

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/25/19

Date

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 619 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Brian Birdwell
BIRDWELL

D. Buckingham
BUCKINGHAM

Bob Hall
HALL

Phil Lee Nichols
NICHOLS

On the part of the Senate
WATSON

Chris Paddie
PADDIE

Alta Lambert
LAMBERT

FLYNN
Donna Nevarez
NEVAREZ

Seafonia Thompson
On the part of the House
S. THOMPSON

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 619

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 2021 SUNSET DATE

SECTION 1.01. 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 2021 [~~2025~~], and every 12th year after
that year, are reviewed.

SECTION 1.02. ANATOMICAL BOARD OF THE STATE OF TEXAS.
Subchapter A, Chapter 691, Health and Safety Code, is amended by
adding Section 691.003 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, 2021.

SECTION 1.03. TEXAS DEPARTMENT OF LICENSING AND REGULATION.
Section 51.002, Occupations Code, is amended to read as follows:

Sec. 51.002. APPLICATION OF SUNSET ACT. (a) The Texas
Commission of Licensing and Regulation and the Texas Department of

1 Licensing and Regulation are subject to Chapter 325, Government
2 Code (Texas Sunset Act). Unless continued in existence as provided
3 by that chapter, the commission and the department are abolished
4 September 1, 2021.

5 (b) The review of the commission and department by the
6 Sunset Advisory Commission under this section may not include a
7 review of any program that was transferred to the department on or
8 after September 1, 2016.

9 SECTION 1.04. TEXAS RACING COMMISSION. Section
10 2021.008(a), Occupations Code, is amended to read as follows:

11 (a) The commission is subject to Chapter 325, Government
12 Code (Texas Sunset Act). Unless continued in existence as provided
13 by that chapter, and except as provided by Subsections (b) and (c),
14 the commission is abolished and this subtitle expires September 1,
15 2021 ~~[2023]~~.

16 ARTICLE 2. ENTITIES GIVEN 2023 SUNSET DATE

17 SECTION 2.01. LIMITED REVIEW OF DEPARTMENT OF FAMILY AND
18 PROTECTIVE SERVICES. Section 531.0206(a), Government Code, is
19 amended to read as follows:

20 (a) The Sunset Advisory Commission shall conduct a
21 limited-scope review of the commission during the state fiscal
22 biennium ending August 31, 2023, in the manner provided by Chapter
23 325 (Texas Sunset Act). The review must provide:

24 (1) an update on the commission's progress with
25 respect to the consolidation of the health and human services
26 system mandated by this subchapter, including the commission's
27 compliance with the transition plan required under Section

531.0204;

(2) an evaluation and recommendations regarding the need to continue the Department of State Health Services as a state agency separate from the commission;

(3) an evaluation and recommendations regarding the need to continue the Department of Family and Protective Services as a state agency separate from the commission; and

(4) [~~3~~] any additional information the Sunset Advisory Commission determines appropriate, including information regarding any additional organizational changes the Sunset Advisory Commission recommends.

SECTION 2.02. OFFICE OF INSPECTOR GENERAL, HEALTH AND HUMAN SERVICES COMMISSION. (a) Section 531.102, Government Code, is amended by adding Subsection (y) to read as follows:

(y) The Sunset Advisory Commission shall conduct a special-purpose review of the overall performance of the commission's office of inspector general. In conducting the review, the Sunset Advisory Commission shall particularly focus on the office's investigations and the effectiveness and efficiency of the office's processes. The review shall be conducted during the period in which state agencies abolished in 2023 are reviewed. The office is not abolished solely because the office is not explicitly continued following the review required by this subsection. This subsection expires September 1, 2023.

(b) Section 14, Chapter 945 (S.B. 207), Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 2.03. TEXAS INVASIVE SPECIES COORDINATING

1 COMMITTEE. Section 776.007(a), Government Code, is amended to read
2 as follows:

3 (a) The committee is subject to Chapter 325 (Texas Sunset
4 Act). Unless continued in existence as provided by that chapter,
5 the committee is abolished and this chapter expires September 1,
6 2023 [~~2021~~].

7 SECTION 2.04. TEXAS JUVENILE JUSTICE BOARD AND TEXAS
8 JUVENILE JUSTICE DEPARTMENT. Section 202.010, Human Resources
9 Code, is amended to read as follows:

10 Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice
11 Board and the Texas Juvenile Justice Department are subject to
12 Chapter 325, Government Code (Texas Sunset Act). Unless continued
13 in existence as provided by that chapter, the board and the
14 department are abolished September 1, 2023 [~~2021~~].

15 SECTION 2.05. DIVISION OF WORKERS' COMPENSATION, TEXAS
16 DEPARTMENT OF INSURANCE. Section 31.004(b), Insurance Code, is
17 amended to read as follows:

18 (b) Unless continued as provided by Chapter 325, Government
19 Code, the duties of the division of workers' compensation of the
20 Texas Department of Insurance under Title 5, Labor Code, expire
21 September 1, 2023 [~~2021~~], or another date designated by the
22 legislature.

23 SECTION 2.06. OFFICE OF INJURED EMPLOYEE COUNSEL. Section
24 404.003, Labor Code, is amended to read as follows:

25 Sec. 404.003. SUNSET PROVISION. The office of injured
26 employee counsel is subject to Chapter 325, Government Code (Texas
27 Sunset Act). Unless continued in existence as provided by that

chapter, the office is abolished and this chapter expires September 1, 2023 [~~2021~~].

