

GOVERNMENT CODE

TITLE 4. EXECUTIVE BRANCH

SUBTITLE E. OTHER EXECUTIVE AGENCIES AND PROGRAMS

CHAPTER 472. SELF-DIRECTED SEMI-INDEPENDENT AGENCIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 472.001. APPLICABILITY OF CHAPTER. This chapter applies to:

- (1) the Texas State Board of Public Accountancy;
- (2) the Texas Board of Professional Engineers and Land Surveyors; and
- (3) the Texas Board of Architectural Examiners.

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999. Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec. 14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. [3249](#)), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. [1685](#)), Sec. 1, eff. September 1, 2013.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1232 (H.B. [1523](#)), Sec. 2.04, eff. September 1, 2019.

Sec. 472.002. DEFINITION. In this chapter, "agency" means an agency listed in Section [472.001](#).

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999.

Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec. 14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. [3249](#)), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. [1685](#)), Sec. 1, eff. September 1, 2013.

#### SUBCHAPTER B. STATUS OF AGENCIES

Sec. 472.051. SELF-DIRECTED AND SEMI-INDEPENDENT STATUS OF AGENCIES. (a) Each agency is self-directed and semi-independent as specified in this chapter.

(b) Each agency is a state agency, as that term is defined in Section [2001.003](#)(7).

(b-1) Except as otherwise provided by this chapter, each agency is subject to a provision of law that applies to state agencies, including:

(1) state purchasing requirements under Subtitle D, Title 10;

(2) interagency transfer voucher requirements under Section [2155.327](#);

(3) travel requirements under Chapters [2171](#) and [2205](#), using amounts provided by the General Appropriations Act to guide travel reimbursement rates; and

(4) prompt payment requirements under Chapter [2251](#).

(c) The Sunset Advisory Commission shall examine each agency's performance as a self-directed and semi-independent

agency and the agency's compliance with this chapter as part of the commission's periodic review of the agency under Chapter 325 (Texas Sunset Act).

(d) Each agency shall pay the cost incurred by the Sunset Advisory Commission in performing a review of the agency under the agency's enabling legislation. The Sunset Advisory Commission shall determine the cost, and the agency shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999. Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec. 14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. [3249](#)), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. [1685](#)), Sec. 1, eff. September 1, 2013.

#### SUBCHAPTER C. POWERS AND DUTIES OF AGENCIES

Sec. 472.101. GENERAL DUTIES OF ALL AGENCIES. In addition to the duties enumerated in the enabling legislation specifically applicable to each agency, each agency shall have the duties prescribed by Sections [472.102](#) through [472.105](#).

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999. Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg.,

ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec. 14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. [3249](#)), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. [1685](#)), Sec. 1, eff. September 1, 2013.

Sec. 472.102. BUDGET. (a) An agency shall adopt a budget annually using generally accepted accounting principles. The budget shall be reviewed and approved only by the agency's governing board notwithstanding any other provision of law, including the General Appropriations Act. No costs shall be incurred by the general revenue fund. An agency shall be responsible for all costs, both direct and indirect.

(b) An agency shall keep financial and statistical information as necessary to disclose completely and accurately the financial condition and operation of the agency.

(c) The Texas State Board of Public Accountancy shall annually remit \$703,344 to the general revenue fund, the Texas Board of Professional Engineers and Land Surveyors shall annually remit \$373,900 to the general revenue fund, and the Texas Board of Architectural Examiners shall annually remit \$510,000 to the general revenue fund.

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999. Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec.

14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. [3249](#)), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. [1685](#)), Sec. 1, eff. September 1, 2013.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1232 (H.B. [1523](#)), Sec. 2.05, eff. September 1, 2019.

Sec. 472.103. AUDITS. Nothing in this chapter shall affect the duty of the state auditor to audit an agency. The state auditor shall enter into a contract and schedule with each agency to conduct audits, including financial reports and performance audits. Costs incurred in performing such audits shall be reimbursed by the agency.

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999. Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec. 14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. [3249](#)), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. [1685](#)), Sec. 1, eff. September 1, 2013.

