

- SUBJECT:** Adjusting Sunset dates for various state agencies and entities
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 8 ayes — Phelan, Hernandez, Holland, Hunter, P. King, Parker, E. Rodriguez, Springer
- 0 nays
- 5 absent — Deshotel, Guerra, Harless, Raymond, Smithee
- SENATE VOTE:** On final passage, April 30 — 31-0
- WITNESSES:** *On House companion bill, HB 1680:*
For — None
- Against — None
- On — Cyrus Reed, Lone Star Chapter Sierra Club; Wayne Roberts, Cancer Prevention and Research Institute of Texas; (*Registered, but did not testify:* Jennifer Jones, Sunset Advisory Commission)
- BACKGROUND:** Government Code ch. 325, the Texas Sunset Act, requires the Sunset Advisory Commission and the Legislature to evaluate certain state agencies periodically to determine whether a public need exists for their continuation or their functions. A state agency is subject to the act if a date is set in statute for it to be reviewed or abolished.
- DIGEST:** CSSB 619 would adjust the Sunset dates for several state agencies, establish or change provisions related to certain limited-scope reviews, and make changes to the Sunset review process.
- The Texas Department of Licensing and Regulation would continue under its Sunset date of September 1, 2021, but CSSB 619 would limit the review so that it could not include a review of any program transferred to the department on or after September 1, 2016.

The bill would move up the abolishment dates of two entities to 2021. The date for the board of trustees of the Teachers Retirement System would be moved from 2025 to 2021, and the date for the Texas Racing Commission from 2023 to 2021.

Criminal justice agencies. The bill would change Sunset dates for two criminal justice agencies. The dates for the Texas Juvenile Justice Board and Texas Juvenile Justice Department would be changed from 2021 to 2023, and the dates for the Texas Board of Criminal Justice and Texas Department of Criminal Justice would be changed from 2021 to 2025.

Public Utility Commission. The bill would extend the Sunset dates for the Public Utility Commission and the Office of Public Utility Counsel from 2023 to 2025.

Education agencies. The Sunset date for the Texas Education Agency would be changed from 2025 to 2027.

As part of the TEA review, the Sunset Advisory Commission would be required to coordinate with the agency to select for review three regional education service centers that served diverse geographic areas and diverse population sizes. The review would have to include an evaluation of the agency's oversight of the centers. Current provisions placing the regional education service centers under Sunset review would be repealed.

The Sunset dates for the Expanded Learning Opportunities Council and the Texas A&M Forest Service, both found in the Education Code, would be extended from 2023 to 2027.

Health and human service agencies. CSSB 619 would extend Sunset dates for several health and human services entities. The bill would change the dates from 2023 to 2027 for the Department of State Health Services and the Department of Family and Protective Services.

The bill would modify the currently required limited-scope review of the

Department of Family and Protective Services so that it would include an evaluation and recommendations about the need to continue the department as a state agency separate from the Health and Human Services Commission.

The Sunset Advisory Commission would be required to conduct a special-purpose review of the performance of the Health and Human Service Commission's office of inspector general with a focus on the office's investigations and the effectiveness and efficiency of the office's processes. The review would have to be conducted during the period in which state agencies abolished in 2023 were reviewed.

The Sunset dates for the Maternal Mortality and Morbidity Task Force, the Public Health Funding and Policy Committee, and the Texas Civil Commitment Office would be extended from 2023 to 2027. The date for the Perinatal Advisory Council would be extended from 2025 to 2027.

CSSB 619 would place the Anatomical Board of the State of Texas under the Sunset Act and would abolish it on September 1, 2021, unless continued in statute.

River authorities. The bill would adjust Sunset dates for various river authorities. The dates for the Lower Neches Valley Authority and the Sabine River Authority would be changed from 2021 to 2025, and the dates for the Angelina and Neches River Authority and the Trinity River Authority from 2023 to 2025.

The Sunset date for Upper Guadalupe River Authority would be changed from 2021 to 2023.

Provisions subjecting certain river authorities to limited Sunset reviews would be reenacted as they were amended by the 85th Legislature.

Other changes to Sunset dates, removing entities. The bill would change other Sunset dates, including the dates for:

- the Texas Invasive Species Coordinating Committee, from 2021 to 2023;
- the Division of Workers' Compensation of the Texas Department of Insurance, from 2021 to 2023;
- the Office of Injured Employee Counsel, which is administratively attached to the Texas Workforce Commission, from 2021 to 2023;
- the State Commission on Judicial Conduct and the Judicial Branch Certification Commission, from 2023 to 2025;
- the Department of Information Resources, from 2021 to 2025;
- the Texas Facilities Commission, from 2021 to 2027; and
- the Texas Emergency Services Retirement System, from 2025 to 2029.

CSSB 619 would repeal requirements that the Sunset Advisory Commission review the state's overall procurement system. The bill also would repeal the Sunset review of the comptroller's authority to perform acts related to a state purchasing program that involved purchases from people with disabilities. Review of that program as operated under the Texas Workforce Commission would be moved from 2021 to 2027.

The bill also would repeal a requirement for Sunset review of intermunicipal commuter rail districts.

Sunset review process. CSSB 619 would modify current provisions to specify that the Legislature could place entities, not only agencies, under the Sunset Act. The bill would designate the Sunset Advisory Commission as a legislative agency and would specify that public members of the commission would act on behalf of the Legislature. The bill would revise the Sunset staff's responsibilities to monitor legislation affecting agencies that were reviewed.

The bill would revise provisions dealing with the terms of members of the commission and would specify that, in general, if a commission member served less than a full term, the term would not be counted toward the individual's limit on membership.

The bill would modify provisions relating to assessments of agencies' cybersecurity practices that used confidential information so that the assessments would not be discussed in public hearings or findings and so that recommendations about the practices would not be included in the commission's written reports presented to the Legislature.

CSSB 619 would apply specific confidentiality provisions to communications between the Sunset Advisory Commission and its staff and state agencies. The bill would specify that communications between the commission or its staff and a state agency that related to a request by the commission for assistance in conducting a Sunset review would be confidential. A state agency's internal communications related to a request for assistance by the commission also would be confidential, including information prepared or maintained by the agency at the request of the commission or its staff.

Other provisions. CSSB 619 would prevail over another act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

**SUPPORTERS
SAY:**

CSSB 619 is the Sunset schedule bill used to balance the Sunset Advisory Commission's workload and to better group similar agencies together. The bill would help ensure agencies undergo timely reviews and that Sunset's workload allows for high-quality work. For example, the bill would ensure that health and human service agencies, including the Department of Family and Protective Services and the Department of State Health Services, had full reviews in 2027 and that the Public Utility Commission was reviewed during the same cycle as the Office of Public Utility Council and the Electric Reliability Council of Texas.

The bill also would revise the Sunset review process to remove certain entities from review, such as a requirement that Sunset review the state's

contracting and procurement process. Sunset would continue to look at contracting and procurement at agencies it reviewed, but other entities have responsibilities to look at the system as a whole, including the comptroller, Legislative Budget Board, and the State Auditor's Office.

The bill also would clarify certain Sunset staff procedures, including procedures surrounding the handling of cybersecurity information to ensure that confidential information would not be made public. Provisions dealing with the confidentiality of Sunset communications would ensure that the confidentiality of information would follow the flow of the information.

**OPPONENTS
SAY:**

Given the changes in the electricity market and sector, including those relating to storage methods, electric vehicles, and reserve margins during certain months, the state might want to consider keeping the current Sunset review schedule for the Public Utility Commission in 2023 rather than extend the date to 2025.