

By: Birdwell, et al.

S.B. No. 619

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. ANATOMICAL BOARD OF THE STATE OF TEXAS. Subchapter A, Chapter 691, Health and Safety Code, is amended by adding Section 691.003 to read as follows:

Sec. 691.003. SUNSET PROVISION. The Anatomical Board of the State of Texas is subject to Chapter 325, Government Code (Texas

1 Sunset Act). Unless continued in existence as provided by that
2 chapter, the board is abolished September 1, 2021.

3 SECTION 1.04. TEXAS RACING COMMISSION. Section
4 2021.008(a), Occupations Code, is amended to read as follows:

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

10 ARTICLE 2. ENTITIES GIVEN 2023 SUNSET DATE

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

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

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

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

26 (3) an evaluation and recommendations regarding the
27 need to continue the Department of Family and Protective Services

1 as a state agency separate from the commission; and

2 (4) [~~3~~] any additional information the Sunset
3 Advisory Commission determines appropriate, including information
4 regarding any additional organizational changes the Sunset
5 Advisory Commission recommends.

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

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

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

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

24 (a) The committee is subject to Chapter 325 (Texas Sunset
25 Act). Unless continued in existence as provided by that chapter,
26 the committee is abolished and this chapter expires September 1,
27 2023 [~~2021~~].

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

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

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

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

17 SECTION 2.06. OFFICE OF INJURED EMPLOYEE COUNSEL. Section
18 404.003, Labor Code, is amended to read as follows:

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

24 SECTION 2.07. UPPER GUADALUPE RIVER AUTHORITY. Section
25 1A(a), Chapter 5, page 1062, Special Laws, Acts of the 46th
26 Legislature, Regular Session, 1939, is amended to read as follows:

27 (a) The District is subject to review under Chapter 325,

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

6 ARTICLE 3. ENTITIES GIVEN 2025 SUNSET DATE

7 SECTION 3.01. STATE COMMISSION ON JUDICIAL CONDUCT.

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

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

15 SECTION 3.02. JUDICIAL BRANCH CERTIFICATION COMMISSION.

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

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

23 SECTION 3.03. TEXAS BOARD OF CRIMINAL JUSTICE AND TEXAS
24 DEPARTMENT OF CRIMINAL JUSTICE. Section 492.012, Government Code,
25 is amended to read as follows:

26 Sec. 492.012. SUNSET PROVISION. The Texas Board of
27 Criminal Justice and the Texas Department of Criminal Justice are

1 subject to Chapter 325 (Texas Sunset Act). Unless continued in
2 existence as provided by that chapter, the board and the department
3 are abolished September 1, 2025 [~~2021~~].

4 SECTION 3.04. DEPARTMENT OF INFORMATION RESOURCES. Section
5 [2054.005](#)(a), Government Code, is amended to read as follows:

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

10 SECTION 3.05. ANGELINA AND NECHES RIVER AUTHORITY. Section
11 [8501.0015](#)(a), Special District Local Laws Code, is amended to read
12 as follows:

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

19 SECTION 3.06. LOWER NECHES VALLEY AUTHORITY. Section
20 [8504.0021](#)(a), Special District Local Laws Code, is amended to read
21 as follows:

22 (a) The authority is subject to review under Chapter [325](#),
23 Government Code (Texas Sunset Act), but may not be abolished under
24 that chapter. The review shall be conducted under Section [325.025](#),
25 Government Code, as if the authority were a state agency scheduled
26 to be abolished September 1, 2025 [~~2021~~], and every 12th year after
27 that year.

1 SECTION 3.07. PUBLIC UTILITY COMMISSION OF TEXAS. Section
2 12.005, Utilities Code, is amended to read as follows:

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

8 SECTION 3.08. OFFICE OF PUBLIC UTILITY COUNSEL. Section
9 13.002, Utilities Code, is amended to read as follows:

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

15 SECTION 3.09. SABINE RIVER AUTHORITY OF TEXAS. Section
16 2A(a), Chapter 110, Acts of the 51st Legislature, Regular Session,
17 1949, is amended to read as follows:

18 (a) The district is subject to review under Chapter 325,
19 Government Code (Texas Sunset Act), but may not be abolished under
20 that chapter. The review shall be conducted under Section 325.025,
21 Government Code, as if the district were a state agency scheduled to
22 be abolished September 1, 2025 [~~2021~~], and every 12th year after
23 that year.

24 SECTION 3.10. TRINITY RIVER AUTHORITY OF TEXAS. Section
25 1A(a), Chapter 518, Acts of the 54th Legislature, Regular Session,
26 1955, is amended to read as follows:

27 (a) The Authority is subject to review under Chapter 325,

1 Government Code (Texas Sunset Act), but may not be abolished under
2 that chapter. The review shall be conducted under Section 325.025,
3 Government Code, as if the Authority were a state agency scheduled
4 to be abolished September 1, 2025 [~~2023~~], and every 12th year after
5 that year.

