

SUNSET ADVISORY COMMISSION

COMPLIANCE REPORT

Implementation of 2023 Sunset Recommendations

2024-25
89TH LEGISLATURE



SUNSET ADVISORY COMMISSION



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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

IMPLEMENTATION OF 2023 SUNSET RECOMMENDATIONS

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SUMMARY

An important element of the Sunset process is a check on entities' progress in implementing Sunset recommendations from the previous legislative session. The Legislature expects agencies to effectively implement both the Sunset Commission's management recommendations and the statutory provisions of an agency's Sunset bill. The Sunset Act requires the commission to review agencies' implementation of the commission's recommendations.

In 2023, the 88th Legislature passed all 15 bills containing the Sunset Commission's statutory recommendations for the 21 entities reviewed during the 2022-23 biennium. Sunset staff assessed each entity's efforts to implement the required statutory changes, a total of 159 provisions. Additionally, Sunset staff assessed efforts to implement two appropriative recommendations the Sunset Commission adopted, which were approved through the General Appropriations Act for the 2024-25 biennium and also required an entity to take action. Finally, Sunset staff assessed efforts to implement two management actions the Sunset Commission adopted in coordination with required statutory changes which, as such, were not included in the State Auditor's Office (SAO) report on the implementation of Sunset management actions described on the next page.

In addition to the 21 entities reviewed during the 2022-23 biennium, some Sunset bills established statutory requirements for entities not under review. The Sunset bill for the Anatomical Board of the State of Texas (SAB) abolished the entity and transferred its functions to the Texas Funeral Service Commission (TFSC). The Sunset bill for the State Board of Veterinary Medical Examiners temporarily administratively attached the agency to the Texas Department of Licensing and Regulation (TDLR) and created a statutory requirement for the Department of Information Resources (DIR). Sunset staff assessed the efforts of TFSC, TDLR, and DIR to implement the required statutory changes arising from Sunset legislation.

Sunset staff found entities had fully implemented over two-thirds of these changes, with most of the remainder in progress. The chart on Page 3, *2023 Sunset Legislation Implementation by Entity*, shows each entity's progress in implementing its changes. Key changes implemented as a part of the Sunset process include the following:

- Appropriating the Public Utility Commission of Texas (PUC) additional resources to efficiently regulate electric and water utilities; ensuring PUC has more formalized structures and processes for giving direction to the Electric Reliability Council of Texas (ERCOT); directing ERCOT to evaluate how certain electric market features may impact consumers and market participants; and making other changes to strengthen the electric grid and enhance transparency.
- Appropriating the Texas Juvenile Justice Department (TJJJ) funds to expand its state facility capacity; requiring TJJJ to identify actionable steps for enhancing regional capacity and coordination; reducing the number of board members from 13 to nine; and requiring TJJJ to establish a risk-based approach to inspections for county- and state-level entities.
- Enhancing the Texas Commission on Environmental Quality's (TCEQ) transparency by creating additional opportunities for public input and public information dissemination; requiring TCEQ to consider all severities of violations when classifying repeat offenders and raising maximum administrative penalties for harmful, repeat offenses; and restarting the state's process for protecting environmental flows.

- Requiring the Texas Commission on Law Enforcement, with input from advisory committees, to set minimum standards for establishing and maintaining a law enforcement agency; standardizing law enforcement hiring and background check requirements; establishing a process for officer fitness-for-duty evaluations; and creating a public database for peace officers' license status.
- Abolishing SAB and requiring TFSC to regulate the receipt, use, and transfer of decedent donors for advancing medical or forensic science.
- Temporarily administratively attaching the Veterinary Board to TDLR for four years; temporarily converting the Veterinary Board's governing board to an advisory board to TDLR; and establishing the separation of duties between the Veterinary Board and TDLR for the duration of the administrative attachment.

Detailed information on the provisions in progress, partially implemented, or not implemented is provided for each agency in the following exception charts. The textbox below explains the terms used to describe the status of the provisions.

The Sunset Commission also adopted 85 management actions for improvements to agencies under review in 2023. As authorized by statute, SAO evaluated the agencies' implementation of management actions, and its report can be found beginning on Page 23.¹

Implementation Key

- **Implemented:** The agency has fully implemented the provision.
- **In Progress:** The agency has begun efforts to implement the provision but has not completed or fully realized implementation of the provision.
- **Partially Implemented:** The agency has fully implemented some parts of the provision but has not taken any action to implement other parts.
- **Not Implemented:** The agency has not implemented or begun the process of implementing the provision.

2023 Sunset Legislation Implementation by Entity²

Agency	Changes Required	Implemented	In Progress	Partially Implemented	Not Implemented
Anatomical Board of the State of Texas	12	6	5	1	0
Economic Development and Tourism Office, Texas	8	3	4	1	0
Environmental Quality, Texas Commission on	20	11	9	0	0
Juvenile Justice Department, Texas	30	27	2	1	0
Independent Ombudsman, Office of the	3	1	1	1	0
Lavaca-Navidad River Authority	6	6	0	0	0
Law Enforcement, Texas Commission on	17	13	4	0	0
Public Utility Commission of Texas & Electric Reliability Council of Texas ³	12	3	8	1	0
Electric Reliability Council of Texas	2	1	1	0	0
Public Utility Commission of Texas	12	6	6	0	0
San Antonio River Authority	7	7	0	0	0
San Jacinto River Authority	7	7	0	0	0
Soil and Water Conservation Board, Texas State	5	5	0	0	0
State-Federal Relations, Office of	1	0	1	0	0
Upper Guadalupe River Authority	6	6	0	0	0
Veterinary Medical Examiners, State Board of	6	1	5	0	0
Information Resources, Department of	1	1	0	0	0
Licensing and Regulation, Texas Department of	3	1	2	0	0
Water Development Board, Texas	5	5	0	0	0
Totals	163	110	48	5	0
Percentage	—	68%	29%	3%	0%

¹ All citations to Texas statutes are as they appear on <http://www.statutes.legis.texas.gov/>. Section 325.012(d), Texas Government Code.

² Of the 21 entities reviewed during 2022-23 biennium, five did not have any statutory provisions in Sunset bills that required the entities to take action. These entities include the Bandera County River Authority and Groundwater District, the Texas Invasive Species Coordinating Committee, the Texas Low-Level Radioactive Waste Disposal Compact Commission, the Office of Public Utility Counsel, and the State Water Implementation Fund for Texas Advisory Committee.

³ The Sunset bill for PUC and ERCOT included a number of statutory provisions that required joint action from both entities, which are reflected in this row.

BILL PROVISIONS

Anatomical Board of the State of Texas and Texas Funeral Service Commission

Senate Bill 2040, as adopted by the 88th Legislature, abolished the Anatomical Board of the State of Texas (SAB) and transferred its functions to the Texas Funeral Service Commission (TFSC). The legislation included a total of 12 changes requiring action, six of which were fully implemented. The following chart summarizes five provisions that are still in progress and one that is partially implemented and provides the status of each, including several of the subcomponents to the abolish and transfer provision that have proved to be challenging for TFSC to complete.

TFSC’s executive director position was vacant for several months in 2024, which impacted the agency’s ability to complete the transfer of these functions. Additionally, TFSC reported to Sunset staff encountering significant barriers during the transfer, including difficulty gaining cooperation from some anatomical board members to aid the transfer as required by the bill. TFSC also expressed concerns during the compliance process about the reliability of recordkeeping related to SAB’s finances and fund balance, as SAB previously kept its funds outside of the state treasury at a local bank. Finally, TFSC reported concerns related to SAB’s decision to stop collecting fees during the transition period, which undermined the assumptions underlying the bill’s fiscal note and the contingency rider in the budget that provided TFSC funds for the transition. TFSC hired a new executive director in late 2024 and is still working on establishing the functions transferred to the agency under this bill.

Bill Provision	Implementation	
	Status	Comments
1. Abolishes SAB and transfers its functions to TFSC.	In Progress	<ul style="list-style-type: none"> TFSC has not made information available to the public regarding procedures for filing and addressing complaints on its willied body donor program webpage. The agency reports it relies on its general complaint filing page to intake any complaints related to willied body donor programs. However, the general complaint filing page and the willied body program page do not mention the agency regulates these programs, leaving it unclear to the public where to file complaints. TFSC reports it executed a contract in November 2024 to update its website, and as part of that effort, intends to provide more information specifically related to the willied body donor program. TFSC is relying on SAB’s rules, which still are in effect as the bill permits until the agency adopts new rules. The agency posted rules in the <i>Texas Register</i> in August 2024 accounting for some statutory changes and new authority, and the commission considered several other rules at its December 2024 meeting.

Anatomical Board of the State of Texas and Texas Funeral Service Commission (continued)

Bill Provision	Implementation	
	Status	Comments
		<p>TFSC reports this is an ongoing process, and further rulemaking and revisions to existing rules, policies, and procedures will occur in 2025.</p> <ul style="list-style-type: none"> TFSC has been unable to recover records from a website previously operated by SAB for years prior to 2021. TFSC reports SAB lost access credentials and data associated with this website before the transfer and was unable to provide them as part of the transfer. TFSC expressed concerns about transparency and accuracy related to SAB's financial records.
2. Authorizes 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.	In Progress	TFSC conducted stakeholder meetings to gather input on fee structures throughout 2024 and is currently engaged in the statutorily authorized rulemaking process to establish fees for inspections and registration. Agency staff presented rules regarding fees to its commission in December 2024.
3. Requires TFSC to develop an informational document for donors explaining options for donation.	In Progress	During the transition period of taking over duties from SAB, TFSC included on its website links to the SAB website and is now developing a comprehensive informational document on donation.
4. Requires TFSC to develop a donor consent form on a single piece of paper with 14-point font and authorizes the agency to adopt rules regarding the form.	In Progress	The agency posted a rule in the <i>Texas Register</i> in August 2024 regarding this form and intends to take action on this rule at a future commission meeting after evaluating feedback from stakeholders.
5. Requires TFSC to submit quarterly reports for one year to the Sunset Advisory Commission and the Legislature regarding the implementation status of the bill.	Partially Implemented	TFSC formally submitted its first quarterly report as required by the bill, was delayed in submitting its third quarterly report, and has not submitted its second and fourth quarterly reports. The agency attributes this delay to personnel changes in key leadership positions and difficulty during the transition period of taking over duties from SAB.
6. Requires 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.	In Progress	TFSC did not meet the December 1, 2024, deadline and currently is working on a revised version of this report. The agency attributes this delay to personnel changes in key leadership positions and difficulty during the transition period of taking over duties from SAB.

Texas Economic Development and Tourism Office

House Bill 1515, as adopted by the 88th Legislature, continues the Texas Economic Development and Tourism Office (EDT) for 12 years. The legislation included a total of eight changes requiring action, three of which were fully implemented. The following chart summarizes four provisions that are still in progress and one that was partially implemented and provides updates on each.

Bill Provision	Implementation	
	Status	Comments
1. Authorizes EDT to create advisory committees in rule.	In Progress	EDT drafted proposed rules for creating advisory committees in November 2024. Upon promulgating the rules, EDT will follow the process in the rules to establish the State of Texas International Business Advisory Committee.
2. Removes the Original Capital Access Program (OCAP) from statute and requires EDT to adopt rules for its new access to capital programs.	Partially Implemented	EDT is in the process of closing out OCAP. While EDT has adopted rules for the Texas Small Business Credit Initiative, the rules do not specify required recovery efforts and documentation and instead just refer to “all information and documentation required by the Office.” In addition, EDT’s website and fact sheets do not provide additional details on documentation requirements or provide details about what “due care and diligent efforts” entail.
3. Eliminates the Product Development and Small Business Incubator (PDSBI) program.	In Progress	EDT intends to file foreclosure proceedings in February 2025 and will work to liquidate collateral from the last remaining PDSBI loan. EDT plans to repeal PDSBI rules by May 2025.
4. Requires EDT and its MOU partners to produce the state’s strategic tourism plan biennially and updates statutory submission deadlines.	In Progress	EDT amended the memorandum of understanding (MOU) in May 2024 and completed the new biennial plan but did not meet the December 1, 2024, deadline.
5. Allows EDT to accept electronic signatures from a nominating body applying for a business to participate in the Enterprise Zone Program.	In Progress	EDT plans to begin receiving initial applications in March 2025 and to be fully operational by June 2025.

