

1 AN ACT

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

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

5 ARTICLE 1. ENTITIES GIVEN 2015 SUNSET DATE AND CERTAIN OTHER
6 REVIEWS

7 SECTION 1.01. TEXAS EDUCATION AGENCY. (a) Section 7.004,
8 Education Code, is amended to read as follows:

9 Sec. 7.004. SUNSET PROVISION. The Texas Education Agency
10 is subject to Chapter 325, Government Code (Texas Sunset
11 Act). Unless continued in existence as provided by that chapter,
12 the agency is abolished September 1, 2015 [~~2013~~].

13 (b) The Sunset Advisory Commission shall limit its review of
14 the Texas Education Agency in preparation for the work of the 84th
15 Legislature in Regular Session to the appropriateness of
16 recommendations made by the commission to the 83rd Legislature. In
17 the commission's report to the 84th Legislature, the commission may
18 include any recommendations it considers appropriate. This
19 subsection expires September 1, 2015.

20 (c) This section takes effect only if the 83rd Legislature,
21 Regular Session, 2013, does not enact other legislation that
22 becomes law and that amends Section 7.004, Education Code, to
23 extend the sunset date of the Texas Education Agency. If the 83rd
24 Legislature, Regular Session, 2013, enacts legislation of that

1 kind, this section has no effect.

2 SECTION 1.02. REVIEW OF CONTRACTING PROCEDURES OF TEXAS
3 EDUCATION AGENCY. Subchapter B, Chapter 39, Education Code, is
4 amended by adding Section 39.038 to read as follows:

5 Sec. 39.038. SUNSET REVIEW OF CONTRACTING PROCEDURES FOR
6 ASSESSMENT INSTRUMENTS. The Sunset Advisory Commission shall
7 evaluate the contracting procedures used by the agency to enter
8 into a contract with a provider to develop or administer assessment
9 instruments required by Section 39.023 and present to the 84th
10 Legislature a report on its evaluation and recommendations in
11 relation to the contracting procedures. This section expires
12 September 1, 2015.

13 SECTION 1.03. TEXAS FACILITIES COMMISSION. (a) Section
14 2152.002, Government Code, is amended to read as follows:

15 Sec. 2152.002. SUNSET PROVISION. The Texas Facilities
16 [~~Building and Procurement~~] Commission is subject to Chapter 325
17 (Texas Sunset Act). Unless continued in existence as provided by
18 that chapter, the commission is abolished and this subtitle, except
19 for Chapter 2170 and Section 2157.121, expires September 1, 2015
20 [~~2013~~].

21 (b) The Sunset Advisory Commission shall limit its review of
22 the Texas Facilities Commission in preparation for the work of the
23 84th Legislature in Regular Session to the appropriateness of
24 recommendations made by the commission to the 83rd Legislature. In
25 the commission's report to the 84th Legislature, the commission may
26 include any recommendations it considers appropriate. This
27 subsection expires September 1, 2015.

1 (c) If a conflict exists between this Act and another Act of
2 the 83rd Legislature, Regular Session, 2013, that amends Section
3 2152.002, Government Code, to extend the sunset date of the Texas
4 Facilities Commission, this Act controls without regard to the
5 relative dates of enactment.

6 SECTION 1.04. UNIVERSITY INTERSCHOLASTIC LEAGUE. Section
7 33.083, Education Code, is amended by adding Subsection (e) to read
8 as follows:

9 (e) The University Interscholastic League is subject to
10 review under Chapter 325, Government Code (Texas Sunset Act), but
11 is not abolished under that chapter. The University
12 Interscholastic League shall be reviewed during the period in which
13 state agencies abolished in 2015 are reviewed. The University
14 Interscholastic League shall pay the costs incurred by the Sunset
15 Advisory Commission in performing the review under this subsection.
16 The Sunset Advisory Commission shall determine the costs of the
17 review performed under this subsection, and the University
18 Interscholastic League shall pay the amount of those costs promptly
19 on receipt of a statement from the Sunset Advisory Commission
20 regarding those costs. This subsection expires September 1, 2015.

