

By: Paddie

H.B. No. 1680

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 2021 SUNSET DATE

SECTION 1.01. TEXAS A&M FOREST SERVICE. Section 88.1016, Education Code, is amended to read as follows:

Sec. 88.1016. SUNSET PROVISION. The Texas A&M Forest Service is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the Texas A&M Forest Service is abolished September 1, 2021 [~~2023~~].

SECTION 1.02. TEACHER RETIREMENT SYSTEM OF TEXAS. Section 825.006, Government Code, is amended to read as follows:

Sec. 825.006. SUNSET PROVISION. The board of trustees of the Teacher Retirement System of Texas is subject to review under Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The board shall be reviewed during the period in which state agencies abolished in 2021 [~~2025~~], and every 12th year after that year, are reviewed.

SECTION 1.03. CANCER PREVENTION AND RESEARCH INSTITUTE OF TEXAS. Section 102.003, Health and Safety Code, is amended to read as follows:

Sec. 102.003. SUNSET PROVISION. The Cancer Prevention and Research Institute of Texas is subject to Chapter 325, Government

1 Code (Texas Sunset Act). Unless continued in existence as provided
2 by that chapter, the institute is abolished and this chapter
3 expires September 1, 2021 [~~2023~~].

4 SECTION 1.04. TEXAS RACING COMMISSION. Section
5 2021.008(a), Occupations Code, as effective April 1, 2019, is
6 amended to read as follows:

7 (a) The commission is subject to Chapter 325, Government
8 Code (Texas Sunset Act). Unless continued in existence as provided
9 by that chapter, and except as provided by Subsections (b) and (c),
10 the commission is abolished and this subtitle expires September 1,
11 2021 [~~2023~~].

12 ARTICLE 2. ENTITIES GIVEN 2023 SUNSET DATE

13 SECTION 2.01. LIMITED REVIEW OF THE DEPARTMENT OF FAMILY
14 AND PROTECTIVE SERVICES. Section 531.0206(a), Government Code, is
15 amended to read as follows:

16 (a) The Sunset Advisory Commission shall conduct a
17 limited-scope review of the commission during the state fiscal
18 biennium ending August 31, 2023, in the manner provided by Chapter
19 325 (Texas Sunset Act). The review must provide:

20 (1) an update on the commission's progress with
21 respect to the consolidation of the health and human services
22 system mandated by this subchapter, including the commission's
23 compliance with the transition plan required under Section
24 531.0204;

25 (2) an evaluation and recommendations regarding the
26 need to continue the Department of State Health Services as a state
27 agency separate from the commission;

1 (3) an evaluation and recommendations regarding the
2 need to continue the Department of Family and Protective Services
3 as a state agency separate from the commission; and

4 (4) [~~3~~] any additional information the Sunset
5 Advisory Commission determines appropriate, including information
6 regarding any additional organizational changes the Sunset
7 Advisory Commission recommends.

8 SECTION 2.02. OFFICE OF INSPECTOR GENERAL, HEALTH AND HUMAN
9 SERVICES COMMISSION. (a) Section 531.102, Government Code, is
10 amended by adding Subsection (y) to read as follows:

11 (y) The Sunset Advisory Commission shall conduct a
12 special-purpose review of the overall performance of the
13 commission's office of inspector general. In conducting the
14 review, the Sunset Advisory Commission shall particularly focus on
15 the office's investigations and the effectiveness and efficiency of
16 the office's processes. The review shall be conducted during the
17 period in which state agencies abolished in 2023 are reviewed. The
18 office is not abolished solely because the office is not explicitly
19 continued following the review required by this subsection. This
20 subsection expires September 1, 2023.

21 (b) Section 14, Chapter 945 (S.B. 207), Acts of the 84th
22 Legislature, Regular Session, 2015, is repealed.

23 SECTION 2.03. TEXAS INVASIVE SPECIES COORDINATING
24 COMMITTEE. Section 776.007(a), Government Code, is amended to read
25 as follows:

26 (a) The committee is subject to Chapter 325 (Texas Sunset
27 Act). Unless continued in existence as provided by that chapter,

1 the committee is abolished and this chapter expires September 1,
2 2023 [~~2021~~].

3 SECTION 2.04. TEXAS JUVENILE JUSTICE BOARD AND TEXAS
4 JUVENILE JUSTICE DEPARTMENT. Section 202.010, Human Resources
5 Code, is amended to read as follows:

6 Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice
7 Board and the Texas Juvenile Justice Department are subject to
8 Chapter 325, Government Code (Texas Sunset Act). Unless continued
9 in existence as provided by that chapter, the board and the
10 department are abolished September 1, 2023 [~~2021~~].

