

BILL ANALYSIS

Senate Research Center
81R23561 MCK-F

H.B. 1959
By: Isett, McCall (Hegar)
Government Organization
5/14/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State agencies undergo periodic review by the Sunset Advisory Commission (Sunset). Sunset is guided by the Texas Sunset Act (Act). The Act has certain provisions that need updating to reflect the current practices of Sunset, and to reflect the way the Sunset process has evolved. The legislature frequently changes the review schedule for certain agencies to balance the workload of Sunset, to better align the reviews of agencies by grouping them based on subject matter, and in some cases, to serve as a safety net in the event an agency sunset bill is in danger of not passing.

This bill serves that purpose by changing the review provision of three agencies. It moves one agency's sunset review date back to the same as another agency that has related responsibilities. It moves up the review of one agency to be reviewed with the agency to which it is administratively attached. The bill also changes the specific date for one agency and allows it to be reviewed before its expiration because the date was set in an even-numbered year rather than an odd-numbered year when the legislature is in session.

H.B. 1959 amends current law relating to the 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

ARTICLE 1. ENTITIES GIVEN 2011 SUNSET DATE

SECTION 1.01. TEXAS FOREST SERVICE. Amends Subchapter B, Chapter 88, Education Code, by adding Section 88.1016, as follows:

Sec. 88.1016. SUNSET PROVISION. Provides that the Texas Forest Service is subject to Chapter 325, Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, the Texas Forest Service is abolished September 1, 2011.

SECTION 1.02. Amends Section 12.005, Utilities Code, as follows:

Sec. 12.005. APPLICATION OF SUNSET ACT. (a) Creates this subsection from existing text.

(b) Requires the Sunset Advisory Commission (Sunset) to conduct a special-purpose review of the Electric Reliability Council of Texas (council) as part of Sunset's review of the Public Utility Commission of Texas (PUC) for the 82nd Legislature. Requires that Sunset's report to the 82nd Legislature regarding the review include an assessment of the governance, management, and operating structure of the council and the council's compliance with the duties and requirements placed on it by the legislature and PUC. Authorizes Sunset's report under this subsection to include any recommendations it considers appropriate. Provides that this subsection expires September 1, 2011.

ARTICLE 2. ENTITIES GIVEN 2013 SUNSET DATE

SECTION 2.01. TEXAS EDUCATION AGENCY. Amends Section 7.004, Education Code, as follows:

Sec. 7.004. SUNSET PROVISION. (a) Creates this subsection from existing text. Provides that unless continued in existence as provided by that chapter, the Texas Education Agency (TEA) is abolished September 1, 2013, rather than 2012. Deletes existing text requiring Sunset, in the review of TEA by Sunset, as required by this section, to limit its review to the appropriateness of recommendations made by Sunset to the 79th Legislature; authorizes Sunset, in Sunset's report to the 80th Legislature, to include any recommendations it considers appropriate.

(b) Requires Sunset to conduct a special-purpose review of TEA as part of Sunset's review of agencies for the 82nd Legislature. Requires that Sunset's report to the 82nd Legislature regarding the review of TEA include an assessment of TEA's compliance with mandates and requirements contained in legislation passed by the 79th, 80th, and 81st Legislatures. Provides that this subsection expires September 1, 2011.

SECTION 2.02. TRANSFER OF PURCHASING POWERS TO THE COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS. Amends Sections 2151.0041(b) and (c), Government Code, as follows:

(b) Requires Sunset to evaluate the transfer of powers and duties to the comptroller of public accounts (comptroller) under Section 2151.004(d) (relating to the transference of powers and duties of the Texas Building and Procurement Commission to the comptroller) and under House Bill 3560, Acts of the 80th Legislature, Regular Session, 2007, and present to the 83rd, rather than 82nd, Legislature a report on its evaluation and recommendations in relation to the transfer.

(c) Provides that unless otherwise provided by the legislature by law, on September 1, 2013, rather than 2011, the powers and duties transferred to the comptroller under Section 2151.004(d) and under House Bill 3560, Acts of the 80th Legislature, Regular Session, 2007, are transferred to the Texas Facilities Commission (TFC); a reference in law to the comptroller relating to a power or duty transferred under this subsection means TFC; a rule or form adopted by the comptroller relating to a power or duty transferred under this subsection is a rule or form of TFC and remains in effect until altered by TFC; all property and records in the custody of the comptroller relating to a power or duty transferred under this subsection and all funds appropriated by the legislature for purposes related to a power or duty transferred under this subsection are transferred to TFC; and Section 122.0011 (Transfer of Duties; Reference), Human Resources Code, and certain provisions of the Government Code expire.

SECTION 2.03. TEXAS COUNCIL ON PURCHASING FROM PEOPLE WITH DISABILITIES. Amends Section 122.006, Human Resources Code, to provide that unless continued in existence as provided by Chapter 325, Government Code, the Texas Council on Purchasing from People with Disabilities is abolished and this chapter expires September 1, 2013, rather than 2015.

ARTICLE 3. EFFECTIVE DATE

SECTION 3.01 EFFECTIVE DATE. Effective date: upon passage or September 1, 2009.