

1 AN ACT

2 relating to the governmental entities subject to the sunset review
3 process.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 ARTICLE 1. ENTITIES GIVEN 2007 SUNSET DATE

6 SECTION 1.01. TEXAS BOARD OF CRIMINAL JUSTICE; TEXAS
7 DEPARTMENT OF CRIMINAL JUSTICE. Section 492.012, Government Code,
8 is amended to read as follows:

9 Sec. 492.012. SUNSET PROVISION. The Texas Board of
10 Criminal Justice and the Texas Department of Criminal Justice are
11 subject to Chapter 325 (Texas Sunset Act). Unless continued in
12 existence as provided by that chapter, the board and the department
13 are abolished September 1, 2007 [~~2011~~].

14 SECTION 1.02. CORRECTIONAL MANAGED HEALTH CARE COMMITTEE.
15 Section 501.132, Government Code, is amended to read as follows:

16 Sec. 501.132. APPLICATION OF SUNSET ACT. The Correctional
17 Managed Health Care Committee is subject to Chapter 325 (Texas
18 Sunset Act). Unless continued in existence as provided by that
19 chapter, the committee is abolished and this subchapter expires
20 September 1, 2007 [~~2011~~].

21 SECTION 1.03. TEXAS ALCOHOLIC BEVERAGE COMMISSION. (a)
22 Section 5.01(b), Alcoholic Beverage Code, is amended to read as
23 follows:

24 (b) The Texas Alcoholic Beverage Commission is subject to

1 Chapter 325, Government Code (Texas Sunset Act). Unless continued
2 in existence as provided by that chapter, the commission is
3 abolished and Subchapter A, Chapter 5, of this code expires
4 September 1, 2007 [~~2005~~]. In the review of the commission by the
5 Sunset Advisory Commission, as required by this section, the sunset
6 commission shall limit its review to the appropriateness of
7 recommendations made by the sunset commission to the 79th
8 Legislature. In the Sunset Advisory Commission's report to the
9 80th Legislature, the sunset commission may include any
10 recommendations it considers appropriate.

11 (b) This section takes effect only if the 79th Legislature,
12 Regular Session, 2005, does not enact other legislation that
13 becomes law and that amends Section 5.01(b), Alcoholic Beverage
14 Code, to extend the sunset date of the Texas Alcoholic Beverage
15 Commission. If the 79th Legislature, Regular Session, 2005, enacts
16 legislation of that kind, this section has no effect.

17 SECTION 1.04. STATE BOARD FOR EDUCATOR CERTIFICATION. (a)
18 Sections 21.035(a), (b), and (c), Education Code, are amended to
19 read as follows:

20 [~~(a) The board is subject to Chapter 325, Government Code~~
21 ~~(Texas Sunset Act). Unless continued in existence as provided by~~
22 ~~that chapter, the board is abolished and this subchapter expires~~
23 ~~September 1, 2005.~~

24 [~~(b)~~] The [~~board and the~~] Texas Education Agency shall
25 provide the board's [~~enter into a memorandum of understanding to~~
26 ~~consolidate~~] administrative functions and services.

27 [~~(c) The sunset commission shall focus its review of the~~

1 ~~board on the appropriateness of recommendations made by the sunset~~
2 ~~commission to the 78th Legislature and compliance with the MOU to~~
3 ~~consolidate functions.]~~

4 (b) Section 21.039, Education Code, is repealed.

5 (c) This section takes effect only if the 79th Legislature,
6 Regular Session, 2005, does not enact other legislation that
7 becomes law and that affects Section 21.035, Education Code. If the
8 79th Legislature, Regular Session, 2005, enacts legislation of that
9 kind, this section has no effect.

10 SECTION 1.05. TEXAS EDUCATION AGENCY. (a) Section 7.004,
11 Education Code, is amended to read as follows:

12 Sec. 7.004. SUNSET PROVISION. The Texas Education Agency
13 is subject to Chapter 325, Government Code (Texas Sunset Act).
14 Unless continued in existence as provided by that chapter, the
15 agency is abolished September 1, 2007 [~~2005~~]. In the review of the
16 agency by the Sunset Advisory Commission, as required by this
17 section, the sunset commission shall limit its review to the
18 appropriateness of recommendations made by the sunset commission to
19 the 79th Legislature. In the Sunset Advisory Commission's report
20 to the 80th Legislature, the sunset commission may include any
21 recommendations it considers appropriate.

22 (b) Section 8.010, Education Code, is repealed.

23 (c) This section takes effect only if the 79th Legislature,
24 Regular Session, 2005, does not enact other legislation that
25 becomes law and that amends Section 7.004, Education Code, to
26 extend the sunset date of the Texas Education Agency. If the 79th
27 Legislature, Regular Session, 2005, enacts legislation of that

1 kind, this section has no effect.

