

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1959
By: Isett, McCall (Hegar)
Government Organization
5/21/2009
Committee Report (Substituted)

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.

C.S.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. STATE SOIL AND WATER CONSERVATION BOARD. Amends Section 201.025, Agriculture Code, as follows:

Sec. 201.025. SUNSET PROVISION. Provides that unless continued in existence as provided by Chapter 325 (Texas Sunset Act), Government Code, the State Soil and Water Conservation Board is abolished and this chapter expires September 1, 2011, rather than 2013.

SECTION 1.02. 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. Provides that unless continued in existence as provided by that chapter, the Texas Forest Service is abolished September 1, 2011.

SECTION 1.03. ON-SITE WASTEWATER TREATMENT RESEARCH COUNCIL. Amends Section 367.003, Health and Safety Code, as follows:

Sec. 367.003. APPLICATION OF SUNSET ACT. (a) Provides that the On-Site Wastewater Treatment Research Council (TOWTRC) is subject to Chapter 325, Government Code. Provides that unless continued in existence as provided by that

chapter, TOWTRC is abolished and this chapter expires September 1, 2011, rather than 2013.

(b) Makes no changes to this subsection.

SECTION 1.04. COASTAL COORDINATION COUNCIL. Amends Section 33.211, Natural Resources Code, as follows:

Sec. 33.211. SUNSET PROVISION. Provides that the Coastal Coordination Council is subject to Chapter 325, Government Code. Provides that unless continued in existence as provided by that chapter, the Coastal Coordination Council is abolished and this subchapter expires September 1, 2011, rather than 2013.

SECTION 1.05. PUBLIC UTILITY COMMISSION OF TEXAS. 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. Requires the council to pay the cost incurred by Sunset in performing the special-purpose review of the council under this subsection. Requires Sunset to determine the cost of the review and submit a statement detailing the cost of the review to the council. Requires the council to promptly pay the cost of the review on receipt of the statement. Provides that this subsection expires September 1, 2011.

SECTION 1.06. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. Amends Section 5.014, Water Code, as follows;

Sec. 5.014. SUNSET PROVISION. Provides that unless continued in existence as provided by Chapter 325, Government Code, the Texas Commission on Environmental Quality is abolished and this chapter expires September 1, 2011, rather than 2013.

SECTION 1.07. TEXAS WATER DEVELOPMENT BOARD. Amends Section 6.013, Water Code, as follows:

Sec. 6.013. SUNSET PROVISION. Requires the Texas Water Development Board to be reviewed during the period in which the state agencies abolished in 2011, rather than 2013, and every 12th year after 2011 are reviewed. Makes a conforming change.

SECTION 1.08. RAILROAD COMMISSION OF TEXAS. Amends Article 6445a, Revised Statutes, as follows:

Art.6445a. SUNSET PROVISION. Provides that unless continued in existence as provided by Chapter 325, Government Code, the Railroad Commission of Texas is abolished September 1, 2011, rather than 2013.

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 Chapter 325, Government Code, 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; and authorizing 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. TEXAS BOARD OF CRIMINAL JUSTICE AND TEXAS DEPARTMENT OF CRIMINAL JUSTICE. Amends Section 492.012, Government Code, as follows:

Sec. 492.012. SUNSET PROVISION. Provides that unless continued in existence as provided by Chapter 325, Government Code, the Texas Board of Criminal Justice and the Texas Department of Criminal Justice are abolished September 1, 2013, rather than 2011.

SECTION 2.03. HEALTH AND HUMAN SERVICES COMMISSION. Amends Section 531.004, Government Code, as follows:

Sec. 531.004. SUNSET PROVISION. Provides that unless continued in existence as provided by Chapter 325, Government Code, the Health and Human Services Commission is abolished and this chapter expires September 1, 2013, rather than 2011.

SECTION 2.04. 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 transfer 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 obligations, contracts, proceedings, cases, negotiations, funds, and employees of the comptroller relating to a power or duty transferred under this subsection are transferred to 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 2.05. TEXAS HEALTH SERVICES AUTHORITY. Amends Section 182.052, Health and Safety Code, as follows:

Sec. 182.052. APPLICATION OF SUNSET ACT. Provides that unless continued in existence as provided by Chapter 325, Government Code, the Texas Health Services Authority is abolished and this chapter expires September 1, 2013, rather than 2011.

