

By: Cyrier

H.B. No. 1860

A BILL TO BE ENTITLED

AN ACT

relating to the sunset review process and certain governmental entities subject to that process.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. ENTITIES GIVEN 2023 SUNSET DATE

SECTION 1.01. PUBLIC UTILITY COMMISSION OF TEXAS. Section 12.005, Utilities Code, is amended to read as follows:

Sec. 12.005. APPLICATION OF SUNSET ACT. The Public Utility Commission of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter or by Chapter 39, the commission is abolished and this title expires September 1, 2023 [~~2025~~].

SECTION 1.02. OFFICE OF PUBLIC UTILITY COUNSEL. Section 13.002, Utilities Code, is amended to read as follows:

Sec. 13.002. APPLICATION OF SUNSET ACT. The Office of Public Utility Counsel is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2023 [~~2025~~].

ARTICLE 2. ENTITIES GIVEN 2025 SUNSET DATE

SECTION 2.01. TEXAS ECONOMIC DEVELOPMENT AND TOURISM OFFICE. Section 481.003, Government Code, is amended to read as follows:

Sec. 481.003. SUNSET PROVISION. The Texas Economic

1 Development and Tourism Office is subject to Chapter 325 (Texas
2 Sunset Act). Unless continued in existence as provided by that
3 chapter, the office is abolished and this chapter expires September
4 1, 2025 [~~2021~~].

5 SECTION 2.02. OFFICE OF STATE-FEDERAL RELATIONS. Section
6 [751.003](#), Government Code, is amended to read as follows:

7 Sec. 751.003. SUNSET PROVISION. The Office of
8 State-Federal Relations is subject to Chapter 325 (Texas Sunset
9 Act). Unless continued in existence as provided by that chapter,
10 the office is abolished and this chapter expires September 1, 2025
11 [~~2021~~].

12 SECTION 2.03. TEXAS DEPARTMENT OF INSURANCE AND DIVISION OF
13 WORKERS' COMPENSATION, TEXAS DEPARTMENT OF INSURANCE. Section
14 [31.004](#), Insurance Code, is amended to read as follows:

15 Sec. 31.004. SUNSET PROVISION. (a) The Texas Department
16 of Insurance is subject to Chapter [325](#), Government Code (Texas
17 Sunset Act). Unless continued in existence as provided by that
18 chapter, the department is abolished September 1, 2025 [~~2023~~].

19 (b) Unless continued as provided by Chapter [325](#), Government
20 Code, the duties of the division of workers' compensation of the
21 Texas Department of Insurance under Title 5, Labor Code, expire
22 September 1, 2025 [~~2023~~], or another date designated by the
23 legislature.

24 SECTION 2.04. OFFICE OF PUBLIC INSURANCE COUNSEL. Section
25 [501.003](#), Insurance Code, is amended to read as follows:

26 Sec. 501.003. SUNSET PROVISION. The office is subject to
27 Chapter [325](#), Government Code (Texas Sunset Act). Unless continued

1 in existence as provided by that chapter, the office is abolished
2 September 1, 2025 [~~2023~~].

3 SECTION 2.05. OFFICE OF INJURED EMPLOYEE COUNSEL. Section
4 404.003, Labor Code, is amended to read as follows:

5 Sec. 404.003. SUNSET PROVISION. The office of injured
6 employee counsel is subject to Chapter 325, Government Code (Texas
7 Sunset Act). Unless continued in existence as provided by that
8 chapter, the office is abolished and this chapter expires September
9 1, 2025 [~~2023~~].

10 ARTICLE 3. ENTITIES GIVEN 2029 SUNSET DATE

11 SECTION 3.01. STATE BOARD OF VETERINARY MEDICAL
12 EXAMINERS. (a) Section 801.003, Occupations Code, is amended to
13 read as follows:

14 Sec. 801.003. APPLICATION OF SUNSET ACT. The State Board
15 of Veterinary Medical Examiners is subject to Chapter 325,
16 Government Code (Texas Sunset Act). Unless continued in existence
17 as provided by that chapter, the board is abolished and this chapter
18 expires September 1, 2029 [~~2021~~].

19 (b) The Sunset Advisory Commission shall conduct a
20 special-purpose review of the State Board of Veterinary Medical
21 Examiners for the 88th Legislature. In conducting the
22 special-purpose review under this subsection:

23 (1) the Sunset Advisory Commission staff evaluation
24 and report must be limited to reviewing the implementation of the
25 State Board of Veterinary Medical Examiners' database system and
26 the board's processes and procedures for collecting and analyzing
27 data as recommended by the commission to the 87th Legislature; and

1 (2) the commission's recommendations to the 88th
2 Legislature may include any recommendation the commission
3 considers appropriate based on the special-purpose review.

4 (c) The state auditor shall conduct an effectiveness audit
5 of the State Board of Veterinary Medical Examiners to evaluate:

6 (1) the board's implementation of the data-related
7 recommendations made in the report on the board submitted by the
8 Sunset Advisory Commission to the 85th Legislature and identified
9 as not fully implemented in the report on the board submitted by the
10 commission to the 87th Legislature; and

11 (2) any additional recommendation made in the Sunset
12 Advisory Commission's report on the special-purpose review under
13 Subsection (b) of this section.