2 ARTICLE 2. ENTITIES GIVEN 2009 SUNSET DATE

3 SECTION 2.01. TEXAS MILITARY PREPAREDNESS COMMISSION.

4 Section 436.003, Government Code, as added by Chapter 149, Acts of
5 the 78th Legislature, Regular Session, 2003, is amended to read as
6 follows:

7 Sec. 436.003. SUNSET PROVISION. The commission is subject
8 to Chapter 325 (Texas Sunset Act). Unless continued in existence as
9 provided by that chapter, the commission is abolished and this
10 chapter expires September 1, 2009 [~~2007~~].

11 SECTION 2.02. TEXAS CANCER COUNCIL. Section 102.003,
12 Health and Safety Code, is amended to read as follows:

13 Sec. 102.003. SUNSET PROVISION. The Texas Cancer Council
14 is subject to Chapter 325, Government Code (Texas Sunset Act).
15 Unless continued in existence as provided by that chapter, the
16 council is abolished and this chapter expires September 1, 2009
17 [~~2011~~].

18 SECTION 2.03. TEXAS COUNCIL FOR DEVELOPMENTAL
19 DISABILITIES. Section 112.023, Human Resources Code, is amended to
20 read as follows:

21 Sec. 112.023. SUNSET PROVISION. The Texas Council for
22 Developmental Disabilities is subject to Chapter 325, Government
23 Code (Texas Sunset Act). Unless continued in existence as provided
24 by that chapter, the council is abolished and this chapter expires
25 September 1, 2009 [~~2011~~].

26 SECTION 2.04. GOVERNOR'S COMMITTEE ON PEOPLE WITH
27 DISABILITIES. Section 115.005, Human Resources Code, is amended to

1 read as follows:

2 Sec. 115.005. SUNSET PROVISION. The Governor's Committee
3 on People with Disabilities is subject to Chapter 325, Government
4 Code (Texas Sunset Act). Unless continued in existence as provided
5 by that chapter, the committee is abolished and this chapter
6 expires September 1, 2009 [~~2011~~].

7 SECTION 2.05. TEXAS DEPARTMENT OF INSURANCE. Section
8 31.004, Insurance Code, is amended to read as follows:

9 Sec. 31.004. SUNSET PROVISION. The Texas Department of
10 Insurance is subject to Chapter 325, Government Code (Texas Sunset
11 Act). Unless continued in existence as provided by that chapter,
12 the department is abolished September 1, 2009 [~~2007~~].

13 SECTION 2.06. OFFICE OF PUBLIC INSURANCE COUNSEL. Section
14 501.003, Insurance Code, is amended to read as follows:

15 Sec. 501.003. SUNSET PROVISION. The office is subject to
16 Chapter 325, Government Code (Texas Sunset Act). Unless continued
17 in existence as provided by that chapter, the office is abolished
18 September 1, 2009 [~~2007~~].

19 ARTICLE 3. ENTITIES GIVEN 2011 SUNSET DATE

20 SECTION 3.01. DEPARTMENT OF AGRICULTURE. Section 11.003,
21 Agriculture Code, is amended to read as follows:

22 Sec. 11.003. SUNSET PROVISION. The Department of
23 Agriculture is subject to Chapter 325, Government Code (Texas
24 Sunset Act). Unless continued in existence as provided by that
25 chapter, the department is abolished September 1, 2011 [~~2007~~].

26 SECTION 3.02. TEXAS-ISRAEL EXCHANGE FUND BOARD. Section
27 45.006(i), Agriculture Code, is amended to read as follows:

1 (i) The board is subject to Chapter 325, Government Code
2 (Texas Sunset Act). Unless continued in existence as provided by
3 that chapter, the board is abolished and this chapter expires
4 September 1, 2011 [~~2007~~].

5 SECTION 3.03. BOARD OF DIRECTORS--OFFICIAL COTTON GROWERS'
6 BOLL WEEVIL ERADICATION FOUNDATION. Section 74.127(a),
7 Agriculture Code, is amended to read as follows:

8 (a) The board of directors of the official cotton growers'
9 boll weevil eradication foundation is subject to Chapter 325,
10 Government Code (Texas Sunset Act). Unless continued in existence
11 as provided by that chapter, the board is abolished and this
12 subchapter expires September 1, 2011 [~~2007~~].

13 SECTION 3.04. STATE PRESERVATION BOARD. Section 443.002,
14 Government Code, is amended to read as follows:

15 Sec. 443.002. SUNSET PROVISION. The State Preservation
16 Board is subject to Chapter 325 (Texas Sunset Act). Unless
17 continued in existence as provided by that chapter, the board is
18 abolished and this chapter expires September 1, 2011 [~~2007~~].

19 SECTION 3.05. PRESCRIBED BURNING BOARD. Section 153.044,
20 Natural Resources Code, is amended to read as follows:

21 Sec. 153.044. SUNSET PROVISION. The Prescribed Burning
22 Board is subject to Chapter 325, Government Code (Texas Sunset
23 Act). Unless continued in existence as provided by that chapter,
24 the board is abolished and this chapter expires September 1, 2011
25 [~~2007~~].

