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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Cyrrier

Amend S.B. No. 713 (house committee report) as follows:

(1) Add the following appropriately numbered SECTIONS to ARTICLE 8 of the bill and renumber SECTIONS of ARTICLE 8 accordingly:

SECTION 8.____. CREATION OF SUBCHAPTERS. Chapter 325, Government Code, is amended by designating Sections 325.001 through 325.025 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. SUNSET ADVISORY COMMISSION AND SUNSET REVIEW PROCESS

SECTION 8.____. PROCEDURES AFTER ABOLISHMENT. Section 325.017, Government Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) Except as provided by Subsections (a), (e), and (f), all legal interests of a state agency abolished in an odd-numbered year are transferred to the comptroller on the date the state agency is terminated under Subsection (a).

(h) On the date a state agency that is abolished in an odd-numbered year is terminated under Subsection (a), the chief executive officer of this state is responsible for administering any law previously administered by the abolished state agency and a reference in any law to the abolished state agency means the chief executive officer of this state.

SECTION 8.____. ACROSS-THE-BOARD PROVISIONS. Chapter 325, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. GENERAL PROVISIONS FOR STATE AGENCIES

Sec. 325.051. APPLICABILITY; CONFLICTS. (a) Except as provided by Subsection (b), this subchapter applies to a state agency in the executive branch of state government that is subject

1 to review by the commission under this chapter.

2 (b) This subchapter does not apply to:

3 (1) an advisory committee as defined by Section
4 2110.001;

5 (2) a river authority listed in Section 325.025;

6 (3) an entity subject to a one-time review by the
7 commission;

8 (4) a division or program of a state agency that is
9 reviewed independently of the state agency as a whole;

10 (5) a state agency that does not have a policymaking
11 body but is governed by a single elected or appointed officer;

12 (6) an office of inspector general, ombudsman, or
13 counsel; or

14 (7) the following state agencies:

15 (A) the Cancer Prevention and Research Institute
16 of Texas;

17 (B) the Texas Economic Development and Tourism
18 Office;

19 (C) the Electric Reliability Council of Texas;

20 (D) the state employee charitable campaign
21 policy committee;

22 (E) the Texas Health Services Authority;

23 (F) the State Preservation Board;

24 (G) the Office of State-Federal Relations;

25 (H) the Texas Windstorm Insurance Association;

26 (I) the Texas Low-Level Radioactive Waste
27 Disposal Compact Commission;

28 (J) the School Land Board;

29 (K) the Veterans' Land Board; or

30 (L) the Railroad Commission of Texas.

31 (c) To the extent of any conflict between this subchapter

1 and any law relating to a state agency subject to review by the
2 commission under this chapter, the other law prevails.

3 Sec. 325.052. PUBLIC MEMBERSHIP ON STATE AGENCY
4 POLICYMAKING BODY. (a) A person may not be a public member of the
5 policymaking body of a state agency if the person or the person's
6 spouse:

7 (1) is registered, certified, or licensed by a
8 regulatory agency in a field regulated by the state agency;

9 (2) is employed by or participates in the management
10 of a business entity or other organization regulated by or
11 receiving money from the state agency;

12 (3) owns or controls, directly or indirectly, more
13 than a 10 percent interest in a business entity or other
14 organization regulated by or receiving money from the state agency;
15 or

16 (4) uses or receives a substantial amount of tangible
17 goods, services, or money from the state agency other than
18 compensation or reimbursement authorized by law for the state
19 agency's policymaking body membership, attendance, or expenses.

20 (b) In addition to the restrictions provided by Subsection
21 (a), a person may not be a public member of the policymaking body of
22 a state agency that regulates a health care occupation if the person
23 or the person's spouse is registered, certified, or licensed by a
24 regulatory agency in the field of health care.

25 Sec. 325.053. PROVISIONS RELATING TO CONFLICTS OF INTEREST.

26 (a) In this section, "Texas trade association" means a cooperative
27 and voluntarily joined statewide association of business or
28 professional competitors in this state designed to assist its
29 members and its industry or profession in dealing with mutual
30 business or professional problems and in promoting their common
31 interest.