SECTION 2.07. REVIEW OF PROGRAMS TRANSFERRED TO TEXAS DEPARTMENT OF LICENSING AND REGULATION. Subchapter A, Chapter 51, Occupations Code, is amended by adding Section 51.0021 to read as follows:

Sec. 51.0021. SUNSET REVIEW OF TRANSFERRED PROGRAMS. (a) Separate from the review of the commission and department required under Section 51.002, the commission and department are subject to a limited review under Chapter 325, Government Code (Texas Sunset Act), of the programs transferred to the department on or after September 1, 2016. The review shall be conducted during the period in which state agencies abolished in 2023 are reviewed.

(b) This section expires September 1, 2023.

SECTION 2.08. UPPER GUADALUPE RIVER AUTHORITY. Section 1A(a), Chapter 5, page 1062, Special Laws, Acts of the 46th Legislature, Regular Session, 1939, 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 District were a state agency scheduled to be abolished September 1, 2023 [~~2021~~], and every 12th year after that year.

ARTICLE 3. ENTITIES GIVEN 2025 SUNSET DATE

SECTION 3.01. 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

1 Judicial Conduct is subject to review under Chapter 325 (Texas
2 Sunset Act), but is not abolished under that chapter. The
3 commission shall be reviewed during the period in which state
4 agencies abolished in 2025, [~~2023~~] and every 12th year after that
5 year, [~~2023~~] are reviewed.

6 SECTION 3.02. JUDICIAL BRANCH CERTIFICATION COMMISSION.

7 Section 152.001, Government Code, is amended to read as follows:

8 Sec. 152.001. SUNSET PROVISION. The Judicial Branch
9 Certification Commission is subject to Chapter 325 (Texas Sunset
10 Act), but is not abolished under that chapter. The commission shall
11 be reviewed during the period in which state agencies abolished in
12 2025, [~~2023~~] and every 12th year after that year, [~~2023~~] are
13 reviewed.

14 SECTION 3.03. TEXAS BOARD OF CRIMINAL JUSTICE AND TEXAS
15 DEPARTMENT OF CRIMINAL JUSTICE. Section 492.012, Government Code,
16 is amended to read as follows:

17 Sec. 492.012. SUNSET PROVISION. The Texas Board of
18 Criminal Justice and the Texas Department of Criminal Justice are
19 subject to Chapter 325 (Texas Sunset Act). Unless continued in
20 existence as provided by that chapter, the board and the department
21 are abolished September 1, 2025 [~~2021~~].

22 SECTION 3.04. DEPARTMENT OF INFORMATION RESOURCES. Section
23 2054.005(a), Government Code, is amended to read as follows:

24 (a) The Department of Information Resources is subject to
25 Chapter 325 (Texas Sunset Act). Unless continued in existence as
26 provided by that chapter, the department is abolished and this
27 chapter expires September 1, 2025 [~~2021~~].

SECTION 3.05. ANGELINA AND NECHES RIVER AUTHORITY. Section 8501.0015(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, 2025 [~~2023~~], and every 12th year after that year.

SECTION 3.06. LOWER NECHES VALLEY AUTHORITY. Section 8504.0021(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, 2025 [~~2021~~], and every 12th year after that year.

SECTION 3.07. PUBLIC UTILITY COMMISSION OF TEXAS. 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 3.08. OFFICE OF PUBLIC UTILITY COUNSEL. Section 13.002, Utilities Code, is amended to read as follows:

1 Sec. 13.002. APPLICATION OF SUNSET ACT. The Office of
2 Public Utility Counsel is subject to Chapter 325, Government Code
3 (Texas Sunset Act). Unless continued in existence as provided by
4 that chapter, the office is abolished and this chapter expires
5 September 1, 2025 [~~2023~~].

6 SECTION 3.09. SABINE RIVER AUTHORITY OF TEXAS. Section
7 2A(a), Chapter 110, Acts of the 51st Legislature, Regular Session,
8 1949, is amended to read as follows:

9 (a) The district is subject to review under Chapter 325,
10 Government Code (Texas Sunset Act), but may not be abolished under
11 that chapter. The review shall be conducted under Section 325.025,
12 Government Code, as if the district were a state agency scheduled to
13 be abolished September 1, 2025 [~~2021~~], and every 12th year after
14 that year.

15 SECTION 3.10. TRINITY RIVER AUTHORITY OF TEXAS. Section
16 1A(a), Chapter 518, Acts of the 54th Legislature, Regular Session,
17 1955, is amended to read as follows:

18 (a) The Authority is subject to review under Chapter 325,
19 Government Code (Texas Sunset Act), but may not be abolished under
20 that chapter. The review shall be conducted under Section 325.025,
21 Government Code, as if the Authority were a state agency scheduled
22 to be abolished September 1, 2025 [~~2023~~], and every 12th year after
23 that year.

24 ARTICLE 4. ENTITIES GIVEN 2027 SUNSET DATE

25 SECTION 4.01. TEXAS EDUCATION AGENCY. Section 7.004,
26 Education Code, is amended to read as follows:

27 Sec. 7.004. SUNSET PROVISION. (a) The Texas Education

1 Agency is subject to Chapter 325, Government Code (Texas Sunset
2 Act). Unless continued in existence as provided by that chapter,
3 the agency is abolished September 1, 2027 [~~2025~~].

