

BILL ANALYSIS

Senate Research Center
87R10538 MCK-D

H.B. 1600
By: Canales (Buckingham)
Administration
4/19/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill, often referred to as the “Sunset safety net bill,” extends the Sunset dates of 18 agencies that underwent Sunset review this biennium, from 2021 to 2023. If any of these agencies’ separate Sunset bills do not pass this session, this bill ensures the agencies will not be abolished. Instead, the agencies would be continued for two years and subject to a full Sunset review again during the 2022-2023 biennium. The bill specifies that if other legislation passes this session that extends the Sunset date of any of these agencies, the other legislation controls, rather than this bill.

H.B. 1600 amends current law relating to the review date for certain governmental entities subject to the sunset review process.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.003, Agriculture Code, as follows:

Sec. 11.003. SUNSET PROVISION. Provides that the Texas Department of Agriculture (TDA) is subject to Chapter 325 (Sunset Law), Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, TDA is abolished September 1, 2023, rather than September 1, 2021.

SECTION 2. Amends Section 74.127(a), Agriculture Code, as follows:

(a) Provides that the board of directors of the official cotton growers' boll weevil eradication foundation (board) is subject to Chapter 325, Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, the board is abolished and Subchapter D (Official Cotton Growers' Boll Weevil Eradication Foundation) expires September 1, 2023, rather than September 1, 2021.

SECTION 3. Amends Section 161.027, Agriculture Code, as follows:

Sec. 161.027. SUNSET PROVISION. Provides that the Texas Animal Health Commission (TAHC) is subject to Chapter 325, Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, TAHC is abolished September 1, 2023, rather than September 1, 2021.

SECTION 4. Amends Section 54.603, Education Code, as follows:

Sec. 54.603. SUNSET PROVISION. Provides that the Prepaid Higher Education Tuition Board (board) is subject to Chapter 325, Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, the board is abolished and the programs established under Subchapter F (Prepaid Higher Education Tuition Program) and under Subchapters G (Higher Education Savings Plan) and H (Prepaid

Tuition Unit Undergraduate Education Program: Texas Tomorrow Fund II) terminate September 1, 2023, rather than September 1, 2021.

SECTION 5. Amends Section 15.212, Finance Code, as follows:

Sec. 15.212. SUNSET PROVISION. Provides that the Texas Credit Union Department (TCUD) and the Credit Union Commission (CUC) are subject to Chapter 325, Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, TCUD and CUC are abolished September 1, 2023, rather than September 1, 2021.

SECTION 6. Amends Section 419.003, Government Code, as follows:

Sec. 419.003. SUNSET PROVISION. Provides that the Texas Commission on Fire Protection (TCFP) is subject to Chapter 325 (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, TCFP is abolished and Chapter 419 (Texas Commission on Fire Protection) expires September 1, 2023, rather than September 1, 2021.

SECTION 7. Amends Section 449.002, Government Code, as follows:

Sec. 449.002. SUNSET PROVISION. Provides that the Texas Holocaust and Genocide Commission (THGC) is subject to Chapter 325 (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, the commission is abolished and Chapter 449 (Texas Holocaust and Genocide Commission) expires September 1, 2023, rather than September 1, 2021.

SECTION 8. Amends Section 481.003, Government Code, as follows:

Sec. 481.003. SUNSET PROVISION. Provides that the Texas Economic Development and Tourism Office is subject to Chapter 325 (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, the office is abolished and Chapter 481 (Texas Economic Development and Tourism Office) expires September 1, 2023, rather than September 1, 2021.

SECTION 9. Amends Section 511.003, Government Code, as follows:

Sec. 511.003. SUNSET PROVISION. Provides that the Texas Commission on Jail Standards (TCJS) is subject to Chapter 325 (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, the TCJS is abolished and Chapter 511 (Commission on Jail Standards) expires September 1, 2023, rather than September 1, 2021.

SECTION 10. Amends Section 751.003, Government Code, as follows:

Sec. 751.003. SUNSET PROVISION. Provides that the Office of State-Federal Relations (OSFR) is subject to Chapter 325 (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, OSFR is abolished and Chapter 751 (Office of State-Federal Relations) expires September 1, 2023, rather than September 1, 2021.

SECTION 11. Amends Section 825.006, Government Code, as follows:

Sec. 825.006. SUNSET PROVISION. Provides that the board of trustees of the Teacher Retirement System of Texas (TRS) is subject to review under Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. Requires that the board be reviewed during the period in which state agencies abolished in 2023, rather than September 1, 2021, and every 12th year after that year, are reviewed.

SECTION 12. Amends Section 691.003, Health and Safety Code, as follows:

Sec. 691.003. SUNSET PROVISION. Provides that the Anatomical Board of the State of Texas (board) is subject to Chapter 325, Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, the board is abolished September 1, 2023, rather than September 1, 2021.

SECTION 13. Amends Section 51.002(a), Occupations Code, as follows:

(a) Provides that the Texas Commission of Licensing and Regulation (TCLR) and the Texas Department of Licensing and Regulation (TDLR) are subject to Chapter 325, Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, TCLR and TDLR are abolished September 1, 2023, rather than September 1, 2021.

SECTION 14. Amends Section 801.003, Occupations Code, as follows:

Sec. 801.003. APPLICATION OF SUNSET ACT. Provides that the Texas Board of Veterinary Medical Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, the board is abolished and Chapter 801 (Veterinarians) expires September 1, 2023, rather than September 1, 2021.

SECTION 15. Amends Section 1701.002, Occupations Code, as follows:

Sec. 1701.002. APPLICATION OF SUNSET ACT. Provides that the Texas Commission on Law Enforcement (commission) is subject to Chapter 325, Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, the commission is abolished and Chapter 1701 (Law Enforcement Officers) expires September 1, 2023, rather than September 1, 2021.

SECTION 16. Amends Section 2021.008(a), Occupations Code, as follows:

(a) Provides that the Texas Racing Commission (commission) is subject to Chapter 325, Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, and except as provided by Subsections (b) and (c), the commission is abolished and Subtitle A-1 (Texas Racing Act) expires September 1, 2023, rather than September 1, 2021.

SECTION 17. Amends Section 11.0111, Parks and Wildlife Code, as follows:

Sec. 11.0111. SUNSET PROVISION. Provides that the Parks and Wildlife Department (TPWD) is subject to Chapter 325, Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, TPWD is abolished September 1, 2023, rather than September 1, 2021.

SECTION 18. Amends Section 8502.0021(a), Special District Local Laws Code, as follows:

(a) Provides that the Brazos River Authority (authority) is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is prohibited from being abolished under that chapter. Requires that the review be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2023, rather than September 1, 2021, and every 12th year after that year.

SECTION 19. Provides that if a conflict exists between this Act and another Act of the 87th Legislature, Regular Session, 2021, that extends the sunset date of a governmental entity, the provisions of the other Act control without regard to the relative dates of enactment.

SECTION 20. Effective date: upon passage or September 1, 2021.