/Appropriations_Bills/88/Senate_Adopted/Article%20VIII_03_24_2023.pdf; House Appropriations Committee Decision Document, Article VIII – Regulatory, pp. 41-42, HB 1 (March 15, 2023), accessed online June 12, 2023, https://www.lbb.texas.gov/Documents/Appropriations_Bills/88/House_Adopted/HAC%20Article%20VIII.pdf; Public Utility Commission of Texas, p. VIII-49, Article VIII (HB 1) Acts of the 88th Legislature, Regular Session, 2023 (the General Appropriations Act); Conference Committee Issue Docket, Article VIII – Regulatory, p. 27, HB 1 (May 13, 2023), accessed online June 12, 2023, https://www.lbb.texas.gov/Documents/Appropriations_Bills/88/Adopted_Decision_Documents/Article08_IssueDoc.pdf.

ANATOMICAL BOARD OF THE STATE OF TEXAS

SB 2040 Springer (Clardy)

Staff Contact: Darren McDivitt

Abolish and Transfer

- Abolish the Anatomical Board of the State of Texas and transfer its functions to the Texas Funeral Service Commission (TFSC).
 - Establish a seven-member whole body donation advisory committee at TFSC, including two members from higher education institutions with willed body programs (WBPs), two members from non-transplant anatomical donation organizations (NADOs), two members from anatomical facilities, and one public member.
 - Require WBPs and NADOs to register with TFSC.
 - Require registrants to obtain informed donor consent and require tracking and recordkeeping from intake to final disposition.
 - Require NADOs to be accredited by the American Association of Tissue Banks, establish a conditional approval process, and exempt NADOs from certain regulatory requirements, including initial inspections.
 - Authorize TFSC to enforce Chapter 691 of the Texas Health and Safety Code, to establish fees for facility inspections and registration, and to investigate facilities in response to a complaint.
 - Require TFSC to establish a process to periodically verify a registered NADO's compliance with accreditation standards, which could include verification inspections or other administrative requirements, and authorize TFSC to charge fees to cover such activities.
 - Prohibit TFSC members and licensees from owning any ownership interest in a NADO.

Reporting Requirements

- Require TFSC to provide the Legislature and Sunset Commission quarterly status reports on implementation of the bill for one year.
- Require TFSC to submit a report by December 1, 2024, to the Sunset Advisory Commission and appropriate legislative oversight committees containing any legislative recommendations necessary to improve its administration of the new functions.

Governance

- Instead of requiring TFSC's presiding officer to alternate between public and nonpublic members and cover a three-year term, require the governor to appoint the presiding officer to serve at the governor's pleasure.

BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER DISTRICT

SB 1659 Schwertner (Holland)

Staff Contact: Robert Romig

In 1989, the Legislature created the Bandera County River Authority and Groundwater District (BCRAGD) as a hybrid entity, granting the authority of a groundwater conservation district and transferring to BCRAGD the authority and functions of the preexisting Bandera County River Authority. During its review of the Bandera County River Authority and Groundwater District, the Sunset Commission determined the Legislature did not legally merge the two entities or abolish the river authority. As a result, BCRAGD took over the river authority's functions while the BCRA became a defunct entity without a governing body, funding, staff, or programs. Following the commission's recommendation, Senate Bill 1659 removes the defunct river authority from Sunset review. Separately, the Legislature passed House Bill 3731, which merges the groundwater district and the river authority and codifies its authority.

Removal From Sunset Review

- Remove the Bandera County River Authority from Sunset Review.

River Authority Uniformity

- Direct Sunset staff to study administrative operations and structure across all Texas river authorities during the 2024-25 review cycle and make recommendations to the 89th Legislature regarding options to create uniformity across all river authorities that ensure each authority effectively represents its geographic river basin while also maintaining efficient administrative operations. This study would be based on past Sunset river authority reviews and is not expected to involve Sunset having to request new documents from river authorities. (Management action — nonstatutory)

TEXAS ECONOMIC DEVELOPMENT AND TOURISM OFFICE

OFFICE OF STATE-FEDERAL RELATIONS

HB 1515 Clardy (Springer) — EDT
HB 1550 Goldman (Springer) — OSFR

Staff Contact: Erick Fajardo

Continue

- Continue the Texas Economic Development and Tourism Office (EDT) for 12 years and remove the Sunset date of EDT's enabling statute.
- Continue the Office of State-Federal Relations (OSFR) for 12 years and remove the Sunset date of the office's enabling statute.

Eliminating Troubled Lending Programs

- Eliminate the Product Development and Small Business Incubator (PDSBI) program.
- Remove the Original Capital Access Program (OCAP) from statute, and require EDT to adopt rules for its new access to capital programs.

Reporting Requirements and Communication

- Require EDT to develop a plan for administering and communicating about its lending programs.
- Require the Annual Bank Report to include additional information on the status of each program to better inform the Legislature.
- Consolidate four of EDT's reporting requirements and abolish one.
- Amend OSFR's annual reporting requirement to remove outdated provisions and require OSFR to post each annual report on its website.
- OSFR should consider opportunities for improving the distribution process for its weekly update. (Management action — nonstatutory)

Governance and Advisory Committees

- Authorize EDT to create advisory committees in rule.
- Continue the Aerospace and Aviation Advisory Committee and exempt it from automatic abolishment.
- Continue the Small Business Advisory Task Force and exempt it from automatic abolishment.
- Repeal outdated and unnecessary statutory provisions relating to OSFR's federal funds management.