4 (b) As part of the Sunset Advisory Commission's review of
5 the agency under Subsection (a), the commission in coordination
6 with the agency shall select for review three regional education
7 service centers that serve diverse geographic areas of the state
8 and diverse population sizes. The commission's review of the
9 agency must include an evaluation of the agency's oversight of the
10 centers.

11 SECTION 4.02. EXPANDED LEARNING OPPORTUNITIES COUNCIL.
12 Section 33.254, Education Code, is amended to read as follows:

13 Sec. 33.254. SUNSET PROVISION. The council is subject to
14 Chapter 325, Government Code (Texas Sunset Act). Unless continued
15 in existence as provided by that chapter, the council is abolished
16 and this subchapter expires September 1, 2027 [~~2023~~].

17 SECTION 4.03. TEXAS CIVIL COMMITMENT OFFICE. Section
18 420A.004, Government Code, is amended to read as follows:

19 Sec. 420A.004. SUNSET PROVISION. The Texas Civil
20 Commitment Office is subject to Chapter 325 (Texas Sunset Act).
21 Unless continued in existence as provided by that chapter, the
22 office is abolished and this chapter expires September 1, 2027
23 [~~2023~~].

24 SECTION 4.04. TEXAS FACILITIES COMMISSION. Section
25 2152.002, Government Code, is amended to read as follows:

26 Sec. 2152.002. SUNSET PROVISION. The Texas Facilities
27 Commission is subject to Chapter 325 (Texas Sunset Act). Unless

1 continued in existence as provided by that chapter, the commission
2 is abolished and this subtitle, except for Chapter 2170 and Section
3 2157.121, expires September 1, 2027 [~~2021~~].

4 SECTION 4.05. MATERNAL MORTALITY AND MORBIDITY TASK FORCE.
5 Section 34.018, Health and Safety Code, is amended to read as
6 follows:

7 Sec. 34.018. SUNSET PROVISION. The task force is subject to
8 Chapter 325, Government Code (Texas Sunset Act). Unless continued
9 in existence as provided by that chapter, the task force is
10 abolished and this chapter expires September 1, 2027 [~~2023~~].

11 SECTION 4.06. PUBLIC HEALTH FUNDING AND POLICY COMMITTEE.
12 Section 117.002, Health and Safety Code, is amended to read as
13 follows:

14 Sec. 117.002. APPLICATION OF SUNSET ACT. The Public Health
15 Funding and Policy Committee is subject to Chapter 325, Government
16 Code (Texas Sunset Act). Unless continued in existence as provided
17 by that chapter, the committee is abolished and this chapter
18 expires September 1, 2027 [~~2023~~].

19 SECTION 4.07. PERINATAL ADVISORY COUNCIL. Section
20 241.187(1), Health and Safety Code, is amended to read as follows:

21 (1) The advisory council is subject to Chapter 325,
22 Government Code (Texas Sunset Act). Unless continued in existence
23 as provided by that chapter, the advisory council is abolished and
24 this section expires September 1, 2027 [~~2025~~].

25 SECTION 4.08. DEPARTMENT OF STATE HEALTH SERVICES. Section
26 1001.003, Health and Safety Code, is amended to read as follows:

27 Sec. 1001.003. SUNSET PROVISION. The Department of State

1 Health Services is subject to Chapter 325, Government Code (Texas
2 Sunset Act). Unless continued in existence as provided by that
3 chapter, the department is abolished and this chapter expires
4 September 1, 2027 [~~2023~~].

5 SECTION 4.09. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES.
6 Section 40.003, Human Resources Code, is amended to read as
7 follows:

8 Sec. 40.003. SUNSET PROVISION. The Department of Family
9 and Protective Services is subject to Chapter 325, Government Code
10 (Texas Sunset Act). Unless continued in existence as provided by
11 that chapter, the department is abolished and this chapter expires
12 September 1, 2027 [~~2023~~].

13 SECTION 4.10. STATE USE PROGRAM, TEXAS WORKFORCE
14 COMMISSION. Section 122.0012(b), Human Resources Code, is amended
15 to read as follows:

16 (b) The Texas Workforce Commission's authority to
17 administer and oversee the program administered under this chapter
18 is subject to Chapter 325, Government Code (Texas Sunset Act).
19 Notwithstanding any other law, that authority expires September 1,
20 2027 [~~2021~~], unless continued in existence as provided by Chapter
21 325, Government Code.

22 ARTICLE 5. ENTITY GIVEN 2029 SUNSET DATE

23 SECTION 5.01. TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM.
24 Section 865.0011, Government Code, is amended to read as follows:

25 Sec. 865.0011. SUNSET REVIEW. The state board of the
26 pension system is subject to review under Chapter 325 (Texas Sunset
27 Act) but is not abolished under that chapter. The state board shall

1 be reviewed during the period in which state agencies scheduled to
2 be abolished in 2029 [~~2025~~], and every 12th year after that year,
3 are reviewed.

