

By: Hegar, Hinojosa

S.B. No. 2

A BILL TO BE ENTITLED

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 2011 SUNSET DATE

6 SECTION 1.01. STATE SOIL AND WATER CONSERVATION BOARD.

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

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

13 SECTION 1.02. TEXAS FOREST SERVICE. Subchapter B, Chapter  
14 88, Education Code, is amended by adding Section 88.1016 to read as  
15 follows:

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

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

23 (b) The Equine Research Account Advisory Committee is  
24 subject to Chapter 325, Government Code (Texas Sunset Act). Unless

1 continued in existence as provided by that chapter, the advisory  
2 committee is abolished and this subchapter expires September 1,  
3 2011 [~~2009~~].

4 SECTION 1.04. TEXAS STATE AFFORDABLE HOUSING CORPORATION.  
5 Section 2306.5521, Government Code, is amended to read as follows:

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

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

14 Sec. 367.003. APPLICATION OF SUNSET ACT. (a) The council  
15 is subject to Chapter 325, Government Code (Texas Sunset Act).  
16 Unless continued in existence as provided by that chapter, the  
17 council is abolished and this chapter expires September 1, 2011  
18 [~~2013~~].

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

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

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

1 September 1, 2011 [~~2009~~].

2 SECTION 1.07. OFFICE OF PUBLIC INSURANCE COUNSEL. Section  
3 501.003, Insurance Code, is amended to read as follows:

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

8 SECTION 1.08. COASTAL COORDINATION COUNCIL. Section  
9 33.211, Natural Resources Code, is amended to read as follows:

10 Sec. 33.211. SUNSET PROVISION. The Coastal Coordination  
11 Council is subject to Chapter 325, Government Code (Texas Sunset  
12 Act). Unless continued in existence as provided by that chapter,  
13 the council is abolished and this subchapter expires September 1,  
14 2011 [~~2013~~].

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

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

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

26 Sec. 402.002. APPLICATION OF SUNSET ACT. The State  
27 Committee of Examiners in the Fitting and Dispensing of Hearing

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

5 SECTION 1.11. TEXAS DEPARTMENT OF TRANSPORTATION. Section  
6 201.204, Transportation Code, is amended to read as follows:

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

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

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

18 SECTION 1.13. TEXAS WATER DEVELOPMENT BOARD. Section  
19 6.013, Water Code, is amended to read as follows:

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

26 SECTION 1.14. RAILROAD COMMISSION OF TEXAS. (a) Article  
27 6445a, Revised Statutes, is amended to read as follows:

1 Art. 6445a. SUNSET PROVISION. The Railroad Commission of  
2 Texas is subject to Chapter 325, Government Code (Texas Sunset  
3 Act). Unless continued in existence as provided by that chapter,  
4 the commission is abolished September 1, 2011 [~~2013~~].

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

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

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

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

20 ARTICLE 2. ENTITIES GIVEN 2013 SUNSET DATE

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

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

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

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

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

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

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

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

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

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

2 SECTION 2.05. HEALTH AND HUMAN SERVICES COMMISSION.

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

4 Sec. 531.004. SUNSET PROVISION. The Health and Human  
5 Services Commission is subject to Chapter 325 (Texas Sunset Act).  
6 Unless continued in existence as provided by that chapter, the  
7 commission is abolished and this chapter expires September 1, 2013  
8 [~~2011~~].

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

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

16 SECTION 2.07. TRANSFER OF PURCHASING POWERS TO THE  
17 COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS. Subsection  
18 (b), Section 2151.0041, Government Code, and Subsection (c),  
19 Section 2151.0041, Government Code, as amended by H.B. No. 1705,  
20 Acts of the 81st Legislature, Regular Session, 2009, are amended to  
21 read as follows:

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

1 in relation to the evaluation that a state agency subject to review  
2 under Chapter 325 would perform in relation to a review.

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

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

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

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

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

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

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

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



- 1 (B) Section 2155.0011;
- 2 (C) Section 2155.086;
- 3 (D) Section 2155.087;
- 4 (E) Section 2156.0011;
- 5 (F) Section 2157.0011;
- 6 (G) Section 2158.0011;
- 7 (H) Section 2161.0011;
- 8 (I) Section 2163.0011;
- 9 (J) Section 2170.0011;
- 10 (K) Section 2171.0011;
- 11 (L) Section 2172.0011;
- 12 (M) Section 2176.0011; and
- 13 (N) [~~Section 2177.0011, and~~
- 14 [~~(O)~~] Section 2262.0011.

15 SECTION 2.08. TEXAS HEALTH SERVICES AUTHORITY. Section  
16 182.052, Health and Safety Code, is amended to read as follows:

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

24 SECTION 2.09. DEPARTMENT OF STATE HEALTH SERVICES. Section  
25 1001.003, Health and Safety Code, is amended to read as follows:

26 Sec. 1001.003. SUNSET PROVISION. The Department of State  
27 Health Services is subject to Chapter 325, Government Code (Texas

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

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

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

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

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

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

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

1 SECTION 2.13. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE  
2 SERVICES. Section 117.003, Human Resources Code, is amended to  
3 read as follows:

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

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

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

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

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

25 SECTION 2.16. OFFICE OF FIREFIGHTERS' PENSION  
26 COMMISSIONER. Subsection (h), Section 21, Article 6243e, Texas  
27 Local Fire Fighters Retirement Act (Vernon's Texas Civil Statutes),

1 is amended to read as follows:

2 (h) The office of fire fighters' pension commissioner is  
3 subject to Chapter 325, Government Code (Texas Sunset Act). Unless  
4 continued in existence as provided by that chapter, the office is  
5 abolished September 1, 2013 [~~2011~~].

6 ARTICLE 3. SUNSET ADVISORY COMMISSION

7 SECTION 3.01. REVIEW OF AGENCIES REVIEWED FOR THE 81ST  
8 LEGISLATURE. For a state agency that was reviewed by the Sunset  
9 Advisory Commission in preparation for the work of the 81st  
10 Legislature in Regular Session and the abolition date of which was  
11 extended to 2011, the commission, unless expressly provided  
12 otherwise, shall limit its review of the agency in preparation for  
13 the work of the 82nd Legislature in Regular Session to the  
14 appropriateness of recommendations made by the commission to the  
15 81st Legislature. In the commission's report to the 82nd  
16 Legislature, the commission may include any recommendations it  
17 considers appropriate. This section expires September 1, 2011.

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

1 section may include any recommendations it considers appropriate.  
2 The council shall pay the cost incurred by the Sunset Advisory  
3 Commission in performing the special-purpose review of the council  
4 under this section. The Sunset Advisory Commission shall determine  
5 the cost of the review and submit a statement detailing the cost of  
6 the review to the council. The council shall promptly pay the cost  
7 of the review on receipt of the statement. This section expires  
8 September 1, 2011.

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

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

22 ARTICLE 4. EFFECTIVE DATE

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

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1 last day of the legislative session.