By:  Schwertner S.B. No. 1659

(In the Senate - Filed March 6, 2023; March 16, 2023, read first time and referred to Committee on Business & Commerce; April 12, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 11, Nays 0; April 12, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Schwertner           X

King                 X

Birdwell             X

Campbell             X

Creighton            X

Johnson              X

Kolkhorst            X

Menéndez             X

Middleton            X

Nichols              X

Zaffirini            X

COMMITTEE SUBSTITUTE FOR S.B. No. 1659 By:  Schwertner

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 2029 SUNSET DATE

SECTION 1.01.  TEXAS EDUCATION AGENCY. Section 7.004(a), Education Code, is amended to read as follows:

(a)  The Texas Education Agency is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the agency is abolished September 1, 2029 [~~2027~~].

SECTION 1.02.  EXPANDED LEARNING OPPORTUNITIES COUNCIL. Section 33.254, Education Code, is amended to read as follows:

Sec. 33.254.  SUNSET PROVISION. The council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this subchapter expires September 1, 2029 [~~2027~~].

SECTION 1.03.  TEXAS HIGHER EDUCATION COORDINATING BOARD. Section 61.0211, Education Code, is amended to read as follows:

Sec. 61.0211.  SUNSET PROVISION. The Texas Higher Education Coordinating Board 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 [~~2025~~].

SECTION 1.04.  STATE COMMISSION ON JUDICIAL CONDUCT. Section 33.003, Government Code, is amended to read as follows:

Sec. 33.003.  SUNSET PROVISION. The State Commission on Judicial Conduct is subject to review under Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The commission shall be reviewed during the period in which state agencies abolished in 2029 [~~2025~~], and every 12th year after that year, are reviewed.

SECTION 1.05.  JUDICIAL BRANCH CERTIFICATION COMMISSION. Section 152.001, Government Code, is amended to read as follows:

Sec. 152.001.  SUNSET PROVISION. The Judicial Branch Certification Commission is subject to Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The commission shall be reviewed during the period in which state agencies abolished in 2029 [~~2025~~], and every 12th year after that year, are reviewed.

SECTION 1.06.  STATE PRESERVATION BOARD. Section 443.002, Government Code, is amended to read as follows:

Sec. 443.002.  SUNSET PROVISION. The State Preservation Board is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2029 [~~2025~~].

SECTION 1.07.  STATE PENSION REVIEW BOARD. Section 801.107, Government Code, is amended to read as follows:

Sec. 801.107.  SUNSET PROVISION. The State Pension Review Board is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2029 [~~2025~~].

SECTION 1.08.  TEXAS PUBLIC FINANCE AUTHORITY. Section 1232.072, Government Code, is amended to read as follows:

Sec. 1232.072.  SUNSET PROVISION. The Texas Public Finance Authority is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the authority is abolished and this chapter expires September 1, 2029 [~~2027~~].

SECTION 1.09.  DEPARTMENT OF INFORMATION RESOURCES. Section 2054.005, Government Code, is amended to read as follows:

Sec. 2054.005.  SUNSET PROVISION. [~~(a)~~] The Department of Information Resources is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2029 [~~2025~~].

SECTION 1.10.  TEXAS FACILITIES COMMISSION. Section 2152.002, Government Code, is amended to read as follows:

Sec. 2152.002.  SUNSET PROVISION. The Texas Facilities Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this subtitle, except for Chapter 2170 and Section 2157.121, expires September 1, 2029 [~~2027~~].

SECTION 1.11.  TEXAS STATE AFFORDABLE HOUSING CORPORATION. Section 2306.5521, Government Code, is amended to read as follows:

Sec. 2306.5521.  SUNSET PROVISION. The Texas State Affordable Housing Corporation is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the corporation is abolished and this subchapter expires September 1, 2029 [~~2027~~].

SECTION 1.12.  COMMISSION ON STATE EMERGENCY COMMUNICATIONS. Section 771.032, Health and Safety Code, is amended to read as follows:

Sec. 771.032.  APPLICATION OF SUNSET ACT. The Commission on State Emergency Communications 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 expires September 1, 2029 [~~2027~~].