Texas Commission on Environmental Quality

Senate Bill 1397, as adopted by the 88th Legislature, continues the Texas Commission on Environmental Quality (TCEQ) for 12 years. The legislation included a total of 19 changes requiring action, 11 of which were fully implemented. Sunset staff also reviewed the implementation of one management action the Sunset Commission adopted associated with a statutory provision. The following charts summarize the eight statutory provisions and one management action that are still in progress and provides updates on each.

Bill Provision	Implementation	
	Status	Comments
<p>1. Requires the public comment period for a permit application to 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.</p> <p>Extends the deadline to request a contested case hearing to 36 hours after the conclusion of a public meeting for air permit applications with a consolidated NORI and NAPD, if a public meeting is held.</p>	In Progress	<p>TCEQ has implemented the 36-hour extension for providing public comment and for requesting a contested case hearing for air permit applications that have a consolidated notice and for which a public meeting is held. Rulemaking to incorporate these statutory requirements into agency rules is underway, and the agency anticipates dates for proposal in spring 2025 and adoption in late 2025. TCEQ held several meetings across the state at which the public could participate in person or virtually to provide informal comments that the agency will consider when drafting proposed rule changes. Meetings were held in Austin, Midland, Harlingen, and Houston between July and October 2024.</p>
<p>2. Requires TCEQ to post all permit applications, associated materials, amendments, and revisions on TCEQ’s website, in addition to any physical posting requirements, once the agency determines the application to be administratively complete and to include the website’s address in any public notice issued for the permit. For water right permit applications, the posting shall include maps and supporting material. Also requires TCEQ to consider and accommodate if there are affected persons in areas of the state lacking internet availability who might need assistance with access to the documents, particularly if there is heightened interest or in response to comment or request.</p>	In Progress	<p>TCEQ posts all pending applications for the following permits and licenses: new source review air, including standard concrete batch plant and Title V operating; wastewater; industrial, hazardous, and municipal solid waste; underground injection control; radioactive material; and water right.</p> <p>TCEQ’s commission adopted the rules to incorporate the requirement to post applications electronically at its October 2024 meeting. The agency anticipates it will deploy the permit search portal in spring 2025.</p>
<p>3. Requires TCEQ to consider all violations when classifying an entity as a repeat violator.</p>	In Progress	<p>Rulemaking to incorporate the required changes is underway, with anticipated dates for proposal in winter 2025 and adoption in late 2025. The rulemaking process will include a public comment hearing and written comment period. Information technology changes may be necessary to implement the final changes to the formula.</p>

Texas Commission on Environmental Quality (continued)

Bill Provision	Implementation	
	Status	Comments
4. Codifies the permit for the operation of a temporary concrete batch plant that supports a public works project. This public works permit will operate under the existing environmental regulations required by the standard concrete batch plant permit. This new permit can only be used in conjunction with a specific public works project.	In Progress	TCEQ has begun developing the standard permit, which will implement the statutory requirements, with the proposal forthcoming and adoption expected in summer 2025.
5. Requires TCEQ to provide electronic notice for pending environmental permit applications. The electronic publication will include posting on a website as well as an option to receive notifications through email. Any requirements for newspaper or public location notification would be in addition to electronic publication. Also requires TCEQ to consider and accommodate if there are affected persons in areas of the state lacking internet availability who might need assistance with access to the notices, particularly if there is heightened interest or in response to comment or request.	In Progress	TCEQ is posting notice of pending permit applications electronically. The agency is developing an email subscription for the public to opt in to receive notices via email and anticipates deployment in late spring 2025.
6. Creates the Compliance Training and Safety Program within TCEQ's Small Business and Local Government Assistance program. Authorizes 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. Establishes that facilities would be eligible for participation in the program once in a 24-month period.	In Progress	TCEQ is developing an Enforcement Diversion Program (EDP) in its Office of Compliance and Enforcement, Small Business and Local Government Assistance Section. The agency expects to initiate a pilot project in January 2025 focused on relevant Petroleum Storage Tank facilities in specific regions of the state. Conducting the pilot project will allow the agency an opportunity to evaluate process flows and complete information technology modifications necessary to fully implement the EDP, which TCEQ anticipates will occur by fall 2025.
7. Requires TCEQ to provide outreach and education to the public on participating in the permitting process.	In Progress	TCEQ has completed some initiatives aimed at providing outreach and education to the public on participating in the permitting process, including developing a video series, updating the public participation webpages of its website, and creating handouts to provide general information on public meetings. While TCEQ also sought early stakeholder input on the public participation rules, the agency continues to identify opportunities for early stakeholder engagement in other rulemaking and related projects.

Texas Commission on Environmental Quality (continued)

Bill Provision	Implementation	
	Status	Comments
8. Requires 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.	In Progress	TCEQ drafted proposed best management practices, posted them on the TCEQ website, published them in the <i>Texas Register</i> , and made them available for public comment in December 2024.

Management Action	Implementation	
	Status	Comments
1. As part of the bill provision requiring TCEQ to post all permit applications, associated materials, amendments, and revisions on its website once the agency determines the application to be administratively complete, this management action directs TCEQ to review and update its website to improve accessibility and functionality. When updating its website, TCEQ should make easily accessible to the public, and provide to regional water planning groups, the webpage link to the database of groundwater conservation districts, municipal utility districts, special utility districts, river authorities, water systems, water control and improvement districts, etc. with contact information and separated by county.	In Progress	<p>TCEQ is in the process of reviewing and updating its website, focusing on the following enhancements:</p> <ul style="list-style-type: none"> • An update of the website structure to support better navigation. • A permit search portal that is searchable by location. • Standardization of environmental datasets to be more usable. <p>TCEQ anticipates deploying the permit search portal in spring 2025.</p>

Texas Juvenile Justice Department

Senate Bill 1727, as adopted by the 88th Legislature, continues the Texas Juvenile Justice Department (TJJD) for four years. This legislation and Sunset recommendations approved through the General Appropriations Act for the 2024-25 biennium included a total of 30 changes requiring action, 27 of which were fully implemented. The following chart summarizes two provisions that are still in progress and one that was partially implemented and provides updates on each.

Of note, the Civil Rights Division of the U.S. Department of Justice published the results of an investigation into the conditions in TJJD's five secure facilities in August 2024. This investigation overlapped with TJJD's Sunset review and concluded that TJJD violates children's constitutional and federal statutory rights. Problems with conditions in TJJD facilities are not new, and the Sunset review identified severe and chronic staffing shortages as the primary driver of unsafe conditions. Sunset recommendations focused on stabilizing staffing at TJJD and bolstering the state's regionalization planning, which diverts youth from state facilities when appropriate. Additionally, as the Sunset Commission recommended, the Legislature appropriated funds to TJJD to build new state facility capacity and to distribute for expansions in county-level facility capacity. These recommendations and funds are intended to support TJJD's efforts to improve facility safety and agency staffing.

Bill Provision	Implementation	
	Status	Comments
1. Requires TJJD to establish a risk-based approach to inspections for county- and state-level entities, including contract facilities operated by private entities, and requires those entities to provide TJJD with information on a routine basis to assist with the implementation of a risk-based inspection schedule.	In Progress	<p>TJJD has developed a risk-based tool for inspections of county facilities and is in the process of implementing a risk-based inspection schedule based on this tool.</p> <p>The agency has collected data from inspections of county probation departments and plans to develop a risk-based tool in 2025 for inspections of county departments.</p> <p>TJJD is also in the process of developing risk-based monitoring tools and policy updates for state-level entities. The agency plans to finalize these changes in 2025 to conduct comprehensive and focused reviews of secure state facilities, halfway houses, and parole services.</p>
2. Requires TJJD to adopt rules governing its administrative investigation process to provide adequate due process for certified officers and prevent any findings related to an administrative investigation from being made public before being reviewed for legal sufficiency.	Partially Implemented	<p>TJJD's board has adopted rules requiring all findings of abuse, neglect, and exploitation to be reviewed for legal sufficiency, and TJJD has established procedures for how the Office of Inspector General (OIG) and the Office of General Counsel (OGC) conduct these legal sufficiency reviews. In practice, however, TJJD reports that OGC does not have enough staff to conduct legal sufficiency reviews on all investigations that result in abuse, neglect, or exploitation findings.</p>

Texas Juvenile Justice Department (continued)

Bill Provision	Implementation	
	Status	Comments
		TJJD is requesting \$960,000 in its 2026-27 Legislative Appropriations Request for four additional legal staff. The agency reports that this additional staff would allow the agency to fully comply with this provision as well as another legislative directive related to abuse, neglect, and exploitation investigations.
<p>3. Requires TJJD to partner with a public or private university or universities to inventory and map available resources for justice-involved youth in Texas. TJJD would also consult university partners, the Advisory Council on Juvenile Services, and other relevant stakeholders, as needed, to determine the types of data TJJD requires to timely identify and address regional resources, programs, and service gaps that cause commitments of youth to the agency’s custody.</p> <p>Requires TJJD to adopt rules specifying that county juvenile probation departments must, at useful and reasonable intervals, report to TJJD relevant data on resource gaps, including the particular needs of youth the county has committed to the state’s custody and the types of resources, programs, and services that — if available in the community — might allow these youth to receive treatment at the county level of the juvenile justice system.</p>	In Progress	<p>In February 2024, TJJD received an 18-month federal grant from the Office of Juvenile Justice and Delinquency Prevention for \$825,000 to fund the resource mapping initiative as required by this provision. TJJD is currently developing deliverables, including an asset map and gap analysis and continuum of care plan that the agency expects to complete by the end of the grant term. TJJD is also in the process of establishing a Statewide Continuum Planning Council, which will include university partners, to assist with mapping activities, research, and development of deliverables.</p> <p>In October 2024, TJJD began conducting site visits to each of the seven juvenile probation regions to discuss resource availability and gaps with local stakeholders. The agency expects to finish these visits by spring 2025.</p> <p>TJJD’s board adopted rules requiring county juvenile probation departments to provide the agency with information on gaps in resources, programs, and services for youth served by county juvenile probation departments on an annual basis.</p>

Office of the Independent Ombudsman

Senate Bill 1727, as adopted by the 88th Legislature, clarified the Office of the Independent Ombudsman’s (OIO) duties and jurisdiction in statute and directed the office to establish a risk-based approach to site visits. The legislation included a total of three changes requiring action, one of which was fully implemented. The following chart summarizes one provision that is still in progress and one that was partially implemented and provides updates on each.

Bill Provision	Implementation	
	Status	Comments
1. Requires the Texas Juvenile Justice Department (TJJD) and county juvenile probation departments to notify OIO about contract facilities in which they place post-adjudicated youth and requires OIO to adopt rules to implement the reporting requirements, including the specific times the report must be made.	Partially Implemented	OIO worked with TJJD staff to develop a process to ensure TJJD and county juvenile probation departments notify OIO about contract placements. OIO reports this notification process is working effectively; however, the office has not adopted rules to implement the reporting requirements.
2. Requires OIO to establish a risk-based approach to site visits for county- and state-level entities, including contract facilities operated by private entities, and requires those entities to provide OIO with information on a routine basis to assist with the implementation of a risk-based inspection schedule.	In Progress	OIO is in the process of creating a risk-based tool to conduct site visits for county- and state-level entities in consultation with TJJD’s Monitoring and Inspections Division. OIO has also changed policy to better incorporate risk into the inspections of parole offices. OIO has reported that it does not have staff with sufficient expertise to conduct the data analysis necessary to implement an effective risk-based approach to site visits, even once the risk-based tool is developed. OIO is therefore requesting \$217,000 in its 2026-27 Legislative Appropriations Request to hire a data analyst who could help implement a risk-based approach to site visits.