Sec. 472.104. REPORTING REQUIREMENTS. (a) An agency shall submit to the legislature and the governor by the first day of the regular session of the legislature a report describing all of the agency's activities in the previous biennium. The report shall include:

- (1) an audit required by Section [472.103](#);
- (2) a financial report of the previous fiscal year;
- (3) a description of any changes in licensing fees;
- (4) a report on the number of examination candidates, licensees, certificate holders, and enforcement activities and any changes in those figures; and
- (5) a description of all new rules adopted or repealed.

(b) In addition to the reporting requirements of Subsection (a), each agency shall report annually, not later than November 1, to the governor, to the committee of each house of the legislature that has jurisdiction over appropriations, and to the Legislative Budget Board the following:

- (1) the salary for all agency personnel and the total amount of per diem expenses and travel expenses paid for all agency employees, including trend performance data for the preceding five fiscal years;

- (2) the total amount of per diem expenses and travel expenses paid for each member of the governing body of each agency, including trend performance data for the preceding five fiscal years;

- (3) each agency's operating plan covering a period of two fiscal years;

- (4) each agency's operating budget, including revenues and a breakdown of expenditures by program and administrative expenses, showing:

- (A) projected budget data for a period of two fiscal years; and

- (B) trend performance data for the preceding five fiscal years; and

- (5) trend performance data for the preceding five

fiscal years regarding:

(A) the number of full-time equivalent positions at the agency;

(B) the number of complaints received from the public and the number of complaints initiated by agency staff;

(C) the number of complaints dismissed and the number of complaints resolved by enforcement action;

(D) the number of enforcement actions by sanction type;

(E) the number of enforcement cases closed through voluntary compliance;

(F) the amount of administrative penalties assessed and the rate of collection of assessed administrative penalties;

(G) the number of enforcement cases that allege a threat to public health, safety, or welfare or a violation of professional standards of care and the disposition of those cases;

(H) the average time to resolve a complaint;

(I) the number of license holders or regulated persons broken down by type of license and license status, including inactive status or retired status;

(J) the fee charged to issue and renew each type of license, certificate, permit, or other similar authorization issued by the agency;

(K) the average time to issue a license;

(L) litigation costs, broken down by administrative hearings, judicial proceedings, and outside counsel costs; and

(M) reserve fund balances.

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999. Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec. 14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1,

2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. [3249](#)), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. [1685](#)), Sec. 1, eff. September 1, 2013.

Sec. 472.105. DISPOSITION OF FEES COLLECTED. If provided in an agency's enabling legislation, the agency shall collect a professional fee of \$200 from its license holders annually, which shall be remitted to the state. If provided in an agency's enabling legislation, the agency shall collect a scholarship fee of \$10 annually from its license holders.

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999.

Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec. 14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. [3249](#)), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. [1685](#)), Sec. 1, eff. September 1, 2013.

Sec. 472.106. GENERAL POWERS OF ALL AGENCIES. In addition to the powers enumerated in each agency's enabling legislation, each agency shall have the powers described in Sections [472.107](#)



through [472.110](#).

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999. Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec. 14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. [3249](#)), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. [1685](#)), Sec. 1, eff. September 1, 2013.

Sec. 472.107. ABILITY TO CONTRACT. To carry out and promote the objectives of this chapter, an agency may enter into contracts and do all other acts incidental to those contracts that are necessary for the administration of its affairs and for the attainment of its purposes. Any indebtedness, liability, or obligation of the agency shall not:

(1) create a debt or other liability of the state or any other entity other than the agency; or

(2) create any personal liability on the part of the members of the board of the agency or its employees.

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999. Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec. 14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1,

2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. [3249](#)), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. [1685](#)), Sec. 1, eff. September 1, 2013.

Sec. 472.108. PROPERTY. An agency may acquire by lease, and maintain, use, and operate, any real, personal, or mixed property necessary to the exercise of the powers, rights, privileges, and functions of the agency.

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999. Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec. 14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. [3249](#)), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. [1685](#)), Sec. 1, eff. September 1, 2013.

Sec. 472.109. SUITS. The office of the attorney general shall represent an agency in any litigation. The attorney general may assess and collect from the agency reasonable attorney's fees associated with any litigation under this section.

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999.

Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec. 14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. [3249](#)), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. [1685](#)), Sec. 1, eff. September 1, 2013.