6 ARTICLE 4. ENTITIES GIVEN 2027 SUNSET DATE

7 SECTION 4.01. TEXAS EDUCATION AGENCY. Section 7.004,
8 Education Code, is amended to read as follows:

9 Sec. 7.004. SUNSET PROVISION. (a) The Texas Education
10 Agency 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, 2027 [~~2025~~].

13 (b) As part of the Sunset Advisory Commission's review of
14 the agency under Subsection (a), the commission in coordination
15 with the agency shall select for review three regional education
16 service centers that serve diverse geographic areas of the state
17 and diverse population sizes. The commission's review of the
18 agency must include an evaluation of the agency's oversight of the
19 centers.

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

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

26 SECTION 4.03. TEXAS CIVIL COMMITMENT OFFICE. Section
27 420A.004, Government Code, is amended to read as follows:

1 Sec. 420A.004. SUNSET PROVISION. The Texas Civil
2 Commitment Office is subject to Chapter 325 (Texas Sunset Act).
3 Unless continued in existence as provided by that chapter, the
4 office is abolished and this chapter expires September 1, 2027
5 [~~2023~~].

6 SECTION 4.04. TEXAS FACILITIES COMMISSION. Section
7 [2152.002](#), Government Code, is amended to read as follows:

8 Sec. 2152.002. SUNSET PROVISION. The Texas Facilities
9 Commission is subject to Chapter 325 (Texas Sunset Act). Unless
10 continued in existence as provided by that chapter, the commission
11 is abolished and this subtitle, except for Chapter [2170](#) and Section
12 [2157.121](#), expires September 1, 2027 [~~2021~~].

13 SECTION 4.05. MATERNAL MORTALITY AND MORBIDITY TASK FORCE.
14 Section [34.018](#), Health and Safety Code, is amended to read as
15 follows:

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

20 SECTION 4.06. PUBLIC HEALTH FUNDING AND POLICY COMMITTEE.
21 Section [117.002](#), Health and Safety Code, is amended to read as
22 follows:

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

1 SECTION 4.07. PERINATAL ADVISORY COUNCIL. Section
2 241.187(1), Health and Safety Code, is amended to read as follows:

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

7 SECTION 4.08. DEPARTMENT OF STATE HEALTH SERVICES. Section
8 1001.003, Health and Safety Code, is amended to read as follows:

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

14 SECTION 4.09. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES.
15 Section 40.003, Human Resources Code, is amended to read as
16 follows:

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

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

25 (b) The Texas Workforce Commission's authority to
26 administer and oversee the program administered under this chapter
27 is subject to Chapter 325, Government Code (Texas Sunset Act).

1 Notwithstanding any other law, that authority expires September 1,
2 2027 [~~2021~~], unless continued in existence as provided by Chapter
3 325, Government Code.

4 ARTICLE 5. ENTITY GIVEN 2029 SUNSET DATE

5 SECTION 5.01. TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM.

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

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

13 ARTICLE 6. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW

14 SECTION 6.01. REGIONAL EDUCATION SERVICE CENTERS. The
15 following laws are repealed:

- 16 (1) Section 8.010, Education Code; and
17 (2) Section 2(b), Chapter 916 (S.B. 1404), Acts of the
18 85th Legislature, Regular Session, 2017.

19 SECTION 6.02. EVALUATION OF STATE PROCUREMENT SYSTEM.

20 Section 2151.0042, Government Code, is repealed.

21 SECTION 6.03. STATE USE PROGRAM, TEXAS COMPTROLLER OF
22 PUBLIC ACCOUNTS. Section 122.0012(a), Human Resources Code, is
23 repealed.

24 SECTION 6.04. INTERMUNICIPAL COMMUTER RAIL DISTRICTS.

25 Section 173.005, Transportation Code, is repealed.

26 ARTICLE 7. SUNSET REVIEW PROCESS

27 SECTION 7.01. DEFINITIONS. Section 325.002(1), Government

1 Code, is amended to read as follows:

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

4 SECTION 7.02. SUNSET ADVISORY COMMISSION. Section 325.003,
5 Government Code, is amended by amending Subsection (a) and adding
6 Subsection (a-1) to read as follows:

7 (a) The Sunset Advisory Commission is a legislative agency
8 that consists of five members of the senate and one public member
9 appointed by the lieutenant governor and five members of the house
10 of representatives and one public member appointed by the speaker
11 of the house. The lieutenant governor and the speaker of the house
12 may serve as one of the legislative appointees.

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

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

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

21 (1) monitor legislation affecting agencies that have
22 undergone sunset review immediately before the legislative
23 session;

24 (2) notify [~~and shall periodically report to~~] the
25 members of the commission about any amendment to the legislation
26 prepared under Section 325.012(c) that modifies the commission's
27 [~~on proposed changes which would modify prior~~] recommendations for

1 a state agency; and

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

5 ARTICLE 8. EFFECTIVE DATE

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