4 ARTICLE 6. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW

5 SECTION 6.01. REGIONAL EDUCATION SERVICE CENTERS. The
6 following laws are repealed:

7 (1) Section 8.010, Education Code; and

8 (2) Section 2(b), Chapter 916 (S.B. 1404), Acts of the
9 85th Legislature, Regular Session, 2017.

10 SECTION 6.02. STATE PROCUREMENT SYSTEM AND RELATED
11 COMPTROLLER AUTHORITY. Sections 2151.0041 and 2151.0042,
12 Government Code, are repealed.

13 SECTION 6.03. STATE USE PROGRAM, TEXAS COMPTROLLER OF
14 PUBLIC ACCOUNTS. Section 122.0012(a), Human Resources Code, is
15 repealed.

16 SECTION 6.04. INTERMUNICIPAL COMMUTER RAIL DISTRICTS.
17 Section 173.005, Transportation Code, is repealed.

18 ARTICLE 7. SUNSET REVIEW PROCESS

19 SECTION 7.01. DEFINITIONS. Section 325.002(1), Government
20 Code, is amended to read as follows:

21 (1) "State agency" means an entity [~~agency~~] expressly
22 made subject to this chapter.

23 SECTION 7.02. SUNSET ADVISORY COMMISSION. Section 325.003,
24 Government Code, is amended by amending Subsections (a) and (e) and
25 adding Subsections (a-1) and (e-1) to read as follows:

26 (a) The Sunset Advisory Commission is a legislative agency
27 that consists of five members of the senate and one public member

1 appointed by the lieutenant governor and five members of the house
2 of representatives and one public member appointed by the speaker
3 of the house. The lieutenant governor and the speaker of the house
4 may serve as one of the legislative appointees.

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

9 (e) Members other than the lieutenant governor and the
10 speaker are subject to the following restrictions:

11 (1) after a legislative member ~~[an individual]~~ serves
12 two terms ~~[six years]~~ on the commission or a public member serves
13 three terms on the commission, the individual is not eligible for
14 appointment to another term or part of a term;

15 (2) a legislative member who serves a full term may not
16 be appointed to an immediately succeeding term; and

17 (3) a public member may not serve more than two
18 consecutive terms, and, for purposes of this prohibition, a member
19 is considered to have served a term only if the member has served
20 more than half of the term.

21 (e-1) If an individual serves for less than a full term, the
22 term is not counted toward determining the individual's eligibility
23 to serve on the commission under Subsection (e)(1) unless the
24 individual was a member of the commission for each public hearing at
25 which the state agencies being reviewed during the individual's
26 term were discussed.

27 SECTION 7.03. PUBLIC HEARINGS. Section 325.009, Government

1 Code, is amended by adding Subsection (c) to read as follows:

2 (c) Notwithstanding Subsection (a), the commission may not
3 discuss in a public hearing the application to an agency of the
4 criteria provided in Section 325.011(14). The commission staff
5 shall notify the commission of any findings and recommendations
6 regarding the criteria provided in Section 325.011(14).

7 SECTION 7.04. REPORTS. Section 325.010(b), Government
8 Code, is amended to read as follows:

9 (b) In the report the commission shall include:

10 (1) its findings regarding the criteria prescribed by
11 Section 325.011, except Section 325.011(14);

12 (2) its recommendations based on the matters
13 prescribed by Section 325.012, except recommendations relating to
14 criteria prescribed by Section 325.011(14); and

15 (3) other information the commission considers
16 necessary for a complete review of the agency.

17 SECTION 7.05. RECOMMENDATIONS. Section 325.0126,
18 Government Code, is amended to read as follows:

19 Sec. 325.0126. MONITORING OF RECOMMENDATIONS. During each
20 legislative session, the staff of the commission shall:

21 (1) monitor legislation affecting agencies that have
22 undergone sunset review immediately before the legislative
23 session;

24 (2) notify ~~[and shall periodically report to]~~ the
25 members of the commission about any amendment to the legislation
26 prepared under Section 325.012(c) that modifies the commission's
27 ~~[on proposed changes which would modify prior]~~ recommendations for

1 a state agency; and

2 (3) provide legislative services to support the
3 passage of the legislation prepared under Section 325.012(c) [of
4 the commission].

5 SECTION 7.06. CONFIDENTIALITY OF INFORMATION. Section
6 325.019, Government Code, is amended by adding Subsection (d) to
7 read as follows:

8 (d) Communications, including conversations,
9 correspondence, and electronic communications, between the
10 commission or its staff and a state agency that relate to a request
11 by the commission for assistance in conducting a review under this
12 chapter are confidential. A state agency's internal communications
13 related to a request for assistance by the commission are
14 confidential, including any information prepared or maintained by
15 the state agency at the request of the commission or its staff.
16 With respect to a document, file, or other record prepared or
17 maintained by the state agency that was created in the normal course
18 of the agency's business and not at the request of the commission,
19 the confidentiality created by this subsection applies only to
20 information in the possession of the commission.