1 (b) A person may not be a member of the policymaking body of
2 a state agency and may not be an employee of the state agency
3 employed in a "bona fide executive, administrative, or professional
4 capacity," as that phrase is used for purposes of establishing an
5 exemption to the overtime provisions of the federal Fair Labor
6 Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if:

7 (1) the person is an officer, employee, or paid
8 consultant of a Texas trade association in a field regulated by the
9 state agency; or

10 (2) the person's spouse is an officer, manager, or paid
11 consultant of a Texas trade association in a field regulated by the
12 state agency.

13 (c) A person may not be a member of a state agency's
14 policymaking body or act as the general counsel to the state
15 agency's policymaking body or the state agency if the person is
16 required to register as a lobbyist under Chapter 305 because of the
17 person's activities for compensation on behalf of a profession
18 related to the operation of the state agency.

19 (d) In addition to the restrictions provided by Subsection
20 (b), a person may not be a member of the policymaking body of a state
21 agency that regulates a health care occupation and may not be an
22 employee of the state agency as described by Subsection (b) if the
23 person is an officer, employee, or paid consultant of a Texas trade
24 association in the field of health care.

25 Sec. 325.054. GOVERNOR DESIGNATES PRESIDING OFFICER. If
26 the governor appoints all members of a state agency's policymaking
27 body, the governor shall designate a member of the policymaking
28 body as the presiding officer of the policymaking body to serve in
29 that capacity at the pleasure of the governor.

30 Sec. 325.055. GROUNDS FOR REMOVAL OF MEMBERS FROM
31 POLICYMAKING BODIES. (a) It is a ground for removal from a state

1 agency's policymaking body that a member:

2 (1) does not have at the time of taking office the
3 qualifications required by law to be a member of the policymaking
4 body;

5 (2) does not maintain during service on the
6 policymaking body the qualifications required by law to be a member
7 of the policymaking body;

8 (3) is ineligible for membership on the policymaking
9 body under law, including provisions relating to public membership,
10 conflicts of interest, and lobbying;

11 (4) cannot, because of illness or disability,
12 discharge the member's duties for a substantial part of the member's
13 term; or

14 (5) is absent from more than half of the regularly
15 scheduled meetings of the policymaking body that the member is
16 eligible to attend during a calendar year without an excuse
17 approved by a majority vote of the policymaking body.

18 (b) The validity of an action of a state agency's
19 policymaking body is not affected by the fact that it is taken when
20 a ground for removal of a member of the policymaking body exists.

21 (c) If the executive head of a state agency has knowledge
22 that a potential ground for removal exists, the executive head
23 shall notify the presiding officer of the state agency's
24 policymaking body of the potential ground. The presiding officer
25 shall then notify the governor and the attorney general that a
26 potential ground for removal exists. If the potential ground for
27 removal involves the presiding officer, the executive head shall
28 notify the next highest ranking officer of the policymaking body,
29 who shall then notify the governor and the attorney general that a
30 potential ground for removal exists.

31 Sec. 325.056. TRAINING FOR MEMBERS OF POLICYMAKING BODIES.

1 (a) A person who is appointed to and qualifies for office as a
2 member of the policymaking body of a state agency may not vote,
3 deliberate, or be counted as a member in attendance at a meeting of
4 the policymaking body until the person completes a training program
5 that complies with this section.

6 (b) The training program must provide the person with
7 information regarding:

8 (1) the law governing the state agency's operations;

9 (2) the programs, functions, rules, and budget of the
10 state agency;

11 (3) the scope of and limitations on the rulemaking
12 authority of the policymaking body;

13 (4) the results of the most recent formal audit of the
14 state agency;

15 (5) the requirements of:

16 (A) laws relating to open meetings, public
17 information, administrative procedure, and disclosure of conflicts
18 of interest; and

19 (B) other laws applicable to members of a state
20 agency policymaking body in performing their duties; and

21 (6) any applicable ethics policies adopted by the
22 state agency or the Texas Ethics Commission.