ARTICLE 2.  ENTITIES GIVEN 2033 SUNSET DATE

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

Sec. 119A.009.  SUNSET PROVISION. The Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the advisory council is abolished and this chapter expires September 1, 2033 [~~2031~~].

SECTION 2.02.  TEXAS MEDICAL BOARD. Section 151.004, Occupations Code, is amended to read as follows:

Sec. 151.004.  APPLICATION OF SUNSET ACT. The Texas Medical Board 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 subtitle and Chapters 204, 205, 206, 601, 602, 603, and 604 expire September 1, 2033 [~~2031~~].

SECTION 2.03.  TEXAS BOARD OF CHIROPRACTIC EXAMINERS. Section 201.004, Occupations Code, is amended to read as follows:

Sec. 201.004.  APPLICATION OF SUNSET ACT. The Texas Board of Chiropractic 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, 2033 [~~2029~~].

SECTION 2.04.  STATE BOARD OF DENTAL EXAMINERS. Section 251.005, Occupations Code, is amended to read as follows:

Sec. 251.005.  APPLICATION OF SUNSET ACT. The State Board of Dental Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2033 [~~2029~~].

SECTION 2.05.  TEXAS BOARD OF NURSING. Section 301.003, Occupations Code, is amended to read as follows:

Sec. 301.003.  APPLICATION OF SUNSET ACT. The Texas Board of Nursing is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2033 [~~2029~~].

SECTION 2.06.  TEXAS OPTOMETRY BOARD. Section 351.004, Occupations Code, is amended to read as follows:

Sec. 351.004.  SUNSET PROVISION. The Texas Optometry Board 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, 2033 [~~2029~~].

SECTION 2.07.  EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY EXAMINERS. Section 452.002, Occupations Code, is amended to read as follows:

Sec. 452.002.  APPLICATION OF SUNSET ACT. The Executive Council of Physical Therapy and Occupational Therapy Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the executive council is abolished and the following laws expire September 1, 2033 [~~2029~~]:

(1)  this chapter;

(2)  Chapter 453; and

(3)  Chapter 454.

SECTION 2.08.  TEXAS BOARD OF PHYSICAL THERAPY EXAMINERS. Section 453.002, Occupations Code, is amended to read as follows:

Sec. 453.002.  APPLICATION OF SUNSET ACT. The Texas Board of Physical Therapy 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, 2033 [~~2029~~].

SECTION 2.09.  TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS. Section 454.003, Occupations Code, is amended to read as follows:

Sec. 454.003.  APPLICATION OF SUNSET ACT. The Texas Board of Occupational Therapy 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, 2033 [~~2029~~].

SECTION 2.10.  TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL. Section 507.002, Occupations Code, is amended to read as follows:

Sec. 507.002.  APPLICATION OF SUNSET ACT. The Texas Behavioral Health Executive Council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the executive council is abolished and this chapter and Chapters 501, 502, 503, and 505 expire September 1, 2033 [~~2029~~].

SECTION 2.11.  TEXAS STATE BOARD OF PHARMACY. Section 551.005, Occupations Code, is amended to read as follows:

Sec. 551.005.  APPLICATION OF SUNSET ACT. The Texas State Board of Pharmacy 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 subtitle expires September 1, 2033 [~~2029~~].

SECTION 2.12.  TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. Section 901.006, Occupations Code, is amended to read as follows:

Sec. 901.006.  APPLICATION OF SUNSET ACT. The Texas State Board of Public Accountancy 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, 2033 [~~2031~~].

SECTION 2.13.  TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS. Section 1001.005, Occupations Code, is amended to read as follows:

Sec. 1001.005.  APPLICATION OF SUNSET ACT. The Texas Board of Professional Engineers and Land Surveyors 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, 2033 [~~2025~~].