14 (d) The state auditor may not begin the audit required by
15 Subsection (c) of this section before December 1, 2023, and shall
16 prepare and submit a report of the findings of the audit to the
17 chair and executive director of the Sunset Advisory Commission not
18 later than December 1, 2024.

19 (e) The state auditor shall include the auditor's duties
20 under this section in each audit plan under Section [321.013](#),
21 Government Code, that governs the auditor's duties for the period
22 specified by Subsection (d) of this section.

23 ARTICLE 4. ENTITIES GIVEN 2031 SUNSET DATE

24 SECTION 4.01. TEXAS REAL ESTATE COMMISSION. Section
25 [1101.006](#), Occupations Code, is amended to read as follows:

26 Sec. 1101.006. APPLICATION OF SUNSET ACT. The Texas Real
27 Estate Commission is subject to Chapter [325](#), Government Code (Texas

1 Sunset Act). Unless continued in existence as provided by that
2 chapter, the commission is abolished and this chapter, Chapter
3 1102, and Chapter 1303 of this code and Chapter 221, Property Code,
4 expire September 1, 2031 [~~2025~~].

5 ARTICLE 5. ENTITIES REMOVED FROM SUNSET REVIEW

6 SECTION 5.01. TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL
7 COMPACT COMMISSION. Section 403.0054, Health and Safety Code, is
8 repealed.

9 ARTICLE 6. SUNSET REVIEW PROCESS

10 SECTION 6.01. REMOTE MEETINGS. Chapter 325, Government
11 Code, is amended by adding Sections 325.0091 and 325.0092 to read as
12 follows:

13 Sec. 325.0091. MEETINGS USING TELECOMMUNICATION DEVICES.

14 (a) As an exception to Chapter 551 and other law, if a meeting is
15 located in Austin and the presiding officers of the commission are
16 physically present at the meeting, then any number of the other
17 members and employees of the commission may participate in the
18 meeting by use of telephone conference call, video conference call,
19 or other similar telecommunication device.

20 (b) A member attending a meeting using a telecommunication
21 device authorized by Subsection (a) is considered to be attending
22 the meeting for purposes of constituting a quorum, for purposes of
23 voting, and for any other purpose allowing a member of the
24 commission to otherwise fully participate in the meeting.

25 (c) A meeting held by use of telephone conference call,
26 video conference call, or other similar telecommunication device:

27 (1) is subject to the notice requirements applicable

1 to other meetings;

2 (2) must specify in the notice of the meeting the
3 location in Austin of the meeting at which the presiding officers
4 will be physically present;

5 (3) must be open to the public and shall be audible to
6 the public at the location in Austin specified in the notice of the
7 meeting as the location of the meeting at which the presiding
8 officers will be physically present; and

9 (4) must provide two-way audio communication between
10 all members of the commission attending the meeting during the
11 entire meeting, and if the two-way audio communication link with
12 any member attending the meeting is disrupted at any time, the
13 meeting may not continue until the two-way audio communication link
14 is reestablished.

15 Sec. 325.0092. MEETINGS DURING STATE OF DISASTER OR
16 EMERGENCY. (a) During a state of disaster or emergency declared by
17 the governor the commission may limit public access to the physical
18 location of a commission meeting.

19 (b) If public access to a meeting is limited as authorized
20 by this section, the commission shall:

21 (1) broadcast the video and audio of the meeting in
22 real time on the commission's Internet website; and

23 (2) provide the following information in the notice of
24 the meeting:

25 (A) the link to the broadcast on the commission's
26 Internet website; and

27 (B) a description of the manner in which the

1 public will be able to participate in the meeting, including:

2 (i) any health and safety protocols the
3 commission imposes to attend the meeting; and

4 (ii) any procedures for a member of the
5 public to:

6 (a) testify electronically or in
7 person at the meeting; or

8 (b) electronically submit public
9 comments without testifying.

10 (c) If the commission invites witnesses to testify at a
11 meeting to which public access is limited under this section, the
12 commission shall make a reasonable effort to invite witnesses
13 representing different viewpoints on the matters to be considered
14 at the meeting.

15 SECTION 6.02. PROCEDURES DURING DECLARED DISASTER. Section
16 325.0125(b), Government Code, is amended to read as follows:

17 (b) The commission may only exempt agencies that have been
18 inactive for a period of two years preceding the date the agency is
19 scheduled for abolition, [or] that have been rendered inactive by
20 an action of the legislature, or that the commission determines are
21 unable to participate in the review due to a declared disaster.

22 ARTICLE 7. EFFECTIVE DATE

23 SECTION 7.01. EFFECTIVE DATE. This Act takes effect
24 immediately if it receives a vote of two-thirds of all the members
25 elected to each house, as provided by Section 39, Article III, Texas
26 Constitution. If this Act does not receive the vote necessary for
27 immediate effect, this Act takes effect September 1, 2021.