Texas Commission on Law Enforcement

Senate Bill 1445, as adopted by the 88th Legislature, continues the Texas Commission on Law Enforcement (TCOLE) for eight years. The legislation included a total of 17 changes requiring action, 13 of which were fully implemented. The following chart summarizes four provisions that are still in progress and provides updates on each.

Bill Provision	Implementation	
	Status	Comments
1. Explicitly authorizes TCOLE to temporarily suspend a license in cases of imminent threat to public health, safety, or welfare and requires a timeline for due process hearings.	In Progress	The agency plans to propose a rule regarding this new authority at the commission's March 2025 meeting.
2. Removes the statutory deadlines for all TCOLE licensees' continuing education requirements and requires TCOLE, by rule, to set deadlines aligned with the agency's established training cycle.	In Progress	TCOLE plans to propose rules establishing new deadlines for continuing education at the commission's March 2025 meeting.
3. Requires TCOLE to establish a database containing officers' license status, actions by the commission, misconduct investigation reports, and personnel files. Requires TCOLE to make the files available for law enforcement agencies conducting background investigations and to licensees.	In Progress	The agency has begun work on this information technology project, with an anticipated completion date of October 2025.
4. Requires TCOLE to give updates on active complaint investigations unless the updates would jeopardize an ongoing investigation.	In Progress	TCOLE will incorporate this requirement in the agency's new policy manual, with an anticipated completion date of January 2025. TCOLE has adopted a records management system that allows the agency to set date-specific task assignments and input notes that document complainant follow-up.

Public Utility Commission of Texas and Electric Reliability Council of Texas

House Bill 1500, as adopted by the 88th Legislature, continues the Public Utility Commission of Texas (PUC) for six years and includes provisions related to PUC as well as the Electric Reliability Council of Texas (ERCOT). This legislation and Sunset recommendations approved through the General Appropriations Act for the 2024-25 biennium included a total of 26 changes requiring action by PUC, ERCOT, or both entities working together, 10 of which were fully implemented. The following chart summarizes 15 provisions that are still in progress and one that was partially implemented and provides updates on each.

In addition to the Sunset bill, PUC and ERCOT are working to implement several other significant pieces of legislation, including the Texas Energy Fund programs established by Senate Bill 2627. PUC and ERCOT continue to receive significant legislative attention following some challenges associated with implementation of the fund as well as challenges certain utilities faced responding to Hurricane Beryl in the summer of 2024. These ongoing efforts, along with the complexity of some provisions in HB 1500, likely have had an impact on PUC’s and ERCOT’s ability to fully implement the Sunset legislation over the past 18 months.

Bill Provision	Implementation	
	Status	Comments
1. Adds a commissioner, in addition to the chair of PUC, as a nonvoting member of the ERCOT Board of Directors.	In Progress	A PUC commissioner now serves as a nonvoting member of the ERCOT Board of Directors. However, changes to ERCOT’s bylaws are currently restricted by active litigation so they still reflect the board’s previous membership. ERCOT expects to update its bylaws in the future to reflect the statutory change.
2. Establishes how the commission can provide direction to ERCOT by prohibiting the commission from using a verbal directive to direct ERCOT to take an official action and by specifying the commission can only issue directives to ERCOT through contested cases, rulemakings, or written memos and orders adopted by a majority vote of the commission. Specifies circumstances when the commission must use certain methods to direct ERCOT to take an official action and clarifies that PUC can only verbally direct ERCOT outside of these methods in an emergency or other urgent situation. Requires PUC to adopt certain rules to implement the process, including criteria for establishing whether a situation is urgent or an emergency.	In Progress	PUC established an interim process to issue directives to ERCOT in August 2023 and anticipates proposing rules in early 2025. The interim process addresses most of the provisions outlined in statute. However, the process does not include criteria for establishing whether a situation is urgent or an emergency, which PUC will be required to address in its rules. Furthermore, PUC’s interim process interprets “official action” as action requiring approval from the ERCOT board or delegated committee. Although this interpretation seems reasonable, it appears to allow PUC to use verbal directives in some situations the Legislature may not have contemplated, such as when directing ERCOT staff to study options for implementing a market product like Dispatchable Reliability Reserve Service or establishing the design parameters for ERCOT to rely on for the base case cost-benefit analysis of the Performance Credit Mechanism (PCM). Ultimately, these types of studies form the foundation for decisions that may eventually lead to a protocol revision request requiring ERCOT board approval.

Public Utility Commission of Texas and Electric Reliability Council of Texas (continued)

Bill Provision	Implementation	
	Status	Comments
3. Clarifies PUC's authority over ERCOT protocol revision requests to include the ability to reject or remand them.	In Progress	In practice, the commission has rejected and remanded ERCOT protocol revision requests. However, PUC has not revised its rules related to this process and anticipates proposing new rules in early 2025.
4. Specifies ERCOT may enter executive sessions only to address risk management or a matter ERCOT would be authorized to consider in a closed meeting if it were governed under the Open Meetings Act.	In Progress	ERCOT has acknowledged this legal requirement and is complying with the provision. However, changes to its bylaws are currently restricted by active litigation so they still reflect outdated language related to executive session. ERCOT expects to update its bylaws in the future to reflect the statutory change.
5. Places several requirements on PUC and ERCOT that they must meet before implementing a credit-based reliability program, including implementing real-time co-optimization of energy and ancillary services and conducting an assessment of the costs and effects on the market. Establishes specific guardrails on any such program, including an annual \$1 billion net cost cap with some flexibility to adjust the cap.	Partially Implemented	Statute does not require PUC to establish a credit-based reliability program, and the agency has not yet done so. PUC continued to pursue such a program, known as the Performance Credit Mechanism (PCM), by taking several actions the bill requires. For example, PUC established PCM design parameters to align with the statutory requirements, and ERCOT and the Independent Market Monitor submitted separate cost-benefit assessments to PUC. However, at its December 19, 2024, meeting, the commission voted to not move forward with the PCM as currently designed. ERCOT continues working to implement real-time co-optimization and expects the launch date to be December 5, 2025.
6. Establishes performance (“firming”) requirements for certain electric generation facilities in the ERCOT region and requires ERCOT to enforce these requirements.	In Progress	The firming requirements contemplated in statute apply to generation facilities with interconnection agreements signed on or after January 1, 2027. PUC expects to begin rulemaking in late 2025 to meet the December 1, 2027, statutory deadline. PUC expects to gather more data and develop staff expertise related to the firming requirements before opening the rulemaking. ERCOT also expects to hire more staff with expertise on generation interconnection to support any requirements that result from PUC's rulemaking.
7. Requires PUC to require ERCOT to procure Dispatchable Reliability Reserve Services to account for market uncertainty.	In Progress	PUC and ERCOT missed the December 1, 2024, statutory deadline to implement Dispatchable Reliability Reserve Services as a standalone product based on guidance provided by legislators in October 2023. The earliest ERCOT expects to implement the product is in 2026, after it has implemented real-time co-optimization.

Public Utility Commission of Texas and Electric Reliability Council of Texas (continued)

Bill Provision	Implementation	
	Status	Comments
8. Requires PUC by rule to require a provider of electric generation service to provide ERCOT with the reason for unplanned service interruptions, which ERCOT must include in a publicly available report published on its website no later than the third business day after service is restored.	In Progress	ERCOT began posting unplanned outage information on its website in December 2022. PUC has not yet begun the required rulemaking but indicates it will do so in 2025.
9. Requires 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. Increases the penalty cap for a violation of a voluntary mitigation plan to \$1 million.	In Progress	PUC adopted two rules, effective May 2024, to implement the provisions related to voluntary mitigation plans. Two active voluntary mitigation plans currently exist, which PUC plans to review no later than August 31, 2025, to align the review cycle with HB 1500's September 1, 2023, effective date.
10. Requires 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. Requires PUC to review the studies no later than March 15, 2025.	In Progress	PUC reported the commission issued an order in its September 14, 2023, open meeting requiring transmission and distribution utilities to submit circuit segmentation studies by September 1, 2024. Utilities submitted their reports, and PUC provided Sunset with copies. PUC has started reviewing the studies and expects to complete its review by the March 15, 2025, deadline.
11. Requires 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. Requires PUC to submit a report on the evaluation to the Legislature by December 1, 2026.	In Progress	PUC, ERCOT, and the Independent Market Monitor are working on preparing the ancillary services report the Legislature required in 2021 as part of Senate Bill 3. Following PUC's delivery of that report to the Legislature, PUC indicates it will begin work on the required cost-allocation analysis.
12. Consolidates the <i>Report on Constraints and Needs</i> with other key information into a new <i>Electric Industry Report</i> .	In Progress	ERCOT is working on the three underlying reports with a target date of mid to late December 2024, in time to be incorporated into the <i>Electric Industry Report</i> by the statutory deadline of January 15, 2025.
13. Establishes a reporting requirement for retail electric providers.	In Progress	PUC has opened a rulemaking project to implement this requirement but does not plan to begin work until 2025.

Public Utility Commission of Texas and Electric Reliability Council of Texas (continued)

Bill Provision	Implementation	
	Status	Comments
14. Requires 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.	In Progress	PUC completed the report due December 1, 2024, providing information from transmission line utilities in the ERCOT region about transmission interconnection costs for generation type and load. However, PUC and ERCOT were not able to develop an accurate method to break out cumulative annual transmission costs by a particular generation type or load. PUC plans on assessing the effect of legislation and rules on the market in 2025, allowing time for adjustments to be seen in the market. PUC expects to report on these market effects ahead of the 2027 legislative session.
15. Requires 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.	In Progress	PUC and ERCOT have not yet begun substantive work on this study, which is not due until December 1, 2025.
16. Amends statute to extend the length of an emergency temporary manager appointment for water and wastewater utilities.	In Progress	Even though PUC has not yet updated its existing rules to reflect the statutory change, the agency is following statute when appointing temporary managers and plans to update the rules as part of a larger rulemaking project in 2025.

Office of State-Federal Relations

House Bill 1550, as adopted by the 88th Legislature, continues the Office of State-Federal Relations (OSFR) for 12 years. The legislation included one change requiring action. The following chart includes that provision, which is still in progress, and provides an update on its implementation.

Bill Provision	Implementation	
	Status	Comments
1. Amends OSFR's annual reporting requirement to remove outdated provisions and requires OSFR to post each annual report on its website.	In Progress	The next annual report is in development and will be added to the website once complete. According to OSFR, the office did not produce an annual report for fiscal year 2024.

State Board of Veterinary Medical Examiners

Senate Bill 1414, as adopted by the 88th Legislature, continues the State Board of Veterinary Medical Examiners for four years. The legislation included a total of six changes requiring action, one of which was fully implemented. The following chart summarizes five provisions that are still in progress and provides updates on each. Since these statutory provisions relate to the ongoing, temporary administrative attachment of the Veterinary Board to the Texas Department of Licensing and Regulation (TDLR), their implementation will not be fully realized until the end of the attachment.