11 SECTION 2.05. DIVISION OF WORKERS' COMPENSATION, TEXAS
12 DEPARTMENT OF INSURANCE. Section 31.004(b), Insurance Code, is
13 amended to read as follows:

14 (b) Unless continued as provided by Chapter 325, Government
15 Code, the duties of the division of workers' compensation of the
16 Texas Department of Insurance under Title 5, Labor Code, expire
17 September 1, 2023 [~~2021~~], or another date designated by the
18 legislature.

19 SECTION 2.06. OFFICE OF INJURED EMPLOYEE COUNSEL. Section
20 404.003, Labor Code, is amended to read as follows:

21 Sec. 404.003. SUNSET PROVISION. The office of injured
22 employee counsel is subject to Chapter 325, Government Code (Texas
23 Sunset Act). Unless continued in existence as provided by that
24 chapter, the office is abolished and this chapter expires September
25 1, 2023 [~~2021~~].

26 SECTION 2.07. UPPER GUADALUPE RIVER AUTHORITY. Section
27 1A(a), Chapter 5, page 1062, Special Laws, Acts of the 46th

1 Legislature, Regular Session, 1939, is amended to read as follows:

2 (a) The District is subject to review under Chapter 325,
3 Government Code (Texas Sunset Act), but may not be abolished under
4 that chapter. The review shall be conducted under Section 325.025,
5 Government Code, as if the District were a state agency scheduled to
6 be abolished September 1, 2023 [~~2021~~], and every 12th year after
7 that year.

8 ARTICLE 3. ENTITIES GIVEN 2025 SUNSET DATE

9 SECTION 3.01. STATE COMMISSION ON JUDICIAL CONDUCT.

10 Section 33.003, Government Code, is amended to read as follows:

11 Sec. 33.003. SUNSET PROVISION. The State Commission on
12 Judicial Conduct is subject to review under Chapter 325 (Texas
13 Sunset Act), but is not abolished under that chapter. The
14 commission shall be reviewed during the period in which state
15 agencies abolished in 2025, [~~2023~~] and every 12th year after that
16 year, [~~2023~~] are reviewed.

17 SECTION 3.02. JUDICIAL BRANCH CERTIFICATION COMMISSION.

18 Section 152.001, Government Code, is amended to read as follows:

19 Sec. 152.001. SUNSET PROVISION. The Judicial Branch
20 Certification Commission is subject to Chapter 325 (Texas Sunset
21 Act), but is not abolished under that chapter. The commission shall
22 be reviewed during the period in which state agencies abolished in
23 2025, [~~2023~~] and every 12th year after that year, [~~2023~~] are
24 reviewed.

25 SECTION 3.03. TEXAS BOARD OF CRIMINAL JUSTICE AND TEXAS

26 DEPARTMENT OF CRIMINAL JUSTICE. Section 492.012, Government Code,

27 is amended to read as follows:

1 Sec. 492.012. SUNSET PROVISION. The Texas Board of
2 Criminal Justice and the Texas Department of Criminal Justice are
3 subject to Chapter 325 (Texas Sunset Act). Unless continued in
4 existence as provided by that chapter, the board and the department
5 are abolished September 1, 2025 [~~2021~~].

6 SECTION 3.04. DEPARTMENT OF INFORMATION RESOURCES. Section
7 2054.005(a), Government Code, is amended to read as follows:

8 (a) The Department of Information Resources is subject to
9 Chapter 325 (Texas Sunset Act). Unless continued in existence as
10 provided by that chapter, the department is abolished and this
11 chapter expires September 1, 2025 [~~2021~~].

12 SECTION 3.05. ANGELINA AND NECHES RIVER AUTHORITY. Section
13 8501.0015(a), Special District Local Laws Code, is amended to read
14 as follows:

15 (a) The authority is subject to review under Chapter 325,
16 Government Code (Texas Sunset Act), but may not be abolished under
17 that chapter. The review shall be conducted under Section 325.025,
18 Government Code, as if the authority were a state agency scheduled
19 to be abolished September 1, 2025 [~~2023~~], and every 12th year after
20 that year.

21 SECTION 3.06. LOWER NECHES VALLEY AUTHORITY. Section
22 8504.0021(a), Special District Local Laws Code, is amended to read
23 as follows:

24 (a) The authority is subject to review under Chapter 325,
25 Government Code (Texas Sunset Act), but may not be abolished under
26 that chapter. The review shall be conducted under Section 325.025,
27 Government Code, as if the authority were a state agency scheduled

1 to be abolished September 1, 2025 [~~2021~~], and every 12th year after
2 that year.