Enterprise Zone Program

- Expand the definition of “qualified employee” under the Enterprise Zone Program to include remote workers who are residents of Texas and live within 25 miles of the qualified business.
- Allow EDT to accept electronic signatures from a nominating body applying for a business to participate in the Enterprise Zone Program.

Travel and Tourism

- Require EDT and its MOU partners to produce the state’s strategic tourism plan biennially, and update statutory submission deadlines.
- EDT should consider adjusting its community tourism assessment procedures to improve their efficiency and expand their impact. (Management action — nonstatutory)
- EDT should consider increasing accessible research and educational opportunities for communities attempting to boost their tourism economies. (Management action — nonstatutory)
- EDT should consider creating a Tourism Friendly Community designation to foster additional economic development across Texas. (Management action — nonstatutory)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

SB 1397 Schwertner (Bell)

Staff Contact: Robert Romig

Continue

- Continue the Texas Commission on Environmental Quality (TCEQ) for 12 years and remove the Sunset date of the agency's enabling statute.
- Adjust the Texas Low-Level Radioactive Waste Disposal Compact Commission's Sunset review date to 2035.

Transparency

- Direct TCEQ's commission to vote in a public meeting on the acceptable level of health-based risk used in the development of toxicity factors for permitting and other regulatory actions. (Management action — nonstatutory)
- Direct TCEQ to develop a guidance document that explains what information the commission needs to evaluate whether a person is potentially affected by a permit application and states that each request is reviewed on a case-by-case basis, considering all the factors in its rule, including — but not limited to — distance. (Management action — nonstatutory)
- Require TCEQ-regulated entities with temporary or open-ended permits to annually confirm their operational status.
- Require TCEQ to review and update its website to improve accessibility and functionality, including by posting all permit applications and associated materials on TCEQ's website once the agency determines the application to be administratively complete and by making its database of water districts easily accessible to the public and regional water planning groups.
- Direct TCEQ to evaluate its current use of advisory committees to provide more public involvement in rulemaking and other decision-making processes, and continue advisory committees by rule, as appropriate. (Management action — nonstatutory)

Public Input

- Require TCEQ to provide outreach and education to the public on participating in the permitting process.
- Direct TCEQ, upon receiving public comments that are not under the jurisdiction of the agency, to answer the comment with information on the agency or organization with the relevant jurisdiction. (Management action — nonstatutory)

- Direct TCEQ to prepare and deliver a report by September 1, 2023, to the Legislature on its efforts to enhance public participation and language access as part of its November 3, 2020, Informal Resolution Agreement with the EPA. (Management action — nonstatutory)
- Direct TCEQ to consider developing Spanish language versions of its online form through which individuals may submit a complaint. (Management action — nonstatutory)

Permit Application and Notice Requirements

- Require TCEQ to electronically publish notices of permit application, in addition to physical posting requirements, and require TCEQ to accommodate affected persons in areas lacking internet availability.
- Require the public comment period for a permit application, and deadline to request a contested case hearing, remain open for at least 36 hours after the conclusion of a public meeting for air permit applications with a consolidated notice of receipt of application and intent to obtain permit (NORI) and notice of application and preliminary decision (NAPD), if a public meeting is held.
- Require TCEQ, when posting or sending out notices on all permit applications and permit amendments, to include, at a minimum, the name of the applicant, type of permit, and address of the proposed or existing site.
- Require TCEQ to provide notice, when it receives an application for any permit that requires public notice, to state representatives and senators that represent any portion of the proposed district's boundaries.
- Require TCEQ to provide notice when it receives an application to create a new district to state representatives and senators that represent any portion of the proposed district's boundaries.
- Require applicants who publish notice of a permit application to provide a copy of the notice and a publisher's affidavit to TCEQ.
- Authorize TCEQ to request an applicant provide uniformed security at a public meeting or hearing to provide for the safety of all attendees.

Enforcement and Compliance

- Increase statutory limits on administrative penalties for all violations with a current cap of \$25,000 per day to \$40,000 per day, when the violation involves an actual release of pollutants or unauthorized taking of water, the person previously committed a similar violation resulting in a penalty, and TCEQ determines the person could have reasonably anticipated and avoided the violation.
- Create the Compliance Training and Safety Program within TCEQ's Small Business and Local Government Assistance program. Authorize TCEQ to divert qualifying facilities to receive additional training and on-site follow-up by TCEQ staff in response to minor or moderate violations that do not present an imminent threat to public health or safety, rather than formal enforcement action. Establish that facilities would be eligible for participation in the program once in a 24-month period.
- Authorize TCEQ to review and potentially suspend a facility's compliance history rating in the event of exigent circumstances, such as an emergency event causing death or injury.
- Require TCEQ to consider all violations when classifying an entity as a repeat violator.

- Direct TCEQ to review and regularly update the agency's compliance history rating formula, considering a regulated entity's record of major, moderate, and repeated minor violations, as well as site complexity and cumulative violations, and to develop a separate compliance history rating formula if necessary for facilities that are sufficiently complex to warrant application of a separate formula. (Management action — nonstatutory)
- Direct TCEQ to evaluate its compliance history rating formula to ensure a facility's compliance rating does not improve if the facility reports an unauthorized air pollution emission and seeks an affirmative defense. (Management action — nonstatutory)
- Direct TCEQ to reclassify recordkeeping violations based on the potential risk and severity of the violation. (Management action — nonstatutory)
- Direct TCEQ to develop and implement clear guidance to evaluate affirmative defense requests for unauthorized air pollution emissions and to establish a centralized committee of agency staff authorized to review and approve all applications for an affirmative defense. (Management action — nonstatutory)
- Direct TCEQ to modify its approach to nuisance complaints to make better use of the agency's investigative resources. (Management action — nonstatutory)

