

By: Phillips

H.B. No. 1397

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Joint Committee to Review the Sunset Advisory Commission.

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

SECTION 1. Subtitle C, Title 3, Government Code, is amended by adding Chapter 327 to read as follows:

CHAPTER 327. JOINT COMMITTEE TO REVIEW THE SUNSET ADVISORY COMMISSION

Sec. 327.001. DEFINITIONS. In this chapter:

(1) "Committee" means the Joint Committee to Review the Sunset Advisory Commission.

(2) "Executive head of a state agency" means the director, executive director, commissioner, administrator, chief clerk, or other individual who is appointed by the governing body or highest officer of the state agency to act as the chief executive or administrative officer of the agency.

Sec. 327.002. JOINT COMMITTEE TO REVIEW THE SUNSET ADVISORY COMMISSION. (a) The Joint Committee to Review the Sunset Advisory Commission consists of:

(1) three members of the senate and one public member appointed by the lieutenant governor;

(2) three members of the house of representatives and one public member appointed by the speaker of the house; and

(3) two executive heads of state agencies and one

1 public member appointed by the governor.

2 (b) The lieutenant governor and the speaker of the house may
3 serve as one of the legislative appointees.

4 (c) A public member of the committee may not concurrently be
5 -serving as a member of the Sunset Advisory Commission.

6 (d) Not more than one legislative member of the committee
7 from each house may concurrently be serving as a member of the
8 Sunset Advisory Commission.

9 (e) If a vacancy occurs, the appropriate appointing
10 authority shall appoint a person to serve for the remainder of the
11 unexpired term in the same manner as the original appointment.

12 (f) The lieutenant governor shall designate one of the
13 committee members appointed by the lieutenant governor to serve as
14 joint chair of the committee. The speaker of the house of
15 representatives shall designate one of the committee members
16 appointed by the speaker to serve as joint chair of the committee.

17 (g) Each member of the committee is entitled to
18 reimbursement for actual and necessary expenses incurred in
19 performing committee duties. Each legislative member is entitled to
20 reimbursement from the appropriate fund of the member's respective
21 house. Each public member and committee member appointed by the
22 governor is entitled to reimbursement from funds appropriated to
23 the committee.

24 Sec. 327.003. STAFF. The committee shall employ persons
25 necessary to carry out this chapter through funds made available by
26 the legislature.

27 Sec. 327.004. COMMITTEE DUTIES. Before December 1, 2018,

1 the committee shall consider whether a public need exists for the
2 continuation of the Sunset Advisory Commission. In making the
3 determination, the committee shall consider:

4 (1) the efficiency and effectiveness with which the
5 commission operates, including the cost of maintaining the
6 commission and its staff as well as any savings realized by the work
7 of the commission;

8 (2) the mission and goals intended for the commission
9 and the problem or need that the commission was intended to address;

10 (3) the extent to which the commission's mission and
11 goals have been achieved and the problem or need has been addressed;

12 (4) the commission's activities that are authorized by
13 statute and any other commission activity and authority for those
14 activities and the extent to which those activities are needed;

15 (5) whether less restrictive or alternative methods of
16 performing any function that the commission performs could
17 adequately protect or provide service to the public; and

18 (6) an assessment of the commission's rulemaking
19 processes and the extent to which the commission has encouraged
20 participation by the public in making its decisions and the extent
21 to which the public participation has resulted in rules that
22 benefit the public.

23 Sec. 327.005. REPORT TO LEGISLATURE. (a) Not later than
24 December 1, 2018, the committee shall report its findings to the
25 legislature.

26 (b) In its report to the legislature, the committee shall:

27 (1) make recommendations on the abolition,

1 continuation, or reorganization of the Sunset Advisory Commission
2 and on the need for the performance of the functions of the
3 commission; and

4 (2) make recommendations to improve the operations of
5 the Sunset Advisory Commission and its governing body, including
6 management recommendations that do not require a change in the
7 commission's enabling statute.

8 (c) The committee shall include the estimated fiscal impact
9 of its recommendations and may recommend appropriation levels for
10 the Sunset Advisory Commission.

11 Sec. 327.006. SUBPOENA POWER. (a) The committee may issue
12 process to compel the attendance of witnesses and the production of
13 books, records, papers, and other objects necessary or proper for
14 the purposes of the committee proceedings. The process may be
15 served on a witness at any place in this state.

16 (b) If a majority of the committee directs the issuance of a
17 subpoena, a joint chair shall issue the subpoena in the name of the
18 committee.

19 (c) If both joint chairs are absent, a designee of one of the
20 joint chairs may issue a subpoena or other process in the same
21 manner as the joint chair.

22 (d) If necessary to obtain compliance with a subpoena or
23 other process, the committee may issue attachments. The
24 attachments may be addressed to and served by any peace officer in
25 this state.

26 (e) Testimony taken under subpoena must be reduced to
27 writing and given under oath subject to the penalties of perjury.

1 (f) A witness who attends a committee proceeding under
2 process is entitled to the same mileage and per diem as a witness
3 who appears before a grand jury in this state.

4 Sec. 327.007. ASSISTANCE OF AND ACCESS TO STATE AGENCIES.

5 (a) The committee may request the assistance of state agencies and
6 officers. When assistance is requested, a state agency or officer
7 shall assist the committee.

8 (b) In carrying out its functions under this chapter, the
9 committee or its designated staff member may inspect the records,
10 documents, and files of any state agency.

11 Sec. 327.008. RECORDS PROTECTED FROM DISCLOSURE. (a) A
12 working paper, including all documentary or other information,
13 prepared or maintained by the committee staff in performing its
14 duties under this chapter or other law to conduct an evaluation and
15 prepare a report is excepted from the public disclosure
16 requirements of Section [552.021](#).

17 (b) A record held by another entity that is considered to be
18 confidential by law and that the committee receives in connection
19 with the performance of the committee's functions under this
20 chapter or another law remains confidential and is excepted from
21 the public disclosure requirements of Section [552.021](#).

22 Sec. 327.009. EXPIRATION. This chapter expires January 1,
23 2019.

24 SECTION 2. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section [39](#), Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2017.