

BILL ANALYSIS

C.S.H.B. 3302
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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.H.B. 3302 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.H.B. 3302 amends Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971, and Chapter 186, Acts of the 50th Legislature, Regular Session, 1947, to change the period during which the Bandera County River Authority and Groundwater District and the Lavaca-Navidad River Authority, respectively, are reviewed but not abolished under the Texas Sunset Act from the period during which state agencies scheduled to be abolished on September 1, 2023, are reviewed, and every 12th year thereafter, to the period during which state agencies scheduled to be abolished on September 1, 2019, are reviewed, and every 12th year thereafter.

C.S.H.B. 3302 amends Chapter 5, page 1062, Special Laws, Acts of the 46th Legislature, Regular Session, 1939, to change the period during which the Upper Guadalupe River Authority is reviewed but not abolished under the Texas Sunset Act from the period during which state agencies scheduled to be abolished on September 1, 2021, are reviewed, and every 12th year thereafter, to the period during which state agencies scheduled to be abolished on September 1, 2019, are reviewed, and every 12th year thereafter.

C.S.H.B. 3302 amends the Occupations Code to postpone from September 1, 2019, to September 1, 2021, the date on which the Texas Commission of Licensing and Regulation, the Texas Department of Licensing and Regulation, and the Texas State Board of Plumbing Examiners are abolished unless continued in existence as provided by the Texas Sunset Act. The bill postpones from September 1, 2019, to September 1, 2025, the date on which the Texas Real Estate Commission and the Texas Appraiser Licensing and Certification Board are abolished unless continued in existence as provided by that act.

C.S.H.B. 3302 amends Chapter 427, Acts of the 44th Legislature, 1st Called Session, 1935, to change the period during which the Nueces River Authority is reviewed but not abolished under the Texas Sunset Act from the period during which state agencies scheduled to be abolished on September 1, 2019, are reviewed, and every 12th year thereafter, to the period during which state agencies scheduled to be abolished on September 1, 2021, are reviewed, and every 12th year thereafter.

C.S.H.B. 3302 amends Chapter 276, Acts of the 45th Legislature, Regular Session, 1937, to change the period during which the San Antonio River Authority is reviewed but not abolished under the Texas Sunset Act from the period during which state agencies scheduled to be abolished on September 1, 2023, are reviewed, and every 12th year thereafter, to the period during which state agencies scheduled to be abolished on September 1, 2021, are reviewed, and every 12th year thereafter.

C.S.H.B. 3302 amends Chapter 518, Acts of the 54th Legislature, Regular Session, 1955, to change the period during which the Trinity River Authority of Texas is reviewed but not abolished under the Texas Sunset Act from the period during which state agencies scheduled to be abolished on September 1, 2023, are reviewed, and every 12th year thereafter, to the period during which state agencies scheduled to be abolished on September 1, 2021, are reviewed, and every 12th year thereafter.

C.S.H.B. 3302 amends the Special District Local Laws Code to change the period during which the Lower Neches Valley Authority is reviewed but not abolished under the Texas Sunset Act from the period during which state agencies scheduled to be abolished on September 1, 2021, are reviewed, and every 12th year thereafter, to the period during which state agencies scheduled to be abolished on September 1, 2023, are reviewed, and every 12th year thereafter.

C.S.H.B. 3302 amends Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, to change the period during which the Red River Authority of Texas is reviewed but not abolished under the Texas Sunset Act from the period during which state agencies scheduled to be abolished on September 1, 2019, are reviewed, and every 12th year thereafter, to the period during which state agencies scheduled to be abolished on September 1, 2023, are reviewed, and every 12th year thereafter.

C.S.H.B. 3302 amends Chapter 110, Acts of the 51st Legislature, Regular Session, 1949, to change the period during which the Sabine River Authority of Texas is reviewed but not abolished under the Texas Sunset Act from the period during which state agencies scheduled to be abolished on September 1, 2021, are reviewed, and every 12th year thereafter, to the period during which state agencies scheduled to be abolished on September 1, 2023, are reviewed, and every 12th year thereafter.

C.S.H.B. 3302 repeals Education Code and Health and Safety Code provisions subjecting regional education service centers, the Maternal Mortality And Morbidity Task Force, the Palliative Care Interdisciplinary Advisory Council, and the Perinatal Advisory Council to review under the Texas Sunset Act and abolishing those entities on specified dates unless continued in existence as provided by that act.

C.S.H.B. 3302 amends the Insurance Code to remove provisions subjecting the Texas Windstorm Insurance Association to review under the Texas Sunset Act during the period in which state agencies abolished in 2019 are reviewed.

C.S.H.B. 3302 amends the Government Code to postpone from September 1, 2021, to September 1, 2025, the date on which the Office of State-Federal Relations and the Texas Facilities Commission are abolished unless continued in existence as provided by the Texas Sunset Act and to change the period during which the board of trustees of the Teacher Retirement System of Texas is reviewed but not abolished under that act from the period during which state agencies

abolished in 2019 are reviewed, and every 12th year thereafter, to the period during which state agencies abolished in 2025 are reviewed, and every 12th year thereafter.