26 SECTION 3.06. PUBLIC UTILITY COMMISSION OF TEXAS. (a)
27 Section 12.005, Utilities Code, is amended to read as follows:

1 Sec. 12.005. APPLICATION OF SUNSET ACT. The Public Utility
2 Commission of Texas is subject to Chapter 325, Government Code
3 (Texas Sunset Act). Unless continued in existence as provided by
4 that chapter or by Chapter 39, the commission is abolished and this
5 title expires September 1, 2011 [~~2005~~].

6 (b) This section takes effect only if the 79th Legislature,
7 Regular Session, 2005, does not enact other legislation that
8 becomes law and that amends Section 12.005, Utilities Code, to
9 extend the sunset date of the Public Utility Commission of Texas or
10 a successor in function. If the 79th Legislature, Regular Session,
11 2005, enacts legislation of that kind, this section has no effect.

12 SECTION 3.07. OFFICE OF PUBLIC UTILITY COUNSEL. (a)
13 Section 13.002, Utilities Code, is amended to read as follows:

14 Sec. 13.002. APPLICATION OF SUNSET ACT. The Office of
15 Public Utility Counsel is subject to Chapter 325, Government Code
16 (Texas Sunset Act). Unless continued in existence as provided by
17 that chapter, the office is abolished and this chapter expires
18 September 1, 2011 [~~2005~~].

19 (b) This section takes effect only if the 79th Legislature,
20 Regular Session, 2005, does not enact other legislation that
21 becomes law and that amends Section 13.002, Utilities Code, to
22 extend the sunset date of the Office of Public Utility Counsel or a
23 successor in function. If the 79th Legislature, Regular Session,
24 2005, enacts legislation of that kind, this section has no effect.

25 SECTION 3.08. TEXAS LOTTERY COMMISSION. Section 467.002,
26 Government Code, is amended to read as follows:

27 Sec. 467.002. APPLICATION OF SUNSET ACT. The commission is

1 subject to Chapter 325 (Texas Sunset Act). Unless continued in
2 existence as provided by that chapter, the commission is abolished
3 and this chapter, Chapter 466 of this code, and Chapter 2001,
4 Occupations Code, expire [~~Act expires~~] September 1, 2011 [~~2005. In~~
5 ~~the review of the commission by the Sunset Advisory Commission, as~~
6 ~~required by this section, the sunset commission shall limit its~~
7 ~~review to the appropriateness of recommendations made by the sunset~~
8 ~~commission to the 78th Legislature. In the Sunset Advisory~~
9 ~~Commission's report to the 79th Legislature, the sunset commission~~
10 ~~may include any recommendations it considers appropriate].~~

11 ARTICLE 4. ENTITIES GIVEN 2015 SUNSET DATE

12 SECTION 4.01. TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS.

13 Section 1002.003, Occupations Code, is amended to read as follows:

14 Sec. 1002.003. APPLICATION OF SUNSET ACT. The Texas Board
15 of Professional Geoscientists is subject to Chapter 325, Government
16 Code (Texas Sunset Act). Unless continued in existence as provided
17 by that chapter, the board is abolished and this chapter expires
18 September 1, 2015 [~~2013~~].

19 ARTICLE 5. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW

20 SECTION 5.01. REPEALER. The following laws are repealed:

21 (1) Section 413.003, Government Code (Criminal
22 Justice Policy Council);

23 (2) Section 2108.007, Government Code (Texas
24 Incentive and Productivity Commission);

25 (3) Section 2205.019, Government Code (State Aircraft
26 Pooling Board);

27 (4) Article 21.49-20(d), Insurance Code (Property and

1 Casualty Insurance Legislative Oversight Committee); and

2 (5) Section 39.907(d), Utilities Code (Electric
3 Utility Restructuring Legislative Oversight Committee).

4 ARTICLE 6. STUDY OF COURT COSTS AND FEES

5 SECTION 6.01. STUDY OF COURT COSTS AND FEES. As part of its
6 review of criminal justice agencies for the 80th Legislature, the
7 Sunset Advisory Commission shall study the purpose, collection, and
8 use of certain criminal court costs and fees and parole, probation,
9 and community supervision fees. In the commission's report to the
10 80th Legislature, the commission shall include any recommendations
11 it considers appropriate resulting from its consideration of the
12 study. The Office of the State Auditor, the Legislative Budget
13 Board, the comptroller of public accounts, and any other state
14 agency shall assist the commission as necessary in conducting the
15 study required by this section.

16 ARTICLE 7. EFFECTIVE DATE

17 SECTION 7.01. EFFECTIVE DATE. This Act takes effect
18 September 1, 2005.

H.B. No. 1116

President of the Senate

Speaker of the House

I certify that H.B. No. 1116 was passed by the House on April 12, 2005, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 1116 on May 26, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1116 on May 29, 2005, by a non-record vote.

Chief Clerk of the House

H.B. No. 1116

I certify that H.B. No. 1116 was passed by the Senate, with amendments, on May 24, 2005, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1116 on May 29, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor