

BILL ANALYSIS

H.B. 2
By: Isett
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State agencies undergo periodic review by the Sunset Advisory Commission (Commission). The Legislature frequently changes the review schedule for certain agencies to balance the workload of the Commission, including by better aligning the reviews of agencies by grouping them based on subject matter. The bill also serves as a safety net in the event an agency Sunset bill is in danger of not passing or has not passed. H.B. 2 serves those purposes.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Article 1 of H.B. 2 changes the Sunset review date for six agencies from 2009 to 2011. These agencies include Equine Research Account Advisory Committee; Texas Racing Commission; Texas State Affordable Housing Corporation; Texas Department of Insurance; Office of Public Insurance Counsel and the Texas Department of Transportation.

Article 1 of H.B. 2 adjusts the workload of the Sunset Commission by subjecting the Texas Forest Service to the Sunset process, to be reviewed in 2011.

Article 1 of H.B. 2 balances the Commission's workload by moving the following Sunset review dates from 2013 to 2011: State Soil and Water Conservation Board; Coastal Coordination Council; State Board of Examiners for Speech-Language Pathology and Audiology; State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments; Texas Commission on Environmental Quality; Texas Water Development Board; On-Site Wastewater Treatment Research Council; and the Railroad Commission of Texas.

Article 2 of H.B. 2 balances the Commission's workload by moving the following Sunset review dates from 2011 to 2013: Texas Emancipation Juneteenth Cultural and Historical Commission; Texas Lottery Commission; Texas Board of Criminal Justice and Texas Department of Criminal Justice (includes the Board of Pardons and Paroles); Health and Human Services Commission; Tax Division, State Office of Administrative Hearings; Texas Health Services Authority; Department of State Health Services; Department of Family and Protective Services; Texas Council for Developmental Disabilities; Governor's Committee on People with Disabilities; Department of Assistive and Rehabilitative Services; Department of Aging and Disability Services; and Office of Firefighters' Pension Commissioner.

Article 2 of H.B. 2 changes the Sunset date for the Texas Education Agency from 2012 to 2013 (the Sunset review date must be an odd number so the review can occur before a legislative session.) The bill also removes outdated language limiting the last Texas Education Agency review to assessing the agency's compliance with mandates and requirements placed on it by the 79th Legislature.

Article 2 of H.B. 2 adjusts the Commission's workload by changing the date for the review of the transfer of the State's procurement duties to the Comptroller from 2011 to 2013 (to be reviewed with the Texas Facilities Commission, from where the duties were transferred), and

changes the Sunset date for the Texas Council on Purchases from People with Disabilities from 2015 to 2013 (to be reviewed with the Texas Facilities Commission).

Article 3 of H.B. 2 adjusts the workload of the Sunset Commission by limiting the reviews of state agencies previously evaluated in preparation for the 81st Legislature to a review of the appropriateness of recommendation made by the Sunset Commission for that Session.

To adjust the workload of the Commission, Article 3 of H.B. 2 requires a special purpose review of the Electric Reliability Council of Texas (ERCOT), as part of the 2011 review of the Public Utility Commission, assessing ERCOT's governance, management, and operating structure, and compliance with certain duties and requirements and requires ERCOT to pay the costs of that review.

To enable the Commission to perform the reviews required in 2011, Article 3 of H.B. 2 provides authority to expend funds received from ERCOT and the Capital Metropolitan Transportation Authority (as required by SB 1263, 81st Legislature, Regular Session). These entities are required to pay the costs incurred by the Sunset Commission of performing those Sunset reviews.

EFFECTIVE DATE

Article 4 of H.B. 2 sets the effective date of no later than the 91st day after the last day of the legislative session.