

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1675
By: Bonnen, Dennis (Nichols)
Transportation
5/15/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State agencies undergo periodic review by the Sunset Advisory Commission (Sunset). The legislature frequently changes the review schedule for certain agencies to balance the workload of the commission and to better align the reviews of agencies by grouping them based on subject matter. C.S.H.B. 1675 serves this purpose of better aligning and grouping agencies set for Sunset review in upcoming biennia. The bill also adds three entities to the Sunset review schedule.

C.S.H.B. 1675 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 2017 SUNSET DATE

SECTION 1.01. TEXAS DEPARTMENT OF TRANSPORTATION. Amends Section 201.204, Transportation Code, to provide that, unless continued in existence as provided by Chapter 325, Government Code, the Texas Department of Transportation is abolished September 1, 2017, rather than September 1, 2015.

SECTION 1.02. SULPHUR RIVER BASIN AUTHORITY. Amends Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, by adding Section 1A, as follows:

Sec. 1A. APPLICATION OF SUNSET ACT. (a) Provides that the Sulphur River Basin Authority (authority) is subject to review under Chapter 325, Government Code, as if it were a state agency. Provides that, unless the authority is continued in existence, the authority is abolished and this Act expires September 1, 2017.

(b) Requires that the review assess the authority's governance, management, and operating structure and the authority's compliance with legislative requirements.

(c) Requires the authority to pay the costs incurred by Sunset in performing a review of the authority under this section. Requires Sunset to determine the costs, and requires the authority to pay the amount promptly on receipt of a statement from Sunset detailing the costs.

(d) Provides that the procedures under Chapter 325, Government Code, relating to winding up the affairs of a state agency after its abolishment apply to the authority if the authority is abolished.

ARTICLE 2. ENTITIES GIVEN 2019 SUNSET DATE

SECTION 2.01. REGIONAL EDUCATION SERVICE CENTERS. Amends Section 8.010, Education Code, to provide that, unless continued in existence as provided by Chapter 325, Government Code, the regional education service centers are abolished and this chapter expires September 1, 2019, rather than September 1, 2015.

SECTION 2.02. FINANCE COMMISSION OF TEXAS. Amends Section 11.108, Finance Code, to provide that, unless continued in existence as provided by Chapter 325, Government Code, the Finance Commission of Texas is abolished September 1, 2019, rather than September 1, 2015.

SECTION 2.03. OFFICE OF BANKING COMMISSIONER. Amends Section 12.109, Finance Code, to provide that, unless continued in existence as provided by Chapter 325, Government Code, the office of banking commissioner is abolished September 1, 2019, rather than September 1, 2015.

SECTION 2.04. OFFICE OF SAVINGS AND MORTGAGE LENDING COMMISSIONER AND DEPARTMENT OF SAVINGS AND MORTGAGE LENDING. Amends Section 13.012, Finance Code, to provide that, unless continued in existence as provided by Chapter 325, Government Code, the office of savings and lending commissioner and the Department of Savings and Mortgage Lending are abolished September 1, 2019, rather than September 1, 2015.

SECTION 2.05. OFFICE OF CONSUMER CREDIT COMMISSIONER. Amends Section 14.066, Finance Code, to provide that, unless continued in existence as provided by Chapter 325, Government Code, the office of consumer credit commissioner is abolished September 1, 2019, rather than September 1, 2015.

SECTION 2.06. TEXAS WINDSTORM INSURANCE ASSOCIATION. Amends Section 2210.002(b), Insurance Code, as follows:

(b) Provides that the Texas Windstorm Insurance Association (TWIA) is subject to Chapter 325, Government Code, but is not abolished under that chapter. Requires that TWIA be reviewed during the period in which state agencies abolished in 2019, rather than 2015, are reviewed. Provides that this subsection expires September 1, 2019, rather than September 1, 2015.

SECTION 2.07. STATE SECURITIES BOARD. Amends Subsection O, Section 2, The Securities Act (Article 581-2, V.T.C.S.), to provide that, unless continued in existence as provided by Chapter 325, Government Code, the State Securities Board is abolished and this Act expires September 1, 2019, rather than September 1, 2015.