21 SECTION 1.05. STUDY CONCERNING SELF-DIRECTED
22 SEMI-INDEPENDENT STATUS OF STATE AGENCIES. (a) In this section,
23 "commission" means the Sunset Advisory Commission.

24 (b) The commission shall conduct a study concerning the
25 self-directed semi-independent status of state agencies.

26 (c) The study must address:

27 (1) criteria and a process to be used in determining

1 whether a state agency should be given self-directed
2 semi-independent status;

3 (2) criteria and a process to be used in determining
4 whether the self-directed semi-independent status of a state agency
5 should be revoked;

6 (3) measures to ensure adequate state oversight of
7 state agencies with self-directed semi-independent status;

8 (4) reporting requirements for state agencies with
9 self-directed semi-independent status;

10 (5) procedures for a state agency with self-directed
11 semi-independent status to contract with and to pay for services
12 received from another state agency;

13 (6) procedures for reviewing a state agency's
14 self-directed semi-independent status as part of the agency's
15 sunset review;

16 (7) appropriations issues related to a state agency's
17 transition to self-directed semi-independent status;

18 (8) appropriations issues related to a state agency's
19 transition from self-directed semi-independent status to regular
20 state agency status; and

21 (9) criteria to review complaint procedures and the
22 disposition of complaints by a state agency with self-directed
23 semi-independent status.

24 (d) In conducting the study, the commission shall consult
25 with the Legislative Budget Board.

26 (e) At the commission's request, a state agency shall
27 provide information and assistance to the commission in conducting

1 the study under this section.

2 (f) Not later than December 31, 2014, the commission shall
3 submit a report on the commission's findings and recommendations
4 to:

- 5 (1) the governor;
- 6 (2) the lieutenant governor; and
- 7 (3) each member of the legislature.

8 (g) This section expires September 1, 2015.

9 ARTICLE 2. ENTITIES GIVEN 2017 SUNSET DATE

10 SECTION 2.01. TEXAS DEPARTMENT OF TRANSPORTATION. Section
11 201.204, Transportation Code, is amended to read as follows:

12 Sec. 201.204. SUNSET PROVISION. The Texas Department of
13 Transportation is subject to Chapter 325, Government Code (Texas
14 Sunset Act). Unless continued in existence as provided by that
15 chapter, the department is abolished September 1, 2017 [~~2015~~].

16 SECTION 2.02. EMPLOYEES RETIREMENT SYSTEM OF TEXAS.
17 Subchapter A, Chapter 815, Government Code, is amended by adding
18 Section 815.005 to read as follows:

19 Sec. 815.005. SUNSET PROVISION. The board of trustees of
20 the Employees Retirement System of Texas is subject to review under
21 Chapter 325 (Texas Sunset Act), but is not abolished under that
22 chapter. The board shall be reviewed during the period in which
23 state agencies abolished in 2017, and every 12th year after that
24 year, are reviewed.

25 SECTION 2.03. SULPHUR RIVER BASIN AUTHORITY. Chapter 3,
26 Acts of the 69th Legislature, 1st Called Session, 1985, is amended
27 by adding Section 1A to read as follows:

1 Sec. 1A. APPLICATION OF SUNSET ACT. (a) The authority is
2 subject to review under Chapter 325, Government Code (Texas Sunset
3 Act), as if it were a state agency. Unless the authority is
4 continued in existence, the authority is abolished and this Act
5 expires September 1, 2017.

6 (b) The review must assess the authority's governance,
7 management, and operating structure and the authority's compliance
8 with legislative requirements.

9 (c) The authority shall pay the costs incurred by the Sunset
10 Advisory Commission in performing a review of the authority under
11 this section. The Sunset Advisory Commission shall determine the
12 costs, and the authority shall pay the amount promptly on receipt of
13 a statement from the Sunset Advisory Commission detailing the
14 costs.