3 SECTION 3.07. PUBLIC UTILITY COMMISSION OF TEXAS. Section
4 12.005, Utilities Code, is amended to read as follows:

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

10 SECTION 3.08. OFFICE OF PUBLIC UTILITY COUNSEL. Section
11 13.002, Utilities Code, is amended to read as follows:

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

17 SECTION 3.09. TRINITY RIVER AUTHORITY OF TEXAS. Section
18 1A(a), Chapter 518, Acts of the 54th Legislature, Regular Session,
19 1955, is amended to read as follows:

20 (a) The Authority is subject to review under Chapter 325,
21 Government Code (Texas Sunset Act), but may not be abolished under
22 that chapter. The review shall be conducted under Section 325.025,
23 Government Code, as if the Authority were a state agency scheduled
24 to be abolished September 1, 2025 [~~2023~~], and every 12th year after
25 that year.

26 ARTICLE 4. ENTITIES GIVEN 2027 SUNSET DATE

27 SECTION 4.01. TEXAS EDUCATION AGENCY. Section 7.004,

1 Education Code, is amended to read as follows:

2 Sec. 7.004. SUNSET PROVISION. The Texas Education Agency
3 is subject to Chapter 325, Government Code (Texas Sunset Act).
4 Unless continued in existence as provided by that chapter, the
5 agency is abolished September 1, 2027 [~~2025~~].

6 SECTION 4.02. EXPANDED LEARNING OPPORTUNITIES COUNCIL.
7 Section 33.254, Education Code, is amended to read as follows:

8 Sec. 33.254. SUNSET PROVISION. The council is subject to
9 Chapter 325, Government Code (Texas Sunset Act). Unless continued
10 in existence as provided by that chapter, the council is abolished
11 and this subchapter expires September 1, 2027 [~~2023~~].

12 SECTION 4.03. TEXAS CIVIL COMMITMENT OFFICE. Section
13 420A.004, Government Code, is amended to read as follows:

14 Sec. 420A.004. SUNSET PROVISION. The Texas Civil
15 Commitment Office is subject to Chapter 325 (Texas Sunset Act).
16 Unless continued in existence as provided by that chapter, the
17 office is abolished and this chapter expires September 1, 2027
18 [~~2023~~].

19 SECTION 4.04. TEXAS FACILITIES COMMISSION. Section
20 2152.002, Government Code, is amended to read as follows:

21 Sec. 2152.002. SUNSET PROVISION. The Texas Facilities
22 Commission is subject to Chapter 325 (Texas Sunset Act). Unless
23 continued in existence as provided by that chapter, the commission
24 is abolished and this subtitle, except for Chapter 2170 and Section
25 2157.121, expires September 1, 2027 [~~2021~~].

26 SECTION 4.05. MATERNAL MORTALITY AND MORBIDITY TASK FORCE.
27 Section 34.018, Health and Safety Code, is amended to read as

1 follows:

2 Sec. 34.018. SUNSET PROVISION. The task force is subject to
3 Chapter 325, Government Code (Texas Sunset Act). Unless continued
4 in existence as provided by that chapter, the task force is
5 abolished and this chapter expires September 1, 2027 [~~2023~~].

6 SECTION 4.06. PUBLIC HEALTH FUNDING AND POLICY COMMITTEE.
7 Section 117.002, Health and Safety Code, is amended to read as
8 follows:

9 Sec. 117.002. APPLICATION OF SUNSET ACT. The Public Health
10 Funding and Policy Committee is subject to Chapter 325, Government
11 Code (Texas Sunset Act). Unless continued in existence as provided
12 by that chapter, the committee is abolished and this chapter
13 expires September 1, 2027 [~~2023~~].

14 SECTION 4.07. PERINATAL ADVISORY COUNCIL. Section
15 241.187(1), Health and Safety Code, is amended to read as follows:

16 (1) The advisory council is subject to Chapter 325,
17 Government Code (Texas Sunset Act). Unless continued in existence
18 as provided by that chapter, the advisory council is abolished and
19 this section expires September 1, 2027 [~~2025~~].

20 SECTION 4.08. DEPARTMENT OF STATE HEALTH SERVICES. Section
21 1001.003, Health and Safety Code, is amended to read as follows:

22 Sec. 1001.003. SUNSET PROVISION. The Department of State
23 Health Services is subject to Chapter 325, Government Code (Texas
24 Sunset Act). Unless continued in existence as provided by that
25 chapter, the department is abolished and this chapter expires
26 September 1, 2027 [~~2023~~].

27 SECTION 4.09. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES.

1 Section 40.003, Human Resources Code, is amended to read as
2 follows:

3 Sec. 40.003. SUNSET PROVISION. The Department of Family
4 and Protective Services is subject to Chapter 325, Government Code
5 (Texas Sunset Act). Unless continued in existence as provided by
6 that chapter, the department is abolished and this chapter expires
7 September 1, 2027 [~~2023~~].

