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H.B. No. 2

A BILL TO BE ENTITLED

AN ACT

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

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

ARTICLE 1. ENTITIES GIVEN 2011 SUNSET DATE

SECTION 1.01. STATE SOIL AND WATER CONSERVATION BOARD.

Section 201.025, Agriculture Code, is amended to read as follows:

Sec. 201.025. SUNSET PROVISION. The State Soil and Water Conservation Board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2011 [~~2013~~].

SECTION 1.02. TEXAS FOREST SERVICE. Subchapter B, Chapter 88, Education Code, is amended by adding Section 88.1016 to read as follows:

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

SECTION 1.03. EQUINE RESEARCH ACCOUNT ADVISORY COMMITTEE. Section 88.524(b), Education Code, is amended to read as follows:

(b) The Equine Research Account Advisory Committee is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the advisory

1 committee is abolished and this subchapter expires September 1,
2 2011 [~~2009~~].

3 SECTION 1.04. TEXAS STATE AFFORDABLE HOUSING CORPORATION.

4 Section 2306.5521, Government Code, is amended to read as follows:

5 Sec. 2306.5521. SUNSET PROVISION. The Texas State
6 Affordable Housing Corporation is subject to Chapter 325 (Texas
7 Sunset Act). Unless continued in existence as provided by that
8 chapter, the corporation is abolished and this subchapter expires
9 September 1, 2011 [~~2009~~].

10 SECTION 1.05. ON-SITE WASTEWATER TREATMENT RESEARCH
11 COUNCIL. Section 367.003, Health and Safety Code, is amended to
12 read as follows:

13 Sec. 367.003. APPLICATION OF SUNSET ACT. (a) The 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, 2011
17 [~~2013~~].

18 (b) If this chapter expires under Subsection (a),
19 uncommitted money in the on-site wastewater treatment research
20 account shall be deposited to the credit of the general revenue
21 fund.

22 SECTION 1.06. TEXAS DEPARTMENT OF INSURANCE. Section
23 31.004(a), Insurance Code, is amended to read as follows:

24 (a) The Texas Department of Insurance is subject to Chapter
25 325, Government Code (Texas Sunset Act). Unless continued in
26 existence as provided by that chapter, the department is abolished
27 September 1, 2011 [~~2009~~].

1 SECTION 1.07. OFFICE OF PUBLIC INSURANCE COUNSEL. Section
2 501.003, Insurance Code, is amended to read as follows:

3 Sec. 501.003. SUNSET PROVISION. The office is subject to
4 Chapter 325, Government Code (Texas Sunset Act). Unless continued
5 in existence as provided by that chapter, the office is abolished
6 September 1, 2011 [~~2009~~].

7 SECTION 1.08. COASTAL COORDINATION COUNCIL. Section
8 33.211, Natural Resources Code, is amended to read as follows:

9 Sec. 33.211. SUNSET PROVISION. The Coastal Coordination
10 Council is subject to Chapter 325, Government Code (Texas Sunset
11 Act). Unless continued in existence as provided by that chapter,
12 the council is abolished and this subchapter expires September 1,
13 2011 [~~2013~~].

14 SECTION 1.09. STATE BOARD OF EXAMINERS FOR SPEECH-LANGUAGE
15 PATHOLOGY AND AUDIOLOGY. Section 401.002, Occupations Code, is
16 amended to read as follows:

17 Sec. 401.002. APPLICATION OF SUNSET ACT. The State Board of
18 Examiners for Speech-Language Pathology and Audiology is subject to
19 Chapter 325, Government Code (Texas Sunset Act). Unless continued
20 in existence as provided by that chapter, the board is abolished and
21 this chapter expires September 1, 2011 [~~2013~~].

22 SECTION 1.10. STATE COMMITTEE OF EXAMINERS IN THE FITTING
23 AND DISPENSING OF HEARING INSTRUMENTS. Section 402.002,
24 Occupations Code, is amended to read as follows:

25 Sec. 402.002. APPLICATION OF SUNSET ACT. The State
26 Committee of Examiners in the Fitting and Dispensing of Hearing
27 Instruments is subject to Chapter 325, Government Code (Texas

1 Sunset Act). Unless continued in existence as provided by that
2 chapter, the committee is abolished and this chapter expires
3 September 1, 2011 [~~2013~~].