23 (c) A person appointed to the state agency's policymaking
24 body is entitled to reimbursement, as provided by the General
25 Appropriations Act, for the travel expenses incurred in attending
26 the training program regardless of whether the attendance at the
27 program occurs before or after the person qualifies for office.

28 (d) The executive head of the state agency shall create a
29 training manual that includes the information required by
30 Subsection (b). The executive head shall distribute a copy of the
31 training manual annually to each member of the policymaking body.

1 Each member of the policymaking body shall sign and submit to the
2 executive head a statement acknowledging that the member received
3 and reviewed the training manual.

4 Sec. 325.057. POLICIES TO SEPARATE POLICYMAKING AND STAFF
5 FUNCTIONS. The policymaking body of a state agency shall develop
6 and implement policies that clearly separate the policymaking
7 responsibilities of the policymaking body and the management
8 responsibilities of the executive head and the staff of the state
9 agency.

10 Sec. 325.058. PUBLIC TESTIMONY AT MEETINGS OF POLICYMAKING
11 BODIES. The policymaking body of a state agency shall develop and
12 implement policies that provide the public with a reasonable
13 opportunity to appear before the policymaking body and to speak on
14 any issue under the jurisdiction of the state agency.

15 Sec. 325.059. COMPLAINT INFORMATION REQUIREMENTS. (a) A
16 state agency shall maintain a system to promptly and efficiently
17 act on complaints filed with the state agency. The state agency
18 shall maintain information about parties to and the subject matter
19 of the complaint and a summary of the results of the review or
20 investigation of the complaint and the disposition of the
21 complaint.

22 (b) The state agency shall make information available
23 describing its procedures for complaint investigation and
24 resolution.

25 (c) The state agency shall periodically notify the
26 complaint parties of the status of the complaint until final
27 disposition unless the notice would jeopardize the investigation,
28 including an undercover investigation.

29 (2) Add the following appropriately numbered ARTICLES to
30 the bill and renumber ARTICLES of the bill accordingly:

31 ARTICLE ____ . REPEALER

SECTION _____.____. REPEALED STATUTES. (a) The following provisions of the Agriculture Code are repealed:

- (1) Section 161.021(d);
- (2) Section 161.023;
- (3) Section 161.024;
- (4) Section 161.029;
- (5) Section 161.030;
- (6) Section 161.033;
- (7) Section 161.034(b);
- (8) Section 201.0142;
- (9) Section 201.019(i); and
- (10) Section 201.020(b).

(b) The following provisions of the Alcoholic Beverage Code are repealed:

- (1) Section 5.022;
- (2) Section 5.04;
- (3) Section 5.051;
- (4) Section 5.07(c); and
- (5) Sections 5.54(a), (a-1), and (b).

(c) The following provisions of the Education Code are repealed:

- (1) Section 7.110;
- (2) Section 54.609;
- (3) Section 54.610;
- (4) Section 54.613(b);
- (5) Sections 54.617(c), (d), and (e);
- (6) Section 61.0222;
- (7) Section 61.0223;
- (8) Section 61.0224;
- (9) Section 61.028(i); and
- (10) Section 61.031.

1 (d) The following provisions of the Finance Code are
2 repealed:

- 3 (1) Section 11.102(d);
- 4 (2) Section 11.107(a);
- 5 (3) Sections 12.107(a), (b), and (c);
- 6 (4) Section 12.108;
- 7 (5) Section 13.011;
- 8 (6) Section 14.056;
- 9 (7) Section 14.062;
- 10 (8) Section 15.2041;
- 11 (9) Section 15.210;
- 12 (10) Section 15.4021(a);
- 13 (11) Section 15.4023; and
- 14 (12) Sections 15.409(b), (c), and (d).