21 SECTION 7.07. RIVER AUTHORITIES. Section 325.025(b),
22 Government Code, as amended by Chapters 975 (S.B. 2262) and 1046
23 (H.B. 1920), Acts of the 85th Legislature, Regular Session, 2017,
24 is reenacted to read as follows:

25 (b) This section applies to the:

26 (1) Angelina and Neches River Authority;

27 (2) Bandera County River Authority and Groundwater

1 District;

2 (3) Brazos River Authority;

3 (4) Guadalupe-Blanco River Authority;

4 (5) Lavaca-Navidad River Authority;

5 (6) Lower Colorado River Authority;

6 (7) Lower Neches Valley Authority;

7 (8) Nueces River Authority;

8 (9) Red River Authority of Texas;

9 (10) Sabine River Authority of Texas;

10 (11) San Antonio River Authority;

11 (12) San Jacinto River Authority;

12 (13) Sulphur River Basin Authority;

13 (14) Trinity River Authority of Texas;

14 (15) Upper Colorado River Authority; and

15 (16) Upper Guadalupe River Authority.

16 ARTICLE 8. TRANSITION AND EFFECTIVE DATE

17 SECTION 8.01. TRANSITION. To the extent of any conflict,
18 this Act prevails over another Act of the 86th Legislature, Regular
19 Session, 2019, relating to nonsubstantive additions to and
20 corrections in enacted codes.

21 SECTION 8.02. EFFECTIVE DATE. This Act takes effect
22 immediately if it receives a vote of two-thirds of all the members
23 elected to each house, as provided by Section 39, Article III, Texas
24 Constitution. If this Act does not receive the vote necessary for
25 immediate effect, this Act takes effect September 1, 2019.

Senate Bill 619
Conference Committee Report
Section-by-Section Analysis

| SENATE VERSION | HOUSE VERSION (IE) | CONFERENCE |
|--|--|--|
| ARTICLE 1. ENTITIES GIVEN 2021 SUNSET DATE | ARTICLE 1. ENTITIES GIVEN 2021 SUNSET DATE | ARTICLE 1. ENTITIES GIVEN 2021 SUNSET DATE |
| <i>No equivalent provision.</i> | SECTION 1. __. SPECIAL SERVICES FUNCTIONS OF THE TEXAS EDUCATION AGENCY. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0105. [FA1] | Same as Senate version. |
| SECTION 1.01. TEXAS A&M FOREST SERVICE. Section 88.1016, Education Code, is amended to read as follows: Sec. 88.1016. SUNSET PROVISION. The Texas <u>A&M</u> Forest Service is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the Texas <u>A&M</u> Forest Service is abolished September 1, <u>2021</u> [2023]. | SECTION 4.03. TEXAS A&M FOREST SERVICE. Section 88.1016, Education Code, is amended to read as follows: Sec. 88.1016. SUNSET PROVISION. The Texas <u>A&M</u> Forest Service is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the Texas <u>A&M</u> Forest Service is abolished September 1, <u>2027</u> [2023]. | <i>No equivalent provision.</i> |
| SECTION 1.02. TEACHER RETIREMENT SYSTEM OF TEXAS. Section 825.006, Government Code, is amended. | SECTION 1.01. Same as Senate version. | SECTION 1.01. Same as Senate version. |
| SECTION 1.03. ANATOMICAL BOARD OF THE STATE OF TEXAS. Subchapter A, Chapter 691, Health and Safety Code, is amended by adding Section 691.003. | SECTION 1.02. Same as Senate version. | SECTION 1.02. Same as Senate version. |
| <i>No equivalent provision.</i> | SECTION 1.03. TEXAS DEPARTMENT OF LICENSING AND REGULATION. Section 51.002, Occupations Code, is amended to read as follows: Sec. 51.002. APPLICATION OF SUNSET ACT. (a) The Texas Commission of Licensing and Regulation and the Texas | SECTION 1.03. Same as House version. |

Senate Bill 619
Conference Committee Report
Section-by-Section Analysis

| SENATE VERSION | HOUSE VERSION (IE) | CONFERENCE |
|---|---|---|
| | Department of Licensing and Regulation are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission and the department are abolished September 1, 2021. <u>(b) The review of the commission and department by the Sunset Advisory Commission under this section may not include a review of any program that was transferred to the department on or after September 1, 2016.</u> | |
| SECTION 1.04. TEXAS RACING COMMISSION. Section 2021.008(a), Occupations Code, is amended. | SECTION 1.04. Same as Senate version. | SECTION 1.04. Same as Senate version. |
| ARTICLE 2. ENTITIES GIVEN 2023 SUNSET DATE | ARTICLE 2. ENTITIES GIVEN 2023 SUNSET DATE | ARTICLE 2. ENTITIES GIVEN 2023 SUNSET DATE |
| SECTIONS 2.01-2.06. | SECTIONS 2.01-2.06. Same as Senate version. | SECTIONS 2.01-2.06. Same as Senate version. |
| <i>No equivalent provision.</i> | SECTION 2.__. REVIEW OF PROGRAMS TRANSFERRED TO TEXAS DEPARTMENT OF LICENSING AND REGULATION. Subchapter A, Chapter 51, Occupations Code, is amended by adding Section 51.0021 to read as follows: <u>Sec. 51.0021. SUNSET REVIEW OF TRANSFERRED PROGRAMS. (a) Separate from the review of the commission and department required under Section 51.002, the commission and department are subject to a limited review under Chapter 325, Government Code (Texas Sunset Act), of the programs transferred to the department on or after</u> | SECTION 2.07. Same as House version. |

