

House Bill 1675
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

ARTICLE 1. ENTITIES GIVEN 2015 SUNSET DATE

SECTION 1.01. UNIVERSITY INTERSCHOLASTIC LEAGUE. Section 33.083, Education Code, is amended by adding Subsection (e) to read as follows:

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

SECTION 1.02. CLEAR LAKE CITY WATER AUTHORITY. Chapter 101, Acts of the 58th Legislature, Regular Session, 1963, is amended by adding Section 1A to read as follows:

Sec. 1A. (a) The Authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if it were a state agency but may not be abolished under that chapter. The review shall be conducted as if the Authority were scheduled to be abolished September 1, 2015.

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ARTICLE __. ENTITIES GIVEN 2015 SUNSET DATE
[FA3, FA5, FA7, FA8]

SECTION __.____. UNIVERSITY INTERSCHOLASTIC LEAGUE. Section 33.083, Education Code, is amended by adding Subsection (e) to read as follows:

(e) The University Interscholastic League is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The University Interscholastic League shall be reviewed during the period in which state agencies abolished in 2015 are reviewed. The University Interscholastic League shall pay the costs incurred by the Sunset Advisory Commission in performing the review under this subsection. The Sunset Advisory Commission shall determine the costs of the review performed under this subsection, and the University Interscholastic League shall pay the amount of those costs promptly on receipt of a statement from the Sunset Advisory Commission regarding those costs. This subsection expires September 1, 2015.
[FA5]

No equivalent provision.

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- (b) The review must assess the Authority's governance, management, and operating structure and the Authority's compliance with legislative requirements.
- (c) The Authority shall pay the costs incurred by the Sunset Advisory Commission in performing a review of the Authority under this section. The Sunset Advisory Commission shall determine the costs, and the Authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the costs.
- (d) This section expires September 1, 2015.

SECTION 1.03. SULPHUR RIVER BASIN AUTHORITY. Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, is amended by adding Section 1A to read as follows:

Sec. 1A. APPLICATION OF SUNSET ACT. (a) The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if it were a state agency but may not be abolished under that chapter. The review shall be conducted as if the authority were scheduled to be abolished September 1, 2015.

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

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

(d) This section expires September 1, 2015.

SECTION 1.02. SULPHUR RIVER BASIN AUTHORITY. Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, is amended by adding Section 1A to read as follows:

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

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

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

(d) If the authority is abolished, the procedures under Chapter

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325, Government Code (Texas Sunset Act), relating to winding up the affairs of a state agency after its abolishment apply to the authority.

No equivalent provision.

SECTION 1.04. TEXAS BOARD OF CHIROPRACTIC EXAMINERS. Section 201.004, Occupations Code, is amended to read as follows:
Sec. 201.004. APPLICATION OF SUNSET ACT. (a) The Texas Board of Chiropractic Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2015 [2017].
(b) The board shall pay the costs incurred by the Sunset Advisory Commission in performing a review of the board under this section. The Sunset Advisory Commission shall determine the costs, and the board shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the costs.

ARTICLE 2. ENTITIES GIVEN 2017 SUNSET DATE

ARTICLE 1. Same as House version.

SECTION 2.01. TEXAS DEPARTMENT OF TRANSPORTATION. Section 201.204, Transportation Code, is amended to read as follows:
Sec. 201.204. SUNSET PROVISION. The Texas Department of Transportation is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2017 [2015].

SECTION 1.01. Same as House version.

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ARTICLE 3. ENTITIES GIVEN 2019 SUNSET DATE	ARTICLE 2. Same as House version.	
SECTION 3.01. REGIONAL EDUCATION SERVICE CENTERS. Section 8.010, Education Code, is amended to read as follows: Sec. 8.010. SUNSET PROVISION. Regional education service centers are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the centers are abolished and this chapter expires September 1, <u>2019</u> [2015].	SECTION 2.01. Same as House version.	
No equivalent provision.	SECTION 2.02. FINANCE COMMISSION OF TEXAS. Section 11.108, Finance Code, is amended to read as follows: Sec. 11.108. SUNSET PROVISION. The finance commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, <u>2019</u> [2015].	
No equivalent provision.	SECTION 2.03. OFFICE OF BANKING COMMISSIONER. Section 12.109, Finance Code, is amended to read as follows: Sec. 12.109. SUNSET PROVISION. The office of banking commissioner is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished September 1, <u>2019</u> [2015].	