Bill Provision	Implementation	
	Status	Comments
<p>1. Temporarily attaches the Veterinary Board to TDLR for four years.</p> <p>Requires the establishment of 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.</p> <p>Requires TDLR to have authority over the Veterinary Board’s governing board and executive leadership during the temporary attachment.</p>	In Progress	<p>TDLR and the Veterinary Board are working together to provide the Veterinary Board with policymaking and administrative oversight, guidance, and support. TDLR has designated a project manager to oversee the implementation of recommendations from the Sunset Advisory Commission and the State Auditor’s Office. Agency leadership from TDLR and the Veterinary Board meet regularly.</p>
<p>2. Temporarily converts the Veterinary Board’s governing board to an advisory board to TDLR.</p> <p>During the four-year temporary attachment, all current and any subsequent members of the governing board, as well as any existing advisory committees to the board, serve as advisory boards to TDLR, and the Texas Commission of Licensing and Regulation (TCLR) has final rulemaking authority except where specifically noted.</p> <p>TCLR is responsible for ensuring compliance with all laws regarding the rulemaking process.</p>	In Progress	<p>The Veterinary Board’s governing board acts as an advisory board to TDLR. TDLR conducted an advisory board training course for all current board members in September 2023. Any future appointed board members will receive the same training. TDLR also provides administrative support for the Veterinary Board’s advisory board meetings.</p> <p>TDLR has completed three Veterinary Board rulemakings with TCLR having final approval on all rules. TDLR staff has provided oversight to ensure compliance with the rulemaking process.</p>
<p>3. Requires separation of TDLR’s policymaking authority from the continuing administrative duties of the Veterinary Board and requires the Veterinary Board to reimburse TDLR for any costs incurred in providing administrative services during the temporary attachment.</p>	In Progress	<p>TDLR has primarily assisted the Veterinary Board with policymaking and has only minimally assisted with administrative duties. Thus far, this assistance has been at negligible cost to TDLR and has been achieved within existing resources. TDLR has not assessed fees to the Veterinary Board for this assistance.</p>

State Board of Veterinary Medical Examiners (continued)

Bill Provision	Implementation	
	Status	Comments
<p>4. Continues to authorize and requires the Veterinary Board to adopt rules relating to the scope of practice of or a health-related standard of care for the practice of veterinary medicine.</p> <p>Requires 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.</p> <p>If TCLR determines the rule is not authorized under the law or is an unauthorized anticompetitive rule, this provision requires 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.</p>	In Progress	<p>TDLR's Office of General Counsel and Veterinary Board staff have been reviewing the Veterinary Board's administrative rules to identify possible rule changes to improve efficiency, transparency, and agency functions. TDLR's Office of General Counsel has completed three Veterinary Board rulemakings.</p>
<p>5. Requires the Veterinary Board to provide advice and recommendations to TDLR on technical matters.</p>	In Progress	<p>Veterinary Board staff meet with TDLR staff regularly before public meetings to provide information and answer questions related to technical matters on Veterinary Board cases.</p>

Texas Department of Licensing and Regulation

Senate Bill 1414, as adopted by the 88th Legislature, temporarily attaches the State Board of Veterinary Medical Examiners to the Texas Department of Licensing and Regulation (TDLR) for four years. The legislation included a total of three changes requiring action, one of which was fully implemented. The following chart summarizes two provisions that are still in progress and provides the status of each.

Bill Provision	Implementation	
	Status	Comments
<p>1. Requires TDLR to conduct a review under Section 2001.039, Government Code of each rule under 22 TAC, Part 24 no later than December 31, 2026. Requires TDLR, in conducting the review, to ensure that license holders and the public have a meaningful opportunity to provide input and recommend changes to the rules.</p>	<p>In Progress</p>	<p>TDLR’s Office of General Counsel and agency staff have been reviewing the Veterinary Board’s administrative rules to identify possible rule changes to improve efficiency, transparency, and agency functions. The agency anticipates this review will be completed by December 2026.</p> <p>TDLR’s Office of General Counsel has also engaged in legislatively required rulemaking, worked to streamline the Veterinary Board’s contested case process, and completed three Veterinary Board rulemakings.</p>
<p>2. Continues to authorize and requires the Veterinary Board to adopt rules relating to the scope of practice of or a health-related standard of care for the practice of veterinary medicine.</p> <p>Requires TDLR 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.</p> <p>If TDLR determines the rule is not authorized under the law or is an unauthorized anticompetitive rule, this provision requires TDLR to issue an order stating that determination and prohibits any rule for which TDLR issues such an order from taking effect or being enforced by the Veterinary Board.</p>	<p>In Progress</p>	<p>TDLR’s Office of General Counsel has completed three Veterinary Board rulemakings as part of the rule review described above.</p> <p>This statutory provision relates to the ongoing, temporary administrative attachment between the Veterinary Board and TDLR. As such, this provision’s implementation will not be fully realized until the end of the attachment.</p>



A Report on

The Implementation of Sunset Advisory Commission Management Actions

- The State Auditor’s Office (SAO) obtained state entities’ self-reported implementation status for 85 nonstatutory recommendations (management actions).
- SAO auditors determined the implementation status of 37 selected management actions.

Lisa R. Collier, CPA, CFE, CIDA
State Auditor

State entities provided their self-reported implementation status for nonstatutory recommendations (management actions) included in the Sunset Advisory Commission’s (Commission’s) *Final Results of Sunset Reviews 2022-23* report to the 88th Legislature and related Commission staff reports to each entity. SAO auditors determined the implementation status of selected management actions that some of those entities reported as fully implemented and that the Commission rated as having either a high or medium priority.

Texas Government Code, Section 325.012(d), provides for the State Auditor’s Office’s examination of the nonstatutory recommendations (management actions) that the Sunset Advisory Commission makes.

IMPLEMENTATION STATUS DETERMINED BY THE STATE AUDITOR’S OFFICE

The SAO determined the implementation status for 37 selected management actions from 9 state entities and made the following determinations:

- 33 (89 percent) of the management actions were fully implemented.
- 4 (11 percent) had an incomplete or ongoing implementation.

[Chapter 1 | p. 2](#)

ENTITIES’ SELF-REPORTED STATUS

The SAO obtained the self-reported implementation status from 10 state entities for 85 management actions. The entities reported that:

- 64 (75 percent) of the management actions were fully implemented.
- 4 (5 percent) were substantially implemented.
- 17 (20 percent) had an incomplete or ongoing implementation.

[Chapter 2 | p. 10](#)

For more information about this project, contact Audit Manager Courtney Ambres-Wade or State Auditor Lisa Collier at 512-936-9500.

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Chapter 1 Implementation Status Determined by the State Auditor’s Office

Figure 1 summarizes the implementation status that the State Auditor’s Office determined for 37 nonstatutory recommendations (management actions) directed to 9 state entities in the Sunset Advisory Commission’s *Final Results of Sunset Reviews 2022-23* report to the 88th Legislature.

Those entities reported that the 37 management actions had been fully implemented as of June 2024. Auditors determined that 33 of those management actions were fully implemented and 4 had an incomplete or ongoing implementation.

Figure 1





Summary of State Auditor’s Office Determination of the Implementation of Sunset Advisory Commission Management Actions

Entity	Total Number of Management Actions	Fully Implemented	Substantially Implemented	Incomplete or Ongoing	Not Implemented
Lavaca-Navidad River Authority	6	5	0	1	0
Public Utility Commission of Texas ^a Electric Reliability Council of Texas Office of Public Utility Counsel	7	7	0	0	0
San Antonio River Authority	3	1	0	2	0
Texas Commission on Environmental Quality	6	6	0	0	0
Texas Commission on Law Enforcement	1	1	0	0	0
Texas Juvenile Justice Department	1	1	0	0	0
Texas State Soil and Water Conservation Board	9	9	0	0	0
Texas Water Development Board	2	2	0	0	0
Upper Guadalupe River Authority	2	1	0	1	0
Total	37	33	0	4	0

^a Public Utility Commission of Texas, Electric Reliability Council of Texas, and Office of Public Utility Counsel are listed as one agency because the Sunset Advisory Commission reported them in one chapter in its *Final Results of Sunset Reviews 2022-23* report to the 88th Legislature.

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The State Auditor’s Office requested that the entities provide documentation for the selected management actions that the entities had self-reported as fully implemented as of June 2024. Some entities updated implementation status after receiving the draft of this report for review in August 2024.




Implementation Status Definitions	
	Fully Implemented: Successful development and use of a process, system, or policy to implement a recommendation.
	Substantially Implemented: Successful development but inconsistent use of a process, system, or policy to implement a recommendation.
	Incomplete or Ongoing: Ongoing development of a process, system, or policy to address a recommendation.
	Not Implemented: Lack of a formal process, system, or policy to address a recommendation.

For instances in which auditors determined that a management action was not fully implemented, comments in Figure 2 explain the reasoning for that determination. For those management actions with no comment, auditors determined that the management action had been fully implemented.

The management actions in Figure 2 do not represent all management actions for each entity. The self-reported implementation statuses for all 85 management actions are included in [Figure 4](#) in Chapter 2.











Figure 2

State Auditor’s Office Determination of the Implementation Status of Selected Sunset Advisory Commission Management Actions







Management Action	State Auditor’s Office Determination of the Implementation Status	State Auditor’s Office Comments ^a
Lavaca-Navidad River Authority (LNRA)		
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.	 Fully Implemented	
Direct LNRA to establish and document in writing the goals, terms, and conditions for partnership grants.	 Fully Implemented	
Direct LNRA to establish policies and procedures for formally monitoring grant awardees.	 Fully Implemented	

^a A Report on the Implementation of Sunset Advisory Commission Management Actions | 25-003 October 2024







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Management Action	State Auditor’s Office Determination of the Implementation Status	State Auditor’s Office Comments ^a
Direct LNRA to develop policies to consider the past performance of grantees before awarding future grants.	 Fully Implemented	
Direct LNRA to create and publish policies and procedures governing the service grant and publicly post information about the grant.	 Fully Implemented	
Direct LNRA to develop and implement a reserve fund balance policy.	 Incomplete/Ongoing	LNRA developed and implemented a reserve fund policy; however, the policy did not include information about when to return excess revenue to customers. ^b
Public Utility Commission of Texas (PUC), Electric Reliability Council of Texas (ERCOT), and Office of Public Utility Counsel (OPUC)		
Direct ERCOT to re-evaluate its performance measures, with input from PUC.	 Fully Implemented	
Direct PUC, in coordination with ERCOT, to approve assumptions used in electric industry reports.	 Fully Implemented	
Direct the commission to develop policies regarding separating commissioner roles and responsibilities.	 Fully Implemented	
Direct PUC and ERCOT to create a guidance document to better coordinate public communications.	 Fully Implemented	
Direct PUC to update its policy guiding the agency’s rule review process to ensure identified deficiencies in the rules are addressed.	 Fully Implemented	
Direct OPUC to formalize and document certain contracting processes for legal expert witnesses. At a minimum, OPUC should require signed conflict of interest statements from experts.	 Fully Implemented	
Direct OPUC to formalize and document certain contracting processes for legal expert witnesses. At a minimum, OPUC should document expert witness performance and use information regarding expert witness performance, particularly when considering future contract awards.	 Fully Implemented	

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Management Action	State Auditor’s Office Determination of the Implementation Status	State Auditor’s Office Comments ^a
San Antonio River Authority (SARA)		
Direct SARA to publish more digestible information about its tax revenue spending and rate setting process on its website.	 Incomplete/Ongoing	SARA updated its website; however, the website did not address two topics that were included in the recommendation: <ul style="list-style-type: none"> • How SARA allocates revenue across activities and reserve accounts. • How spending ties to SARA’s goals and objectives in a given fiscal year and over time. ^b
Direct SARA to develop a policy governing the support its staff can provide to nonprofits.	 Fully Implemented	
Direct SARA to improve its contracting processes to ensure sufficient consistency and transparency.	 Incomplete/Ongoing	SARA implemented all areas of the recommendation in its contracting process except for: <ul style="list-style-type: none"> • Including contract closeout processes in its standard operating procedures. • Researching a potential vendor’s public financial statements in the vendor performance review. • Developing Historically Underutilized Business (HUB) goals and a HUB plan. ^b
Texas Commission on Environmental Quality (TCEQ)		
Direct TCEQ to adopt a policy guiding its rule review process to ensure that identified deficiencies in the rules are addressed.	 Fully Implemented	
Direct TCEQ to develop and implement clear guidance to evaluate affirmative defense requests for air emissions. TCEQ is also directed to establish a centralized committee of agency staff authorized to review and approve all applications for an affirmative defense related to unauthorized air pollution emissions.	 Fully Implemented	
Direct TCEQ to modify its approach to nuisance complaints to make better use of the agency’s investigative resources.	 Fully Implemented	