Sec. 472.110. FEES AND DISPOSITION OF FUNDS. (a) Subject to the limitations, if any, in the applicable enabling legislation, each agency may set the amount of fees by statute or rule as necessary for the purpose of carrying out the functions of the agency.

(b) All fees and funds collected by an agency, any funds appropriated to the agency, and any other funds belonging to or under the control of an agency shall be deposited in interest-bearing deposit accounts in the Texas Treasury Safekeeping Trust Company. The comptroller shall contract with the agency for the maintenance of the deposit accounts under terms comparable to a contract between a commercial banking institution and its customers. An agency may not hold funds in an account that is not under the control of the comptroller.

(c) An agency shall use the comptroller's uniform statewide accounting system under Chapter [2101](#) to make all payments, other than direct payments from an agency's account to the Texas Treasury Safekeeping Trust Company.

(d) An agency shall remit all administrative penalties collected by the agency to the comptroller for deposit in the

general revenue fund.

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999. Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec. 14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. [3249](#)), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. [1685](#)), Sec. 1, eff. September 1, 2013.

Sec. 472.111. POST-PARTICIPATION LIABILITY. (a) If a state agency no longer has status under this chapter as a self-directed semi-independent agency for any reason, the state agency shall be liable for any expenses or debts incurred by the state agency during the time the state agency had status as a self-directed semi-independent agency. The state agency's liability under this section includes liability for any lease entered into by the state agency. The state is not liable for any expense or debt covered by this subsection, and money from the general revenue fund may not be used to repay the expense or debt.

(b) If a state agency no longer has status under this chapter as a self-directed semi-independent agency for any reason, ownership of any property or other asset acquired by the state agency during the time the state agency had status as a self-directed semi-independent agency, including unexpended fees in a deposit account in the Texas Treasury Safekeeping Trust Company, shall be transferred to the state.

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999.

Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec. 14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. [3249](#)), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. [1685](#)), Sec. 1, eff. September 1, 2013.

Sec. 472.112. OPEN GOVERNMENT. Subject to the confidentiality provisions of an agency's enabling legislation:

(1) meetings of the agency are subject to Chapter [551](#); and

(2) records maintained by the agency are subject to Chapter [552](#).

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999. Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec. 14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. [3249](#)), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. 1685), Sec. 1, eff. September 1, 2013.

Sec. 472.113. MEMBERSHIP IN EMPLOYEES RETIREMENT SYSTEM. Employees of the agencies are members of the Employees Retirement System of Texas under Chapter 812, and the agencies' independent status shall have no effect on their membership.

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999. Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec. 14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. 3249), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. 1685), Sec. 1, eff. September 1, 2013.

Sec. 472.114. GIFTS. (a) Notwithstanding other law, an agency may not accept a gift, grant, or donation:

- (1) from a party to an enforcement action; or
- (2) to pursue a specific investigation or enforcement action.

(b) An agency must:

- (1) report each gift, grant, or donation that the agency receives as a separate item in the agency's detailed report under Section 472.104(b); and

- (2) include with the report a statement indicating the purpose for which each gift, grant, or donation was used.

Added by Acts 1999, 76th Leg., ch. 1552, Sec. 2, eff. Sept. 1, 1999. Sec. 14 amended by Acts 2001, 77th Leg., ch. 939, Sec. 1, eff. Sept. 1, 2001; Sec. 15(b) amended by Acts 2001, 77th Leg., ch. 939, Sec. 2, eff. Sept. 1, 2001; Sec. 4(a) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 4(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 1, eff. Sept. 1, 2003; Sec. 6(c) amended by Acts 2003, 78th Leg., ch. 367, Sec. 2, eff. Sept. 1, 2003; Sec. 14(c) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 14(d) added by Acts 2003, 78th Leg., ch. 367, Sec. 3, eff. Sept. 1, 2003; Sec. 18 added by Acts 2003, 78th Leg., ch. 367, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 928 (H.B. [3249](#)), Sec. 4.09, eff. June 15, 2007.

Transferred, redesignated and amended from Vernon's Civil Statutes, Art/Sec 8930 by Acts 2013, 83rd Leg., R.S., Ch. 150 (H.B. [1685](#)), Sec. 1, eff. September 1, 2013.