Water Availability

- Continue the E-Flows Advisory Group and E-Flows Science Advisory Committee, as well as the Bay and Basin Stakeholder Committees and Expert Science Teams with renewable five-year terms, and require the advisory group to adopt a biennial statewide work plan for adaptive management updates of environmental flow standards.
- Direct TCEQ to publish a report on its website on the status of its water availability models (WAMs) as they are updated, including the development and structure of WAMs, information on ongoing WAM updates, prioritization for other WAM dataset updates, and estimated cost for the prioritized updates. (Management action — nonstatutory)

Office of Public Interest Counsel

- Direct OPIC to consider developing and using umbrella contracts to procure expert assistance. (Management action — nonstatutory)
- Direct TCEQ commissioners to take formal action on OPIC's rulemaking recommendations. (Management action — nonstatutory)

Governance

- Direct TCEQ to adopt a policy guiding its rule review process to ensure that identified deficiencies in the rules are addressed. (Management action — nonstatutory)
- Update the standard across-the-board requirements related to board member training and the separation of duties of commissioners from those of staff.

Aggregate Production Operations

- Codify the permit for the operation of a temporary concrete batch plant that supports a public works project, which operates under the existing environmental regulations required by the standard concrete batch plant permit and can only be used in conjunction with a specific public works project.
- Require TCEQ to develop best management practices for aggregate production operations, making those accessible on the commission's website and including dust control, water use, and water storage.

TEXAS JUVENILE JUSTICE DEPARTMENT

OFFICE OF THE INDEPENDENT OMBUDSMAN

SB 1727 Schwertner (Canales)

Staff Contact: Rachel Gandy

Continue

- Continue the Texas Juvenile Justice Department (TJJD) for four years until September 1, 2027.

Facility Capacity

- Appropriate additional funding to TJJD for the construction of new state secure facilities near population centers. (Passed in House Bill 1, the General Appropriations Act)
- Require TJJD to adopt rules authorizing county juvenile probation departments to confine youth committed to TJJD within either a pre- or post-adjudication facility as the youth awaits transfer to the state's custody.
- Authorize TJJD and county juvenile probation departments to use or contract with a facility that was constructed or previously used for the confinement of adult offenders, provided the facility is appropriately retrofitted to accommodate youth-specific requirements and needs.

Board Governance and Agency Administration

- Sweep the existing TJJD board, and reduce its size from 13 to nine members.
- Require the board to provide oversight and accountability for any duties delegated to the executive director.
- Establish minimum education and experience requirements for TJJD's executive director.
- Update statute to reflect the across-the-board requirement related to board member training and the person-first respectful language initiative.
- Direct the board to evaluate and update its own policies and practices to more efficiently and effectively perform its duties. (Management action — nonstatutory)
- Direct TJJD's board to periodically convene state staff and county stakeholders to gather feedback on the implementation of and any needed changes to the Texas Model for Reform in state- and county-level facilities. (Management action — nonstatutory)
- Direct TJJD to seek representation by the Office of the Attorney General to pursue a modification of the Parrie Haynes and John C. Wende trusts that would appoint a qualified third party trustee and an advisory committee to assist the trustee. (Management action — nonstatutory)
- Direct TJJD to adopt a four-year rule review plan and rules that are required by statute. (Management action — nonstatutory)

Regionalization and County Resources

- Appropriate additional funding to TJJD specifically to increase the capacity of pre- and post-adjudication facilities operated at the county level of the juvenile justice system. (Passed in HB 1, the General Appropriations Act)
- Remove Rider 4 of TJJD's bill pattern in the General Appropriations Act to increase flexibility for local juvenile probation boards to provide certain salary increases for individual personnel. (Passed in HB 1, the General Appropriations Act)
- Authorize TJJD to incentivize diversion within and collaboration between Texas counties through its grantmaking processes.
- Require TJJD, in consultation with the Advisory Council on Juvenile Services, to adopt rules specifying county juvenile probation departments must apply for state diversion funding before a juvenile court commits a youth to TJJD, unless the youth committed certain high-level offenses, as defined in rule.
- Require TJJD to identify resource gaps impacting justice-involved youth by partnering with a university to inventory existing resources and adopting rules regarding the collection of relevant county-level data.
- Require TJJD to update its regionalization plan biennially to ensure its contents are up-to-date and actionable, and require each plan to include an analysis of rates of commitment to TJJD broken down by region and county.
- Direct TJJD to complete statutorily required regionalization duties that remain unfinished or underdeveloped. (Management action — nonstatutory)

Sentencing and Confinement

- Require TJJD to transfer a youth to the most restrictive setting appropriate as the youth awaits a juvenile adjudication or adult conviction for committing a first- or second-degree felony while in TJJD's custody.
- Require TJJD to refer certain youth to a juvenile court for approval of a transfer to the Texas Department of Criminal Justice for confinement.
- Direct TJJD to consult with the Office of the Inspector General and Special Prosecution Unit before discharging or releasing under supervision certain youth who have completed their minimum length of stay. (Management action — nonstatutory)

Licensing and Regulatory Standards

- Require TJJD to establish a risk-based approach to inspections for county- and state-level entities, including contract facilities operated by private entities, and require those entities to provide TJJD with information on a routine basis to assist with the implementation of a risk-based inspection schedule.
- Remove prescriptive education and experience requirements for juvenile probation officers from statute, and prohibit TJJD from adopting rules that may create barriers to certification.
- Clearly require TJJD to develop guidelines for evaluating applicants' criminal history for all of its certifications.