15 (d) If the authority is abolished, the procedures under
16 Chapter 325, Government Code (Texas Sunset Act), relating to
17 winding up the affairs of a state agency after its abolishment apply
18 to the authority.

19 SECTION 2.04. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY
20 AFFAIRS. (a) Section 2306.022, Government Code, is amended to read
21 as follows:

22 Sec. 2306.022. APPLICATION OF SUNSET ACT. The Texas
23 Department of Housing and Community Affairs is subject to Chapter
24 325 (Texas Sunset Act). Unless continued in existence as provided
25 by that chapter, the department is abolished and this chapter
26 expires September 1, 2017 [~~2013~~].

27 (b) The Sunset Advisory Commission shall limit its review of

1 the Texas Department of Housing and Community Affairs in
2 preparation for the work of the 85th Legislature in Regular Session
3 to the appropriateness of recommendations made by the commission to
4 the 83rd Legislature. In the commission's report to the 85th
5 Legislature, the commission may include any recommendations it
6 considers appropriate. This subsection expires September 1, 2017.

7 (c) This section takes effect only if the 83rd Legislature,
8 Regular Session, 2013, does not enact other legislation that
9 becomes law and that amends Section 2306.022, Government Code, to
10 extend the sunset date of the Texas Department of Housing and
11 Community Affairs. If the 83rd Legislature, Regular Session, 2013,
12 enacts legislation of that kind, this section has no effect.

13 SECTION 2.05. RAILROAD COMMISSION OF TEXAS. Section
14 81.01001, Natural Resources Code, is amended to read as follows:

15 Sec. 81.01001. SUNSET PROVISION. (a) The Railroad
16 Commission of Texas is subject to Chapter 325, Government Code
17 (Texas Sunset Act). Unless continued in existence as provided by
18 that chapter, the commission is abolished September 1, 2017 [~~2013~~].

19 (a-1) The review of the Railroad Commission of Texas by the
20 Sunset Advisory Commission in preparation for the work of the 85th
21 Legislature in Regular Session is not limited to the
22 appropriateness of recommendations made by the Sunset Advisory
23 Commission to the 83rd Legislature. In the Sunset Advisory
24 Commission's report to the 85th Legislature, the Sunset Advisory
25 Commission may include any recommendations it considers
26 appropriate. The review must include an examination of alternative
27 organizational structures for the Railroad Commission of Texas and

1 alternative methods for performing the commission's
2 responsibilities that would enable the efficient and effective
3 accomplishment of the commission's functions. The examination must
4 include an assessment of existing state agencies that would be able
5 to perform the commission's functions. The review must also
6 include an examination of methods to increase the public's role in
7 decisions of the Railroad Commission of Texas that relate to the
8 effect of the growth of resource extraction. The Sunset Advisory
9 Commission may contract for assistance in performing the review,
10 including assistance in evaluating, auditing, and forensic
11 auditing, as the Sunset Advisory Commission determines necessary.
12 This subsection expires September 1, 2017.

13 (b) The Railroad Commission of Texas shall pay the costs
14 incurred by the Sunset Advisory Commission in performing a review
15 of the commission under this section. The Sunset Advisory
16 Commission shall determine the costs, and the commission shall pay
17 the amount of those costs promptly on receipt of a statement from
18 the Sunset Advisory Commission detailing the costs.

19 ARTICLE 3. ENTITIES GIVEN 2019 SUNSET DATE

20 SECTION 3.01. REGIONAL EDUCATION SERVICE CENTERS. Section
21 8.010, Education Code, is amended to read as follows:

22 Sec. 8.010. SUNSET PROVISION. Regional education service
23 centers are subject to Chapter 325, Government Code (Texas Sunset
24 Act). Unless continued in existence as provided by that chapter,
25 the centers are abolished and this chapter expires September 1,
26 2019 [~~2015~~].