SECTION 2.06. DEPARTMENT OF STATE HEALTH SERVICES. Amends Section 1001.003, Health and Safety Code, as follows:

Sec. 1001.003. SUNSET PROVISION. Provides that unless continued in existence as provided by Chapter 325, Government Code, the Department of State Health Services is abolished and this chapter expires September 1, 2013, rather than 2011.

SECTION 2.07. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. Amends Section 40.003, Human Resources Code, as follows:

Sec. 40.003. SUNSET PROVISION. Provides that unless continued in existence as provided by Chapter 325, Government Code, the Department of Family and Protective Services is abolished and this chapter expires September 1, 2013, rather than 2011.

SECTION 2.08. TEXAS COUNCIL FOR DEVELOPMENTAL DISABILITIES. Amends Section 112.023, Human Resources Code, as follows:

Sec. 112.023. SUNSET PROVISION. Provides that unless continued in existence as provided by Chapter 325, Government Code, the Texas Council for Developmental Disabilities is abolished and this chapter expires September 1, 2013, rather than 2011.

SECTION 2.09. GOVERNOR'S COMMITTEE ON PEOPLE WITH DISABILITIES. Amends Section 115.005, Human Resources Code, as follows:

Sec. 115.005. SUNSET PROVISION. Provides that unless continued in existence as provided by Chapter 325, Government Code, the Governor's Committee on People with Disabilities is abolished and this chapter expires September 1, 2013, rather than 2011.

SECTION 2.10. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES. Amends Section 117.003, Human Resources Code, as follows:

Sec. 117.003. SUNSET PROVISION. Provides that unless continued in existence as provided by Chapter 325, Government Code, the Department of Assistive and Rehabilitative Services is abolished and this chapter expires September 1, 2013, rather than 2011.

SECTION 2.11. 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.

SECTION 2.12. DEPARTMENT OF AGING AND DISABILITY SERVICES. Amends Section 161.003, Human Resources Code, as follows:

Sec. 161.003. SUNSET PROVISION. Provides that unless continued in existence as provided by Chapter 325, Government Code, the Department of Aging and Disability Services is abolished and this chapter expires September 1, 2013, rather than 2011.

ARTICLE 3. SPECIAL-PURPOSE REVIEW

SECTION 3.01. REVIEW OF METROPOLITAN RAPID TRANSIT AUTHORITY. Amends Subchapter A, Chapter 451, Transportation Code, by adding Section 451.004, as follows:

Sec. 451.004. SUNSET REVIEW. (a) Provides that a metropolitan rapid transit authority (authority) confirmed before July 1, 1985, in which the principal municipality has a population of less than 750,000 is subject to review under Chapter 325, Government Code, as if it were a state agency but is not abolished under that chapter. Requires the authority to cooperate with Sunset in performing the review in the manner

required by Chapter 325, Government Code, as if the authority were a state agency scheduled to be abolished.

(b) Requires that the authority be reviewed during the periods in which state agencies scheduled to be abolished in 2011 and in 2017 are reviewed.

(c) Requires that the reviews conducted under this section include an assessment of the governance, management, and operating structure of the authority and the authority's compliance with the duties and requirements placed on it by the legislature.

(d) Requires the authority to pay the cost incurred by Sunset in performing a review of the authority under this section. Requires Sunset to determine the cost of the review and submit a statement detailing the cost of the review to the authority. Requires the authority to promptly pay the cost of the review on receipt of the statement.

ARTICLE 4. CHANGE TO SUNSET ACT

SECTION 4.01. REVIEW OF AGENCIES REVIEWED FOR THE 81ST LEGISLATURE. Amends Chapter 325, Government Code, by adding Section 325.0127, as follows:

Sec. 325.0127. AGENCIES REVIEWED FOR THE 81ST LEGISLATURE. Requires Sunset, for a state agency that was reviewed by Sunset in preparation for the work of the 81st Legislature in Regular Session and the abolition date of which was extended to 2011, to limit its review of the agency in preparation for the work of the 82nd Legislature in Regular Session to the appropriateness of recommendations made by Sunset to the 81st Legislature. Authorizes Sunset, in Sunset's report to the 82nd Legislature, to include any recommendations it considers appropriate. Provides that this section expires September 1, 2011.

ARTICLE 5. EFFECTIVE DATE

SECTION 5.01 EFFECTIVE DATE. Effective date: upon passage or September 1, 2009.