15 (e) The following provisions of the Government Code are
16 repealed:

- 17 (1) Section 411.003(f);
- 18 (2) Section 411.0031;
- 19 (3) Section 411.0035;
- 20 (4) Section 411.0036;
- 21 (5) Section 411.0042;
- 22 (6) Section 411.0195;
- 23 (7) Section 419.005;
- 24 (8) Section 419.006;
- 25 (9) Section 419.007(d);
- 26 (10) Section 419.0071;
- 27 (11) Section 419.009(c);
- 28 (12) Section 419.011;
- 29 (13) Section 420A.003(a);
- 30 (14) Section 420A.006;
- 31 (15) Section 434.005;

1 (16) Section 434.006(a);
2 (17) Section 434.0061;
3 (18) Section 434.0076;
4 (19) Section 434.0091;
5 (20) Section 434.0151;
6 (21) Sections 441.001(e), (f), (h), (i), (j), (k),
7 (m), and (p);
8 (22) Section 441.0011;
9 (23) Section 441.002(j);
10 (24) Section 441.018;
11 (25) Section 442.0021;
12 (26) Section 442.0023;
13 (27) Section 442.004(l);
14 (28) Section 442.009;
15 (29) Section 444.006;
16 (30) Section 444.007(b);
17 (31) Section 444.008(b);
18 (32) Section 444.012;
19 (33) Section 444.014;
20 (34) Sections 467.024(c) and (d);
21 (35) Section 467.0255;
22 (36) Section 467.026;
23 (37) Section 467.029;
24 (38) Section 467.037;
25 (39) Section 467.110;
26 (40) Sections 467.111(a), (b), and (c);
27 (41) Sections 492.003(b), (c), and (d);
28 (42) Section 492.007;
29 (43) Section 492.013(e);
30 (44) Section 501.134;
31 (45) Section 501.135;

1	(46)	Section 501.138;
2	(47)	Section 501.140;
3	(48)	Section 501.143;
4	(49)	Section 501.151;
5	(50)	Section 501.152;
6	(51)	Sections 508.035(a) and (b);
7	(52)	Sections 511.004(h), (i), and (j);
8	(53)	Section 511.0041;
9	(54)	Section 511.005(a);
10	(55)	Section 511.006(c);
11	(56)	Section 511.008(e);
12	(57)	Section 571.0232;
13	(58)	Section 571.0271;
14	(59)	Section 571.030;
15	(60)	Section 571.072(a);
16	(61)	Section 571.1351;
17	(62)	Section 801.1061;
18	(63)	Section 801.1062;
19	(64)	Section 801.110;
20	(65)	Section 801.111(c);
21	(66)	Section 801.206(b);
22	(67)	Section 801.207;
23	(68)	Section 815.009;
24	(69)	Sections 815.111(b) and (e);
25	(70)	Section 815.508;
26	(71)	Section 825.010;
27	(72)	Sections 825.113(b) and (e);
28	(73)	Section 825.201;
29	(74)	Section 825.511;
30	(75)	Section 865.0035;
31	(76)	Section 865.005;

1 (77) Section 865.006(c);
2 (78) Section 865.021;
3 (79) Section 1232.054;
4 (80) Section 1232.055;
5 (81) Section 1232.057;
6 (82) Section 1232.062;
7 (83) Section 1232.070;
8 (84) Section 2054.025;
9 (85) Section 2054.028;
10 (86) Section 2054.029(c);
11 (87) Section 2054.035(a);
12 (88) Section 2054.036;
13 (89) Section 2152.056;
14 (90) Section 2152.0581;
15 (91) Sections 2152.060(b), (c), and (d);
16 (92) Section 2152.061(b);
17 (93) Section 2152.105;
18 (94) Section 2306.027(c);
19 (95) Section 2306.030(a);
20 (96) Section 2306.051;
21 (97) Sections 2306.066(a), (b), (c), and (d);
22 (98) Section 2306.554(b);
23 (99) Section 2306.5542;
24 (100) Section 2306.5543;
25 (101) Section 2306.5547;
26 (102) Section 2306.5555;
27 (103) Section 2306.568;
28 (104) Section 2308.101(c);
29 (105) Section 2308.107;
30 (106) Section 4002.053, as effective January 1, 2022;
31 (107) Section 4002.055, as effective January 1, 2022;