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Management Action	State Auditor’s Office Determination of the Implementation Status	State Auditor’s Office Comments ^a
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. As part of this recommendation, TCEQ should post this report on its website.	 Fully Implemented	
Direct TCEQ commissioners to take formal action on OPIC’s rulemaking recommendations.	 Fully Implemented	
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 Environmental Protection Agency.	 Fully Implemented	
Texas Commission on Law Enforcement (TCOLE)		
Direct TCOLE to work with Department of Public Safety to subscribe to rap backs on fingerprint-based criminal background checks for all licensure applicants and licensees.	 Fully Implemented	
Texas Juvenile Justice Department (TJJD)		
Direct TJJD to complete statutorily required regionalization duties that remain unfinished or underdeveloped.	 Fully Implemented	
Texas State Soil and Water Conservation Board (TSSWCB)		
Direct TSSWCB to establish and update its policies for administering the dam structural repair program by January 1, 2023. The agency should report back to the Sunset Commission on the implementation status of the policies, whether fully implemented or not, by January 1, 2023.	 Fully Implemented	

^a A Report on the Implementation of Sunset Advisory Commission Management Actions | 25-003 October 2024

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Management Action	State Auditor’s Office Determination of the Implementation Status	State Auditor’s Office Comments ^a
Direct TSSWCB to maintain a centralized master file system for dam structural repair grants. The agency should implement the centralized master file system by January 1, 2023, and report back to the Sunset Commission on the implementation status, whether fully implemented or not, by January 1, 2023.	 Fully Implemented	
Direct the TSSWCB board to approve all grants and contracts over \$1 million. The agency should implement this by January 1, 2023, and report back to the Sunset Commission on the implementation status, whether fully implemented or not, by January 1, 2023.	 Fully Implemented	
Direct TSSWCB to proactively inform dam sponsors and co-sponsors about dam structural repair funding availability. The agency should implement this by January 1, 2023, and report back to the Sunset Commission on the implementation status, whether fully implemented or not, by January 1, 2023.	 Fully Implemented	
Direct TSSWCB to develop a board member recusal policy, including a written explanation for the recusal.	 Fully Implemented	
Direct TSSWCB to improve its district director training, including providing a training manual the directors would have to attest to receiving and reviewing annually.	 Fully Implemented	
Direct TSSWCB to adopt a policy guiding its rule review process.	 Fully Implemented	
Direct TSSWCB to recertify its records retention schedule and develop a records retention policy.	 Fully Implemented	

^a A Report on the Implementation of Sunset Advisory Commission Management Actions | 25-003 October 2024

Management Action	State Auditor’s Office Determination of the Implementation Status	State Auditor’s Office Comments ^a
<p>Direct TSSWCB to include, within their 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. The annual report should include, either in the main body or an appendix, a list of total applications and funding applied for by program area, the number of grants awarded and the funding amount, and a list of grant recipients (as allowable under confidentiality requirements in Texas Agriculture Code, Section 201.006).</p>	<p style="text-align: center;">  Fully Implemented </p>	
Texas Water Development Board (TWDB)		
<p>Direct TWDB to develop a plan to prioritize improving its project review process to eliminate inefficiencies and inconsistencies.</p>	<p style="text-align: center;">  Fully Implemented </p>	
<p>Direct TWDB to adopt a rule review plan.</p>	<p style="text-align: center;">  Fully Implemented </p>	
Upper Guadalupe River Authority (UGRA)		
<p>Direct UGRA to improve its contracting processes to ensure sufficient consistency and transparency.</p>	<p style="text-align: center;">  Incomplete/Ongoing </p>	<p>UGRA implemented all areas of the recommendation in its contracting process except for contractor performance monitoring policies. UGRA asserted that it has already revised its Contractor Performance Form, which is part of its procurement process. Also, UGRA noted that it will revise the procurement policy in its annual administrative policies (documented in November 2024) to implement contractor performance monitoring policies.</p>
<p>Direct UGRA’s board to develop and adopt a reserve fund balance policy.</p>	<p style="text-align: center;">  Fully Implemented </p>	

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Management Action	State Auditor's Office Determination of the Implementation Status	State Auditor's Office Comments ^a
<p>^a Auditors reviewed the Sunset Advisory Commission's <i>Final Results of Sunset Reviews 2022-23</i> report to the 88th Legislature, the Sunset Advisory Commission's entity-specific staff reports, and supporting documentation provided by the entities to determine the implementation status of selected management actions for the 9 state entities included in this table. The Sunset Advisory Commission's reports include further details related to the management actions, such as the intent of the management actions and additional actions for implementation of each recommendation. Auditors also consulted with Sunset Advisory Commission staff in making determinations on the implementation status for some management actions. Sunset Advisory Commission reports are available online at 2022-2023 Review Cycle Texas Sunset Advisory Commission.</p> <p>^b After being informed of the auditors' determination of implementation status, the Lavaca-Navidad River Authority and the San Antonio River Authority provided additional information and asserted that they had addressed the outstanding areas.</p>		

Chapter 2 Entities' Self-reported Status

Figure 3 summarizes the implementation status that entities self-reported for 85 nonstatutory recommendations (management actions) directed to 10 state entities in the Sunset Advisory Commission's *Final Results of Sunset Reviews 2022-23* report to the 88th Legislature (Final Report) and related Sunset Advisory Commission's staff reports to each entity as of August 2024.

Figure 3

Summary of Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions

Entity	Total Number of Management Actions	Fully Implemented	Substantially Implemented	Incomplete or Ongoing	Not Implemented
Lavaca-Navidad River Authority	6	6	0	0	0
Public Utility Commission of Texas ^a					
Electric Reliability Council of Texas	20	13	0	7	0
Office of Public Utility Counsel					
San Antonio River Authority	7	4	0	3	0
Texas Commission on Environmental Quality	14	11	0	3	0
Texas Commission on Law Enforcement	2	2	0	0	0
Texas Economic Development and Tourism Office ^b					
Office of State-Federal Relations	4	0	3	1	0
Texas Juvenile Justice Department ^c					
Office of the Independent Ombudsman	14	11	1	2	0
Texas State Soil and Water Conservation Board	9	9	0	0	0
Texas Water Development Board	7	6	0	1	0
Upper Guadalupe River Authority	2	2	0	0	0
Total	85	64	4	17	0

These individual entities are listed as one entity because the Sunset Advisory Commission reported them in one chapter in its *Final Results of Sunset Reviews 2022-23* report to the 88th Legislature:





^a Public Utility Commission of Texas, Electric Reliability Council of Texas, and Office of Public Utility Counsel.

^b Texas Economic Development and Tourism Office and the Office of State-Federal Relations.

^c Texas Juvenile Justice Department and Office of the Independent Ombudsman.

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Figure 4 presents information on all of the entities’ self-reported status of the implementation of management actions in the Commission’s Final Report and staff reports. The State Auditor’s Office requested that the entities report the status of implementation of these management actions as of June 2024. Some entities updated implementation status and associated comments after receiving the draft of this report for review in August 2024.

Implementation Status Definitions	
	Fully Implemented: Successful development and use of a process, system, or policy to implement a recommendation.
	Substantially Implemented: Successful development but inconsistent use of a process, system, or policy to implement a recommendation.
	Incomplete or Ongoing: Ongoing development of a process, system, or policy to address a recommendation.
	Not Implemented: Lack of a formal process, system, or policy to address a recommendation.




Auditors did not perform work to determine the implementation status of the management actions except for those identified by footnote a in Figure 4.

Figure 4





Entities’ Self-reported Status of Implementation of Sunset Advisory Commission Management Actions

Management Action	Self-reported Implementation Status	Entity Comments
Lavaca-Navidad River Authority (LNRA)		
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. ^a	 Fully Implemented	“CDPP Operating Procedures Revised LNRA Board Policy 701 - Economic Development and Community Services, 701.602 CDPP Review Committee.”
Direct LNRA to establish and document in writing the goals, terms, and conditions for partnership grants. ^a	 Fully Implemented	“LNRA Board Policy 701 - Economic Development and Community Services, 701.604 Grant Documentation CDPP Grant Application Revised.”
Direct LNRA to establish policies and procedures for formally monitoring grant awardees. ^a	 Fully Implemented	“LNRA Board Policy 701 - Economic Development and Community Services, 701.606 Project Monitoring.”
Direct LNRA to develop policies to consider the past performance of grantees before awarding future grants. ^a	 Fully Implemented	“CDPP Grant Application Revised CDPP Scoring Sheet Revised.”





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Management Action	Self-reported Implementation Status	Entity Comments
Direct LNRA to create and publish policies and procedures governing the service grant and publicly post information about the grant. ^a	 Fully Implemented	“LNRA Board Policy 701 - Economic Development and Community Services Community Services Program (CSP Application LNRA Website (www.lnra.org) www.lnra.org/community/community-development-partnership-program Social Media and Local Newspaper”
Direct LNRA to develop and implement a reserve fund balance policy. ^a	 Fully Implemented	“LNRA Board Policy 402- Budget and Audit, 402.202 Reserve Fund.”
Public Utility Commission of Texas (PUC), Electric Reliability Council of Texas (ERCOT), and Office of Public Utility Counsel (OPUC)		
<p>Authorize PUC to issue directives to ERCOT through written memos and orders adopted by a majority vote of the commission, and require PUC to use rulemakings or 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 other urgent situation and require all verbal directives be documented in writing no later than 72 hours after the urgent or emergency situation ends.</p> <p>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.</p>	 Fully Implemented	







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Management Action	Self-reported Implementation Status	Entity Comments
<p>Consolidate the Report on Constraints and Needs with other key information into a new Electric Industry Report. Specifically, this new report will not only include information previously contained in the Report on Constraints and Needs but will summarize key findings from the Long-Term System Assessment Report and Grid Reliability Assessment. The Electric Industry Report will also clearly outline other basic information about the electric grid and market in Texas, such as generation capacity, customer demand, and transmission capacity currently installed on the grid and expected in the future. Require ERCOT, in coordination with PUC, to submit the Electric Industry Report to the Legislature by January 15 of odd-numbered years. The report must be presented in plain language that is readily understandable by a person with limited knowledge of the industry.</p>	<p> Incomplete/Ongoing</p>	<p>“This is part of the efforts for the Biennial Agency report. Staff met with ERCOT and will be collaborating closely to accomplish this task. The PUC Communications team helping to make sure it is in plain language.”</p>
<p>Direct PUC to develop a state reliability standard no later than May 1, 2023.</p>	<p> Incomplete/Ongoing</p>	<p>“PUC will adopt the reliability standard at the 8/29/24 open meeting (agenda item P-54584).”</p>
<p>Direct ERCOT to re-evaluate its performance measures, with input from PUC.^a</p>	<p> Fully Implemented</p>	<p>“On November 15, 2023, the Commission ordered ERCOT to provide quarterly reports on key performance measures related to Commission priorities. Since the PUC order, ERCOT has filed an update on the status of those performance measures.”</p>
<p>Direct PUC, in coordination with ERCOT, to approve assumptions used in electric industry reports.^a</p>	<p> Fully Implemented</p>	<p>“ERCOT and PUC staff continue to meet regularly and communicate about upcoming reports. ERCOT recently requested and received Commission guidance on assumptions used associated with the reliability standard analysis.”</p>


^a *A Report on the Implementation of Sunset Advisory Commission Management Actions* | 25-003 October 2024

Management Action	Self-reported Implementation Status	Entity Comments
Direct the commission to develop policies regarding separating commissioner roles and responsibilities. ^a	 Fully Implemented	"PUC staff updated the commissioner training handbook to explain the separate commissioner roles and responsibilities. All PUC Commissioners completed their trainings by 1/23/2024." "In August 2024, the PUC documented policies that: <ul style="list-style-type: none"> clarify the roles and responsibilities among commissioners, outline how the commission will establish and track priorities, establish a process for information sharing among commissioners including requesting information or assistance from staff, establish a process to submit formal comments to federal agencies, and separate commission policy functions from staff's day-to-day operations."
Direct PUC and ERCOT to create a guidance document to better coordinate public communications. ^a	 Fully Implemented	"In June, ERCOT launched the Texas Advisory and Notification System (TXANS). TXANS allows ERCOT to communicate earlier with the public about grid conditions. ERCOT has created a coordinated communication document. PUC using similar language, currently internal review."
Direct PUC to provide up-to-date, easily accessible information as part of its current website redesign efforts.	 Fully Implemented	"PUC staff created a responsive website for optimized mobile use and updated the website to use heat-mapping to track real-time user experience and make highest traffic functions most accessible. Staff continues to make aesthetic and operational improvements."
Direct PUC to prepare minutes of commission meetings and provide them on its website.	 Incomplete/Ongoing	"Currently, transcripts are available in Central Records upon request. The AdminMonitor archives all the videos of meetings, which are available with or without closed captioning. The template for minutes has been developed and refined, and we will begin the process of posting the minutes to the agency's website in September, 2024."