- Remove subjective certification requirements for county-level officers.
- Authorize TJJD to issue provisional certifications to officer applicants upon employment with a county juvenile probation department or relevant private entity while they complete their required training.
- Require TJJD to adopt rules governing its administrative investigation process to provide adequate due process for certified officers.
- Require TJJD to collect, maintain, and make publicly available detailed statistical information on complaints regarding certified officers.
- Direct TJJD to comply with statutory requirements by developing rules and procedures regarding certification of military service members, veterans, and military spouses. (Management action — nonstatutory)
- Direct TJJD to develop a formal process to refer nonjurisdictional complaints to the appropriate agency. (Management action — nonstatutory)

Working with Advisory Committees and Other Agencies

- Authorize the board to appoint advisory committees as needed, and abolish an existing yet inactive statutory committee.
- Require TJJD to create a Youth Career & Technical Education advisory committee and adopt rules for the existing Advisory Council on Juvenile Services.
- Update the composition of the Advisory Council on Juvenile Services to include representation from the Department of Family and Protective Services (DFPS), and require the council to assist TJJD in assessing and improving information sharing between agencies serving youth in both the juvenile justice and child welfare systems.
- Direct TJJD, in consultation with the Advisory Council on Juvenile Services and DFPS, to develop written comments on the implementation status of legislation designed to improve information sharing about youth who are dually involved in the juvenile justice and child welfare systems. (Management action — nonstatutory)
- Direct TJJD to seek guidance from the State Office of Risk Management to develop strategies for addressing and minimizing employee injuries. (Management action — nonstatutory)

Public Information and Reports

- Require TJJD to track the frequency with which the executive director takes certain discretionary actions and report the resulting data to the board and Sunset Commission quarterly.
- Require TJJD to publish certain aggregated data on the number of youth committed to its custody on a quarterly and annual basis.
- Authorize TJJD to grant certain stakeholders access to identifiable and non-identifiable juvenile justice information.
- Combine two TJJD reports related to the effectiveness of youth rehabilitation efforts, and continue all other reporting requirements for TJJD.

- Direct TJJD to improve and update its website content. (Management action — nonstatutory)

Office of the Independent Ombudsman

- Require TJJD and county juvenile probation departments to notify the Office of the Independent Ombudsman (OIO) about contract facilities in which they place post-adjudicated youth.
- Require OIO to establish a risk-based approach to site visits for county- and state-level entities, including contract facilities operated by private entities, and require those entities to provide OIO with information on a routine basis to assist with the implementation of a risk-based inspection schedule.
- Update the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public.
- Direct OIO to create policies and procedures for consistently collecting and tracking findings from its site visits. (Management action — nonstatutory)
- Direct OIO to formalize its policies and procedures for including key site visit findings and trends in its quarterly reports. (Management action — nonstatutory)
- Direct OIO to develop clear procedures for referring and tracking nonjurisdictional complaints regarding licensed professionals to relevant state agencies for further inquiry. (Management action — nonstatutory)

Office of Inspector General

- Align the Office of Inspector General's (OIG) statute regarding its duties, reporting requirements, and processes with current practices.
- Include OIG in statutes impacting other law enforcement agencies, such as provisions relating to the use of tracking equipment and issuance of administrative subpoenas.
- Entitle OIG communication services staff and security officers to certain paid leave.

LAVACA-NAVIDAD RIVER AUTHORITY

SB 2592 Paxton (Clardy)

Staff Contact: Robert Romig

Sunset Review

- Amend the Lavaca-Navidad River Authority's (LNRA) Sunset review date to 2035.

Governance

- Apply standard across-the-board requirements regarding the appointment of a presiding officer, board member training, board member removal, separation of board and staff duties, public testimony, and complaints to the authority.
- Amend LNRA's board member terms to four years to comply with constitutional requirements.
- Direct LNRA to develop and implement a reserve fund balance policy. (Management action — nonstatutory)
- Direct the Texas Legislative Council to update LNRA's governing law. (Management action — nonstatutory)

Grant Program

- Direct LNRA to establish policies requiring conflicted members of its grant review committee, staff, and the board to recuse themselves from the grant award process. (Management action — nonstatutory)
- Direct LNRA to establish and document in writing the goals, terms, and conditions for partnership grants. (Management action — nonstatutory)
- Direct LNRA to establish policies and procedures for formally monitoring grant awardees. (Management action — nonstatutory)
- Direct LNRA to develop policies to consider the past performance of grantees before awarding future grants. (Management action — nonstatutory)
- Direct LNRA to create and publish policies and procedures governing the service grant and publicly post information about the grant. (Management action — nonstatutory)

River Authority Uniformity

- Direct Sunset staff to study administrative operations and structure across all Texas river authorities during the 2024–25 review cycle and make recommendations to the 89th Legislature regarding options to create uniformity across all river authorities that ensure each authority effectively represents its geographic river basin while also maintaining efficient administrative operations. This study would be based on past Sunset river authority reviews and is not expected to involve Sunset having to request new documents from river authorities. (Management action — nonstatutory)

TEXAS COMMISSION ON LAW ENFORCEMENT

SB 1445 Paxton (Goldman)

Staff Contact: Andrew McConnell

Continue

- Continue the Texas Commission on Law Enforcement (TCOLE) for 8 years.

Law Enforcement Agencies

- Amend statute to require TCOLE, with input from an advisory committee, to set and enforce minimum standards for law enforcement agencies in rule.
- Require law enforcement agencies to conduct a review of a TCOLE designated national law enforcement database prior to hiring and before a license is granted.
- Require TCOLE to establish model policies and agencies to adopt substantively similar policies for misconduct investigations, hiring procedures, and personnel files.