SECTION 2.08. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. Amends Section 901.006, Occupations Code, to provide that, unless continued in existence as provided by Chapter 325, Government Code, the Texas State Board of Public Accountancy is abolished and this chapter expires September 1, 2019, rather than September 1, 2015.

ARTICLE 3. ENTITIES GIVEN 2021 SUNSET DATE

SECTION 3.01. TEXAS INVASIVE SPECIES COORDINATING COMMITTEE. Amends Section 776.007(a), Government code, as follows:

(a) Provides that the Texas Invasive Species Coordinating Committee (committee) is subject to Chapter 325, Government Code. Provides that, unless continued in existence as provided by that chapter, the committee is abolished and this chapter expires September 1, 2021, rather than on the date on which that agency is subject to abolishment. Deletes existing text requiring the committee to be reviewed during the periods in which the State Soil and Water Conservation Board is reviewed.

SECTION 3.02. DIVISION OF WORKERS' COMPENSATION OF TEXAS DEPARTMENT OF INSURANCE. Amends Section 31.004(b), Insurance Code, to provide that, 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 (Workers' Compensation), Labor Code, expire September 1, 2021, rather than September 1, 2017, or another date designated by the legislature.

SECTION 3.03. OFFICE OF INJURED EMPLOYEE COUNSEL. Amends Section 404.003, Labor Code, to provide that, unless continued in existence as provided by Chapter 325, Government Code, the office is abolished and this chapter expires September 1, 2021, rather than September 1, 2017.

ARTICLE 4. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW

SECTION 4.01. EARLY CHILDHOOD HEALTH AND NUTRITION INTERAGENCY COUNCIL. Amends Section 116.002, Health and Safety Code, as follows:

Sec. 116.002. New heading: REVIEW BY SUNSET ADVISORY COMMISSION. Requires Sunset to review the Early Childhood Health and Nutrition Interagency Council (council) as part of its periodic review of the Department of Agriculture under Chapter 325, Government Code. Deletes existing text providing that, unless continued in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2019. Makes nonsubstantive changes.

ARTICLE 5. SUNSET REVIEW PROCESS

SECTION 5.01. Amends Chapter 325, Government Code, by adding Section 325.0127, as follows:

Sec. 325.0127. COST OF REVIEW. (a) Defines "self-directed semi-independent agency" in this section. Provides that the term does not include the Texas Department of Insurance's actuarial division and financial examinations division as those terms are defined by Section 401.251 (Definitions), Insurance Code.

(b) Requires a self-directed semi-independent agency to pay the costs incurred by the Sunset Advisory Commission (Sunset) in performing a review of the agency under this chapter. Requires Sunset to determine the costs of the review, and requires the agency to pay the amount of those costs promptly on receipt of a statement from Sunset regarding those costs.

SECTION 5.02. Amends Section 325.019, Government Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Authorizes Sunset or its designated staff member, in carrying out its functions under this chapter, to attend any meetings and proceedings of any state agency, including any meeting or proceeding of the governing body of the agency that is closed to the public, and is authorized to inspect the records, documents, and files of any state agency, including any record, document, or file that is attorney work product, an attorney-client communication, or made privileged or confidential by law.

(c) Provides that it is the intent of the legislature to allow Sunset and its designated staff members to have access to all meetings or proceedings of a state agency being reviewed by Sunset under this chapter and to all records, documents, and files of that agency. Provides that to the extent that this section conflicts with other law that purports to limit Sunset's access to meetings or proceedings or to records, documents, and files this section controls. Authorizes a state agency to redact protected information from the record, document, or file if federal law prohibits the state agency from disclosing information in a record, document, or file to Sunset, including information created as a result of or considered during a meeting or proceeding.

SECTION 5.03. Amends Section 325.0195, Government Code, by adding Subsection (c), as follows:

(c) Provides that a state agency that provides Sunset with a record, document, or file under Section 325.019 for purposes of review under this chapter does not violate the attorney-client privilege, or any other privilege or confidentiality requirement protected or required by the Texas Constitution, common law, statutory law, or rules of evidence, procedure, or professional conduct, with respect to the record, document, or file provided to Sunset.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. EFFECTIVE DATE. Effective date: upon passage or September 1, 2013.