DETAILED RESULTS





Management Action	Self-reported Implementation Status	Entity Comments
Direct PUC to comprehensively review its water and wastewater rules, processes, and guidance documents to identify and address areas for improvement.	 Incomplete/Ongoing	<p>“Staff is currently focused on implementing statutory changes made in the 87th and 88th Legislative Sessions. Staff is exploring grouping rulemakings and updating forms to expedite water utility transactions, Title 16 Texas Admin Code, Chapter 24. Infrastructure team working on updating forms.</p> <p>Our water efforts are ongoing. In terms of tracking progress, from a rule’s perspective, we have adopted the following rules since 2023, and are continuously analyzing and booting up new water rules. This includes Project No. 56223, review of 24.233 and 24.245, which was published in the Texas Register on May 10, 2024. My team has several other water and sewer rulemakings that it is currently preparing for publication.”</p>
Direct PUC to develop a plan to prioritize improving its case data collection and analysis.	 Incomplete/Ongoing	<p>“Two Full-Time Equivalents have been hired in the information technology division, a business analyst and project manager, to assist in completing this management action. IT has engaged DIR to assist with developing a plan and cost estimate in preparation for including a case management system in next LAR. IT has worked with DIR to attend demonstrations of various products. The PUC is on track to include a request for funding in the upcoming LAR. If funding is approved, the PUC would seek to start this project in FY26.”</p>
Direct PUC’s Legal Division and Office of Policy and Docket Management to develop comprehensive policies and procedures.	 Incomplete/Ongoing	<p>“Legal Division - FTE legal special projects coordinator hired May 2024 in the Legal Division. The PUC Legal Division is working internally to accomplish the directed management action with an estimated draft available in 6-7 months.”</p> <p>“OPDM - In progress.”</p>
Direct PUC to create and maintain a precedent manual, prioritizing rulings related to water and wastewater regulation.	 Incomplete/Ongoing	<p>“An initial draft template for a precedent manual was circulated with key stakeholders and refined. PUC is on track to publish its precedent manual on the agency website in September 2024.”</p>
Direct PUC to update its contract manager guide and handbook.	 Fully Implemented	<p>“PUC staff has completed the updated contract manager guide and handbook, which has been posted to the PUC website here: https://ftp.puc.texas.gov/public/puct-info/agency/about/procurement/PUCT_Contract_Manual.pdf. Additional training was created to go with the new manual.”</p>
Direct PUC to update its policy guiding the agency’s rule review process to ensure identified deficiencies in the rules are addressed. ⁹	 Fully Implemented	<p>“PUC staff has redesigned and documented its rule review process to ensure a meaningful review of each rule Chapter. Staff has already completed three rule review proceedings using this new methodology in which it amended or repealed 96 rules including a review of its Chapter 26 (Project # 54589) substantive telecommunications rules.”</p>



DETAILED RESULTS

Management Action	Self-reported Implementation Status	Entity Comments
<p>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.</p>	<p> Fully Implemented</p>	<p>“Based on expected needs at time of budgeting, ERCOT included appropriate funding in its 2024-2025 budget request to conduct robust economic analyses for transmission planning and other market or planning studies requiring economic analysis.</p> <p>The incremental budget request dollars and headcount are in pages 34-50 of the budget request submission filing materials. Systems Operations starts on page 41, Commercial Operations starts on page 44, and System Planning & Weatherization starts on page 46.</p> <p>1) The budget request was submitted on August 25, 2023. It is item 51 in control number 38533.</p> <p>2) The budget was approved by the PUC on November 15, 2023. It is item 68.”</p>
<p>Direct OPUC to formalize and document certain contracting processes for legal expert witnesses. At a minimum, OPUC should conduct a formal analysis for outsourcing legal expert witnesses.</p>	<p> Fully Implemented</p>	<p>“OPUC fully implemented and completed a formal analysis for outsourcing legal expert witnesses on 3/23/2023.”</p>
<p>Direct OPUC to formalize and document certain contracting processes for legal expert witnesses. At a minimum, OPUC should publish a request for qualifications at least once and if successful, should continue the practice periodically to expand its pool of potential expert witnesses.</p>	<p> Fully Implemented</p>	<p>“OPUC published a Request for Qualifications (RFQ) on 5/01/2023 to the State's ESBD system. OPUC received no responses to this request.”</p>
<p>Direct OPUC to formalize and document certain contracting processes for legal expert witnesses. At a minimum, OPUC should require signed conflict of interest statements from experts.^a</p>	<p> Fully Implemented</p>	<p>“OPUC fully implemented on 12/21/2022 and requires legal expert witnesses to sign a conflict of interest statement contained within the contract.”</p>
<p>Direct OPUC to formalize and document certain contracting processes for legal expert witnesses. At a minimum, OPUC should document expert witness performance and use information regarding expert witness performance, particularly when considering future contract awards.^a</p>	<p> Fully Implemented</p>	<p>“OPUC fully implemented on 3/09/2023 and requires documentation of the expert witness performance at the end of the contract.”</p>




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Management Action	Self-reported Implementation Status	Entity Comments
San Antonio River Authority (SARA)		
Direct SARA to conduct more comprehensive, inclusive strategic planning.	 Incomplete/Ongoing	“The San Antonio River Authority Board Directors will take action on the new five-year strategic plan on September 18, 2024.”
Direct SARA to establish guidelines for evaluating and selecting projects and publish them on its website.	 Incomplete/Ongoing	“The River Authority Project webpage has the project idea to project adoption process posted and also a public comment / question email available for the public to suggest ideas or ask questions about ongoing projects: https://www.sariverauthority.org/services/projects/?fwp_project_status=active The adoption of the five-year strategic plan will inform future project selection.”
Direct SARA to publish more digestible information about its tax revenue spending and rate setting process on its website. ^a	 Fully Implemented	“1) New website launched February 1, 2024, which provides digestible information. https://www.sariverauthority.org/about/finance/ 2) Budget process timeline including tax rate setting has been posted to the "Annual Budget" tab on the website: https://www.sariverauthority.org/about/finance/ ”
Direct SARA’s board to update its fund balance policy.	 Incomplete/Ongoing	“The River Authority appreciates the Sunset Advisory Commission identifying this need to update the fund balance policy. It is slated to be reviewed, updated, and adopted before the end of the second quarter of 2025.”
Direct SARA to review its relationships with affiliated nonprofits every five years.	 Fully Implemented	“River Authority has amended agreement with the San Antonio River Foundation on June 15, 2022.”
Direct SARA to develop a policy governing the support its staff can provide to nonprofits. ^a	 Fully Implemented	“Policy HR 0050 effective July 1, 2022.”

Management Action	Self-reported Implementation Status	Entity Comments
<p>Direct SARA to improve its contracting processes to ensure sufficient consistency and transparency.^a</p>	<p> Fully Implemented</p>	<p>“1) The contracting page of our website has been updated as of February 1, 2024: https://www.sariverauthority.org/about/contracting/</p> <p>2) Purchased and implemented procurement software B2Gnow® that collects vendor data and tracks utilization and payments to subcontractors. This allows the River Authority to monitor and assess the performance of all subcontractors across all contracts including local and small businesses.</p> <p>3) Implemented Texas' Vendor Performance Tracking System (VPTS) to our procurement checklist before awarding a business or before adding a new vendor to our database.</p> <p>4) Completed an independent review of Historically Underutilized Business Program.</p> <p>5) Internal policies updated.</p> <p>5A) Updated internal staff policies on the Selection Monitoring and Evaluation of Professional Services (FN0001) on February 21, 2024.</p> <p>5B) Purchasing Procedures (FN0009) on January 7, 2024.</p> <p>6) A Standard Operating Procedure was adopted on February 16, 2022 regarding Vendor Debarment and Suspension.</p> <p>7) A Standard Operating Procedure was adopted on Interlocal Agreements on May 1, 2024.”</p>
Texas Commission on Environmental Quality (TCEQ)		
<p>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.</p>	<p> Incomplete/Ongoing</p>	<p>“This item is anticipated to be scheduled for Commissioners’ Agenda in September 2024.”</p>
<p>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.</p>	<p> Incomplete/Ongoing</p>	<p>“The guidance is still in draft but anticipated to be complete in the next couple of months.”</p>
<p>Direct TCEQ to adopt a policy guiding its rule review process to ensure that identified deficiencies in the rules are addressed.^a</p>	<p> Fully Implemented</p>	<p>“https://www.tceq.texas.gov/downloads/rules/current/quad-review-policy.pdf”</p>

Management Action	Self-reported Implementation Status	Entity Comments
<p>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.</p>	<p> Fully Implemented</p>	<p>“This item has been fully implemented. TCEQ completed an evaluation of its use of advisory committees to determine if there’s an opportunity to take additional measures to enhance public involvement. Several committees will implement changes to notify the public of opportunities to participate in advisory committees that may enhance public involvement.</p> <p>The rulemaking regarding continuation of advisory committees by rule was adopted at Commissioners' Agenda on June 16, 2023.”</p>
<p>Direct TCEQ to review and update the agency’s compliance history rating formula to ensure it accurately reflects a regulated entity’s record of violations, including considerations of site complexity and cumulative violations or multiple violations of the same type. TCEQ should specifically consider major, moderate, and repeat occurrences of the same minor violations when calculating compliance history ratings. Finally, TCEQ should regularly update an entity’s compliance history rating throughout the year as the agency receives additional information that could alter the rating.</p> <p>When updating the agency’s compliance history rating formula, TCEQ should determine whether its current formula adequately allows for comparing the compliance performance of facilities of similar complexity. If TCEQ determines that the current formula does not meaningfully assess compliance performance among complex facilities, the agency should develop a separate compliance history rating formula for facilities that are sufficiently complex to warrant application of a separate formula.</p> <p>Also, direct TCEQ to re-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.</p>	<p> Incomplete/Ongoing</p>	<p>“The Compliance History workgroup evaluated the frequency of updating an entities compliance history rating. The work group also continues to evaluate the formula to consider necessary changes. Any revisions to the formula will require rule changes to 30 TAC Chapter 60 Compliance History. This proposal is expected in Fall of 2024. The rulemaking process will include a public comment hearing and written comment period. Rule adoption is expected in the Fall of 2025. Information technology changes may be necessary to implement the final changes to the formula.”</p>