1 (108) Section 4002.056, as effective January 1, 2022;
2 (109) Section 4002.103, as effective January 1, 2022;
3 and
4 (110) Section 4002.202, as effective January 1, 2022.
5 (f) The following provisions of the Health and Safety Code
6 are repealed:
7 (1) Section 771.0316;
8 (2) Section 771.037;
9 (3) Section 771.038;
10 (4) Section 771.039; and
11 (5) Section 771.051(d).
12 (g) The following provisions of the Human Resources Code are
13 repealed:
14 (1) Sections 112.016(a) and (b);
15 (2) Section 112.0201;
16 (3) Section 202.001(c);
17 (4) Section 202.004;
18 (5) Section 202.006;
19 (6) Section 202.008(d); and
20 (7) Section 203.001(b).
21 (h) The following provisions of the Labor Code are repealed:
22 (1) Section 301.023;
23 (2) Section 301.061(a);
24 (3) Section 412.011(i);
25 (4) Sections 412.021(d) and (h);
26 (5) Section 412.022;
27 (6) Section 412.024; and
28 (7) Section 412.034.
29 (i) The following provisions of the Natural Resources Code
30 are repealed:
31 (1) Sections 153.041(e) and (f); and

1 (2) Section 153.043.

2 (j) The following provisions of the Occupations Code are

3 repealed:

4 (1) Section 51.0535;

5 (2) Section 51.054;

6 (3) Section 51.056(a);

7 (4) Section 51.057;

8 (5) Section 51.105;

9 (6) Section 51.253(a);

10 (7) Section 152.006;

11 (8) Section 152.056;

12 (9) Section 154.005(a);

13 (10) Section 201.052(b);

14 (11) Section 201.053;

15 (12) Section 201.056;

16 (13) Section 201.101;

17 (14) Section 201.202(a);

18 (15) Section 201.204;

19 (16) Section 252.003;

20 (17) Section 252.007;

21 (18) Section 253.004;

22 (19) Section 255.004;

23 (20) Section 255.008(a);

24 (21) Section 301.053;

25 (22) Section 301.055;

26 (23) Section 301.105(a);

27 (24) Sections 301.203(a), (b), and (c);

28 (25) Section 301.205(a);

29 (26) Section 351.052(b);

30 (27) Section 351.055(a);

31 (28) Section 351.056;

1	(29)	Section 351.105;
2	(30)	Section 351.202(a);
3	(31)	Section 351.203(c);
4	(32)	Section 351.204;
5	(33)	Section 452.056;
6	(34)	Section 452.102;
7	(35)	Section 452.203(a);
8	(36)	Section 453.056;
9	(37)	Section 453.058(a);
10	(38)	Section 453.153;
11	(39)	Section 453.155(a);
12	(40)	Section 454.055;
13	(41)	Section 454.057(a);
14	(42)	Section 454.152;
15	(43)	Section 454.154(a);
16	(44)	Section 507.102;
17	(45)	Section 507.203;
18	(46)	Section 507.207;
19	(47)	Section 551.003(42);
20	(48)	Section 552.003;
21	(49)	Section 552.004;
22	(50)	Section 552.008;
23	(51)	Section 553.005;
24	(52)	Section 553.007;
25	(53)	Section 555.009(a);
26	(54)	Section 651.0511;
27	(55)	Section 651.052(a);
28	(56)	Section 651.053;
29	(57)	Section 651.104;
30	(58)	Sections 651.202(d) and (e);
31	(59)	Section 651.203;

