

Tex. Gov't Code § 325.011

This document is current through the 2023 Regular Session; the 1st C.S.; the 2nd C.S.; the 3rd C.S. and the 4th C.S. of the 88th Legislature; and the November 7, 2023 general election results.

Texas Statutes & Codes Annotated by LexisNexis® > Government Code > Title 3 Legislative Branch (Subts. A — Z) > Subtitle C Legislative Agencies and Oversight Committees (Chs. 321 — 390) > Chapter 325 Sunset Law (§§ 325.001 — 325.025)

Sec. 325.011. Criteria for Review.

The commission and its staff shall consider the following criteria in determining whether a public need exists for the continuation of a state agency or its advisory committees or for the performance of the functions of the agency or its advisory committees:

- (1) the efficiency and effectiveness with which the agency or the advisory committee operates;
- (2)
 - (A) an identification of the mission, goals, and objectives intended for the agency or advisory committee and of the problem or need that the agency or advisory committee was intended to address; and
 - (B) the extent to which the mission, goals, and objectives have been achieved and the problem or need has been addressed;
- (3)
 - (A) an identification of any activities of the agency in addition to those granted by statute and of the authority for those activities; and
 - (B) the extent to which those activities are needed;
- (4) an assessment of authority of the agency relating to fees, inspections, enforcement, and penalties;
- (5) whether less restrictive or alternative methods of performing any function that the agency performs could adequately protect or provide service to the public;
- (6) the extent to which the jurisdiction of the agency and the programs administered by the agency overlap or duplicate those of other agencies, the extent to which the agency coordinates with those agencies, and the extent to which the programs administered by the agency can be consolidated with the programs of other state agencies;
- (7) the promptness and effectiveness with which the agency addresses complaints concerning entities or other persons affected by the agency, including an assessment of the agency's administrative hearings process;

- (8) an assessment of the agency's rulemaking process and the extent to which the agency has encouraged participation by the public in making its rules and decisions and the extent to which the public participation has resulted in rules that benefit the public;
- (9) the extent to which the agency has complied with:
 - (A) federal and state laws and applicable rules regarding equality of employment opportunity and the rights and privacy of individuals; and
 - (B) state law and applicable rules of any state agency regarding purchasing guidelines and programs for historically underutilized businesses;
- (10) the extent to which the agency issues and enforces rules relating to potential conflicts of interest of its employees;
- (11) the extent to which the agency complies with Chapters 551 and 552 and follows records management practices that enable the agency to respond efficiently to requests for public information;
- (12) the effect of federal intervention or loss of federal funds if the agency is abolished;
- (13) the extent to which the purpose and effectiveness of reporting requirements imposed on the agency justifies the continuation of the requirement; and
- (14) an assessment of the agency's cybersecurity practices using confidential information available from the Department of Information Resources or any other appropriate state agency.

History

Enacted by Acts 1985, 69th Leg., ch. 479 (S.B. 813), § 1, effective September 1, 1985; am. Acts 1999, 76th Leg., ch. 1319 (S.B. 1851), § 33, effective September 1, 1999; am. Acts 1999, 76th Leg., ch. 1499 (S.B. 178), § 1.06, effective September 1, 1999; am. Acts 2007, 80th Leg., ch. 928 (H.B. 3249), § 1.06, effective June 15, 2007; am. Acts 2011, 82nd Leg., ch. 668 (S.B. 1618), § 3, effective September 1, 2011; am. Acts 2011, 82nd Leg., ch. 990 (H.B. 1781), § 5, effective June 17, 2011; Acts 2017, 85th Leg., ch. 683 (H.B. 8), § 2, effective September 1, 2017.