

BILL ANALYSIS

C.S.S.B. 619
By: Birdwell
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Sunset Advisory Commission periodically reviews state and other governmental entities. The legislature regularly changes the review schedule for certain entities to balance the workload of the commission and to better align the review of entities based on subject matter. C.S.S.B. 619 seeks to make adjustments to that schedule to better group entities set for sunset review in upcoming biennia, to remove certain entities from sunset review, and to make statutory modifications to the Texas Sunset Act.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 619 amends the Education Code, Government Code, Health and Safety Code, Human Resources Code, Insurance Code, Labor Code, Occupations Code, Special District Local Laws Code, Utilities Code, and session laws, as applicable, to make changes to certain dates related to the sunset review process as indicated below.

C.S.S.B. 619 provides for the review of, and changes the period during which the review will occur for, the following agencies not subject to abolishment under the Texas Sunset Act: the board of trustees of the Teacher Retirement System of Texas, the state board of the Texas Emergency Services Retirement System, the State Commission on Judicial Conduct, Judicial Branch Certification, and the Judicial Branch Certification Commission. The bill provides for the review of existing river authorities not subject to abolishment under the Texas Sunset Act, and changes the period during which the review will occur for certain river authorities.

C.S.S.B. 619 changes the period during which the next review of the board of trustees of the Teacher Retirement System of Texas under the Texas Sunset Act will take place from the period in which state agencies abolished in 2025 are reviewed to the period in which agencies abolished in 2021 are reviewed.

C.S.S.B. 619 subjects the Anatomical Board of the State of Texas to review under the Texas Sunset Act and sets the board to be abolished September 1, 2021, unless continued in existence as provided by that act.

C.S.S.B. 619 changes from September 1, 2023, to September 1, 2021, the date on which the

Texas Racing Commission is abolished and related provisions expire unless continued in existence as provided by the Texas Sunset Act.

C.S.S.B. 619 postpones from September 1, 2021, to September 1, 2023, the date on which the following entities are abolished and related provisions expire, as applicable, unless continued in existence as provided by the Texas Sunset Act:

- the Texas Invasive Species Coordinating Committee;
- the Texas Juvenile Justice Board;
- the Texas Juvenile Justice Department; and
- the office of injured employee counsel.

C.S.S.B. 619 postpones from September 1, 2021, or another date designated by the legislature to September 1, 2023, or another designated date the date on which the duties of the Texas Department of Insurance's division of workers' compensation expire unless continued as provided by the Texas Sunset Act.

C.S.S.B. 619 postpones the next review of the Lower Neches Valley Authority under the Texas Sunset Act from the period in which state agencies abolished in 2021 are reviewed to the period in which agencies abolished in 2025 are reviewed.

C.S.S.B. 619 postpones from September 1, 2021, to September 1, 2025, the date on which the following entities are abolished and related provisions expire, as applicable, unless continued in existence as provided by the Texas Sunset Act:

- the Texas Board of Criminal Justice;
- the Texas Department of Criminal Justice; and
- the Department of Information Resources.

C.S.S.B. 619 postpones the next review of the following entities under the Texas Sunset Act from the period in which state agencies abolished in 2023 are reviewed to the period in which agencies abolished in 2025 are reviewed:

- the State Commission on Judicial Conduct;
- the Judicial Branch Certification Commission; and
- the Angelina and Neches River Authority.

C.S.S.B. 619 postpones from September 1, 2023, to September 1, 2025, the date on which the following entities are abolished and related provisions expire unless continued in existence as provided by the Texas Sunset Act:

- the Public Utility Commission of Texas; and
- the Office of Public Utility Counsel.

C.S.S.B. 619 postpones from September 1, 2021, to September 1, 2027, the date on which the Texas Facilities Commission is abolished and related statutory provisions expire unless continued in existence as provided by the Texas Sunset Act.

C.S.S.B. 619 postpones from September 1, 2021, to September 1, 2027, the date on which the Texas Workforce Commission's authority to administer and oversee the program relating to state purchasing from people with disabilities expires unless continued in existence as provided by the Texas Sunset Act.

