87R9081 MCK-D

By:  Buckingham S.B. No. 713

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 2023 SUNSET DATE

SECTION 1.01.  PUBLIC UTILITY COMMISSION OF TEXAS. Section 12.005, Utilities Code, is amended to read as follows:

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

SECTION 1.02.  OFFICE OF PUBLIC UTILITY COUNSEL. Section 13.002, Utilities Code, is amended to read as follows:

Sec. 13.002.  APPLICATION OF SUNSET ACT. The Office of Public Utility 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, 2023 [~~2025~~].

ARTICLE 2. ENTITIES GIVEN 2025 SUNSET DATE

SECTION 2.01.  TEXAS ECONOMIC DEVELOPMENT AND TOURISM OFFICE.  Section 481.003, Government Code, is amended to read as follows:

Sec. 481.003.  SUNSET PROVISION.  The Texas Economic Development and Tourism Office is subject to Chapter 325 (Texas Sunset Act).  Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2025 [~~2021~~].

SECTION 2.02.  OFFICE OF STATE-FEDERAL RELATIONS.  Section 751.003, Government Code, is amended to read as follows:

Sec. 751.003.  SUNSET PROVISION.  The Office of State-Federal Relations is subject to Chapter 325 (Texas Sunset Act).  Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2025 [~~2021~~].

SECTION 2.03.  TEXAS DEPARTMENT OF INSURANCE AND DIVISION OF WORKERS' COMPENSATION, TEXAS DEPARTMENT OF INSURANCE. Section 31.004, Insurance Code, is amended to read as follows:

Sec. 31.004.  SUNSET PROVISION. (a)  The Texas Department of Insurance 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, 2025 [~~2023~~].

(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, 2025 [~~2023~~], or another date designated by the legislature.

SECTION 2.04.  OFFICE OF PUBLIC INSURANCE COUNSEL.  Section 501.003, Insurance Code, is amended to read as follows:

Sec. 501.003.  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, 2025 [~~2023~~].

SECTION 2.05.  OFFICE OF INJURED EMPLOYEE COUNSEL.  Section 404.003, Labor Code, is amended to read as follows:

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, 2025 [~~2023~~].

ARTICLE 3. ENTITIES GIVEN 2029 SUNSET DATE

SECTION 3.01.  STATE BOARD OF VETERINARY MEDICAL EXAMINERS. (a) Section 801.003, Occupations Code, is amended to read as follows:

Sec. 801.003.  APPLICATION OF SUNSET ACT.  The State Board of Veterinary Medical 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, 2029 [~~2021~~].

(b)  The Sunset Advisory Commission shall conduct a special-purpose review of the State Board of Veterinary Medical Examiners for the 88th Legislature.  In conducting the special-purpose review under this subsection:

(1)  the Sunset Advisory Commission staff evaluation and report must be limited to reviewing the implementation of the State Board of Veterinary Medical Examiners' database system and the board's processes and procedures for collecting and analyzing data as recommended by the commission to the 87th Legislature; and

(2)  the commission's recommendations to the 88th Legislature may include any recommendation the commission considers appropriate based on the special-purpose review.

(c)  The state auditor shall conduct an effectiveness audit of the State Board of Veterinary Medical Examiners to evaluate:

(1)  the board's implementation of the data-related recommendations made in the report on the board submitted by the Sunset Advisory Commission to the 85th Legislature and identified as not fully implemented in the report on the board submitted by the commission to the 87th Legislature; and

(2)  any additional recommendation made in the Sunset Advisory Commission's report on the special-purpose review under Subsection (b) of this section.

(d)  The state auditor may not begin the audit required by Subsection (c) of this section before December 1, 2023, and shall prepare and submit a report of the findings of the audit to the chair and executive director of the Sunset Advisory Commission not later than December 1, 2024.

(e)  The state auditor shall include the auditor's duties under this section in each audit plan under Section 321.013, Government Code, that governs the auditor's duties for the period specified by Subsection (d) of this section.

ARTICLE 4. ENTITIES GIVEN 2031 SUNSET DATE

SECTION 4.01.  TEXAS REAL ESTATE COMMISSION.  Section 1101.006, Occupations Code, is amended to read as follows:

Sec. 1101.006.  APPLICATION OF SUNSET ACT.  The Texas Real Estate Commission is subject to Chapter 325, Government Code (Texas Sunset Act).  Unless continued in existence as provided by that chapter, the commission is abolished and this chapter, Chapter 1102, and Chapter 1303 of this code and Chapter 221, Property Code, expire September 1, 2031 [~~2025~~].

ARTICLE 5. ENTITIES REMOVED FROM SUNSET REVIEW

SECTION 5.01.  TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION. Section 403.0054, Health and Safety Code, is repealed.

ARTICLE 6. SUNSET REVIEW PROCESS

SECTION 6.01.  REMOTE MEETINGS. Chapter 325, Government Code, is amended by adding Sections 325.0091 and 325.0092 to read as follows:

Sec. 325.0091.  MEETINGS USING TELECOMMUNICATION DEVICES. (a) As an exception to Chapter 551 and other law, if a meeting is located in Austin and the presiding officers of the commission are physically present at the meeting, then any number of the other members and employees of the commission may participate in the meeting by use of telephone conference call, video conference call, or other similar telecommunication device.

(b)  A member attending a meeting using a telecommunication device authorized by Subsection (a) is considered to be attending the meeting for purposes of constituting a quorum, for purposes of voting, and for any other purpose allowing a member of the commission to otherwise fully participate in the meeting.

(c)  A meeting held by use of telephone conference call, video conference call, or other similar telecommunication device:

(1)  is subject to the notice requirements applicable to other meetings;

(2)  must specify in the notice of the meeting the location in Austin of the meeting at which the presiding officers will be physically present;

(3)  must be open to the public and shall be audible to the public at the location in Austin specified in the notice of the meeting as the location of the meeting at which the presiding officers will be physically present; and

(4)  must provide two-way audio communication between all members of the commission attending the meeting during the entire meeting, and if the two-way audio communication link with any member attending the meeting is disrupted at any time, the meeting may not continue until the two-way audio communication link is reestablished.

Sec. 325.0092.  MEETINGS DURING STATE OF DISASTER OR EMERGENCY. (a) During a state of disaster or emergency declared by the governor the commission may limit public access to the physical location of a commission meeting.

(b)  If public access to a meeting is limited as authorized by this section, the commission shall:

(1)  broadcast the video and audio of the meeting in real time on the commission's Internet website; and

(2)  provide the following information in the notice of the meeting:

(A)  the link to the broadcast on the commission's Internet website; and

(B)  a description of the manner in which the public will be able to participate in the meeting, including:

(i)  any health and safety protocols the commission imposes to attend the meeting; and

(ii)  any procedures for a member of the public to:

(a)  testify electronically or in person at the meeting; or

(b)  electronically submit public comments without testifying.

(c)  If the commission invites witnesses to testify at a meeting to which public access is limited under this section, the commission shall make a reasonable effort to invite witnesses representing different viewpoints on the matters to be considered at the meeting.

SECTION 6.02.  PROCEDURES DURING DECLARED DISASTER. Section 325.0125(b), Government Code, is amended to read as follows:

(b)  The commission may only exempt agencies that have been inactive for a period of two years preceding the date the agency is scheduled for abolition, [~~or~~] that have been rendered inactive by an action of the legislature, or that the commission determines are unable to participate in the review due to a declared disaster.

ARTICLE 7. EFFECTIVE DATE

SECTION 7.01.  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, 2021.