Senate Bill 619
Conference Committee Report
Section-by-Section Analysis

| SENATE VERSION | HOUSE VERSION (IE) | CONFERENCE |
|---|---|---|
| | <u>September 1, 2016. The review shall be conducted during the period in which state agencies abolished in 2023 are reviewed.</u> <u>(b) This section expires September 1, 2023. [FA1,3rd]</u> | |
| SECTION 2.07. UPPER GUADALUPE RIVER AUTHORITY. Section 1A(a), Chapter 5, page 1062, Special Laws, Acts of the 46th Legislature, Regular Session, 1939, is amended. | SECTION 2.07. Same as Senate version. | SECTION 2.08. Same as Senate version. |
| ARTICLE 3. ENTITIES GIVEN 2025 SUNSET DATE | ARTICLE 3. Same as Senate version. | ARTICLE 3. Same as Senate version. |
| ARTICLE 4. ENTITIES GIVEN 2027 SUNSET DATE | ARTICLE 4. ENTITIES GIVEN 2027 SUNSET DATE | ARTICLE 4. ENTITIES GIVEN 2027 SUNSET DATE |
| SECTIONS 4.01-4.02. | SECTIONS 4.01-4.02. Same as Senate version. | SECTIONS 4.01-4.02. Same as Senate version. |
| SECTIONS 4.03-4.10. | SECTIONS 4.04-4.11. Same as Senate version. | SECTIONS 4.03-4.10. Same as Senate version. |
| ARTICLE 5. ENTITY GIVEN 2029 SUNSET DATE | ARTICLE 5. Same as Senate version. | ARTICLE 5. Same as Senate version. |
| ARTICLE 6. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW | ARTICLE 6. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW | ARTICLE 6. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW |
| SECTION 6.01. REGIONAL EDUCATION SERVICE CENTERS. The following laws are repealed: (1) Section 8.010, Education Code; and (2) Section 2(b), Chapter 916 (S.B. 1404), Acts of the 85th | SECTION 6.01. Same as Senate version. | SECTION 6.01. Same as Senate version. |

Senate Bill 619
Conference Committee Report
Section-by-Section Analysis

| SENATE VERSION | HOUSE VERSION (IE) | CONFERENCE |
|--|--|---------------------------------------|
| Legislature, Regular Session, 2017. | | |
| SECTION 6.02. <i>EVALUATION OF</i> STATE PROCUREMENT SYSTEM. Section 2151.0042, Government Code, is repealed. | SECTION 6.02. STATE PROCUREMENT SYSTEM <i>AND RELATED COMPTROLLER AUTHORITY</i> . Sections <i>2151.0041 and</i> 2151.0042, Government Code, are repealed. | SECTION 6.02. Same as House version. |
| SECTION 6.03. STATE USE PROGRAM, TEXAS COMPTROLLER OF PUBLIC ACCOUNTS. Section 122.0012(a), Human Resources Code, is repealed. | SECTION 6.03. Same as Senate version. | SECTION 6.03. Same as Senate version. |
| SECTION 6.04. INTERMUNICIPAL COMMUTER RAIL DISTRICTS. Section 173.005, Transportation Code, is repealed. | SECTION 6.04. Same as Senate version. | SECTION 6.04. Same as Senate version. |
| ARTICLE 7. SUNSET REVIEW PROCESS | ARTICLE 7. SUNSET REVIEW PROCESS | ARTICLE 7. SUNSET REVIEW PROCESS |
| SECTION 7.01. DEFINITIONS. Section 325.002(1), Government Code, is amended. | SECTION 7.01. Same as Senate version. | SECTION 7.01. Same as Senate version. |
| SECTION 7.02. SUNSET ADVISORY COMMISSION. Section 325.003, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows: (a) The Sunset Advisory Commission <u>is a legislative agency that</u> consists of five members of the senate and one public member appointed by the lieutenant governor and five | SECTION 7.02. SUNSET ADVISORY COMMISSION. Section 325.003, Government Code, is amended by amending Subsections (a) and (e) and adding Subsections (a-1) and (e-1) to read as follows: (a) The Sunset Advisory Commission <u>is a legislative agency that</u> consists of five members of the senate and one public member appointed by the lieutenant governor and five | SECTION 7.02. Same as House version. |

Senate Bill 619
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SENATE VERSION

members of the house of representatives and one public member appointed by the speaker of the house. The lieutenant governor and the speaker of the house may serve as one of the legislative appointees.

(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 executive branch agencies' implementation of legislative priorities.

No equivalent provision.

HOUSE VERSION (IE)

members of the house of representatives and one public member appointed by the speaker of the house. The lieutenant governor and the speaker of the house may serve as one of the legislative appointees.

(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 executive branch agencies' implementation of legislative priorities.

(e) Members other than the lieutenant governor and the speaker are subject to the following restrictions:

(1) after a legislative member ~~[an individual]~~ serves two terms ~~[six years]~~ on the commission or a public member serves three terms on the commission, the individual is not eligible for appointment to another term or part of a term;

(2) a legislative member who serves a full term may not be appointed to an immediately succeeding term; and

(3) a public member may not serve more than two consecutive terms, and, for purposes of this prohibition, a member is considered to have served a term only if the member has served more than half of the term.

(e-1) If an individual serves for less than a full term, the term is not counted toward determining the individual's eligibility to serve on the commission under Subsection (e)(1) unless the individual was a member of the commission for each public hearing at which the state agencies being reviewed during the individual's term were discussed.