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No equivalent provision.

SECTION 2.04. OFFICE OF SAVINGS AND MORTGAGE LENDING COMMISSIONER AND DEPARTMENT OF SAVINGS AND MORTGAGE LENDING. Section 13.012, Finance Code, is amended to read as follows:
Sec. 13.012. SUNSET PROVISION. The office of savings and mortgage lending commissioner and the Department of Savings and Mortgage Lending are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office and department are abolished September 1, 2019 [~~2015~~].

No equivalent provision.

SECTION 2.05. OFFICE OF CONSUMER CREDIT COMMISSIONER. Section 14.066, Finance Code, is amended to read as follows:
Sec. 14.066. SUNSET PROVISION. The office is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished September 1, 2019 [~~2015~~].

No equivalent provision.

SECTION 2.06. TEXAS WINDSTORM INSURANCE ASSOCIATION. Section 2210.002(b), Insurance Code, is amended to read as follows:
(b) The association is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The association shall be reviewed during the period in which state agencies abolished in 2019 [~~2015~~] are reviewed. The association shall pay the costs incurred by the Sunset Advisory Commission in performing the review of

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	the association under this subsection. The Sunset Advisory Commission shall determine the costs of the review performed under this subsection, and the association shall pay the amount of those costs promptly on receipt of a statement from the Sunset Advisory Commission regarding those costs. This subsection expires September 1, <u>2019</u> [2015].	
No equivalent provision.	SECTION 2.07. STATE SECURITIES BOARD. Subsection O, Section 2, The Securities Act (Article 581-2, Vernon's Texas Civil Statutes), is amended to read as follows: O. The State Securities Board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this Act expires September 1, <u>2019</u> [2015].	
SECTION 3.02. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. Section 901.006, Occupations Code, is amended to read as follows: Sec. 901.006. APPLICATION OF SUNSET ACT. The Texas State Board of Public Accountancy is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, <u>2019</u> [2015].	SECTION 2.08. Same as House version.	
ARTICLE 4. ENTITIES GIVEN 2021 SUNSET DATE	ARTICLE 3. Same as House version.	

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<p>SECTION 4.01. TEXAS INVASIVE SPECIES COORDINATING COMMITTEE. Section 776.007(a), Government Code, is amended to read as follows:</p> <p>(a) The committee is subject to Chapter 325 (Texas Sunset Act). [The committee shall be reviewed during the periods in which the State Soil and Water Conservation Board is reviewed.] Unless continued in existence as provided by that chapter, the committee is abolished and this chapter expires <u>September 1, 2021</u> [on the date on which that agency is subject to abolishment].</p>	<p>SECTION 3.01. Same as House version.</p>	
<p>SECTION 4.02. DIVISION OF WORKERS' COMPENSATION OF TEXAS DEPARTMENT OF INSURANCE. Section 31.004(b), Insurance Code, is amended to read as follows:</p> <p>(b) Unless continued as provided by Chapter 325, Government Code, the duties of the division of workers' compensation of the Texas Department of Insurance under Title 5, Labor Code, expire September 1, <u>2021</u> [2017], or another date designated by the legislature.</p>	<p>SECTION 3.02. Same as House version.</p>	
<p>SECTION 4.03. OFFICE OF INJURED EMPLOYEE COUNSEL. Section 404.003, Labor Code, is amended to read as follows:</p> <p>Sec. 404.003. SUNSET PROVISION. The office of injured employee 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, <u>2021</u> [2017].</p>	<p>SECTION 3.03. Same as House version.</p>	