C.S.S.B. 619 postpones from September 1, 2023, to September 1, 2027, the date on which the following entities are abolished and related provisions expire, as applicable, unless continued in

existence as provided by the Texas Sunset Act:

- the Expanded Learning Opportunities Council;
- the Texas A&M Forest Service;
- the Texas Civil Commitment Office;
- the Maternal Mortality and Morbidity Task Force;
- the Public Health Funding and Policy Committee;
- the Department of State Health Services; and
- the Department of Family and Protective Services.

C.S.S.B. 619 postpones from September 1, 2025, to September 1, 2027, the date on which the following entities are abolished and related provisions expire, as applicable, unless continued in existence as provided by the Texas Sunset Act:

- the Texas Education Agency (TEA); and
- the Perinatal Advisory Council.

C.S.S.B. 619 postpones the next review of the state board of the Texas Emergency Services Retirement System under the Texas Sunset Act from the period in which state agencies abolished in 2025 are reviewed to the period in which agencies abolished in 2029 are reviewed.

C.S.S.B. 619 amends Section 1A(a), Chapter 5, page 1062, Special Laws, Acts of the 46th Legislature, Regular Session, 1939, to postpone the next review of the Upper Guadalupe River Authority under the Texas Sunset Act from the period in which state agencies abolished in 2021 are reviewed to the period in which agencies abolished in 2023 are reviewed.

C.S.S.B. 619 amends Section 2A(a), Chapter 110, Acts of the 51st Legislature, Regular Session, 1949, to postpone the next review of the Sabine River Authority under the Texas Sunset Act from the period in which state agencies abolished in 2021 are reviewed to the period in which agencies abolished in 2025 are reviewed.

C.S.S.B. 619 amends Section 1A(a), Chapter 518, Acts of the 54th Legislature, Regular Session, 1955, to postpone the next review of the Trinity River Authority under the Texas Sunset Act from the period in which state agencies abolished in 2023 are reviewed to the period in which agencies abolished in 2025 are reviewed.

C.S.S.B. 619 amends the Occupations Code to prohibit the review of the Texas Commission of Licensing and Regulation (TCLR) and the Texas Department of Licensing and Regulation (TDLR) under the Texas Sunset Act from including a review of any program that was transferred to TDLR on or after September 1, 2016.

C.S.S.B. 619 amends the Government Code to require the limited-scope review of the Health and Human Services Commission (HHSC) conducted by the Sunset Advisory Commission during the 2022-2023 state fiscal biennium to provide an evaluation and recommendations regarding the need to continue the Department of Family and Protective Services as a state agency separate from HHSC. The bill repeals a provision requiring the Sunset Advisory Commission to conduct a special-purpose review of the overall performance of the HHSC office of inspector general as part of the commission's review of agencies for the 87th Legislature and adds a temporary provision set to expire September 1, 2023, to require the commission instead to conduct such a special-purpose review during the period in which state agencies abolished in 2023 are reviewed focused on the office's investigations and the effectiveness and efficiency of the office's processes. The bill clarifies that the office is not abolished solely because it is not explicitly continued following the review.

C.S.S.B. 619 amends the Education Code to require the Sunset Advisory Commission, as part of its review of TEA and in coordination with TEA, to select for review three regional education service centers that serve diverse geographic areas of the state and diverse population sizes. The bill requires the review of TEA to include an evaluation of TEA oversight of the centers. The bill repeals session law and Education Code provisions subjecting regional education service centers to review and abolishment under the Texas Sunset Act.

C.S.S.B. 619 repeals Government Code provisions requiring the Sunset Advisory Commission to evaluate the state's overall procurement system and subjecting the comptroller of public accounts' authority to perform any act that relates to state purchasing under applicable state law to review and expiration under the Texas Sunset Act. The bill repeals the Human Resources Code provision subjecting the comptroller's authority to perform any act that relates to state purchasing from people with disabilities under applicable state law to review and expiration under the Texas Sunset Act.

C.S.S.B. 619 repeals the Transportation Code provision subjecting intermunicipal commuter rail districts to review under the Texas Sunset Act.