C.S.H.B. 3302 revises the definition of "state agency" for purposes of the Texas Sunset Act to mean an entity expressly made subject to that act. The bill specifies that the Sunset Advisory Commission is a legislative agency and includes in the commission's duties to be performed before January 1 of the year in which a state agency subject to commission review and its advisory committees are abolished the preparation of a written report regarding the review of the implementation of commission recommendations contained in the reports presented to the legislature during the preceding legislative session and the resulting legislation. The bill requires commission staff to provide legislative services to support the passage of legislation prepared under the commission's recommendations. The bill exempts a working paper, including all documentary or other information, prepared or maintained by commission staff in performing its duties under law to draft legislation or provide legislative services from the public-availability requirement of state public information law and specifies that such a working paper, as well as a working paper prepared or maintained by the commission staff in performing its duties under law to conduct an evaluation or prepare a report, is privileged, confidential, and not subject to discovery or subpoena. The bill makes confidential and excepted from the public-availability requirement of state public information law any record or communication that is held by a state agency being reviewed under the act that is either prepared for the commission by the agency or provided to the agency by the commission. The bill establishes that if information or data within a record or communication made confidential in that manner is also maintained in another record, that other record is not made confidential or excepted from public disclosure in that manner.

C.S.H.B. 3302 repeals a provision requiring a state agency and the Texas Workforce Commission to make a reasonable effort to relocate an employee who is displaced because the state agency or its advisory committee is abolished, reorganized, or continued under the Texas Sunset Act and a provision requiring the Sunset Advisory Commission to consider and make recommendations regarding the statutory revisions necessary to use the phrase "intellectual disability" instead of "mental retardation" and to use the phrase "person with intellectual disability" instead of "person with mental retardation."

C.S.H.B. 3302 repeals the following provisions:

- Section 8.010, Education Code
- Section 34.018, Health and Safety Code
- Section 118.003, Health and Safety Code
- Section 241.187(l), Health and Safety Code
- Section 325.020, Government Code
- Section 325.0123(a), Government Code

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3302 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

85R 26744

17.118.240

Substitute Document Number: 85R 20102

No equivalent provision.

ARTICLE 1. ENTITIES GIVEN 2019 SUNSET DATE

No equivalent provision.

SECTION 1.01. BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER DISTRICT. Section 1A(a), Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971, 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, 2019 [~~2023~~], and every 12th year after that year.

No equivalent provision.

SECTION 1.02. LAVACA-NAVIDAD RIVER AUTHORITY. Section 1A(a), Chapter 186, Acts of the 50th Legislature, Regular Session, 1947, 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, 2019 [~~2023~~], and every 12th year after that year.

No equivalent provision.

SECTION 1.03. 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, 2019 [~~2021~~], and every 12th year after that year.

No equivalent provision.

ARTICLE 2. ENTITIES GIVEN 2021 SUNSET DATE

No equivalent provision.

SECTION 2.01. TEXAS COMMISSION OF LICENSING AND REGULATION AND TEXAS DEPARTMENT OF

LICENSING AND REGULATION. Section 51.002, Occupations Code, is amended to read as follows:

Sec. 51.002. APPLICATION OF SUNSET ACT. The Texas Commission of Licensing and Regulation and the Texas 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 [~~2019~~].

No equivalent provision.

SECTION 2.02. 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, 2021 [~~2019~~].

No equivalent provision.

SECTION 2.03. NUECES RIVER AUTHORITY. Section 1.02A(a), Chapter 427, Acts of the 44th Legislature, 1st Called Session, 1935, 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, 2021 [~~2019~~], and every 12th year after that year.

No equivalent provision.

SECTION 2.04. SAN ANTONIO RIVER AUTHORITY. Section 1-a(a), Chapter 276, Acts of the 45th Legislature, Regular Session, 1937, 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, 2021 [~~2023~~], and every 12th year after that year.

No equivalent provision.

SECTION 2.05. TRINITY RIVER AUTHORITY OF TEXAS. Section 1A(a), Chapter 518, Acts of the 54th Legislature, Regular Session, 1955, 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, 2021 [~~2023~~], and every 12th year after that year.

No equivalent provision.

ARTICLE 3. ENTITIES GIVEN 2023 SUNSET DATE

No equivalent provision.

SECTION 3.01. 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, 2023 [~~2021~~], and every 12th year after that year.

No equivalent provision.

SECTION 3.02. RED RIVER AUTHORITY OF TEXAS. Section 1A(a), Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, 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, 2023 [~~2019~~], and every 12th year after that year.

No equivalent provision.

SECTION 3.03. SABINE RIVER AUTHORITY OF TEXAS. Section 2A(a), Chapter 110, Acts of the 51st Legislature, Regular Session, 1949, 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 1. ENTITIES GIVEN 2025 SUNSET DATE

ARTICLE 4. Same as introduced version.

SECTION 1.01. OFFICE OF STATE-FEDERAL RELATIONS. Section 751.003, Government Code, is amended.