F-5 Form

- Remove the separation categories of honorable, general, and dishonorable from the F-5 form.

Licensing

- Require TCOLE to establish a database containing officers' license status, actions by the commission, and personnel files.
- Require TCOLE to establish a public database containing the personal service reports of each licensed officer, and adopt rules excluding information on officers involved in active sensitive operations. Users are required to register and TCOLE is required to track activity.
- Explicitly authorize TCOLE to temporarily suspend a license in cases of imminent threat to public health, safety, or welfare, and require a timeline for due process hearings.
- Require TCOLE to establish a model policy and agencies to adopt a substantively model policy for fit-for-duty exams, including requirements to report failed fit-for-duty exams or refusals to be examined, and authorize TCOLE to suspend licensees under limited circumstances.
- Require TCOLE to designate one or more national law enforcement databases that a law enforcement agency must access to complete the preemployment background check.
- Require TCOLE to request records and personnel files from the licensing entity in any other state where an applicant has been employed in a similar licensed role. Clarify a prospective licensee will not be denied a license if their home state licensing entity does not provide the requested record.
- Disqualify other state licensees from being licensed in Texas if they are currently suspended or revoked for reasons that would be grounds for suspension or revocation in Texas.
- Require TCOLE to designate a national decertification database and submit TCOLE licensee revocation information to that database.

- Clearly define TCOLE's authority to issue administrative subpoenas.
- Clearly authorize TCOLE to maintain confidentiality of complainants when possible.
- Remove a subjective qualification for licensure from statute.
- Direct TCOLE to work with the Department of Public Safety to subscribe to rap backs on fingerprint-based criminal background checks for all licensure applicants and licensees. (Management action — nonstatutory)

Peace Officer Database

- Require TCOLE to create a public-facing, searchable database, with appropriate protections, that identifies information about a peace officer's license status.

Continuing Education

- Remove the statutory deadlines for all TCOLE licensees' continuing education requirements and require TCOLE, by rule, to establish deadlines aligned with the agency's established training cycle.

Governance

- Update the standard across-the-board requirement related to commission member training.
- Update the agency's statute to reflect the requirements of the person-first respectful language initiative.
- Authorize the commission to establish advisory committees in rule.

Continuity of Care Query System Report

- Direct TCOLE to report on what the requirements would be for peace officers and 911 dispatchers to access the Continuity of Care Query system to the Sunset Commission and the appropriate legislative committees. (Management action — nonstatutory)

PUBLIC UTILITY COMMISSION OF TEXAS

ELECTRIC RELIABILITY COUNCIL OF TEXAS

OFFICE OF PUBLIC UTILITY COUNSEL

HB 1500 Holland (Schwertner)

Staff Contact: Emily Johnson

Continue

- Continue the Public Utility Commission of Texas (PUC) for six years and remove the Sunset date of the agency's enabling statute.
- Continue the Office of Public Utility Counsel (OPUC) for six years and remove the Sunset date of the agency's enabling statute.

Governance and Organizational Best Practices

- Appropriate PUC additional funding for a data analytics team and additional engineering expertise. (Passed in House Bill 1, the General Appropriations Act)

As a management action, direct PUC to work with the Legislative Budget Board and Sunset Commission staff to update the agency's General Appropriations Act performance measures to track the agency's achievement in using any funds appropriated for these items.

- Authorize PUC to issue directives to the Electric Reliability Council of Texas (ERCOT) through written memos and orders adopted by a majority vote of the commission, and require PUC to use rulemakings and contested cases when directives affect fees and operational obligations on a regulated entity. Authorize stakeholders to formally provide input on these directives. Clarify that PUC can only verbally direct ERCOT outside of these methods in an emergency or urgent situation and require all verbal directives be documented in writing no later than 72 hours after the emergency or urgent situation ends. As a management action, direct the ERCOT chief executive officer to provide an update about any new directive issued by PUC to ERCOT at the first ERCOT board meeting following the directive's issuance.
- In addition to the chair of PUC, add an additional commissioner as a nonvoting member of the ERCOT Board of Directors.
- Amend Texas Utilities Code Section 39.1511(a) to specify that ERCOT may enter into executive session closed to the public only to address risk management or a matter that ERCOT would be authorized to consider in a closed meeting if ERCOT were governed under Texas Government Code Chapter 551 (Open Meetings Act).
- Authorize ERCOT to restrict PUC commissioners' presence at executive sessions only to address a contested case or personnel matter unrelated to members of ERCOT's Board of Directors.
- Clarify PUC's authority over ERCOT protocols to include the ability to reject or remand them.

- Abolish two and modify four of PUC's reporting requirements.
- Update the standard across-the-board requirement related to commissioner training.
- Direct ERCOT to re-evaluate its performance measures, with input from PUC. (Management action — nonstatutory)
- Direct PUC to update its policy guiding the agency's rule review process to ensure identified deficiencies in the rules are addressed. (Management action — nonstatutory)
- Direct the commission to develop policies regarding separating commissioner roles and responsibilities. (Management action — nonstatutory)
- Direct OPUC to formalize and document certain contracting processes for legal expert witnesses. (Management action — nonstatutory)