C.S.S.B. 619 amends the Government Code to specify that the Sunset Advisory Commission is a legislative agency and to establish that a public member of the commission acts on behalf of the legislature when participating on the commission in furtherance of the legislature's duty to provide oversight of executive branch agencies' implementation of legislative priorities. The bill sets the term limits for service as a commission member at two terms for a legislative member other than the lieutenant governor and the speaker and three terms for a public member. If an individual serves on the commission for less than a full term, that term is not counted toward determining the individual's eligibility to serve on the commission based on term limits unless the individual was a commission member for each public hearing at which the state agencies being reviewed during the individual's term were discussed. The bill revises the definition of the term "state agency" in the Texas Sunset Act to mean an entity, instead of an agency, that is subject to the act.

C.S.S.B. 619 prohibits the commission from discussing in a public hearing the application to an agency of an assessment of the agency's cybersecurity practices using certain confidential information and requires commission staff to notify the commission of any findings and recommendations regarding such an assessment. The bill excludes any such findings and recommendations from the required contents of the commission's report to the legislature and governor.

C.S.S.B. 619 revises the requirement for commission staff to monitor commission recommendations during each legislative session to require commission staff to do the following during each legislative session:

- monitor legislation affecting agencies that have undergone sunset review immediately before the legislative session;
- notify the commission's members about any amendment to commission-prepared draft legislation that modifies the commission's recommendations for an agency; and
- provide legislative services to support the passage of the draft legislation prepared by the commission to carry out the its recommendations.

C.S.S.B. 619 makes the following information confidential:

- communications, including conversations, correspondence, and electronic communications, between the commission or its staff and a state agency that relate to a request by the commission for assistance in conducting a review under the Texas Sunset Act; and
- a state agency's internal communications related to such a request for assistance by the

commission, including any information prepared or maintained by the agency at the request of the commission or its staff.

With respect to a document, file, or other record prepared or maintained by a state agency that was created in the normal course of the agency's business and not at the commission's request, that confidentiality applies only to information in the commission's possession.

C.S.S.B. 619 establishes that, to the extent of any conflict, the bill prevails over another act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

C.S.S.B. 619 repeals the following provisions:

- Section 14, Chapter 945 (S.B. 207), Acts of the 84th Legislature, Regular Session, 2015
- Section 8.010, Education Code
- Section 2(b), Chapter 916 (S.B. 1404), Acts of the 85th Legislature, Regular Session, 2017
- Sections 2151.0041 and 2151.0042, Government Code
- Section 122.0012(a), Human Resources Code
- Section 173.005, Transportation Code

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 619 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes a provision prohibiting the sunset review of TCLR and TDLR from including a review of any program that was transferred to TDLR on or after September 1, 2016.

The substitute does not move forward the date on which the Texas A&M Forest Service is abolished unless continued in existence from September 1, 2023, to September 1, 2021, and the substitute postpones that date of abolishment instead from September 1, 2023, to September 1, 2027.

The substitute includes the repeal of Section 2151.0041, Government Code, which subjects the comptroller's authority to perform any act that relates to state purchasing under applicable state law to review and expiration under the Texas Sunset Act.

The substitute includes provisions relating to term limits for service as a member, other than service by the lieutenant governor and the speaker as a member, of the Sunset Advisory Commission.

The substitute includes provisions prohibiting the commission from discussing in a public hearing the application to an agency of an assessment of the agency's cybersecurity practices, requiring commission staff to notify the commission of any findings and recommendations relating to that assessment, and excluding those findings and recommendations from the required contents of the commission's report to the legislature and governor.

The substitute includes a provision relating to the confidentiality of certain communications between the commission and a state agency relating to the sunset review process and certain

related internal agency communications.

The substitute includes a provision reenacting lists of river authorities subject to a limited sunset review to harmonize those lists and to conform the list to reflect existing river authorities and those currently subject to the Texas Sunset Act.

The substitute includes a procedural provision establishing that, to the extent of any conflict, the bill prevails over another act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.