

BILL ANALYSIS

Senate Research Center

H.B. 3249
By: Truitt et al. (Brimer)
Administration
5/9/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State agencies undergo periodic review by the Sunset Advisory Commission (commission). The commission is guided by the Texas Sunset Act. The Act has certain provisions that need updating to reflect the current practices of the commission, 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 the commission, 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.

H.B. 3249 changes the review provision of three agencies. This bill moves one agency's sunset review date back to be the same as another agency that has related responsibilities. It moves the review of one agency forward to be reviewed with the agency to which it is administratively attached. The bill also removes the specific date for one agency and allows it to be reviewed with the agency into which it was consolidated. This bill also makes various changes to the Texas Sunset Act and repeals Section 435.003 (Texas Military Facilities Commission), Government Code.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

ARTICLE 1. CHANGES TO TEXAS SUNSET ACT

SECTION 1. Amends Sections 325.003(a), (b), (d), (e), and (j), Government Code, as follows:

(a) Authorizes the lieutenant governor and the speaker of the house of representatives to serve as one of the legislative appointees to the Sunset Advisory Commission (commission). Deletes existing text authorizing each appointing authority to designate himself as one of the legislative appointees.

(b) Provides that an individual is not eligible for appointment as a public member if the individual or the individual's spouse is, among other things, required to register as a lobbyist under Chapter 305 (Registration of Lobbyists) because of the person's activities for compensation on behalf of a profession or entity related to the operation of an agency under review.

(d) Makes nonsubstantive changes.

(e) Prohibits a legislative member, other than the lieutenant governor and the speaker of the house of representatives, who serves a full term, rather than more than half of a full term, from being appointed to an immediately succeeding term.

(j) Requires all actions by the commission, other than a final action or recommendation, to be decided by a majority of the members present and voting.

SECTION 1.02. Amends Section 325.007, Government Code, as follows:

Sec. 325.007. AGENCY REPORT TO COMMISSION. Provides that a state agency subject to this chapter is required to report to the commission before September 1, rather than October 30, of the odd-numbered year before the year in which the state agency is abolished.

SECTION 1.03. Amends Section 325.008(a), Government Code, as follows:

(a) Requires the commission, before January 1 of the year, rather than September 1 of the even-numbered year before the year, in which a state agency subject to this chapter and its advisory committees are abolished, to, among other things, consult the Governor's Budget, Policy, and Planning Division, rather than the Governor's Budget and Planning Office, conduct a review, rather than a performance evaluation, of the agency, and review the resulting legislation.

SECTION 1.04. Amends Section 325.009, Government Code, as follows:

Sec. 325.009. New heading: PUBLIC HEARINGS AND DECISIONS. (a) Requires the commission to conduct public hearings before January 1 of the year, rather than between September 1 and December 1 of the calendar year before the year, a state agency subject to this chapter and its advisory committees are abolished.

(b) Authorizes the commission to hold the public hearings after the review of the agency, rather than before September 1 if the evaluation of the agency, required by Section 325.008(a)(3) is complete and available to the public.

(c) Requires the commission to complete its decisions on an agency before February 1 of the year of the agency's abolition.

SECTION 1.05. Amends Section 325.010, Government Code, as follows:

Sec. 325.010. COMMISSION REPORT. (a) Requires the commission, at each regular legislative session, to present to the legislature and the governor a report on the agencies and advisory committees reviewed, rather than agencies and advisory committees scheduled to be abolished.

(b) Makes conforming and nonsubstantive changes.

SECTION 1.06. Amends Section 325.011, Government Code, as follows:

Sec. 325.011. CRITERIA FOR REVIEW. Requires that certain evaluating information be added to the criteria considered by the commission and its staff to determine whether a public need exists for the continuation of a state agency or its advisory committees or for the performance of the functions of the agency or its advisory committee.

SECTION 1.07. Amends Section 325.012, Government Code, as follows:

Sec. 325.012. RECOMMENDATIONS. (a) Requires the commission to include in its report on a state agency recommendations to improve the operations of the agency, its policy body, and its advisory committees, including management recommendations that do not require a change in the agency's enabling statute.

(b) Requires the commission to include in its report on a state agency the estimated fiscal impact of its recommendations. Authorizes the commission to recommend appropriation levels for certain programs to improve the operation of the state agency.

(c) Requires the commission to have drafts of legislation prepared to carry out the commission's recommendations under this section. Deletes existing text requiring the commission to recommend appropriation levels for each state agency and advisory committee for which abolition or reorganization is recommended under

Subdivision (1) or (2) and to include drafts of legislation necessary to carry out the commission's recommendations under Subdivision (1) and (2).