8 SECTION 4.10. STATE USE PROGRAM, TEXAS WORKFORCE
9 COMMISSION. Section 122.0012(b), Human Resources Code, is amended
10 to read as follows:

11 (b) The Texas Workforce Commission's authority to
12 administer and oversee the program administered under this chapter
13 is subject to Chapter 325, Government Code (Texas Sunset Act).
14 Notwithstanding any other law, that authority expires September 1,
15 2027 [~~2021~~], unless continued in existence as provided by Chapter
16 325, Government Code.

17 SECTION 4.11. SABINE RIVER AUTHORITY OF TEXAS. Section
18 2A(a), Chapter 110, Acts of the 51st Legislature, Regular Session,
19 1949, is amended to read as follows:

20 (a) The district is subject to review under Chapter 325,
21 Government Code (Texas Sunset Act), but may not be abolished under
22 that chapter. The review shall be conducted under Section 325.025,
23 Government Code, as if the district were a state agency scheduled to
24 be abolished September 1, 2027 [~~2023~~], and every 12th year after
25 that year.

26 ARTICLE 5. ENTITY GIVEN 2029 SUNSET DATE

27 SECTION 5.01. TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM.

1 Section 865.0011, Government Code, is amended to read as follows:

2 Sec. 865.0011. SUNSET REVIEW. The state board of the
3 pension system is subject to review under Chapter 325 (Texas Sunset
4 Act) but is not abolished under that chapter. The state board shall
5 be reviewed during the period in which state agencies scheduled to
6 be abolished in 2029 [~~2025~~], and every 12th year after that year,
7 are reviewed.

8 ARTICLE 6. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW

9 SECTION 6.01. REGIONAL EDUCATION SERVICE CENTERS. The
10 following laws are repealed:

11 (1) Section 8.010, Education Code; and

12 (2) Section 2(b), Chapter 916 (S.B. 1404), Acts of the
13 85th Legislature, Regular Session, 2017.

14 SECTION 6.02. EVALUATION OF STATE PROCUREMENT SYSTEM.

15 Section 2151.0042, Government Code, is repealed.

16 SECTION 6.03. STATE USE PROGRAM, TEXAS COMPTROLLER OF
17 PUBLIC ACCOUNTS. Section 122.0012(a), Human Resources Code, is
18 repealed.

19 SECTION 6.04. INTERMUNICIPAL COMMUTER RAIL DISTRICTS.

20 Section 173.005, Transportation Code, is repealed.

21 ARTICLE 7. SUNSET REVIEW PROCESS

22 SECTION 7.01. DEFINITIONS. Section 325.002(1), Government
23 Code, is amended to read as follows:

24 (1) "State agency" means an entity [~~agency~~] expressly
25 made subject to this chapter.

26 SECTION 7.02. SUNSET ADVISORY COMMISSION. Section 325.003,
27 Government Code, is amended by amending Subsection (a) and adding

1 Subsection (a-1) to read as follows:

2 (a) The Sunset Advisory Commission is a legislative agency
3 that consists of five members of the senate and one public member
4 appointed by the lieutenant governor and five members of the house
5 of representatives and one public member appointed by the speaker
6 of the house. The lieutenant governor and the speaker of the house
7 may serve as one of the legislative appointees.

8 (a-1) A public member acts on behalf of the legislature when
9 participating on the commission in furtherance of the legislature's
10 duty to provide oversight of executive branch agencies'
11 implementation of legislative priorities.

12 SECTION 7.03. RECOMMENDATIONS. Section 325.0126,
13 Government Code, is amended to read as follows:

14 Sec. 325.0126. MONITORING OF RECOMMENDATIONS. During each
15 legislative session, the staff of the commission shall:

16 (1) monitor legislation affecting agencies that have
17 undergone sunset review immediately before the legislative
18 session;

19 (2) notify [~~and shall periodically report to~~] the
20 members of the commission about any amendment to the legislation
21 prepared under Section 325.012(c) that modifies the commission's
22 [~~on proposed changes which would modify prior~~] recommendations for
23 a state agency; and

24 (3) provide legislative services to support the
25 passage of the legislation prepared under Section 325.012(c) [~~of~~
26 ~~the commission~~].

1 ARTICLE 8. EFFECTIVE DATE

2 SECTION 8.01. EFFECTIVE DATE. This Act takes effect
3 immediately if it receives a vote of two-thirds of all the members
4 elected to each house, as provided by Section 39, Article III, Texas
5 Constitution. If this Act does not receive the vote necessary for
6 immediate effect, this Act takes effect September 1, 2019.