1	(60)	Section 651.204(a);
2	(61)	Section 801.053;
3	(62)	Section 801.056;
4	(63)	Section 801.104;
5	(64)	Section 801.202(a);
6	(65)	Section 801.204;
7	(66)	Section 901.052;
8	(67)	Section 901.053;
9	(68)	Section 901.055(a);
10	(69)	Section 901.056;
11	(70)	Section 901.102;
12	(71)	Section 901.203;
13	(72)	Section 901.204(a);
14	(73)	Section 1001.102(a);
15	(74)	Section 1001.103;
16	(75)	Section 1001.106;
17	(76)	Section 1001.112;
18	(77)	Section 1001.153;
19	(78)	Section 1001.253;
20	(79)	Section 1001.255;
21	(80)	Section 1002.052(b);
22	(81)	Section 1002.053;
23	(82)	Section 1002.057(a);
24	(83)	Section 1002.103;
25	(84)	Section 1002.203;
26	(85)	Section 1002.205;
27	(86)	Section 1051.102;
28	(87)	Section 1051.103;
29	(88)	Section 1051.105;
30	(89)	Section 1051.107(a);
31	(90)	Section 1051.112;

1 (91) Section 1051.153;
2 (92) Section 1051.253;
3 (93) Section 1051.254(a);
4 (94) Section 1101.052;
5 (95) Section 1101.053;
6 (96) Section 1101.057;
7 (97) Section 1101.102;
8 (98) Section 1101.203;
9 (99) Section 1101.206(a);
10 (100) Section 1103.057;
11 (101) Section 1103.105;
12 (102) Section 1103.161;
13 (103) Section 1103.163;
14 (104) Section 1301.156;
15 (105) Section 1301.157(a);
16 (106) Section 1301.208;
17 (107) Section 1301.3015;
18 (108) Sections 1301.303(b), (c), and (d);
19 (109) Section 1701.053;
20 (110) Section 1701.055(a);
21 (111) Section 1701.056;
22 (112) Section 1701.059;
23 (113) Section 1701.103;
24 (114) Section 1701.203;
25 (115) Section 1701.204(a);
26 (116) Section 2022.005;
27 (117) Section 2022.006;
28 (118) Section 2022.014(a);
29 (119) Section 2022.056; and
30 (120) Sections 2022.102(b), (c), and (d).
31 (k) The following provisions of the Parks and Wildlife Code

1 are repealed:

- 2 (1) Section 11.002;
- 3 (2) Section 11.0125;
- 4 (3) Section 11.0126; and
- 5 (4) Section 11.0151(b).

6 (1) The following provisions of the Transportation Code are
7 repealed:

- 8 (1) Section 201.051(d);
- 9 (2) Section 201.053(a);
- 10 (3) Section 201.057;
- 11 (4) Section 201.059;
- 12 (5) Section 201.102;
- 13 (6) Sections 201.801(a), (b), and (c);
- 14 (7) Section 201.802(a);
- 15 (8) Section 1001.027;
- 16 (9) Section 1003.0055; and
- 17 (10) Section 1004.002.

18 (m) The following provisions of the Utilities Code are
19 repealed:

- 20 (1) Section 12.052;
- 21 (2) Section 12.054;
- 22 (3) Section 12.102; and
- 23 (4) Section 12.202(a).

24 (n) The following provisions of the Water Code are repealed:

- 25 (1) Section 5.0535;
- 26 (2) Section 5.054;
- 27 (3) Section 5.058(a);
- 28 (4) Section 5.059;
- 29 (5) Section 5.060;
- 30 (6) Section 5.112;
- 31 (7) Section 5.113;

- (8) Section 5.173;
- (9) Section 5.176;
- (10) Sections 6.054(a), (b), and (c);
- (11) Section 6.059;
- (12) Section 6.062;
- (13) Section 6.105;
- (14) Section 6.111;
- (15) Section 6.154; and
- (16) Section 6.155.

ARTICLE __. TRANSITION

SECTION _____. CONFLICT WITH OTHER LAWS. The repeal of a statute by this Act controls over an amendment, revision, or reenactment of the statute by another Act of the 87th Legislature, Regular Session, 2021, regardless of relative dates of enactment and the amendment, revision, or reenactment of the repealed statute has no effect.

SECTION _____. NONSUBSTANTIVE REVIEW. The Texas Legislative Council shall review the provisions of law affected by this Act and as part of the state's continuing statutory revision program under Chapter 323, Government Code, prepare a nonsubstantive revision of the headings of any provision of law affected by this Act as necessary to ensure that the heading accurately describes the content of the provision of law.