

BILL ANALYSIS

Senate Research Center
88R21116 MCK-D

C.S.S.B. 1659
By: Schwertner
Business & Commerce
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1659 is the Sunset schedule bill, which is filed each session to make necessary adjustments to the agencies set for Sunset review in upcoming biennia. The Sunset Advisory Commission is governed by Chapter 325 of the Texas Government Code.

The changes in S.B. 1659 will help ensure the legislature benefits from review of similar state agency functions in the same biennium, as well as balance the Sunset review workload to give sufficient attention to each agency. S.B. 1659 also updates provisions in the Sunset Act.

This legislation addresses issues differently from current law by:

- Makes adjustments to the review schedule for the next two biennia to ensure each review receives sufficient staffing and resources to provide the legislature with thorough and meaningful legislative oversight of each agency. Twelve agencies would experience either a two- or four-year extension of their review date as a result of these changes.
- Coordinates the reviews of the state's occupational licensing agencies by moving all such agencies' Sunset dates to 2033. This will allow the legislature to compare and consider how the state approaches occupational licensing functions across 19 agencies, identifying best practices and pathways to more efficient operations.
- Removes the Bandera County River Authority from Sunset review.
- Clarifies the Sunset process is not limited to executive agencies but is applicable to any state entity placed under review by the legislature, such as the State Commission on Judicial Conduct.
- Confirms that agencies subject to review but not abolishment under the Sunset Act are subject to all other provisions in the act relating to Sunset reviews.

C.S.S.B. 1659 amends current law relating to the sunset review process and certain governmental entities subject to that process.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

ARTICLE 1. ENTITIES GIVEN 2029 SUNSET DATE

SECTION 1.01. TEXAS EDUCATION AGENCY. Amends Section 7.004(a), Education Code, to provide that the Texas Education Agency is abolished September 1, 2029, rather than 2027, unless continued in existence as provided by Chapter 325 (Sunset Law), Government Code.

SECTION 1.02. EXPANDED LEARNING OPPORTUNITIES COUNCIL. Amends Section 33.254, Education Code, as follows:

Sec. 33.254. SUNSET PROVISION. Provides that the Expanded Learning Opportunities Council is abolished and Subchapter G (Expanded Learning Opportunities Council)

expires September 1, 2029, rather than 2027, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 1.03. TEXAS HIGHER EDUCATION COORDINATING BOARD. Amends Section 61.0211, Education Code, as follows:

Sec. 61.0211. **SUNSET PROVISION.** Provides that the Texas Higher Education Coordinating Board is abolished and Chapter 61 (Texas Higher Education Coordinating Board) expires September 1, 2029, rather than 2025, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 1.04. STATE COMMISSION ON JUDICIAL CONDUCT. Amends Section 33.003, Government Code, as follows:

Sec. 33.003. **SUNSET PROVISION.** Requires the State Commission on Judicial Conduct to be reviewed during the period in which state agencies abolished in 2029, rather than in 2025, and every 12th year after that year, are reviewed.

SECTION 1.05. JUDICIAL BRANCH CERTIFICATION COMMISSION. Amends Section 152.001, Government Code, as follows:

Sec. 152.001. **SUNSET PROVISION.** Requires the Judicial Branch Certification Commission to be reviewed during the period in which state agencies abolished in 2029, rather than in 2025, and every 12th year after that year, are reviewed.

SECTION 1.06. STATE PRESERVATION BOARD. Amends Section 443.002, Government Code, as follows:

Sec. 443.002. **SUNSET PROVISION.** Provides that the State Preservation Board is abolished and Chapter 443 (State Preservation Board) expires September 1, 2029, rather than 2025, unless continued in existence as provided by Chapter 325.

SECTION 1.07. STATE PENSION REVIEW BOARD. Amends Section 801.107, Government Code, as follows:

Sec. 801.107. **SUNSET PROVISION.** Provides that the State Pension Review Board is abolished and Chapter 801 (State Pension Review Board) expires September 1, 2029, rather than 2025, unless continued in existence as provided by Chapter 325.

SECTION 1.08. TEXAS PUBLIC FINANCE AUTHORITY. Amends Section 1232.072, Government Code, as follows:

Sec. 1232.072. **SUNSET PROVISION.** Provides that the Texas Public Finance Authority is abolished and Chapter 1232 (Texas Public Finance Authority) expires September 1, 2029, rather than 2027, unless continued in existence as provided by Chapter 325.