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Management Action	Self-reported Implementation Status	Entity Comments
Direct TCEQ to reclassify recordkeeping violations based on the potential risk and severity of the violation.	 Fully Implemented	"This item is now fully implemented. Effective 9/4, investigators are using the revised enforcement initiation criteria."
Direct TCEQ to develop and implement clear guidance to evaluate affirmative defense requests for air emissions. TCEQ is also directed to establish a centralized committee of agency staff authorized to review and approve all applications for an affirmative defense related to unauthorized air pollution emissions. ^a	 Fully Implemented	"Part I - Affirmative defense guidance is posted on TCEQ's public website here: https://tceq.texas.gov/downloads/compliance/investigations/assistance/affirmative-defense-questions-guidance_20240601.pdf and https://tceq.texas.gov/downloads/compliance/investigations/assistance/emissions-events-commonly-asked-questions_20240601.pdf ." "Part 2 - Centralized Emissions Event Review Section created in Office of Compliance and Enforcement Critical Infrastructure Division."
Direct TCEQ to modify its approach to nuisance complaints to make better use of the agency's investigative resources. ^a	 Fully Implemented	"New processes and procedures were implemented. The public webpage has been updated to be more user friendly and provide clearer information to the public and can be found here: Who Can Help With Your Environmental Complaint. https://www.tceq.texas.gov/compliance/complaints/jurisdiction The new complaint intake form is here: https://www.surveymonkey.com/r/Environmental_Complaints , available on the Make an Environmental Complaint webpage. https://www.tceq.texas.gov/compliance/complaints/index.html The updated complaint manual on our public webpage here: Complaint Manual. https://www.tceq.texas.gov/downloads/compliance/complaints/protocols/gi-602.pdf In addition, an Internal ShareNet complaint page was developed to provide information on complaint procedures to employees."
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. As part of this recommendation, TCEQ should post this report on its website. ^a	 Fully Implemented	"The report is posted – https://www.tceq.texas.gov/downloads/permitting/water-rights/wams/water-availability-model-status-september-2023.pdf "






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Management Action	Self-reported Implementation Status	Entity Comments
Direct Office of Public Interest Counsel (OPIC) to consider developing and using umbrella contracts to procure expert assistance.	 Fully Implemented	"Discussion on pages 7-8 in the report below: https://www.tceq.texas.gov/downloads/agency/decisions/agendas/backup/2023/2023-0808-mis.pdf "
Direct TCEQ commissioners to take formal action on OPIC's rulemaking recommendations. ^a	 Fully Implemented	"The commission has implemented and will continue to implement this recommendation. Initially implemented at agenda held 9/27/23 during which the commissioners considered OPIC's annual report containing a rule change request."
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.	 Fully Implemented	"This item has been fully implemented. TCEQ has implemented a procedure for its response to comments process that upon receiving comments not under the jurisdiction of the agency, it will provide information on the agency or organization with the relevant jurisdiction."
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. ^a	 Fully Implemented	" https://www.tceq.texas.gov/downloads/remediation/publications/sfr-129-report-to-the-legislature-on-tceq-title-vi-efforts-and-epa-agreement-x.pdf "
Direct TCEQ to consider developing Spanish language versions of its online form through which individuals may submit a complaint.	 Fully Implemented	" https://surveymonkey.com/r/Environmental_Complaints?lang=es_US "
Texas Commission on Law Enforcement (TCOLE)		
Direct TCOLE to work with Department of Public Safety to subscribe to rap backs on fingerprint-based criminal background checks for all licensure applicants and licensees. ^a	 Fully Implemented	"TCOLE is subscribed with the Department of Public Safety to receive rap backs on fingerprint-based criminal background checks for all licensure applicants and licensees."
Direct TCOLE, in consultation with the Health and Human Services Commission and the Department of Public Safety, to report on what the requirements would be for peace officers and 911 dispatchers to access the Continuity of Care Query system.	 Fully Implemented	"TCOLE submitted the provided memo to the members of the Sunset Advisory Committee, the House Committee on Homeland Security and Public Safety, and the Senate Committee on Criminal Justice on May 18, 2023, outlining the procedural and statutory changes that would need to be implemented for peace officers and 911 dispatchers to have access to the Continuity of Care Query (CCQ) system."

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Texas Economic Development and Tourism Office (EDT) and the Office of State-Federal Relations (OSFR)		
EDT should consider adjusting its community tourism assessment procedures to improve their efficiency and expand their impact.	 Substantially Implemented	“Community assessment procedures are being incorporated as part of the Tourism Friendly Community designation program and will have new procedures when that program is fully established.”
EDT should consider increasing accessible research and educational opportunities for communities attempting to boost their tourism economies.	 Substantially Implemented	“Accessible research and educational opportunities are being expanded as part of the Tourism Friendly Community designation program and will have new procedures when that program is fully established.”
EDT should consider creating a Tourism Friendly Community designation to foster additional economic development across Texas.	 Substantially Implemented	“EDT has created and launched the Tourism Friendly Community program and is in the first year of implementation. The program will be fully implemented as communities begin to complete the program.”
OSFR should consider opportunities for improving the distribution process for its weekly update.	 Incomplete/Ongoing	“The Office is exploring ways to improve its distribution process.”
Texas Juvenile Justice Department (TJJD) and the Office of the Independent Ombudsman (OIO)		
Direct TJJD to complete statutorily required regionalization duties that remain unfinished or underdeveloped. ^a	 Fully Implemented	<p>“Requirements included:</p> <ul style="list-style-type: none"> - Redirect adequate staff to implement the regionalization plan: The agency completed hiring for regional program administrators who represent each individual region in October 2023. See https://www.tijd.texas.gov/index.php/regionalization#contacts - Analyzing agency data to provide JPDs guidance on outcome measures for regionalization: TJJD regularly shares relevant data with the probation field including monthly commitment and Regional Diversion Alternative (RDA) application data; annual county fact sheets; and annual admission profile data (which was also discussed with the probation field's Regionalization Task Force in Spring 2024). - Reporting on performance of specific programs: The agency reports this information in the Facility Handbook. The handbook is located online here: https://www.tijd.texas.gov/wp-content/uploads/2024/02/FacilityHandbook_V3.pdf - Evaluate data submission requirements and update Sunset by 3/1/23: Sunset staff received this analysis from the agency by March 1, 2023, during the previous legislative session.”

^a A Report on the Implementation of Sunset Advisory Commission Management Actions | 25-003 October 2024



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Management Action	Self-reported Implementation Status	Entity Comments
Direct TJJJ to seek guidance from the State Office of Risk Management to develop strategies for addressing and minimizing employee injuries.	 Fully Implemented	"TJJJ and SORM meet on a regular basis to discuss risk management best practices. Meetings include site visits to specific TJJJ facilities, workers' compensation training provided by SORM to TJJJ's HR and risk management staff; a claims roundtable with various TJJJ teams and leadership; a risk management safety summit at a secure facility; regular continuity council meetings; and policy review assistance."
Direct the board to evaluate and update its own policies and practices to more efficiently and effectively perform its duties.	 Fully Implemented	"The Board Governance and Policy Manual was developed with and approved by the board's Executive and Governance Committee. Relevant rules impacting the contents of the manual were approved by the board at a public meeting on August 9. The manual itself, which reflected previously adopted rule changes and other Sunset-related directives, was approved by the board at a public meeting on August 27. The board will review and approve the manual on a four-year basis (at a minimum) to align with rule review requirements."
Direct TJJJ to adopt a four-year rule review plan and rules that are required by statute.	 Fully Implemented	"This recommendation has been fully implemented. Rules regarding board proceedings were approved by the board at a public meeting on August 9, and the agency updated its internal policy on rulemaking to reflect the rule review process during the summer of 2024."
Direct TJJJ 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.	 Substantially Implemented	"TJJJ is working directly with OAG to pursue trust modifications. Related petitions have been filed and are following the typical court proceeding process."
Direct TJJJ to comply with statutory requirements by developing rules and procedures regarding certification of military service members, veterans, and military spouses.	 Fully Implemented	"This recommendation has been fully implemented. Relevant rules went into effect on September 1. Before this effective date, the agency hosted a webinar to ensure county partners and other stakeholders understood new requirements and procedures."
Direct TJJJ to develop a formal process to refer nonjurisdictional complaints to the appropriate agency.	 Fully Implemented	"This recommendation is fully implemented. OIG and OGC have updated their procedures and provided sample data."
Direct TJJJ to improve and update its website content.	 Fully Implemented	"This recommendation is fully implemented. The new website launched on July 23, 2024. You can find a link to it here: https://www.tjjd.texas.gov/ "

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Management Action	Self-reported Implementation Status	Entity Comments
<p>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.</p>	<p> Fully Implemented</p>	<p>“Board members and agency staff collect feedback on the Texas Model (the agency’s foundational approach to culture change, system unification, and juvenile justice service delivery) in a variety of ways, including:</p> <ul style="list-style-type: none"> - Distribution and analysis of the staff survey on an annual basis. An update on the most recent survey results and resulting actions was provided to the board by the agency’s research team in May 2024. - Distribution and analysis of the youth survey twice per year. - Distribution and analysis of the customer service survey on a biennial basis. An update on survey results and resulting actions was provided to the board by the agency’s research team in May 2024 and included in the board-approved strategic plan submitted in June 2024. - During weekly trainings, routine facility visits, site-specific town halls, and discussions with oversight staff (particularly the Monitoring and Inspections Division which conducts camera reviews of facility practices). - During meetings held with probation partners, including director updates at meetings and conferences held for the Advisory Council on Juvenile Services, Presidents’ Council, regional chief groups, and professional associations.”
<p>Direct TJJD to consult with the Office of the Inspector General and Special Prosecution Unit before discharging from custody or releasing under supervision a youth committed to TJJD without a determinate sentence who has completed their minimum length of stay but is:</p> <ol style="list-style-type: none"> Alleged by a pending petition to have committed a felony while in TJJD’s custody; or Under indictment for a felony that occurred while in TJJD’s custody. 	<p> Fully Implemented</p>	<p>“TJJD’s Release Review Panel consults with OIG and SPU before making certain release or discharge decisions, including those required by the Sunset management action. On a weekly basis, OGC reaches out to both entities to provide information on upcoming reviews and youth with pending OIG cases. OIG and SPU may then provide updates on the status of any relevant youth cases. Additional communication occurs about specific youths’ cases as court dates are set and/or reset, as well as when release or extension decisions have been finalized following collaboration between the entities.”</p>

DETAILED RESULTS





Management Action	Self-reported Implementation Status	Entity Comments
<p>Direct TJJJ, in consultation with the Advisory Council on Juvenile Services and the Department of Family and Protective Services, to develop written comments describing the implementation status of HB 932 and HB 1521 passed by the 85th Texas Legislature. The comments should discuss barriers to efficiently share information about youth who are dually involved in the juvenile justice and child welfare systems, as well as recommendations to improve data request and response processes. The agency should provide these written comments to the Sunset Commission and legislative committees with primary jurisdiction over TJJJ by January 6, 2023.</p>	<p> Fully Implemented</p>	<p>“The agency provided the required written comments to the Sunset Commission and relevant legislative committees on January 6, 2023. Additionally, the agency has been working closely with partners at DFPS and HHSC to improve information-sharing practices and identify opportunities for increased collaboration.”</p>
<p>Direct Office of the Independent Ombudsman (OIO) to formalize its policies and procedures for including key site visit findings and trends in its quarterly reports.</p>	<p> Incomplete/Ongoing</p>	<p>“This recommendation will be fully implemented for quarterly reports produced during fiscal year 2025. A new Chief Ombudsman was appointed in March 2024. During the first months of his tenure, he evaluated agency processes and developed a new structure for quarterly reports to ensure these documents provide meaningful trend information that can influence systemwide decision making.”</p>
<p>Direct OIO to create policies and procedures for consistently collecting and tracking findings from its site visits.</p>	<p> Incomplete/Ongoing</p>	<p>“OIO requires a data analyst to fully implement this recommendation. A request for an additional FTE to perform the required data analysis was included the TJJJ/OIO LAR. The LAR is due to the LBB on August 31.”</p>
<p>Direct OIO to develop clear procedures for referring and tracking nonjurisdictional complaints regarding licensed professionals to relevant state agencies for further inquiry.</p>	<p> Fully Implemented</p>	<p>“This recommendation is fully implemented. OIO has updated its procedures.”</p>
Texas State Soil and Water Conservation Board (TSSWCB)		
<p>Direct TSSWCB to establish and update its policies for administering the dam structural repair program by January 1, 2023. The agency should report back to the Sunset Commission on the implementation status of the policies, whether fully implemented or not, by January 1, 2023.^a</p>	<p> Fully Implemented</p>	<p>“The TSSWCB consulted with stakeholders and produced a policies and procedures manual for the Flood Control Structural Repair Program. The manual was adopted by the State Board initially on 1/9/2023, and updated again on September 7, 2023. The manual includes all applicable agency policies, as well as program processes, goals, objectives, funding sources, application process, program deadlines, and ranking criteria. The TSSWCB submitted a formal report to the Sunset Advisory Commission on January 1, 2023.”</p>