27 SECTION 3.02. FINANCE COMMISSION OF TEXAS. Section 11.108,

1 Finance Code, is amended to read as follows:

2 Sec. 11.108. SUNSET PROVISION. The finance commission is
3 subject to Chapter 325, Government Code (Texas Sunset Act). Unless
4 continued in existence as provided by that chapter, the commission
5 is abolished September 1, 2019 [~~2015~~].

6 SECTION 3.03. OFFICE OF BANKING COMMISSIONER. Section
7 12.109, Finance Code, is amended to read as follows:

8 Sec. 12.109. SUNSET PROVISION. The office of banking
9 commissioner is subject to Chapter 325, Government Code (Texas
10 Sunset Act). Unless continued in existence as provided by that
11 chapter, the office is abolished September 1, 2019 [~~2015~~].

12 SECTION 3.04. OFFICE OF SAVINGS AND MORTGAGE LENDING
13 COMMISSIONER AND DEPARTMENT OF SAVINGS AND MORTGAGE LENDING.
14 Section 13.012, Finance Code, is amended to read as follows:

15 Sec. 13.012. SUNSET PROVISION. The office of savings and
16 mortgage lending commissioner and the Department of Savings and
17 Mortgage Lending are subject to Chapter 325, Government Code (Texas
18 Sunset Act). Unless continued in existence as provided by that
19 chapter, the office and department are abolished September 1, 2019
20 [~~2015~~].

21 SECTION 3.05. OFFICE OF CONSUMER CREDIT COMMISSIONER.
22 Section 14.066, Finance Code, is amended to read as follows:

23 Sec. 14.066. SUNSET PROVISION. The office is subject to
24 Chapter 325, Government Code (Texas Sunset Act). Unless continued
25 in existence as provided by that chapter, the office is abolished
26 September 1, 2019 [~~2015~~].

27 SECTION 3.06. TEXAS WINDSTORM INSURANCE ASSOCIATION.

1 Section 2210.002(b), Insurance Code, is amended to read as follows:

2 (b) The association is subject to review under Chapter 325,
3 Government Code (Texas Sunset Act), but is not abolished under that
4 chapter. The association shall be reviewed during the period in
5 which state agencies abolished in 2019 [~~2015~~] are reviewed. The
6 association shall pay the costs incurred by the Sunset Advisory
7 Commission in performing the review of the association under this
8 subsection. The Sunset Advisory Commission shall determine the
9 costs of the review performed under this subsection, and the
10 association shall pay the amount of those costs promptly on receipt
11 of a statement from the Sunset Advisory Commission regarding those
12 costs. This subsection expires September 1, 2019 [~~2015~~].

13 SECTION 3.07. STATE SECURITIES BOARD. Subsection O,
14 Section 2, The Securities Act (Article 581-2, Vernon's Texas Civil
15 Statutes), is amended to read as follows:

16 O. The State Securities Board is subject to Chapter 325,
17 Government Code (Texas Sunset Act). Unless continued in existence
18 as provided by that chapter, the board is abolished and this Act
19 expires September 1, 2019 [~~2015~~].

20 SECTION 3.08. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY.
21 Section 901.006, Occupations Code, is amended to read as follows:

22 Sec. 901.006. APPLICATION OF SUNSET ACT. The Texas State
23 Board of Public Accountancy is subject to Chapter 325, Government
24 Code (Texas Sunset Act). Unless continued in existence as provided
25 by that chapter, the board is abolished and this chapter expires
26 September 1, 2019 [~~2015~~].