Electric Industry

- Establish the Grid Reliability Legislative Oversight Committee to oversee PUC's implementation of recent electric market legislation.
- Establish performance ("firming") requirements for certain electric generation facilities in the ERCOT region, and require ERCOT to enforce these requirements.
- Require PUC to annually report to the Legislature on the costs associated with firming generation and building out transmission, and whether implementation of legislation has materially improved the reliability, resilience, and transparency of the electricity market.
- Establish guardrails on a credit-based reliability program, including an annual \$1 billion net cost cap with some flexibility to adjust the cap.
- Require PUC to require ERCOT to procure dispatchable reliability reserve services to account for market uncertainty.
- Require PUC to direct ERCOT to evaluate whether allocating ancillary and reliability service costs differently would result in a net savings to consumers in the ERCOT region. Require PUC to submit a report on the evaluation to the Legislature by December 1, 2026.
- Require PUC to review voluntary mitigation plans at least once every two years and consider adherence to a voluntary mitigation plan when determining whether a violation of market power occurred. Increase the penalty cap for a violation of a voluntary mitigation plan to \$1 million.
- Require PUC by rule to require a provider of electric generation service to provide ERCOT with the reason for unplanned service interruptions, which ERCOT will include in a publicly available report published on its website no later than the third business day after service is restored.
- Require PUC to establish a reasonable allowance for costs incurred by transmission-owning utilities to interconnect generation resources to the ERCOT transmission grid. Costs in excess of the allowance must be directly assigned to and collected from the generation resource. Require PUC to review and authorize it to adjust the allowance for inflation or supply chain issues every five years.

- Require PUC to direct transmission and distribution utilities to perform a circuit segmentation study and report the conclusions to PUC no later than September 1, 2024. Require PUC to review the studies no later than March 15, 2025.
- Repeal the renewable energy goal and phase out the Renewable Energy Credit (REC) program, but create a new voluntary REC program and require ERCOT to maintain an accreditation and banking system for awarding and tracking credits.
- Prohibit PUC from restricting the independent market monitor from appearing, speaking, or providing analysis to the Legislature. Prohibit ERCOT from substantially modifying the market monitor's contract unless approved by a majority of PUC commissioners. Clarify the market monitor's reporting to PUC and require PUC to annually report to the Legislature on the number of instances of reported market manipulation and other information.
- Expand the definition of "significant" power outage and authorize the Texas Division of Emergency Management, ERCOT, and the PUC executive director to determine any other power outage is a significant power outage.
- Extend PUC's authority to hire any consultant, accountant, auditor, engineer, or attorney to represent it in matters involving the Federal Energy Regulatory Commission to align with the Sunset continue date.
- Establish a reporting requirement for retail electric providers.
- Require PUC and ERCOT to conduct a study by December 1, 2025 on whether implementing an alternative to the single market clearing price for energy, ancillary services, and other products would reduce costs to residential and small commercial customers.
- Consolidate the *Report on Constraints and Needs* with other key information into a new *Electric Industry Report*.
- Direct PUC to develop a state reliability standard no later than May 1, 2023. (Management action — nonstatutory)
- Direct PUC, in coordination with ERCOT, to approve assumptions used in electric industry reports. (Management action — nonstatutory)
- Direct ERCOT to include appropriate funding in its budget for qualified economic planning staff to conduct robust economic analyses for transmission planning and other market or planning studies requiring economic analysis. (Management action — nonstatutory)

Public Communications

- Require PUC to develop and regularly update a strategic communications plan.
- Require PUC to allow public testimony at commission meetings on agenda items.
- Direct PUC and ERCOT to create a guidance document to better coordinate public communications. (Management action — nonstatutory)
- Direct PUC to provide up-to-date, easily accessible information as part of its current website redesign efforts. (Management action — nonstatutory)

- Direct PUC to prepare minutes of commission meetings and provide them on its website. (Management action — nonstatutory)

Water Regulation

- Appropriate PUC additional funding to cover its costs to regulate water and wastewater utilities efficiently. (Passed in HB 1, the General Appropriations Act)

As a management action, direct PUC to work with the Legislative Budget Board and Sunset Commission staff to update the agency's General Appropriations Act performance measures to track the agency's achievement in using any additional funds appropriated for water-related items.

- Amend statute to extend the length of an emergency temporary manager appointment.
- Direct PUC to comprehensively review its water and wastewater rules, processes, and guidance documents to identify and address areas for improvement. (Management action — nonstatutory)

Contract and Data Management

- Direct PUC to develop a plan to prioritize improving its case data collection and analysis. (Management action — nonstatutory)
- Direct PUC's Legal Division and Office of Policy and Docket Management to develop comprehensive policies and procedures. (Management action — nonstatutory)
- Direct PUC to create and maintain a precedent manual, prioritizing rulings related to water and wastewater regulation. (Management action — nonstatutory)
- Direct PUC to update its contract manager guide and handbook. (Management action — nonstatutory)

SAN ANTONIO RIVER AUTHORITY

HB 1535 Clardy (Johnson)

Staff Contact: Sadie Smeck

Sunset Review

- Amend the San Antonio River Authority's (SARA) Sunset review date to 2035.

Planning and Transparency

- Direct SARA to conduct more comprehensive, inclusive strategic planning. (Management action — nonstatutory)
- Direct SARA to establish guidelines for evaluating and selecting projects and publish them on its website. (Management action — nonstatutory)
- Direct SARA to publish more digestible information about its tax revenue spending and rate setting process on its website. (Management action — nonstatutory)
- Direct SARA's board to update its fund balance policy. (Management action — nonstatutory)

Nonprofit Relationships

- Clearly authorize SARA to work with nonprofits.
- Prohibit SARA staff and limit SARA board members from serving on an affiliated nonprofit's board.
- Require SARA to develop a policy governing affiliated nonprofit fundraising and criteria for corporate sponsorships.
- Direct SARA to review its relationships with affiliated nonprofits every five years. (Management action — nonstatutory)
- Direct SARA to develop a policy governing the support its staff can provide to nonprofits. (Management action — nonstatutory)

Outdated Master Plan Requirement

- Remove Section 4-A ("Master Plan") of SARA's enabling law, to eliminate an outdated requirement that does not reflect the authority's current practice of participating in regional water and flood planning groups sponsored by the Texas Water Development Board.