4 SECTION 1.11. TEXAS DEPARTMENT OF TRANSPORTATION. Section
5 201.204, Transportation Code, is amended to read as follows:

6 Sec. 201.204. SUNSET PROVISION. The Texas Department of
7 Transportation is subject to Chapter 325, Government Code (Texas
8 Sunset Act). Unless continued in existence as provided by that
9 chapter, the department is abolished September 1, 2011 [~~2009~~].

10 SECTION 1.12. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.
11 Section 5.014, Water Code, is amended to read as follows:

12 Sec. 5.014. SUNSET PROVISION. The Texas Natural Resource
13 Conservation Commission is subject to Chapter 325, Government Code
14 (Texas Sunset Act). Unless continued in existence as provided by
15 that chapter, the commission is abolished and this chapter expires
16 September 1, 2011 [~~2013~~].

17 SECTION 1.13. TEXAS WATER DEVELOPMENT BOARD. Section
18 6.013, Water Code, is amended to read as follows:

19 Sec. 6.013. SUNSET PROVISION. The Texas Water Development
20 Board is subject to review under Chapter 325, Government Code
21 (Texas Sunset Act), but is not abolished under that chapter. The
22 board shall be reviewed during the period in which state agencies
23 abolished in 2011 [~~2013~~] and every 12th year after 2011 [~~2013~~] are
24 reviewed.

25 SECTION 1.14. RAILROAD COMMISSION OF TEXAS. (a) Article
26 6445a, Revised Statutes, is amended to read as follows:

27 Art. 6445a. SUNSET PROVISION. The Railroad Commission of

1 Texas is subject to Chapter 325, Government Code (Texas Sunset
2 Act). Unless continued in existence as provided by that chapter,
3 the commission is abolished September 1, 2011 [~~2013~~].

4 (b) Section 81.01001, Natural Resources Code, as added by
5 S.B. No. 1540, Acts of the 81st Legislature, Regular Session, 2009,
6 and as effective April 1, 2011, is amended to read as follows:

7 Sec. 81.01001. SUNSET PROVISION. The Railroad Commission
8 of Texas is subject to Chapter 325, Government Code (Texas Sunset
9 Act). Unless continued in existence as provided by that chapter,
10 the commission is abolished September 1, 2011 [~~2013~~].

11 SECTION 1.15. TEXAS RACING COMMISSION. Section 18.01(a),
12 Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is
13 amended to read as follows:

14 (a) The Texas Racing Commission is subject to Chapter 325,
15 Government Code (Texas Sunset Act). Unless continued in existence
16 as provided by that chapter, and except as provided by Subsections
17 (b) and (c) of this section, the commission is abolished and this
18 Act expires September 1, 2011 [~~2009~~].

19 ARTICLE 2. ENTITIES GIVEN 2013 SUNSET DATE

20 SECTION 2.01. TEXAS EDUCATION AGENCY. Section 7.004,
21 Education Code, is amended to read as follows:

22 Sec. 7.004. SUNSET PROVISION. The Texas Education Agency
23 is subject to Chapter 325, Government Code (Texas Sunset Act).
24 Unless continued in existence as provided by that chapter, the
25 agency is abolished September 1, 2013 [~~2012~~]. [~~In the review of the~~
26 ~~agency by the Sunset Advisory Commission, as required by this~~
27 ~~section, the sunset commission shall limit its review to the~~

1 ~~appropriateness of recommendations made by the sunset commission to~~
2 ~~the 79th Legislature. In the Sunset Advisory Commission's report~~
3 ~~to the 80th Legislature, the sunset commission may include any~~
4 ~~recommendations it considers appropriate.]~~

5 SECTION 2.02. TEXAS EMANCIPATION JUNETEENTH CULTURAL AND
6 HISTORICAL COMMISSION. Section 448.002, Government Code, is
7 amended to read as follows:

8 Sec. 448.002. SUNSET PROVISION. The Texas Emancipation
9 Juneteenth Cultural and Historical Commission is subject to Chapter
10 325 (Texas Sunset Act). Unless continued in existence as provided
11 by that chapter, the commission is abolished and this chapter
12 expires September 1, 2013 [~~2011~~].

