

SENATE AMENDMENTS

2nd Printing

By: Holland, Canales, Goldman,
Bell of Kaufman, Clardy

H.B. No. 1620

A BILL TO BE ENTITLED

AN ACT

relating to the review date for certain governmental entities
subject to the sunset review process.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 691.003, Health and Safety Code, is
amended 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
Sunset Act). Unless continued in existence as provided by that
chapter, the board is abolished September 1, 2025 [~~2023~~].

SECTION 2. 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 [~~2023~~].

SECTION 3. Section 5.014, Water Code, is amended to read as
follows:

Sec. 5.014. SUNSET PROVISION. The Texas Commission on
Environmental Quality 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, 2025 [~~2023~~].

SECTION 4. Section 202.010, Human Resources Code, is amended to read as follows:

Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice Board and the Texas Juvenile Justice Department are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2025 [~~2023~~].

SECTION 5. Section 1701.002, Occupations Code, is amended to read as follows:

Sec. 1701.002. APPLICATION OF SUNSET ACT. The Texas Commission on Law Enforcement 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, 2025 [~~2023~~].

SECTION 6. 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, 2025 [~~2023~~].

SECTION 7. 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

1 September 1, 2025 [~~2023~~].

2 SECTION 8. Section 1-a(a), Chapter 276, Acts of the 45th
3 Legislature, Regular Session, 1937, is amended to read as follows:

4 (a) The District is subject to review under Chapter 325,
5 Government Code (Texas Sunset Act), but may not be abolished under
6 that chapter. The review shall be conducted under Section 325.025,
7 Government Code, as if the District were a state agency scheduled to
8 be abolished September 1, 2025 [~~2023~~], and every 12th year after
9 that year.

10 SECTION 9. Section 201.025, Agriculture Code, is amended to
11 read as follows:

12 Sec. 201.025. SUNSET PROVISION. The State Soil and Water
13 Conservation Board is subject to Chapter 325, Government Code
14 (Texas Sunset Act). Unless continued in existence as provided by
15 that chapter, the state board is abolished and this chapter expires
16 September 1, 2025 [~~2023~~].

17 SECTION 10. Section 751.003, Government Code, is amended to
18 read as follows:

19 Sec. 751.003. SUNSET PROVISION. The Office of
20 State-Federal Relations is subject to Chapter 325 (Texas Sunset
21 Act). Unless continued in existence as provided by that chapter,
22 the office is abolished and this chapter expires September 1, 2025
23 [~~2023~~].

24 SECTION 11. Section 6.013, Water Code, is amended to read as
25 follows:

26 Sec. 6.013. SUNSET PROVISION. The Texas Water Development
27 Board is subject to review under Chapter 325, Government Code

(Texas Sunset Act), but is not abolished under that chapter. The board shall be reviewed during the period in which state agencies abolished in 2025 [~~2023 and every 12th year after 2023 are reviewed~~].

SECTION 12. If a conflict exists between this Act and another Act of the 88th Legislature, Regular Session, 2023, that extends the sunset date of a governmental entity, the provisions of the other Act control without regard to the relative dates of enactment.

SECTION 13. 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.

ADOPTED

MAY 24 2023

Latey Law
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *C. Edwards*

1 Amend H.B. No. 1620 (senate committee printing) by striking
2 all below the enacting clause and substituting the following:

3 SECTION 1. Section 443.002, Government Code, is amended to
4 read as follows:

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

9 SECTION 2. Section 444.002(a), Government Code, is amended
10 to read as follows:

11 (a) The Texas Commission on the Arts is subject to Chapter
12 325 (Texas Sunset Act). Unless continued in existence as provided
13 by that chapter, the commission is abolished and this chapter
14 expires September 1, 2029 [2025].

15 SECTION 3. Section 467.002, Government Code, is amended to
16 read as follows:

17 Sec. 467.002. APPLICATION OF SUNSET ACT. The commission is
18 subject to review under Chapter 325 (Texas Sunset Act). Unless
19 continued in existence as provided by that chapter, the commission
20 is abolished and this chapter, Chapter 466 of this code, and Chapter
21 2001, Occupations Code, expire September 1, 2025.

22 SECTION 4. Section 659.140(i), Government Code, is amended
23 to read as follows:

24 (i) The state employee charitable campaign policy committee
25 is subject to the Texas Sunset Act. Unless continued in existence
26 as provided by that chapter, the committee is abolished and this
27 subchapter [~~Government Code, Chapter 659, Subchapter I,~~] and
28 Sections 814.0095 and 814.0096 expire on September 1, 2029 [2025].

29 SECTION 5. Section 2021.008, Occupations Code, is amended

1 by amending Subsection (a) and adding Subsection (a-1) to read as
2 follows:

3 (a) The commission is subject to Chapter 325, Government
4 Code (Texas Sunset Act). Unless continued in existence as provided
5 by that chapter, and except as provided by Subsections (b) and (c),
6 the commission is abolished and this subtitle expires September 1,
7 2029 [~~2027~~].