SECTION 4.01. Same as introduced version.

No equivalent provision.

SECTION 4.02. 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 2025 [~~2019~~], and every 12th year after that year, are reviewed.

SECTION 1.02. TEXAS FACILITIES COMMISSION. Section 2152.002, Government Code, is amended.

SECTION 4.03. Same as introduced version.

No equivalent provision.

SECTION 4.04. 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, Chapter 1102, and Chapter 1303 of this code and Chapter 221, Property Code, expire September 1, 2025 [~~2019~~].

No equivalent provision.

SECTION 4.05. 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, 2025 [2019].

ARTICLE 2. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW

No equivalent provision.

SECTION 2.01. MATERNAL MORTALITY AND MORBIDITY TASK FORCE. Section 34.018, Health and Safety Code, is repealed.

SECTION 2.02. PALLIATIVE CARE INTERDISCIPLINARY ADVISORY COUNCIL. Section 118.003, Health and Safety Code, is repealed.

SECTION 2.03. PERINATAL ADVISORY COUNCIL. Section 241.187(l), Health and Safety Code, is repealed.

No equivalent provision.

ARTICLE 3. SUNSET REVIEW PROCESS

No equivalent provision.

ARTICLE 5. Same as introduced version.

SECTION 5.01. REGIONAL EDUCATION SERVICE CENTERS. Section 8.010, Education Code, is repealed.

SECTION 5.02. Same as introduced version.

SECTION 5.03. Same as introduced version.

SECTION 5.04. Same as introduced version.

SECTION 5.05. TEXAS WINDSTORM INSURANCE ASSOCIATION. Section 2210.002, Insurance Code, is amended to read as follows:

Sec. 2210.002. SHORT TITLE[; ~~SUNSET PROVISION~~]. [(a)] This chapter may be cited as the Texas Windstorm Insurance Association Act.

~~[(b) The association is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The association shall be reviewed during the period in which state agencies abolished in 2019 are reviewed. The association shall pay the costs incurred by the Sunset Advisory Commission in performing the review of the association under this subsection. The Sunset Advisory Commission shall determine the costs of the review performed under this subsection, and the association shall pay the amount of those costs promptly on receipt of a statement from the Sunset Advisory Commission regarding those costs. This subsection expires September 1, 2019.]~~

ARTICLE 6. Same as introduced version.

SECTION 6.01. DEFINITIONS. Section 325.002(1), Government Code, is amended

to read as follows:

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

No equivalent provision.

SECTION 6.02. SUNSET ADVISORY COMMISSION. Section 325.003(a), Government Code, is amended to read as follows:

(a) The Sunset Advisory Commission is a legislative agency that consists of five members of the senate and one public member appointed by the lieutenant governor and five 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.

No equivalent provision.

SECTION 6.03. COMMISSION DUTIES. Section 325.008(a), Government Code, is amended to read as follows:

(a) Before January 1 of the year in which a state agency subject to this chapter and its advisory committees are abolished, the commission shall:

(1) review and take action necessary to verify the reports submitted by the agency under Section 325.007;

(2) consult the Legislative Budget Board, the Governor's Budget, Policy, and Planning Division, the State Auditor, and the comptroller of public accounts, or their successors, on the application to the agency of the criteria provided in Section 325.011;

(3) conduct a review of the agency based on the criteria provided in Section 325.011 and prepare a written report; and

(4) review the implementation of commission recommendations contained in the reports presented to the legislature during the preceding legislative session and the resulting legislation and prepare a written report.

No equivalent provision.

SECTION 6.04. RECOMMENDATIONS. Section 325.012(c), Government Code, is amended to read as follows:

(c) The commission shall have drafts of legislation prepared to carry out the commission's recommendations under this section. The commission staff shall provide legislative services to support the passage of legislation prepared under this section.

No equivalent provision.

SECTION 6.05. RECORDS PROTECTED FROM DISCLOSURE. Section 325.0195, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A working paper, including all documentary or other information, prepared or maintained by the commission staff in performing its duties under this chapter or other law to conduct an evaluation, ~~and~~ prepare a report, draft legislation, or provide legislative services is privileged and confidential and not subject to discovery or subpoena, and is excepted from the public disclosure requirements of Section 552.021.

(a-1) Any record or communication that is held by a state agency being reviewed under this chapter that is either prepared for the commission by the state agency or provided to the state agency by the commission is confidential and excepted from the public disclosure requirements of Section 552.021. If information or data within a record or communication made confidential under this subsection is also maintained in another record, that other record is not made confidential or excepted from public disclosure by this subsection.

SECTION 3.01. RELOCATION OF EMPLOYEES. Section 325.020, Government Code, is repealed.

SECTION 6.06. REPEALER. Sections 325.020 and 325.0123(a), Government Code, are repealed.

ARTICLE 4. EFFECTIVE DATE

ARTICLE 7. Same as introduced version.

SECTION 4.01. 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, 2017.

SECTION 7.01. Same as introduced version.