SECTION 1.09. DEPARTMENT OF INFORMATION RESOURCES. Amends Section 2054.005, Government Code, as follows:

Sec. 2054.005. **SUNSET PROVISION.** Provides that the Department of Information Resources is abolished and Chapter 2054 (Information Resources) expires September 1, 2029, rather than 2025, unless continued in existence as provided by Chapter 325.

SECTION 1.10. TEXAS FACILITIES COMMISSION. Amends Section 2152.002, Government Code, as follows:

Sec. 2152.002. **SUNSET PROVISION.** Provides that the Texas Facilities Commission is abolished and Subtitle D (State Purchasing and General Services), except for Chapter 2170 (Telecommunications Services) and Section 2157.121 (Acquisition Through

Competitive Sealed Proposals), expires September 1, 2029, rather than 2027, unless continued in existence as provided by Chapter 325.

SECTION 1.11. TEXAS STATE AFFORDABLE HOUSING CORPORATION. Amends Section 2306.5521, Government Code, as follows:

Sec. 2306.5521. **SUNSET PROVISION.** Provides that the Texas State Affordable Housing Corporation is abolished and Subchapter Y (Texas State Affordable Housing Corporation) expires September 1, 2029, rather than 2027, unless continued in existence as provided by Chapter 325.

SECTION 1.12. COMMISSION ON STATE EMERGENCY COMMUNICATIONS. Amends Section 771.032, Health and Safety Code, as follows:

Sec. 771.032. **APPLICATION OF SUNSET ACT.** Provides that the Commission on State Emergency Communications is abolished and Chapter 771 (State Administration of Emergency Communications) expires September 1, 2029, rather than 2027, unless continued in existence as provided by Chapter 325, Government Code.

ARTICLE 2. ENTITIES GIVEN 2033 SUNSET DATE

SECTION 2.01. PEDIATRIC ACUTE-ONSET NEUROPSYCHIATRIC SYNDROME ADVISORY COUNCIL. Amends Section 119A.009, Health and Safety Code, as follows:

Sec. 119A.009. **SUNSET PROVISION.** Provides that the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council is abolished and Chapter 119A (Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council) expires September 1, 2033, rather than 2031, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2.02. TEXAS MEDICAL BOARD. Amends Section 151.004, Occupations Code, as follows:

Sec. 151.004. **APPLICATION OF SUNSET ACT.** Provides that the Texas Medical Board is abolished and Subtitle B (Physicians) and Chapters 204 (Physician Assistants), 205 (Acupuncture), 206 (Surgical Assistants), 601 (Medical Radiologic Technologists), 602 (Medical Physicists), 603 (Perfusionists), and 604 (Respiratory Care Practitioners) expire September 1, 2033, rather than 2031, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2.03. TEXAS BOARD OF CHIROPRACTIC EXAMINERS. Amends Section 201.004, Occupations Code, as follows:

Sec. 201.004. **APPLICATION OF SUNSET ACT.** Provides that the Texas Board of Chiropractic Examiners is abolished and Chapter 201 (Chiropractors) expires September 1, 2033, rather than 2029, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2.04. STATE BOARD OF DENTAL EXAMINERS. Amends Section 251.005, Occupations Code, as follows:

Sec. 251.005. **APPLICATION OF SUNSET ACT.** Provides that the State Board of Dental Examiners is abolished September 1, 2033, rather than 2029, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2.05. TEXAS BOARD OF NURSING. Amends Section 301.003, Occupations Code, as follows:

Sec. 301.003. APPLICATION OF SUNSET ACT. Provides that the Texas Board of Nursing is abolished September 1, 2033, rather than 2029, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2.06. TEXAS OPTOMETRY BOARD. Amends Section 351.004, Occupations Code, as follows:

Sec. 351.004. SUNSET PROVISION. Provides that the Texas Optometry Board is abolished and Chapter 351 (Optometrists and Therapeutic Optometrists) expires September 1, 2033, rather than 2029, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2.07. EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY EXAMINERS. Amends Section 452.002, Occupations Code, as follows:

Sec. 452.002. APPLICATION OF SUNSET ACT. Provides that the Executive Council of Physical Therapy and Occupational Therapy Examiners is abolished and the following laws expire September 1, 2033, rather than 2029, unless continued in existence as provided by Chapter 325, Government Code:

- (1) Chapter 452 (Executive Council of Physical Therapy and Occupational Therapy Examiners);
- (2) Chapter 453 (Physical Therapists); and
- (3) Chapter 454 (Occupational Therapists).