8 (a-1) As part of the review under Subsection (a), the Sunset
9 Advisory Commission shall review:

10 (1) the impact on the commission of authorizing the
11 executive director to apply for and receive grants to implement or
12 enforce this subtitle;

13 (2) the effect of increasing the amount of
14 unappropriated money remaining in the Texas Racing Commission fund
15 at the close of each state fiscal biennium that is transferred to
16 the general revenue fund;

17 (3) the effect of complying with Chapter 53 in the
18 administration of the commission's licensing program;

19 (4) the effect of requiring reimbursement of general
20 revenue appropriated to the commission for the administration and
21 enforcement of this subtitle that exceeds the cumulative amount
22 deposited in the Texas Racing Commission fund; and

23 (5) the commission's authority to issue a temporary
24 license to an applicant whose application appears to comply with
25 the requirements of law.

26 SECTION 6. Subchapter B, Chapter 2022, Occupations Code, is
27 amended by adding Section 2022.0515 to read as follows:

28 Sec. 2022.0515. GRANTS. The executive director may apply
29 for and receive any grant applicable to the implementation or
30 enforcement of this subtitle or a rule adopted under this subtitle.

31 SECTION 7. Section 2023.053(c), Occupations Code, is

1 amended to read as follows:

2 (c) Any unappropriated money exceeding \$2 million
3 [~~\$750,000~~] that remains in the fund at the close of each state
4 fiscal biennium shall be transferred to the general revenue fund
5 and may be appropriated for any purpose.

6 SECTION 8. Section 2025.001, Occupations Code, is amended
7 by adding Subsection (a-1) to read as follows:

8 (a-1) The commission shall comply with Chapter 53 in the
9 administration of the commission's licensing program.

10 SECTION 9. The following provisions of the Occupations Code
11 are repealed:

12 (1) Section 2023.053(e); and

13 (2) Section 2025.260.

14 SECTION 10. It is the intent of the legislature that the
15 Sunset Advisory Commission review the Texas Lottery Commission
16 during the period in which the Sunset Advisory Commission reviews
17 state agencies abolished in 2025, and this Act controls over Senate
18 Bill No. 1659, Acts of the 88th Legislature, Regular Session, 2023,
19 or any other Act of the 88th Legislature, Regular Session, 2023,
20 that amends Section 467.002, Government Code, changing the sunset
21 date of the Texas Lottery Commission to a date other than September
22 1, 2025, without regard to the relative dates of enactment.

23 SECTION 11. This Act takes effect September 1, 2023.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 25, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1620 by Holland (Relating to the review date for certain governmental entities subject to the sunset review process.), **As Passed 2nd House**

Passage of the bill would increase the limit of unappropriated money in General Revenue Account 0597 that the Texas Racing Commission may carry over without being transferred to the General Revenue Fund. As a result, there could be a loss to General Revenue of up to \$1,250,000 each state fiscal biennium depending on the balance of money in the account.

Among other provisions, the bill would increase from \$750,000 to \$2.0 million the limit of unappropriated money in General Revenue Account 0597 that the Texas Racing Commission may carry over without being transferred to the General Revenue Fund. Depending on the account balance at the end of each state fiscal biennium, there could be a loss to General Revenue of up to \$1,250,000.

It is assumed that any fiscal implications associated with the bill's other provisions, including those relating to the Sunset review schedule, would not be significant.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 476 Racing Commission

LBB Staff: JMc, CMA, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 16, 2023

TO: Honorable Charles Schwertner, Chair, Senate Committee on Business & Commerce

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB1620** by Holland (Relating to the review date for certain governmental entities subject to the sunset review process.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1620, As Engrossed : an impact of \$0 through the biennium ending August 31, 2025.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2024	\$0
2025	\$0
2026	\$0
2027	\$0
2028	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable (Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain from <i>General Revenue Fund</i> 1
2024	(\$150,739)	\$150,739
2025	(\$16,771)	\$16,771
2026	\$0	\$0
2027	\$0	\$0
2028	\$0	\$0

Fiscal Analysis

The bill would adjust the Sunset dates for most agencies currently under Sunset review from 2023 to 2025, which would ensure their continuation should their individual Sunset legislation fail to pass. Any Sunset legislation for specific agencies passed during the 88th Legislative Session would supersede the change in review date contained in this bill.

Methodology

The Sunset Advisory Commission would incur costs for fiscal years 2024-2025 for the review of the San Antonio River Authority, which would be offset by the San Antonio River Authority paying for the review. The cost of the review would be \$150,739 in fiscal year 2024 and \$16,771 in fiscal year 2025.

The bill would not have an additional fiscal impact to the Sunset Advisory Commission, as it does not receive appropriations related to the inclusion or exclusion of state agencies in the Sunset review schedule, but the bill could result in additional costs to the Sunset Commission and the state because the commission could not carry out 11 full reviews in addition to the reviews for the 29 entities already scheduled to undergo Sunset review in the 2024-2025 biennium within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission

LBB Staff: JMc, SZ, SMAT, CMA, MMF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 27, 2023

TO: Honorable Todd Hunter, Chair, House Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB1620** by Holland (Relating to the review date for certain governmental entities subject to the sunset review process.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1620, As Introduced : an impact of \$0 through the biennium ending August 31, 2025.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2024	\$0
2025	\$0
2026	\$0
2027	\$0
2028	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable (Cost) from <i>General Revenue Fund</i>	Probable Revenue Gain from <i>General Revenue Fund</i>
	1	1
2024	(\$150,739)	\$150,739
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2026	\$0	\$0
2027	\$0	\$0
2028	\$0	\$0

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LBB Staff: JMc, SMAT, CMA, MMF