Fiscal Year Update

- Establish a fiscal year that begins on October 1, rather than July 1, to align SARA's budget process with the release of the certified tax rolls.

Facilitate Codification

- Align SARA's penalties, local posting requirements, and purchasing, procurement, and contracting requirements with those in Water Code.

- Update outdated references to Water Code and to joint board meetings.
- Allow SARA to dispose of its property under general law.
- Remove an unconstitutional provision from SARA's enabling law.
- Align SARA's board elections with the uniform election date in November.
- Align the start of SARA's board terms with the start of the calendar year.

Governance and Organizational Best Practices

- Apply standard across-the-board requirements regarding board member training, the separation of board and staff duties, and public testimony to SARA.
- Apply the standard across-the-board requirement regarding developing and maintaining a system for receiving and acting on complaints to SARA.
- Standardize SARA's board voting requirements to allow for a simple majority in all cases, rather than varying depending on the subject matter of the vote.
- Update an antiquated provision in SARA's enabling law to allow all eligible voters within SARA's district to vote in board elections, not only the owners of taxable property.
- Direct SARA to improve its contracting processes to ensure sufficient consistency and transparency. (Management action — nonstatutory)
- Direct the Texas Legislative Council to update SARA's governing law. (Management action — nonstatutory)

SAN JACINTO RIVER AUTHORITY

HB 1540 Holland (Paxton)

Staff Contact: Robert Romig

Sunset Review

- Amend the San Jacinto River Authority's Sunset review date to 2035.

Public Engagement

- Statutorily require the San Jacinto River Authority (SJRA) to adopt a public engagement policy that guides and encourages public involvement on key decisions.

Governance

- Apply standard across-the-board requirements regarding appointing a presiding officer, board member training, board member removal, separation of board and staff duties, public testimony, and complaints to the authority.
- Amend SJRA's board member terms to four years to comply with constitutional requirements.
- Direct the Texas Legislative Council to update SJRA's governing law. (Management action — nonstatutory)

River Authority Uniformity

- Direct Sunset staff to study administrative operations and structure across all Texas river authorities during the 2024-25 review cycle and make recommendations to the 89th Legislature regarding options to create uniformity across all river authorities that ensure each authority effectively represents its geographic river basin while also maintaining efficient administrative operations. This study would be based on past Sunset river authority reviews and is not expected to involve Sunset having to request new documents from river authorities. (Management action — nonstatutory)

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

TEXAS INVASIVE SPECIES COORDINATING COMMITTEE

SB 1424 Perry (Clardy)

Staff Contact: Lauren Ames

Continue

- Continue the Texas State Soil and Water Conservation Board (TSSWCB) for 12 years and remove the Sunset date of the agency's enabling statute, with a limited scope re-review during the 2026-27 biennium to assess TSSWCB's dam structural repair program.
- Continue the Texas Invasive Species Coordinating Committee, require it to be reviewed at the same time as TSSWCB, and modify statute to better align with the committee's current needs.

Grant Programs

- Require TSSWCB to develop and adopt one clear set of overall priorities, goals, and measures for the dam structural repair program; update the "Ten-Year Plan;" and ensure the local match requirement for state-funded dam upgrades and state-funded dam repairs equitably accounts for the financial capacity of local sponsors and high-hazard dams.
- Direct TSSWCB to establish and update its policies for administering the dam structural repair program by January 1, 2023. (Management action — nonstatutory)
- Direct TSSWCB to maintain a centralized master file system for dam structural repair grants and implement it by January 1, 2023. (Management action — nonstatutory)
- Direct the TSSWCB board to approve all grants and contracts over \$1 million and implement this change by January 1, 2023. (Management action — nonstatutory)
- Direct TSSWCB to proactively inform dam sponsors and co-sponsors about dam structural repair funding availability and implement this change by January 1, 2023. (Management action — nonstatutory)
- Direct TSSWCB to include, within its current annual report, its funding activities related to dam safety grants and outreach, nonpoint source pollution grants, and activities and programs related to on-the-ground conservation. (Management action — nonstatutory)

Governance

- Direct TSSWCB to develop a board member recusal policy, including a written explanation for the recusal. (Management action — nonstatutory)
- Direct TSSWCB to improve its district director training, including providing a training manual the directors would have to attest to receiving and reviewing annually. (Management action — nonstatutory)

- Update the standard across-the-board requirements related to board member training, separation of duties of board members and staff, and complaints.
- Direct TSSWCB to adopt a policy guiding its rule review process. (Management action — nonstatutory)
- Direct TSSWCB to recertify its records retention schedule and develop a records retention policy. (Management action — nonstatutory)

UPPER GUADALUPE RIVER AUTHORITY

HB 1555 Clardy (Johnson)

Staff Contact: Robert Romig

Sunset Review

- Amend the Upper Guadalupe River Authority's (UGRA) Sunset review date to 2035.