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ARTICLE 5. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW	ARTICLE 4. Same as House version.	
<p>SECTION 5.01. EARLY CHILDHOOD HEALTH AND NUTRITION INTERAGENCY COUNCIL. Section 116.002, Health and Safety Code, is amended to read as follows:</p> <p>Sec. 116.002. <u>REVIEW BY</u> [APPLICATION OF] SUNSET <u>ADVISORY COMMISSION</u> [ACT]. <u>The Sunset Advisory Commission shall review the</u> [The] Early Childhood Health and Nutrition Interagency Council <u>as part of its periodic review of the Department of Agriculture under</u> [is subject to] Chapter 325, Government Code (Texas Sunset Act). [Unless continued in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2019.]</p>	<p>SECTION 4.01. Same as House version.</p>	
No equivalent provision.	ARTICLE 5. SUNSET REVIEW PROCESS	
No equivalent provision.	<p>SECTION 5.01. Chapter 325, Government Code, is amended by adding Section 325.0127 to read as follows:</p> <p><u>Sec. 325.0127. COST OF REVIEW. (a) In this section, "self-directed semi-independent agency" means a state agency that has status as a self-directed semi-independent agency under the Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), Chapter 16, Finance Code, Chapter 1105, Occupations Code, or any other law. The term does not include the Texas Department of Insurance's actuarial division and financial examinations division as those terms are defined by Section 401.251, Insurance Code.</u></p> <p><u>(b) A self-directed semi-independent agency shall pay the</u></p>	

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costs incurred by the commission in performing a review of the agency under this chapter. The commission shall determine the costs of the review, and the agency shall pay the amount of those costs promptly on receipt of a statement from the commission regarding those costs.

No equivalent provision.

SECTION 5.02. Section 325.019, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

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

(1) attorney work product;

(2) an attorney-client communication; or

(3) made privileged or confidential by law.

(c) It is the intent of the legislature to allow the commission and its designated staff members to have access to all meetings or proceedings of a state agency being reviewed by the commission under this chapter and to all records, documents, and files of that agency. To the extent that this section conflicts with other law that purports to limit the commission's access to meetings or proceedings or to records, documents, and files, this section controls. If federal law prohibits a state agency from disclosing information in a record, document, or file to the commission, including information in a record, document, or file created as a result of or considered during a meeting or proceeding, the state agency

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may redact the protected information from the record, document, or file.

(d) Subsections (b) and (c) of this section shall not apply to meetings of a state agency regulating a bank as that term is defined in Section 201.002, Finance Code, that relate to the subject of bank closings, sales, or mergers. [FA2]

No equivalent provision.

SECTION 5.03. Section 325.0195, Government Code, is amended by adding Subsection (c), (c-1) and (c-2) to read as follows:

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

(c-1) The state agency may require the commission or the members of the commission's staff who view, handle or are privy to information, or who attend a meeting that is not accessible to the public, to sign a confidentiality agreement that covers the information and requires that:

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

(2) the information be labeled as confidential;

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(3) the information be kept securely; or
(4) the number of copies made of the information or the notes
taken from the information that implicate the confidential
nature of the information be controlled, with all copies or
notes that are not destroyed or returned to the governmental
body remaining confidential and subject to the confidentiality
agreement.
(c-2) A person who obtains access to confidential information
under this subsection commits an offense if the officer or
employee knowingly:
(1) uses the confidential information for a purpose other than
the purpose for which the information was received or for a
purpose unrelated to the law that permitted the officer or
employee to obtain access to the information, including
solicitation of political contributions or solicitation of clients;
(2) permits inspection of the confidential information by a
person who is not authorized to inspect the information; or
(3) discloses the confidential information to a person who is
not authorized to receive the information. [FA1]

SECTION __.__. TEXAS EDUCATION AGENCY. (a)
Section 7.004, Education Code, is amended to read as follows:
Sec. 7.004. SUNSET PROVISION. The Texas Education
Agency is subject to Chapter 325, Government Code (Texas
Sunset Act). Unless continued in existence as provided by
that chapter, the agency is abolished September 1, 2015
[2013].
(b) This section takes effect only if the 83rd Legislature,
Regular Session, 2013, does not enact other legislation that
becomes law and that amends Section 7.004, Education Code,
to extend the sunset date of the Texas Education Agency. If

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the 83rd Legislature, Regular Session, 2013, enacts legislation of that kind, this section has no effect.