SECTION 7.03. PUBLIC HEARINGS. Section 325.009, Government Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (a), the commission may not

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SECTION 7.03. Same as House version.

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discuss in a public hearing the application to an agency of the criteria provided in Section 325.011(14). The commission staff shall notify the commission of any findings and recommendations regarding the criteria provided in Section 325.011(14).

No equivalent provision.

SECTION 7.04. REPORTS. Section 325.010(b), Government Code, is amended to read as follows:
(b) In the report the commission shall include:
(1) its findings regarding the criteria prescribed by Section 325.011, except Section 325.011(14);
(2) its recommendations based on the matters prescribed by Section 325.012, except recommendations relating to criteria prescribed by Section 325.011(14); and
(3) other information the commission considers necessary for a complete review of the agency.

SECTION 7.04. Same as House version.

SECTION 7.03. RECOMMENDATIONS. Section 325.0126, Government Code, is amended.

No equivalent provision.

SECTION 7.05. Same as Senate version.

SECTION 7.05. Same as Senate version.

SECTION 7.06. CONFIDENTIALITY OF INFORMATION. Section 325.019, Government Code, is amended by adding Subsection (d) to read as follows:
(d) 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 this chapter are confidential. A state agency's internal communications related to a request for assistance by

SECTION 7.06. Same as House version.

Senate Bill 619
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the commission are confidential, including any information prepared or maintained by the state agency at the request of the commission or its staff. With respect to a document, file, or other record prepared or maintained by the state agency that was created in the normal course of the agency's business and not at the request of the commission, the confidentiality created by this subsection applies only to information in the possession of the commission.

No equivalent provision.

SECTION 7.07. RIVER AUTHORITIES. Section 325.025(b), Government Code, as amended by Chapters 975 (S.B. 2262) and 1046 (H.B. 1920), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

- (b) This section applies to the:
- (1) Angelina and Neches River Authority;
 - (2) Bandera County River Authority and Groundwater District;
 - (3) Brazos River Authority;
 - (4) Guadalupe-Blanco River Authority;
 - (5) Lavaca-Navidad River Authority;
 - (6) Lower Colorado River Authority;
 - (7) Lower Neches Valley Authority;
 - (8) Nueces River Authority;
 - (9) Red River Authority of Texas;
 - (10) Sabine River Authority of Texas;
 - (11) San Antonio River Authority;
 - (12) San Jacinto River Authority;
 - (13) Sulphur River Basin Authority;
 - (14) Trinity River Authority of Texas;
 - (15) Upper Colorado River Authority; and

SECTION 7.07. Same as House version.

Senate Bill 619
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| SENATE VERSION | HOUSE VERSION (IE) | CONFERENCE |
|---------------------------------|---|---|
| | (16) Upper Guadalupe River Authority. | |
| ARTICLE 8. EFFECTIVE DATE | ARTICLE 8. TRANSITION AND EFFECTIVE DATE | ARTICLE 8. TRANSITION AND EFFECTIVE DATE |
| <i>No equivalent provision.</i> | SECTION 8.01. TRANSITION. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes. | SECTION 8.01. Same as House version. |
| SECTION 8.01. Effective date. | SECTION 8.02. Same as Senate version. | SECTION 8.02. Same as Senate version. |

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 25, 2019

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: SB619 by Birdwell (Relating to the sunset review process and certain governmental entities subject to that process.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for SB619, Conference Committee Report: an impact of \$0 through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|---|
| 2020 | \$0 |
| 2021 | \$0 |
| 2022 | \$0 |
| 2023 | \$0 |
| 2024 | \$0 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Savings/(Cost) from <i>Appropriated Receipts</i> 666 | Probable Revenue Gain/(Loss) from <i>Appropriated Receipts</i> 666 |
|-------------|---|--|
| 2020 | \$105,536 | (\$105,536) |
| 2021 | \$11,920 | (\$11,920) |
| 2022 | \$262,637 | (\$262,637) |
| 2023 | \$30,805 | (\$30,805) |
| 2024 | (\$334,695) | \$334,695 |

Fiscal Analysis

The bill would change sunset dates for the following to September 1, 2021:

- 1) Teachers Retirement System of Texas board of trustees
- 2) Texas Anatomical Board
- 3) Texas Racing Commission

The bill would change sunset dates for the following to September 1, 2023:

- 1) Health and Human Services Commission, Office of Inspector General
- 2) Texas Invasive Species Coordinating Committee
- 3) Texas Juvenile Justice Board and Texas Juvenile Justice Department
- 4) Texas Department of Insurance, Division of Workers Compensation
- 5) Office of Injured Employee Council
- 6) Upper Guadalupe River Authority

The bill would change sunset dates for the following to September 1, 2025:

- 1) State Commission on Judicial Conduct
- 2) Judicial Branch Certification Commission
- 3) Texas Board of Criminal Justice and Texas department of Criminal Justice
- 4) Department of Information Resources
- 5) Angelina and Neches River Authority
- 6) Lower Neches River Authority
- 7) Public Utility Commission of Texas
- 8) Office of Public Utility Council
- 9) Sabine River Authority of Texas
- 10) Trinity River Authority of Texas

The bill would change sunset dates for the following to September 1, 2027:

- 1) Texas Education Agency (TEA)
- 2) Expanded Learning Opportunities Council
- 3) Texas Civil Commitment Office
- 4) Texas Facilities Commission
- 5) Maternal Mortality and Morbidity Task Force
- 6) Public Health and Funding Policy Committee
- 7) Perinatal Advisory Council
- 8) Department of State Health Services
- 9) Department of Family and Protective Services
- 10) Texas Workforce Commission, State of Use Program

The bill would change sunset dates for the following to September 1, 2029:

- 1) Texas Emergency Services Retirement System

The bill would remove the following from specific sunset review:

- 1) Regional Education Service Centers (though the Sunset Commission would be required to review a selection of three as part of its review of the Texas Education Agency)
- 2) Evaluation of State Procurement System
- 3) Texas Comptroller of Public Accounts, State Use Program
- 4) Intermunicipal Commuter Rail Districts

The bill specifies that the 2020-2021 Sunset review of the Texas Department of Licensing and Regulation (TDLR) does not include a review of any programs transferred to TDLR on or after September 1, 2016. The bill would also require a one-time review in 2023 of programs transferred

to TDLR on or after September 1, 2016.

The bill requires Sunset to conduct a limited review of TEA's special education serves in 2021.

The bill clarifies that the reviews of the Health and Human Services Commission (HHSC), Department of State Health Services (DSHS), and Department of Family and Protective Services (DFPS) will be limited-scope reviews in 2023 and changes the date of the special-purpose review of the HHSC Office of Inspector General from 2021 to 2023 to coincide with the limited-scope review of HHSC, DSHS, and DFPS.

The bill also specifies that the Legislature can place entities, not just state agencies, under Sunset review, that the Sunset Commission is a legislative agency, that the commission's public members appointed by the Speaker and Lieutenant Governor act on behalf of the Legislature, and requires Sunset Commission staff to perform legislative services to support the passage of Sunset legislation.

Methodology

River authorities are statutorily required to pay for costs incurred by the Sunset Advisory Commission (SAC) in performing reviews of the authorities. The bill would rearrange certain river authority sunset dates, but would not add any new river authorities to the schedule. This would result in a reallocation of costs and offsetting revenue gains as Appropriated Receipts between biennia for changes made to the review schedule.

The costs and savings reflect SAC anticipated costs of \$9,905 per analyst for each month required to conduct a review. This amount includes the costs for salaries, benefits, and other operating costs necessary for staff to conduct these reviews. Travel costs are calculated for each river authority individually, are based on current reimbursement amounts and estimated number of trips, and include fuel costs for vehicle travel. This analysis assumes the following for review changes made by the bill:

1) Costs would be realized from three analyst positions conducting an eight month combined review of the Upper Guadalupe, Bandera County, San Antonio, and the Lavaca-Navidad River Authorities. Total costs for this project would be \$223,584 in fiscal year 2022 and \$24,972 in fiscal year 2023. The Upper Guadalupe River Authority would be combined with other river authorities set for review in 2023. Only the Upper Guadalupe River Authority is included because the other sunset dates were not changed by the bill. Upper Guadalupe River Authority costs and revenue offsets include \$32,015 in fiscal year 2022 and \$3,696 in fiscal year 2023. These costs were reallocated from the 2020-21 biennium.

2) Costs would be realized from three analyst positions conducting a six month combined review of the Angelina and Neches River Authority, Lower Neches Valley Authority, and Sabine River Authority. Total costs for this project would be \$168,106 in fiscal year 2024 and \$18,729 in fiscal year 2025. These costs would be reallocated from other fiscal years and would be offset by a corresponding revenue gain. Costs include the following:

a) Angelina and Neches River Authority costs and revenue offsets include \$34,641 in fiscal year 2024. These costs were reallocated from the 2022-2023 biennium.

b) Lower Neches Valley Authority costs and revenue offsets include \$66,733 in fiscal year 2024. These costs were reallocated from the 2020-2021 biennium.

c) Sabine River Authority costs and revenue offsets include \$66,733 in fiscal year 2024. These costs were reallocated from the 2020-2021 biennium.

3) Costs would be realized from three analyst positions conducting a six month review of the Trinity River Authority. Total costs for this project would be \$184,717 in fiscal year 2024 and \$18,129 in fiscal year 2025. These costs were reallocated from the 2022-2023 biennium.

4) Costs would be realized from two analyst positions conducting a five month review of the Sabine River Authority. Total costs for this project would be \$92,406 in fiscal year 2026 and \$10,205 in fiscal year 2027. These costs were reallocated from the 2022-2023 biennium.

Based on information provided by the SAC, this analysis assumes there would be no fiscal impact to the state for changing the other previously established sunset dates or the removal of the sunset dates for agencies listed above.

Local Government Impact

River authorities with revised sunset dates would realize costs for sunset reviews in newly scheduled years and savings from reviews not completed in fiscal years under current law. Combining the Angelina and Neches, Lower Neches, and Sabine River Authority reviews will result in a decrease in cost to the river authorities.

Source Agencies: 116 Sunset Advisory Commission

LBB Staff: WP, MMF, SZ, SD, CMa

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under House Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not subject to a point of order under Rule 13.

I certify that a copy of the conference committee report on SB 619 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.


(name)

5/25/19
(date)