13 SECTION 2.03. TEXAS LOTTERY COMMISSION. Section 467.002,
14 Government Code, is amended to read as follows:

15 Sec. 467.002. APPLICATION OF SUNSET ACT. The commission is
16 subject to Chapter 325 (Texas Sunset Act). Unless continued in
17 existence as provided by that chapter, the commission is abolished
18 and this chapter, Chapter 466 of this code, and Chapter 2001,
19 Occupations Code, expire September 1, 2013 [~~2011~~].

20 SECTION 2.04. TEXAS BOARD OF CRIMINAL JUSTICE AND TEXAS
21 DEPARTMENT OF CRIMINAL JUSTICE. Section 492.012, Government Code,
22 is amended to read as follows:

23 Sec. 492.012. SUNSET PROVISION. The Texas Board of
24 Criminal Justice and the Texas Department of Criminal Justice are
25 subject to Chapter 325 (Texas Sunset Act). Unless continued in
26 existence as provided by that chapter, the board and the department
27 are abolished September 1, 2013 [~~2011~~].

1 SECTION 2.05. HEALTH AND HUMAN SERVICES COMMISSION.

2 Section 531.004, Government Code, is amended to read as follows:

3 Sec. 531.004. SUNSET PROVISION. The Health and Human
4 Services Commission is subject to Chapter 325 (Texas Sunset Act).
5 Unless continued in existence as provided by that chapter, the
6 commission is abolished and this chapter expires September 1, 2013
7 [~~2011~~].

8 SECTION 2.06. TAX DIVISION, STATE OFFICE OF ADMINISTRATIVE
9 HEARINGS. Section 2003.102(b), Government Code, is amended to read
10 as follows:

11 (b) The Sunset Advisory Commission shall evaluate the tax
12 division and present to the 83rd [~~82nd~~] Legislature a report on that
13 evaluation and the commission's recommendations in relation to the
14 tax division.

15 SECTION 2.07. TRANSFER OF PURCHASING POWERS TO THE
16 COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS. Section
17 2151.0041(b), Government Code, and Section 2151.0041(c),
18 Government Code, as amended by H.B. 1705, Acts of the 81st
19 Legislature, Regular Session, 2009, are amended to read as follows:

20 (b) The Sunset Advisory Commission shall evaluate the
21 transfer of powers and duties to the comptroller under Section
22 2151.004(d) and under House Bill 3560, Acts of the 80th
23 Legislature, Regular Session, 2007, and present to the 83rd [~~82nd~~]
24 Legislature a report on its evaluation and recommendations in
25 relation to the transfer. The comptroller shall perform all duties
26 in relation to the evaluation that a state agency subject to review
27 under Chapter 325 would perform in relation to a review.

1 (c) Unless otherwise provided by the legislature by law, on
2 September 1, 2013 [~~2011~~]:

3 (1) the powers and duties transferred to the
4 comptroller under Section 2151.004(d) and under House Bill 3560,
5 Acts of the 80th Legislature, Regular Session, 2007, are
6 transferred to the Texas Facilities Commission;

7 (2) a reference in law to the comptroller relating to a
8 power or duty transferred under this subsection means the Texas
9 Facilities Commission;

10 (3) a rule or form adopted by the comptroller relating
11 to a power or duty transferred under this subsection is a rule or
12 form of the Texas Facilities Commission and remains in effect until
13 altered by the commission;

14 (4) all obligations, contracts, proceedings, cases,
15 negotiations, funds, and employees of the comptroller relating to a
16 power or duty transferred under this subsection are transferred to
17 the Texas Facilities Commission;

18 (5) all property and records in the custody of the
19 comptroller relating to a power or duty transferred under this
20 subsection and all funds appropriated by the legislature for
21 purposes related to a power or duty transferred under this
22 subsection are transferred to the Texas Facilities Commission; and