SECTION 2.14.  TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS. Section 1002.003, Occupations Code, is amended to read as follows:

Sec. 1002.003.  APPLICATION OF SUNSET ACT. The Texas Board of Professional Geoscientists 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, 2033 [~~2025~~].

SECTION 2.15.  TEXAS BOARD OF ARCHITECTURAL EXAMINERS. Section 1051.003, Occupations Code, is amended to read as follows:

Sec. 1051.003.  APPLICATION OF SUNSET ACT. The Texas Board of Architectural 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 subtitle expires September 1, 2033 [~~2025~~].

SECTION 2.16.  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 and Chapter 1102 of this code and Chapter 221, Property Code, expire September 1, 2033 [~~2031~~].

SECTION 2.17.  TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD. Section 1103.006, Occupations Code, is amended to read as follows:

Sec. 1103.006.  APPLICATION OF SUNSET ACT. The Texas Appraiser Licensing and Certification Board 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 and Chapter 1104 expire September 1, 2033 [~~2031~~].

SECTION 2.18.  TEXAS STATE BOARD OF PLUMBING EXAMINERS. Section 1301.003, Occupations Code, is amended to read as follows:

Sec. 1301.003.  APPLICATION OF SUNSET ACT. The Texas State Board of Plumbing 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, 2033 [~~2027~~].

ARTICLE 3.  ENTITIES GIVEN 2035 SUNSET DATE

SECTION 3.01.  DEPARTMENT OF AGRICULTURE. Section 11.003, Agriculture Code, is amended to read as follows:

Sec. 11.003.  SUNSET PROVISION. The Department of Agriculture 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, 2035 [~~2033~~].

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

(a)  The board of directors of the official cotton growers' boll weevil eradication foundation is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2035 [~~2033~~].

SECTION 3.03.  TEXAS ANIMAL HEALTH COMMISSION. Section 161.027, Agriculture Code, is amended to read as follows:

Sec. 161.027.  SUNSET PROVISION. The Texas Animal Health Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, 2035 [~~2033~~].

SECTION 3.04.  PREPAID HIGHER EDUCATION TUITION BOARD. Section 54.603, Education Code, is amended to read as follows:

Sec. 54.603.  SUNSET PROVISION. The Prepaid Higher Education Tuition Board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2035 [~~2033~~].

SECTION 3.05.  CREDIT UNION DEPARTMENT. Section 15.212, Finance Code, is amended to read as follows:

Sec. 15.212.  SUNSET PROVISION. The Credit Union Department and the Credit Union Commission are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department and commission are abolished September 1, 2035 [~~2033~~].

SECTION 3.06.  TEXAS COMMISSION ON FIRE PROTECTION. Section 419.003, Government Code, is amended to read as follows:

Sec. 419.003.  SUNSET PROVISION. The Texas Commission on Fire Protection is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, 2035 [~~2033~~].

SECTION 3.07.  COMMISSION ON JAIL STANDARDS. Section 511.003, Government Code, is amended to read as follows:

Sec. 511.003.  SUNSET PROVISION. The Commission on Jail Standards is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, 2035 [~~2033~~].

SECTION 3.08.  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 2035 [~~2033~~], and every 12th year after that year, are reviewed.

SECTION 3.09.  PARKS AND WILDLIFE DEPARTMENT. Section 11.0111, Parks and Wildlife Code, is amended to read as follows:

Sec. 11.0111.  SUNSET PROVISION. The Parks and Wildlife Department 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, 2035 [~~2033~~].

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

(a)  The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2035 [~~2033~~], and every 12th year after that year.

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

(a)  The district is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2035 [~~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. Section 1A, Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971, is repealed.

ARTICLE 5.  AMENDMENTS TO THE TEXAS SUNSET ACT

SECTION 5.01.  SUNSET ADVISORY COMMISSION. Section 325.003(a-1), Government Code, is amended to read as follows:

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

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

Sec. 325.006.  REVIEW OF AGENCIES NOT SUBJECT TO ABOLISHMENT. The provisions of this chapter relating to the review of a state agency by the 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. 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, 2023.

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