Governance

- Apply standard across-the-board requirements regarding appointment of a presiding officer, board member training, board member removal, separation of board and staff duties, public testimony, and complaints to the authority.
- Amend UGRA's board member terms to four years to comply with constitutional requirements.
- Direct UGRA to improve its contracting processes to ensure sufficient consistency and transparency. (Management action — nonstatutory)
- Direct UGRA to develop and implement a reserve fund balance policy. (Management action — nonstatutory)
- Direct the Texas Legislative Council to update UGRA's governing law. (Management action — nonstatutory)

River Authority Uniformity

- Direct Sunset staff to study administrative operations and structure across all Texas river authorities during the 2024-25 review cycle and make recommendations to the 89th Legislature regarding options to create uniformity across all river authorities that ensure each authority effectively represents its geographic river basin while also maintaining efficient administrative operations. This study would be based on past Sunset river authority reviews and is not expected to involve Sunset having to request new documents from river authorities. (Management action — nonstatutory)

STATE BOARD OF VETERINARY MEDICAL EXAMINERS

SB 1414 Johnson (Holland)

Staff Contact: Steve Ogle

Sunset Review

- Amend the State Board of Veterinary Medical Examiners' (SBVME) Sunset date from 2029 to 2027.

Temporary Administrative Attachment

- Temporarily attach the State Board of Veterinary Medical Examiners to the Texas Department of Licensing and Regulation (TDLR) for four years.
- Establish a temporary, four-year relationship between TDLR and the Veterinary Board to provide the Veterinary Board with policymaking and administrative oversight, guidance, and support, until September 1, 2027.
- The agency's governing board would become an advisory board to TDLR.
 - During the four-year temporary attachment, all current and any subsequent members of the governing board would serve as an advisory board to TDLR and the Texas Commission of Licensing and Regulation (TCLR) would have final rulemaking authority except where specifically noted. TCLR would be responsible for ensuring compliance with all laws regarding the rulemaking process.
- Separate TDLR's policymaking authority from the continuing administrative duties of SBVME and require SBVME to reimburse TDLR for any costs incurred in providing administrative services.
- Continue to authorize SBVME to adopt rules relating to the scope of practice of or a health-related standard of care for the practice of veterinary medicine.
 - Require TCLR to review each rule related to the scope of practice of or a health-related standard of care for the practice of veterinary medicine adopted by the Veterinary Board.
 - If TCLR determines the rule is not authorized under the law or is an unauthorized anticompetitive rule, require TCLR to issue an order stating that determination and prohibits any rule for which TCLR issues such an order from taking effect or being enforced by the Veterinary Board.
- Allow TDLR to have a licensed veterinarian member of the Veterinary Board serve as an expert witness for any rulemaking or contested case for which an expert witness is necessary.
- Require the Department of Information Resources to consult with TDLR to assess the Veterinary Board's database needs and establish a procurement plan by October 1, 2023.
- Require TDLR to conduct a review of SBVME's rules and propose necessary amendments or other changes by December 31, 2026.

TEXAS WATER DEVELOPMENT BOARD

STATE WATER IMPLEMENTATION FUND FOR TEXAS

ADVISORY COMMITTEE

HB 1565 Canales (Perry)

Staff Contact: Darren McDivitt

Continue

- Amend the Texas Water Development Board's (TWDB) next Sunset review date and continue the State Water Implementation Fund for Texas Advisory Committee to 2035.

Project Review

- Require TWDB to develop, collect, and analyze performance metrics and establish goals for evaluating its project review process.
- Authorize TWDB to implement a risk-based approach to project review.
- Direct TWDB to develop a plan to prioritize improving its project review process to eliminate inefficiencies and inconsistencies. (Management action — nonstatutory)
- Direct TWDB to work with the Legislative Budget Board (LBB) to update the agency's General Appropriations Act performance measures to include elements of the project review process. (Management action — nonstatutory)

Outreach

- Direct TWDB to collect and analyze information about its financial assistance applicants and outreach efforts to better inform and more effectively target agency activities; as part of this, direct TWDB to work with LBB to report money and projects awarded to rural and economically disadvantaged communities separately and not as a combined number. (Management action — nonstatutory)
- Direct TWDB to develop a coordinated outreach plan to more efficiently promote agency programs, improve operations, and ensure its outreach efforts meet entities' needs and expectations; additionally, direct TWDB to use funds from the Rural Water Assistance Fund to work with rural communities to help navigate TWDB's funding application process. (Management action — nonstatutory)

Water Planning

- Require regional water planning groups to include in regional water plans implementation updates about large projects, including status updates about expenditures, permit applications, and construction.
- Authorize regional water planning groups, by statute, to use a drought worse than the drought of record as the baseline for planning purposes.
- Direct TWDB to consult with the Office of the State Climatologist at Texas A&M University in the preparation of regional and state water plans. (Management action — nonstatutory)

Governance

- Update the standard across-the-board requirement related to board member training.
- Abolish TWDB's reports on the Water Loan Assistance Program, Water Bond Insurance Program, and Storage Acquisition Fund, and continue all other reporting requirements.
- Direct TWDB to update its policy regarding the separation of duties of board members from those of staff. (Management action — nonstatutory)
- Direct TWDB to adopt a rule review plan. (Management action — nonstatutory)

APPENDIX

Sunset Review Schedule — 2024-25

12 Entities Under Review

Criminal Justice, Texas Department of

- Correctional Managed Health Care Committee
- Pardons and Paroles, Board of
- Windham School District, Texas Department of Criminal Justice

Ethics Commission, Texas

Information Resources, Department of

Lottery Commission, Texas

Real Estate Commission, Texas¹

River Authorities

- Angelina and Neches River Authority
- Lower Neches Valley River Authority
- Sabine River Authority of Texas
- Trinity River Authority of Texas

¹ Special-purpose review

Sunset Advisory Commission

Location

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

Mail

PO Box 13066
Austin, TX 78711

Website

www.sunset.texas.gov

Email

sunset@sunset.texas.gov

Phone

(512) 463-1300