SECTION 2.08. TEXAS BOARD OF PHYSICAL THERAPY EXAMINERS. Amends Section 453.002, Occupations Code, as follows:

Sec. 453.002. APPLICATION OF SUNSET ACT. Provides that the Texas Board of Physical Therapy Examiners is abolished and this chapter expires September 1, 2033, rather than 2029, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2.09. TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS. Amends Section 454.003, Occupations Code, as follows:

Sec. 454.003. APPLICATION OF SUNSET ACT. Provides that the Texas Board of Occupational Therapy Examiners is abolished and this chapter expires September 1, 2033, rather than 2029, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2.10. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL. Amends Section 507.002, Occupations Code, as follows:

Sec. 507.002. APPLICATION OF SUNSET ACT. Provides that the Texas Behavioral Health Executive Council is abolished and Chapter 507 (Texas Behavioral Health Executive Council) and Chapters 501 (Psychologists), 502 (Marriage and Family Therapists), 503 (Licensed Professional Counselors), and 505 (Social Workers) expire September 1, 2033, rather than 2029, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2.11. TEXAS STATE BOARD OF PHARMACY. Amends Section 551.005, Occupations Code, as follows:

Sec. 551.005. APPLICATION OF SUNSET ACT. Provides that the Texas State Board of Pharmacy is abolished and Subtitle J (Pharmacy and Pharmacists) expires September 1, 2033, rather than 2029, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2.12. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. Amends Section 901.006, Occupations Code, as follows:

Sec. 901.006. APPLICATION OF SUNSET ACT. Provides that the Texas State Board of Public Accountancy is abolished and Chapter 901 (Accountants) expires September 1, 2033, rather than 2031, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2.13. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS. Amends Section 1001.005, Occupations Code, as follows:

Sec. 1001.005. APPLICATION OF SUNSET ACT. Provides that the Texas Board of Professional Engineers and Land Surveyors is abolished and Chapter 1001 (Texas Board of Professional Engineers and Land Surveyors) expires September 1, 2033, rather than 2025, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2.14. TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS. Amends Section 1002.003, Occupations Code, as follows:

Sec. 1002.003. APPLICATION OF SUNSET ACT. Provides that the Texas Board of Professional Geoscientists is abolished and Chapter 1002 (Geoscientists) expires September 1, 2033, rather than 2025, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2.15. TEXAS BOARD OF ARCHITECTURAL EXAMINERS. Amends Section 1051.003, Occupations Code, as follows:

Sec. 1051.003. APPLICATION OF SUNSET ACT. Provides that the Texas Board of Architectural Examiners is abolished and Subtitle B (Regulation of Architecture and Related Practices) expires September 1, 2033, rather than 2025, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2.16. TEXAS REAL ESTATE COMMISSION. Amends Section 1101.006, Occupations Code, as follows:

Sec. 1101.006. APPLICATION OF SUNSET ACT. Provides that the Texas Real Estate Commission is abolished and Chapter 1101 (Real Estate Brokers and Sales Agents) and Chapter 1102 (Real Estate Inspectors) of this code and Chapter 221 (Texas Timeshare Act), Property Code, expire September 1, 2033, rather than 2031, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2.17. TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD. Amends Section 1103.006, Occupations Code, as follows:

Sec. 1103.006. APPLICATION OF SUNSET ACT. Provides that the Texas Appraiser Licensing and Certification Board is abolished and Chapter 1103 (Real Estate Appraisers) and Chapter 1104 (Appraisal Management Companies) expire September 1, 2033, rather than 2031, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 2.18. TEXAS STATE BOARD OF PLUMBING EXAMINERS. Amends Section 1301.003, Occupations Code, as follows:

Sec. 1301.003. APPLICATION OF SUNSET ACT. Provides that the Texas State Board of Plumbing Examiners is abolished and Chapter 1301 (Plumbers) expires September 1, 2033, rather than 2027, unless continued in existence as provided by Chapter 325, Government Code.

ARTICLE 3. ENTITIES GIVEN 2035 SUNSET DATE

SECTION 3.01. DEPARTMENT OF AGRICULTURE. Amends Section 11.003, Agriculture Code, as follows:

Sec. 11.003. SUNSET PROVISION. Provides that the Texas Department of Agriculture is abolished September 1, 2035, rather than 2033, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 3.02. BOARD OF DIRECTORS OF THE OFFICIAL COTTON GROWERS' BOLL WEEVIL ERADICATION FOUNDATION. Amends Section 74.127(a), Agriculture Code, as follows:

(a) Provides that the Board of Directors of the Official Cotton Growers' Boll Weevil Eradication Foundation is abolished September 1, 2035, rather than 2033, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 3.03. TEXAS ANIMAL HEALTH COMMISSION. Amends Section 161.027, Agriculture Code, as follows:

Sec. 161.027. SUNSET PROVISION. Provides that the Texas Animal Health Commission is abolished September 1, 2035, rather than 2033, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 3.04. PREPAID HIGHER EDUCATION TUITION BOARD. Amends Section 54.603, Education Code, as follows:

Sec. 54.603. SUNSET PROVISION. Provides that the Prepaid Higher Education Tuition Board is abolished September 1, 2035, rather than 2033, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 3.05. CREDIT UNION DEPARTMENT. Amends Section 15.212, Finance Code, as follows:

Sec. 15.212. SUNSET PROVISION. Provides that the Credit Union Department and Credit Union Commission are abolished September 1, 2035, rather than 2033, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 3.06. TEXAS COMMISSION ON FIRE PROTECTION. Amends Section 419.003, Government Code, as follows:

Sec. 419.003. SUNSET PROVISION. Provides that the Texas Commission on Fire Protection is abolished September 1, 2035, rather than 2033, unless continued in existence as provided by Chapter 325.

SECTION 3.07. COMMISSION ON JAIL STANDARDS. Amends Section 511.003, Government Code, as follows:

Sec. 511.003. SUNSET PROVISION. Provides that the Commission on Jail Standards is abolished September 1, 2035, rather than 2033, unless continued in existence as provided by Chapter 325.

SECTION 3.08. TEACHER RETIREMENT SYSTEM OF TEXAS. Amends Section 825.006, Government Code, as follows:

Sec. 825.006. SUNSET PROVISION. Requires the board of trustees of the Teacher Retirement System of Texas to be reviewed during the period in which state agencies abolished in 2035, rather than 2033, and every 12th year after that year, are reviewed.

SECTION 3.09. PARKS AND WILDLIFE DEPARTMENT. Amends Section 11.0111, Parks and Wildlife Code, as follows:

Sec. 11.0111. SUNSET PROVISION. Provides that the Texas Parks and Wildlife Department is abolished September 1, 2035, rather than 2033, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 3.10. BRAZOS RIVER AUTHORITY. Amends Section 8502.0021(a), Special District Local Laws Code, as follows:

(a) Requires that a review of the Brazos River Authority be conducted under Section 325.025 (River Authorities Subject to Review), Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2035, rather than 2033, and every 12th year after that year.

SECTION 3.11. GULF COAST PROTECTION DISTRICT. Amends Section 9502.0105(a), Special District Local Laws Code, as follows:

(a) Requires that a review of the Gulf Coast Protection District be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2035, rather than 2033, and every 12th year after that year.

ARTICLE 4. ENTITIES REMOVED FROM SUNSET REVIEW

SECTION 4.01. BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER DISTRICT. Repealer: Section 1A, Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971.

ARTICLE 5. AMENDMENTS TO THE TEXAS SUNSET ACT

SECTION 5.01. SUNSET ADVISORY COMMISSION. Amends Section 325.003(a-1), Government Code, as follows:

(a-1) Provides that a public member acts on behalf of the legislature when participating on the Sunset Advisory Commission in furtherance of the legislature's duty to provide oversight of state, rather than executive branch, agencies' implementation of legislative priorities.

SECTION 5.02. SUNSET ADVISORY COMMISSION REVIEW OF STATE AGENCIES NOT SUBJECT TO ABOLISHMENT. Amends Chapter 325, Government Code, by adding Section 325.006, as follows:

Sec. 325.006. REVIEW OF AGENCIES NOT SUBJECT TO ABOLISHMENT. Provides that the provisions of this chapter relating to the review of a state agency by the Sunset Advisory Commission apply to the review of a state agency that is not subject to abolishment in the same manner as the provisions apply to a state agency that is subject to abolishment.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. EFFECTIVE DATE. Effective date: upon passage or September 1, 2023.