(d) Creates this subsection from existing Subsection (b). Requires the commission, after the legislature acts on the report, rather than on the date the commission presents its report to the legislature under Section 325.010 (Commission Report), to present to the state auditor the commission's recommendations that do not require a statutory change to be put into effect.

SECTION 1.08. Amends Section 325.0125, Government code, as follows:

Sec. 325.0125. REVIEW OF CERTAIN AGENCIES. (a) Makes a conforming change.

(b) Authorizes the commission to only exempt agencies that have been inactive for a period of two years preceding the date the agency is scheduled for abolition or that have been rendered inactive by an action of the legislature.

(c) Requires the commission's action in exempting agencies under this section to be done by an affirmative record vote and requires the action to be decided by a majority vote as provided by Section 325.003(j), rather than an affirmative record vote of all members of the commission.

SECTION 1.09. Amends the heading to Section 325.016, Government Code, to read as follows:

Sec. 325.016. SUNSET LEGISLATION.

SECTION 1.10. Amends Section 325.016, Government Code, by amending Subsections (a) and (c) and adding Subsection (d), as follows:

(a) Provides that Subsection (d) is an exception to this subsection. Makes a conforming change.

(c) Requires a bill that continues a state agency, transfers the agency's functions, or consolidates it with another agency to mention the affected agencies in the caption, rather than title, of the bill.

(d) Authorizes the legislature to consider the continuation of more than one agency in a single bill for the purpose of adjusting the commission's review schedule.

SECTION 1.11. Amends Section 325.017(e), Government Code, to require that property and records in the custody of an abolished state agency or advisory committee be transferred, as provided by this subsection, to the Texas Building and Procurement Commission, rather than State Purchasing and General Services Commission.

SECTION 1.12. Amends Section 325.020, Government Code, as follows:

Sec. 325.020. RELOCATION OF EMPLOYEES. Requires the state agency and the Texas Workforce Commission, rather than Texas Employment Commission, to make a reasonable effort to relocate an employee who is displaced because a state agency or its advisory committee is abolished, reorganized, or continued.

SECTION 1.13. Amends Section 325.022, Government Code, as follows:

Sec. 325.022. New heading: REVIEW OF PROPOSED LEGISLATION CREATING AN AGENCY. (a) Requires each bill filed in a house of the legislature that would create a new state agency, rather than a new state agency having regulatory authority, or a new advisory committee to a state agency to be reviewed by, rather than forwarded to, the commission.

(b) Makes a conforming change.

(c) Requires the commission to forward a written comment on the legislation to certain persons on request, rather than after reviewing the bill.

ARTICLE 2. ENTITY GIVEN 2011 SUNSET DATE

SECTION 2.01. PARKS AND WILDLIFE DEPARTMENT. Amends Section 11.0111, Parks and Wildlife Code, as follows:

Sec. 11.0111. SUNSET PROVISION. Provides that the Parks and Wildlife Department is subject to Chapter 325, Government Code (Texas Sunset Act) and is abolished September 1, 2011, rather than 2013, unless continued in existence as provided by that chapter.

ARTICLE 3. ENTITY GIVEN 2011 SUNSET DATE

SECTION 3.01. TEXAS STATE AFFORDABLE HOUSING CORPORATION. Amends Section 2306.5521, Government Code, as follows:

Sec. 2306.5521. SUNSET PROVISION. Provides that the Texas State Affordable Housing Corporation is subject to Chapter 325, Government Code (Texas Sunset Act) and is abolished September 1, 2011, rather than 2009, unless continued in existence as provided by that chapter.

ARTICLE 4. ENTITY GIVEN 2013 SUNSET DATE

SECTION 4.01. TEXAS COUNCIL ON PURCHASING FROM PEOPLE WITH DISABILITIES. Amends Section 122.006, Human Resources Code, as follows:

Sec. 122.006. SUNSET PROVISION. Provides that the Texas Council on Purchasing from People with Disabilities is subject to Chapter 325, Government Code (Texas Sunset Act) and is abolished September 1, 2013, rather than 2015, unless continued in existence as provided by that chapter.

ARTICLE 5. ENTITY REMOVED FROM SPECIFIC SUNSET REVIEW

SECTION 5.01. REPEALER. Repealer: Section 435.003 (Texas Military Facilities Commission), Government Code.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. EFFECTIVE DATE. Effective date: upon passage or September 1, 2007.