

# The Sunset Process

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| <p><b>Sunset Staff Evaluation</b></p> <p>Sunset staff performs extensive research and analysis to evaluate the need for, performance of, and improvements to the agency under review.</p> | <p><b>Sunset Commission Staff</b></p> <ul style="list-style-type: none"> <li>• Reviews agency's Self-Evaluation Report</li> <li>• Receives input from interested parties</li> <li>• Evaluates agency and identifies problems</li> <li>• Develops recommendations</li> <li>• Publishes staff report</li> </ul> |
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Public input is confidential

## Sunset Publishes Staff Report

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| <p><b>Sunset Commission Deliberation</b></p> <p>The Sunset Commission conducts a public hearing to take testimony on the staff report and the agency overall. Later, the Commission meets again to vote on which changes to recommend to the full Legislature.</p> | <p><b>Public Hearings</b></p> <ul style="list-style-type: none"> <li>• Sunset staff presents its report and recommendations</li> <li>• Agency presents its response</li> <li>• Sunset Commission hears public testimony</li> <li>• Staff compiles all testimony for Commission consideration</li> <li>• Sunset Commission meets again to consider and vote on recommendations</li> </ul> |
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Public input is published on the website

## Sunset Commission Recommends Action

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| <p><b>Legislative Action</b></p> <p>The full Legislature considers Sunset recommendations and makes final determinations.</p> | <p><b>Texas Legislature</b></p> <ul style="list-style-type: none"> <li>• Sunset bill on an agency is drafted and filed</li> <li>• Sunset bills go through normal bill processes</li> <li>• The Senate and the House conduct committee hearings and debate the bill</li> <li>• Bill passes or fails adoption</li> <li>• Governor signs, vetoes, or allows bill to become law without signature</li> </ul> |
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Agency continues with improvements. ✓

OR

Agency is abolished but may continue business for up to one year. X

# Sunset Review Criteria

Sunset staff uses specific criteria set by the Legislature to evaluate each of the programs and functions of a state agency placed under Sunset review. In 2013, the Legislature added additional criteria specific to occupational licensing agencies. The Sunset review questions summarize the criteria, located in §325.011 and §325.0115 of the Government Code.

## *Questions for All Agencies*

1. How efficiently and effectively do the agency and its advisory committees operate?
2. How successful has the agency been in achieving its mission, goals, and objectives?
3. Does the agency perform any duties that are not statutorily authorized? If so, what is the authority for those activities and are they necessary?
4. What authority does the agency have related to fees, inspections, enforcement, and penalties?
5. In what ways could the agency's functions/operations be less burdensome or restrictive and still adequately protect and serve the public?
6. How much do the agency's programs and jurisdiction duplicate those of other agencies and how well does the agency coordinate with those agencies?
7. Does the agency promptly and effectively address complaints?
8. To what extent does the agency encourage and use public participation when making rules and decisions?
9. How has the agency complied with state and federal requirements regarding equal employment opportunity, the rights and privacy of individuals, and purchasing guidelines for historically underutilized businesses?
10. How effectively does the agency enforce rules on potential conflicts of interest of its employees?
11. How effectively and efficiently does the agency comply with the Public Information Act and the Open Meetings Act?
12. Would abolishing the agency cause federal government intervention or loss of federal funds?
13. Do the agency's statutory reporting requirements effectively fulfill a useful purpose?

## *Questions for Occupational Licensing Agencies*

1. Does the agency's occupational licensing program serve a meaningful, defined public interest and provide the least restrictive form of regulation that adequately protects the public interest?
2. To what extent may the program's regulatory objective be achieved through market forces, private or industry certification and accreditation programs, or enforcement of other law?
3. To what extent do licensing criteria ensure applicants entering the occupation have competencies consistent with the public interest and what impact do these criteria have on applicants?
4. What is the impact of the regulation, on competition and consumer choice, and on the cost of services?