(c) The Sunset Advisory Commission shall limit its review of the Texas Education Agency in preparation for the work of the 84th Legislature in Regular Session to the appropriateness of recommendations made by the commission to the 83rd Legislature. In the commission's report to the 84th Legislature, the commission may include any recommendations it considers appropriate. This subsection expires September 1, 2015. [FA3]

(d) Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.038 to read as follows:

Sec. 39.038. SUNSET REVIEW OF CONTRACTING PROCEDURES FOR ASSESSMENT INSTRUMENTS. The Sunset Advisory Commission shall evaluate the contracting procedures used by the agency to enter into a contract with a provider to develop or administer assessment instruments required by Section 39.023 and present to the 84th Legislature a report on its evaluation and recommendations in relation to the contracting procedures. This section expires September 1, 2015. [FA3,FA4]

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

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

No equivalent provision.

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(b) The Sunset Advisory Commission shall limit its review of the Texas Facilities Commission in preparation for the work of the 84th Legislature in Regular Session to the appropriateness of recommendations made by the commission to the 83rd Legislature. In the commission's report to the 84th Legislature, the commission may include any recommendations it considers appropriate. This subsection expires September 1, 2015. [FA7]

SECTION __.__. PORT OF HOUSTON AUTHORITY. (a) Sections 9(a) and (d), Chapter 97, Acts of the 40th Legislature, 1st Called Session, 1927, as added by Section 1.10, Chapter 1232, Acts of the 82nd Legislature, Regular Session, 2011, are amended to read as follows:
(a) The Port of Houston Authority of Harris County, Texas, is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if it were a state agency but may not be abolished under that chapter. The review shall be conducted as if the authority were scheduled to be abolished September 1, 2015 [~~2013~~].
(d) This section expires September 1, 2015 [~~2013~~].
(b) Section 9, Chapter 97, Acts of the 40th Legislature, 1st Called Session, 1927, as added by Section 22, Chapter 1027, Acts of the 82nd Legislature, Regular Session, 2011, is repealed.
(c) This section takes effect only if the 83rd Legislature, Regular Session, 2013, does not enact other legislation that becomes law and that amends or repeals Sections 9(a) and (d), Chapter 97, Acts of the 40th Legislature, 1st Called Session, 1927, as added by Section 1.10, Chapter 1232, Acts of the 82nd Legislature, Regular Session, 2011. If the 83rd

No equivalent provision.

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	Legislature, Regular Session, 2013, enacts legislation of that kind, this section has no effect. [FA8]	
No equivalent provision.	ARTICLE __. STUDY CONCERNING SELF-DIRECTED SEMI-INDEPENDENT STATUS OF STATE AGENCIES [FA9]	
No equivalent provision.	SECTION __.01. STUDY AND REPORT. (a) In this section, "commission" means the Sunset Advisory Commission. (b) The commission shall conduct a study concerning self-directed semi-independent status of state agencies. (c) The study must address: (1) criteria and a process to be used in determining whether a state agency should be given self-directed semi-independent status; (2) criteria and a process to be used in determining whether the self-directed semi-independent status of a state agency should be revoked; (3) measures to ensure adequate state oversight of state agencies with self-directed semi-independent status; (4) reporting requirements for state agencies with self-directed semi-independent status; (5) procedures for a state agency with self-directed semi-independent status to contract with and to pay for services received from another state agency; (6) review of a state agency's self-directed semi-independent status as part of the agency's sunset review; (7) appropriations issues related to a state agency's transition to self-directed semi-independent status;	

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	<p>(8) appropriations issues related to a state agency's transition from self-directed semi-independent status to regular state agency status; and</p> <p>(9) criteria to review complaint procedures and the disposition of complaints by a state agency with self-directed semi-independent status.</p> <p>(d) In conducting the study, the commission shall consult with the Legislative Budget Board.</p> <p>(e) At the commission's request, a state agency shall provide information and assistance to the commission in conducting the study under this section.</p> <p>(f) Not later than December 31, 2014, the commission shall submit a report on the commission's findings and recommendations to:</p> <p>(1) the governor;</p> <p>(2) the lieutenant governor; and</p> <p>(3) each member of the legislature.</p> <p>(g) This section expires September 1, 2015. [FA9]</p>	
ARTICLE 6. EFFECTIVE DATE	Same as House version.	
SECTION 6.01. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.	SECTION 6.01. Same as House version.	