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Management Action	Self-reported Implementation Status	Entity Comments
<p>Direct TSSWCB to maintain a centralized master file system for dam structural repair grants. The agency should implement the centralized master file system by January 1, 2023, and report back to the Sunset Commission on the implementation status, whether fully implemented or not, by January 1, 2023.^a</p>	<p> Fully Implemented</p>	<p>“The Flood Control Database (FCDB) was identified as a solution to address collecting and analyzing the information provided at different stages of dam projects and be able to provide an overall picture of the Flood Control Program. The FCDB can collect and store technical and financial data for each dam and present this information in a web-accessible and user-friendly manner. It is a long-term solution to organize a complex program with many dynamic parts. The TSSWCB contracted with Texas A&M University – Spatial Sciences Laboratory to develop the application.”</p>
<p>Direct the TSSWCB board to approve all grants and contracts over \$1 million. The agency should implement this by January 1, 2023, and report back to the Sunset Commission on the implementation status, whether fully implemented or not, by January 1, 2023.^a</p>	<p> Fully Implemented</p>	<p>“The TSSWCB had an existing State Board-approved policy on the separation of duties and responsibilities between the State Board and agency staff. The TSSWCB determined this was an applicable policy to modify so that it also directs the Executive Director and agency staff to bring any agency contract larger than \$1 million to the State Board for approval prior to contract execution. This policy amendment was approved by the State Board for their consideration on December 15, 2022.”</p>
<p>Direct TSSWCB to proactively inform dam sponsors and co-sponsors about dam structural repair funding availability. The agency should implement this by January 1, 2023, and report back to the Sunset Commission on the implementation status, whether fully implemented or not, by January 1, 2023.^a</p>	<p> Fully Implemented</p>	<p>“The TSSWCB made contact with every local sponsor of each eligible dam. A single point of contact was identified for each entity and was added to the TSSWCB’s previously existing list-serve mailing group for grant program announcements.”</p>
<p>Direct TSSWCB to develop a board member recusal policy, including a written explanation for the recusal.^a</p>	<p> Fully Implemented</p>	<p>“The TSSWCB approved a board member recusal policy at their October 24, 2022, meeting.”</p>
<p>Direct TSSWCB to improve its district director training, including providing a training manual the directors would have to attest to receiving and reviewing annually.^a</p>	<p> Fully Implemented</p>	<p>“The TSSWCB reviewed all existing director training materials and developed an updated manual for Fiscal Year 2024. This manual was used during a large annual workshop for all directors on April 2-3, 2024. The attestation process began on November 7, 2023 and will conclude on August 30, 2024. Each district director is required to review the manual and complete an attestation form stating that they have received and reviewed the document. The attestation form is then submitted to the TSSWCB Headquarters Office.”</p>
<p>Direct TSSWCB to adopt a policy guiding its rule review process.^a</p>	<p> Fully Implemented</p>	<p>“The TSWCB approved a rule review policy at their October 24, 2022 meeting.”</p>

Management Action	Self-reported Implementation Status	Entity Comments
Direct TSSWCB to recertify its records retention schedule and develop a records retention policy. ^a	 Fully Implemented	“The TSSWCB has received recertification of the records retention schedule twice since the agency’s Sunset review.”
Direct TSSWCB to include, within their 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. The annual report should include, either in the main body or an appendix, a list of total applications and funding applied for by program area, the number of grants awarded and the funding amount, and a list of grant recipients (as allowable under confidentiality requirements in Texas Agriculture Code, Section 201.006). ^a	 Fully Implemented	“The TSSWCB included an attachment to the 2023 Annual Report titled <i>Funding Activities Related to Dam Safety Grants and Outreach, Nonpoint Source Pollution Grants, and Activities and Programs Related to On-The-Ground Conservation.</i> ”
Texas Water Development Board (TWDB)		
Direct TWDB to develop a plan to prioritize improving its project review process to eliminate inefficiencies and inconsistencies. ^a	 Fully Implemented	“The prioritization plan was developed and submitted by the December 31,2022 date. As part of the report/plan, a timeline for implementation of improvements was also developed. To date the timeline is substantially implemented. Implementation is 70% complete. Remaining tasks are related to User Acceptance Testing and implementation of the new project management tracking system as well as updating procedures and training of the new system.”
Direct TWDB to collect and analyze information about its financial assistance applicants and outreach efforts to better inform and more effectively target agency activities. The information collected and analyzed should include relevant water loss audit data and Texas Commission on Environmental Quality enforcement action data. Additionally, direct TWDB to work with the Legislative Budget Board to report money and projects awarded to rural and economically disadvantaged communities separately and not as a combined number as they currently record to reflect the agency’s efforts in those individual communities more accurately.	 Fully Implemented	“Information collected and utilized for marketing and prospect targeting includes internal data for water loss and external data from the Texas Commission on Environmental Quality (TCEQ). Water loss reporting is addressed when meeting with individual entity prospects seeking financial assistance. The TCEQ’s Unsolved Health-Based Reports and Financial, Managerial, and Technical Assistance referrals are used for mass marketing and cold calling, offering funding program opportunities. Since 2022, In-person Regional Financial Assistant Workshops that target small and rural communities have increased. Efforts to coordinate with advocacy organizations have also increased, including relationships with the Texas Rural Water Association, Association of Rural Communities in Texas, and Texas Rural Funders.”

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Management Action	Self-reported Implementation Status	Entity Comments
<p>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.</p> <p>Additionally, direct TWDB to use funds from the Rural Water Assistance Fund to contract with qualified outside entities to work with rural communities upon request of those communities to provide the needed expertise, services, and guidance to complete the application process when applying for TWDB funds.</p>	<p> Fully Implemented</p>	<p>“In March 2023, a financial assistance program outreach plan with goals, objectives, and reporting metrics was implemented. In addition, an agency-wide Outreach Committee, which includes representatives from all offices and divisions, was formed in October 2023. The Committee strives to lead efforts to promote agency programs, improve operations, and ensure its outreach efforts efficiently meet the needs and expectations of entities and citizens. As part of this effort, an agencywide outreach calendar was created; it is now regularly used by all outreach-related staff and by the agency’s Board members.</p> <p>The Water Utilities Technical Assistance Program (WUTAP) was approved by the Board in April 2024. The WUTAP provides technical assistance via pre-selected contractors to communities who have not been awarded TWDB funding prepare for submitting applications and project information forms. Prioritization was given to small and rural entities.”</p>
<p>Direct TWDB to update its policy regarding the separation of duties of board members from those of staff.</p>	<p> Fully Implemented</p>	
<p>Direct TWDB to adopt a rule review plan.^a</p>	<p> Fully Implemented</p>	
<p>Direct TWDB to work with the Legislative Budget Board to update the agency’s General Appropriations Act performance measures to include elements of the project review process, including, but not limited to: percentage of completed application reviews initiated within a set number of days since receipt, average length of time for bid document review, average time to process financial assistance applications, and percentage of outlay reports processed within a set number of days.</p> <p>Also, as part of this recommendation, TWDB would update the Sunset Commission on the results of its request by January 31, 2023.</p>	<p> Fully Implemented</p>	<p>“See General Appropriations Act 2024-2025, page 756 under 1. C.”</p>

Management Action	Self-reported Implementation Status	Entity Comments
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 to receive information and projections to identify regions of the state that are likely to experience severe drought or excessive rainfall.	 Incomplete/Ongoing	“Ongoing consultation with the State Climatologist is anticipated during each 5-year planning cycle. Timing for getting through the full process during a 5-year planning cycle, and then documenting how it should look going forward, is in large part dependent upon availability of the State Climatologist.”
Upper Guadalupe River Authority (UGRA)		
Direct UGRA to improve its contracting processes to ensure sufficient consistency and transparency. ^a	 Fully Implemented	“The procedure for contractor selection is outlined in the Procurement Policy which was approved by the UGRA Board in November 2023. The policy outlines contractor selection, contractor evaluation, purchasing, conflicts of interest, and other procedures to improve consistency. Forms to document the process have been developed as appropriate and are in use.”
Direct UGRA’s board to develop and adopt a reserve fund balance policy. ^a	 Fully Implemented	“The Fund Balance Policy was approved by the UGRA Board in March 2023 and assigned fund balances were adopted with the FY24 budget in September 2023. The fund balances are reported to the board in the financial report at each board meeting. The Fund Balance Policy was incorporated into the UGRA Administrative Policies document in November 2023 through board action.”
^a The SAO performed work to determine the implementation status of this management action; see Chapter 1 .		



APPENDICES

Appendix 1

Objective, Scope, and Methodology

Objective

The objective of this project was to report on the implementation status of the management actions included in the Sunset Advisory Commission’s *Final Results of Sunset Reviews 2022-23* report to the 88th Legislature. The Commission provided a list of 85 selected management actions to the State Auditor’s Office for this report.

Texas Government Code, Section 325.012(d), provides for the State Auditor’s Office’s examination of the nonstatutory recommendations (management actions) that the Sunset Advisory Commission (Commission) makes.

Scope

The scope of this project included 10 entities to which the Commission directed management actions in its reports to the 88th Legislature and the Commission’s staff reports to the entities. For the purpose of this project, auditors requested the implementation status of the management actions from each entity.

The following members of the State Auditor’s staff conducted this project:

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 • Jennifer Lehman, MBA, CIA, CISA, CFE, CGAP (Project Manager)
- Charles Guymon
- Kamil Helou
- Gabrielle Magadia, MACy, CFE
- Makoa Shibuya
- Heather Stearns
- Ann E. Karnes, CPA (Quality Control Reviewer)
- Courtney Ambres-Wade, CIA, CFE, CGAP (Audit Manager)

Methodology

The project methodology consisted of analyzing Commission reports and priority ratings and reviewing selected management actions that the entities self-reported as fully implemented. For the selected management actions, auditors reviewed the recommendations that the Commission included in its report to the 88th Legislature, related Commission staff reports to each entity, and the supporting documentation for evidence of an entity's implementation of the management actions.

While the entities self-reported the information in this report, the State Auditor's Office did not independently verify all of that information. This project was not an audit, and the information in this report was not subject to all of the tests and confirmations that would be performed in an audit. However, the information in this report was subject to certain quality control procedures to help ensure accuracy.



Copies of this report have been distributed to the following:

Legislative Audit Committee

The Honorable Dan Patrick, Lieutenant Governor, Joint Chair

The Honorable Dade Phelan, Speaker of the House, Joint Chair

The Honorable Joan Huffman, Senate Finance Committee

The Honorable Robert Nichols, Member, Texas Senate

The Honorable Greg Bonnen, House Appropriations Committee

The Honorable Morgan Meyer, House Ways and Means Committee

Office of the Governor

The Honorable Greg Abbott, Governor

Boards, Commissions, and Executive Management of the Following Entities

Electric Reliability Council of Texas

Lavaca-Navidad River Authority

Office of Public Utility Counsel

Office of State-Federal Relations

Office of the Independent Ombudsman (Texas Juvenile Justice Department)

Public Utility Commission of Texas

San Antonio River Authority

Sunset Advisory Commission

Texas Commission on Environmental Quality

Texas Commission on Law Enforcement

Texas Economic Development and Tourism Office

Texas Juvenile Justice Department

Texas State Soil and Water Conservation Board

Texas Water Development Board

Upper Guadalupe River Authority



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Sunset Staff Review of the *Implementation of 2023 Sunset Recommendations*

————— REPORT PREPARED BY —————

Will Bucknall, *Project Manager*

Janet Wood

Sadie Smeck, *Project Supervisor*

—————
Eric Beverly
Executive Director

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