27 ARTICLE 4. ENTITIES GIVEN 2021 SUNSET DATE

1 SECTION 4.01. TEXAS INVASIVE SPECIES COORDINATING
2 COMMITTEE. Section 776.007(a), Government Code, is amended to read
3 as follows:

4 (a) The committee is subject to Chapter 325 (Texas Sunset
5 Act). [~~The committee shall be reviewed during the periods in which~~
6 ~~the State Soil and Water Conservation Board is reviewed.~~] Unless
7 continued in existence as provided by that chapter, the committee
8 is abolished and this chapter expires September 1, 2021 [~~on the date~~
9 ~~on which that agency is subject to abolishment~~].

10 SECTION 4.02. DIVISION OF WORKERS' COMPENSATION OF TEXAS
11 DEPARTMENT OF INSURANCE. Section 31.004(b), Insurance Code, is
12 amended to read as follows:

13 (b) Unless continued as provided by Chapter 325, Government
14 Code, the duties of the division of workers' compensation of the
15 Texas Department of Insurance under Title 5, Labor Code, expire
16 September 1, 2021 [~~2017~~], or another date designated by the
17 legislature.

18 SECTION 4.03. OFFICE OF INJURED EMPLOYEE COUNSEL. Section
19 404.003, Labor Code, is amended to read as follows:

20 Sec. 404.003. SUNSET PROVISION. The office of injured
21 employee counsel is subject to Chapter 325, Government Code (Texas
22 Sunset Act). Unless continued in existence as provided by that
23 chapter, the office is abolished and this chapter expires September
24 1, 2021 [~~2017~~].

25 ARTICLE 5. ENTITIES GIVEN 2025 SUNSET DATE

26 SECTION 5.01. STATE EMPLOYEE CHARITABLE CAMPAIGN POLICY
27 COMMITTEE. (a) Section 659.140(i), Government Code, is amended to

1 read as follows:

2 (i) The state employee charitable campaign policy committee
3 is subject to the Texas Sunset Act. Unless continued in existence
4 as provided by that chapter, the committee is abolished and
5 ~~[Government Code Chapter 659,]~~ Subchapter I~~[7]~~ and Sections
6 814.0095 and 814.0096 expire on September 1, 2025 ~~[2013]~~.

7 (b) This section takes effect only if the 83rd Legislature,
8 Regular Session, 2013, does not enact other legislation that
9 becomes law and that amends Section 659.140(i), Government Code, to
10 extend the sunset date of the state employee charitable campaign
11 policy committee. If the 83rd Legislature, Regular Session, 2013,
12 enacts legislation of that kind, this section has no effect.

13 ARTICLE 6. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW

14 SECTION 6.01. EARLY CHILDHOOD HEALTH AND NUTRITION
15 INTERAGENCY COUNCIL. Section 116.002, Health and Safety Code, is
16 amended to read as follows:

17 Sec. 116.002. REVIEW BY [APPLICATION OF] SUNSET ADVISORY
18 COMMISSION [ACT]. The Sunset Advisory Commission shall review the
19 [The] Early Childhood Health and Nutrition Interagency Council as
20 part of its periodic review of the Department of Agriculture under
21 [is subject to] Chapter 325, Government Code (Texas Sunset Act).
22 [Unless continued in existence as provided by that chapter, the
23 council is abolished and this chapter expires September 1, 2019.]

24 ARTICLE 7. SUNSET REVIEW PROCESS

25 SECTION 7.01. Chapter 325, Government Code, is amended by
26 adding Section 325.0127 to read as follows:

27 Sec. 325.0127. COST OF REVIEW. (a) In this section,

1 "self-directed semi-independent agency" means a state agency that
2 has status as a self-directed semi-independent agency under the
3 Self-Directed Semi-Independent Agency Project Act (Article 8930,
4 Revised Statutes), Chapter 16, Finance Code, Chapter 1105,
5 Occupations Code, or any other law. The term does not include the
6 Texas Department of Insurance's actuarial division and financial
7 examinations division as those terms are defined by Section
8 401.251, Insurance Code.

9 (b) A self-directed semi-independent agency shall pay the
10 costs incurred by the commission in performing a review of the
11 agency under this chapter. The commission shall determine the
12 costs of the review, and the agency shall pay the amount of those
13 costs promptly on receipt of a statement from the commission
14 regarding those costs.