23 (6) Section 122.0011, Human Resources Code, and the
24 following provisions of the Government Code expire:

25 (A) Sections 2151.004(c) and (d);

26 (B) Section 2155.0011;

27 (C) Section 2155.086;

- 1 (D) Section 2155.087;
- 2 (E) Section 2156.0011;
- 3 (F) Section 2157.0011;
- 4 (G) Section 2158.0011;
- 5 (H) Section 2161.0011;
- 6 (I) Section 2163.0011;
- 7 (J) Section 2170.0011;
- 8 (K) Section 2171.0011;
- 9 (L) Section 2172.0011;
- 10 (M) Section 2176.0011; and
- 11 (N) [~~Section 2177.0011; and~~
- 12 [~~(O)~~] Section 2262.0011.

13 SECTION 2.08. TEXAS HEALTH SERVICES AUTHORITY. Section
14 182.052, Health and Safety Code, is amended to read as follows:

15 Sec. 182.052. APPLICATION OF SUNSET ACT. The corporation
16 is subject to Chapter 325, Government Code. Unless continued in
17 existence as provided by that chapter, the corporation is abolished
18 and this chapter expires September 1, 2013 [~~2011~~]. The governor may
19 order the dissolution of the corporation at any time the governor
20 declares that the purposes of the corporation have been fulfilled
21 or that the corporation is inoperative or abandoned.

22 SECTION 2.09. DEPARTMENT OF STATE HEALTH SERVICES. Section
23 1001.003, Health and Safety Code, is amended to read as follows:

24 Sec. 1001.003. SUNSET PROVISION. The Department of State
25 Health Services is subject to Chapter 325, Government Code (Texas
26 Sunset Act). Unless continued in existence as provided by that
27 chapter, the department is abolished and this chapter expires

1 September 1, 2013 [~~2011~~].

2 SECTION 2.10. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES.
3 Section 40.003, Human Resources Code, is amended to read as
4 follows:

5 Sec. 40.003. SUNSET PROVISION. The Department of Family
6 and Protective Services is subject to Chapter 325, Government Code
7 (Texas Sunset Act). Unless continued in existence as provided by
8 that chapter, the department is abolished and this chapter expires
9 September 1, 2013 [~~2011~~].

10 SECTION 2.11. TEXAS COUNCIL FOR DEVELOPMENTAL
11 DISABILITIES. Section 112.023, Human Resources Code, is amended to
12 read as follows:

13 Sec. 112.023. SUNSET PROVISION. The Texas Council for
14 Developmental Disabilities is subject to Chapter 325, Government
15 Code (Texas Sunset Act). Unless continued in existence as provided
16 by that chapter, the council is abolished and this chapter expires
17 September 1, 2013 [~~2011~~].

18 SECTION 2.12. GOVERNOR'S COMMITTEE ON PEOPLE WITH
19 DISABILITIES. Section 115.005, Human Resources Code, is amended to
20 read as follows:

21 Sec. 115.005. SUNSET PROVISION. The Governor's Committee
22 on People with Disabilities is subject to Chapter 325, Government
23 Code (Texas Sunset Act). Unless continued in existence as provided
24 by that chapter, the committee is abolished and this chapter
25 expires September 1, 2013 [~~2011~~].

26 SECTION 2.13. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE
27 SERVICES. Section 117.003, Human Resources Code, is amended to

1 read as follows:

2 Sec. 117.003. SUNSET PROVISION. The Department of
3 Assistive and Rehabilitative Services is subject to Chapter 325,
4 Government Code (Texas Sunset Act). Unless continued in existence
5 as provided by that chapter, the department is abolished and this
6 chapter expires September 1, 2013 [~~2011~~].

7 SECTION 2.14. TEXAS COUNCIL ON PURCHASING FROM PEOPLE WITH
8 DISABILITIES. Section 122.006, Human Resources Code, is amended to
9 read as follows:

10 Sec. 122.006. SUNSET PROVISION. The Texas Council on
11 Purchasing from People with Disabilities is subject to Chapter 325,
12 Government Code (Texas Sunset Act). Unless continued in existence
13 as provided by that chapter, the council is abolished and this
14 chapter expires September 1, 2013 [~~2015~~].

15 SECTION 2.15. DEPARTMENT OF AGING AND DISABILITY SERVICES.
16 Section 161.003, Human Resources Code, is amended to read as
17 follows:

18 Sec. 161.003. SUNSET PROVISION. The Department of Aging
19 and Disability Services is subject to Chapter 325, Government Code
20 (Texas Sunset Act). Unless continued in existence as provided by
21 that chapter, the department is abolished and this chapter expires
22 September 1, 2013 [~~2011~~].

23 SECTION 2.16. OFFICE OF FIREFIGHTERS' PENSION
24 COMMISSIONER. Section 21(h), Article 6243e, Vernon's Texas Civil
25 Statutes, is amended to read as follows:

26 (h) The office of fire fighters' pension commissioner is
27 subject to Chapter 325, Government Code (Texas Sunset Act). Unless

1 continued in existence as provided by that chapter, the office is
2 abolished September 1, 2013 [~~2011~~].

3 ARTICLE 3. SUNSET ADVISORY COMMISSION

4 SECTION 3.01. REVIEW OF AGENCIES REVIEWED FOR THE 81ST
5 LEGISLATURE. For a state agency that was reviewed by the Sunset
6 Advisory Commission in preparation for the work of the 81st
7 Legislature in Regular Session and the abolition date of which was
8 extended to 2011, the commission, unless expressly provided
9 otherwise, shall limit its review of the agency in preparation for
10 the work of the 82nd Legislature in Regular Session to the
11 appropriateness of recommendations made by the commission to the
12 81st Legislature. In the commission's report to the 82nd
13 Legislature, the commission may include any recommendations it
14 considers appropriate. This section expires September 1, 2011.

15 SECTION 3.02. REVIEW OF THE ELECTRIC RELIABILITY COUNCIL OF
16 TEXAS. The Sunset Advisory Commission shall conduct a
17 special-purpose review of the Electric Reliability Council of Texas
18 as part of the commission's review of the Public Utility Commission
19 of Texas for the 82nd Legislature. The sunset commission's report
20 to the 82nd Legislature regarding the review must include an
21 assessment of the governance, management, and operating structure
22 of the council and the council's compliance with the duties and
23 requirements placed on it by the legislature and the Public Utility
24 Commission of Texas. The sunset commission's report under this
25 section may include any recommendations it considers appropriate.
26 The council shall pay the cost incurred by the Sunset Advisory
27 Commission in performing the special-purpose review of the council

1 under this section. The Sunset Advisory Commission shall determine
2 the cost of the review and submit a statement detailing the cost of
3 the review to the council. The council shall promptly pay the cost
4 of the review on receipt of the statement. This section expires
5 September 1, 2011.

6 SECTION 3.03. PAYMENT FOR REVIEW OF CERTAIN ENTITIES FOR
7 THE 82ND LEGISLATURE. Rider No. 7, Article X, S.B. No. 1, Acts of
8 the 81st Legislature, Regular Session, 2009 (the General
9 Appropriations Act, appropriations to the House of
10 Representatives, page X-3), is amended by adding Subsection c to
11 read as follows:

12 c. The money that an entity is required by law to pay to the
13 Sunset Advisory Commission to cover the costs the commission incurs
14 in performing a review of the entity is appropriated to the
15 commission for maintaining the operations of the commission. Money
16 appropriated to the commission under this subsection is in addition
17 to the aggregate amounts appropriated to the commission under
18 Subsection a.

19 ARTICLE 4. EFFECTIVE DATE

20 SECTION 4.01. EFFECTIVE DATE. This Act takes effect
21 immediately if it receives a vote of two-thirds of all the members
22 elected to each house, as provided by Section 39, Article III, Texas
23 Constitution. If this Act does not receive the vote necessary for
24 immediate effect, this Act takes effect on the 91st day after the
25 last day of the legislative session.