15 SECTION 7.02. Section 325.019, Government Code, is amended
16 by amending Subsection (b) and adding Subsection (c) to read as
17 follows:

18 (b) In carrying out its functions under this chapter, the
19 commission or its designated staff member may attend any meetings
20 and proceedings of any state agency, including any meeting or
21 proceeding of the governing body of the agency that is closed to the
22 public, and may inspect the records, documents, and files of any
23 state agency, including any record, document, or file that is:

- 24 (1) attorney work product;
25 (2) an attorney-client communication; or
26 (3) made privileged or confidential by law.

27 (c) It is the intent of the legislature to allow the

1 commission and its designated staff members to have access to all
2 meetings or proceedings of a state agency being reviewed by the
3 commission under this chapter and to all records, documents, and
4 files of that agency. To the extent that this section conflicts
5 with other law that purports to limit the commission's access to
6 meetings or proceedings or to records, documents, and files, this
7 section controls. If federal law prohibits a state agency from
8 disclosing information in a record, document, or file to the
9 commission, including information in a record, document, or file
10 created as a result of or considered during a meeting or proceeding,
11 the state agency may redact the protected information from the
12 record, document, or file.

13 SECTION 7.03. Section 325.0195, Government Code, is amended
14 by adding Subsections (c), (d), and (e) to read as follows:

15 (c) A state agency that provides the commission with access
16 to a privileged or confidential communication, record, document, or
17 file under Section 325.019 for purposes of a review under this
18 chapter does not waive the attorney-client privilege, or any other
19 privilege or confidentiality requirement protected or required by
20 the Texas Constitution, common law, statutory law, or rules of
21 evidence, procedure, or professional conduct, with respect to the
22 communication, record, document, or file provided to the
23 commission. For purposes of this subsection, a communication
24 includes a discussion that occurs at a meeting or proceeding of the
25 state agency that is closed to the public.

26 (d) The state agency may require the commission or the
27 members of the commission's staff who view, handle, or are privy to

1 information, or who attend a meeting that is not accessible to the
2 public, to sign a confidentiality agreement that covers the
3 information and requires that:

4 (1) the information not be disclosed outside the
5 commission for purposes other than the purpose for which it was
6 received;

7 (2) the information be labeled as confidential;

8 (3) the information be kept securely; and

9 (4) the number of copies made of the information or the
10 notes taken from the information that implicate the confidential
11 nature of the information be controlled, with all copies or notes
12 that are not destroyed or returned to the governmental body
13 remaining confidential and subject to the confidentiality
14 agreement.

15 (e) A person who obtains access to confidential information
16 in connection with the performance of the commission's duties under
17 this chapter or another law commits an offense if the person
18 knowingly:

19 (1) uses the confidential information for a purpose
20 other than the purpose for which the information was received or for
21 a purpose unrelated to the law that permitted the person to obtain
22 access to the information, including solicitation of political
23 contributions or solicitation of clients;

24 (2) permits inspection of the confidential
25 information by a person who is not authorized to inspect the
26 information; or

27 (3) discloses the confidential information to a person

1 who is not authorized to receive the information.

2 ARTICLE 8. EFFECTIVE DATE

3 SECTION 8.01. EFFECTIVE DATE. This Act takes effect
4 immediately if it receives a vote of two-thirds of all the members
5 elected to each house, as provided by Section 39, Article III, Texas
6 Constitution. If this Act does not receive the vote necessary for
7 immediate effect, this Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 1675 was passed by the House on April 25, 2013, by the following vote: Yeas 130, Nays 6, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1675 on May 24, 2013, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1675 on May 26, 2013, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

Chief Clerk of the House

H.B. No. 1675

I certify that H.B. No. 1675 was passed by the Senate, with amendments, on May 21, 2013, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1675 on May 26, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor