

1-1 By: Hegar, Hinojosa S.B. No. 2
1-2 (In the Senate - Filed June 29, 2009; July 1, 2009, read
1-3 first time and referred to Committee on Finance; July 1, 2009,
1-4 reported favorably by the following vote: Yeas 14, Nays 0;
1-5 July 1, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the governmental entities subject to the sunset review
1-9 process.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 ARTICLE 1. ENTITIES GIVEN 2011 SUNSET DATE

1-12 SECTION 1.01. STATE SOIL AND WATER CONSERVATION BOARD.

1-13 Section 201.025, Agriculture Code, is amended to read as follows:

1-14 Sec. 201.025. SUNSET PROVISION. The State Soil and Water
1-15 Conservation Board is subject to Chapter 325, Government Code
1-16 (Texas Sunset Act). Unless continued in existence as provided by
1-17 that chapter, the board is abolished and this chapter expires
1-18 September 1, 2011 [~~2013~~].

1-19 SECTION 1.02. TEXAS FOREST SERVICE. Subchapter B, Chapter
1-20 88, Education Code, is amended by adding Section 88.1016 to read as
1-21 follows:

1-22 Sec. 88.1016. SUNSET PROVISION. The Texas Forest Service
1-23 is subject to Chapter 325, Government Code (Texas Sunset Act).
1-24 Unless continued in existence as provided by that chapter, the
1-25 Texas Forest Service is abolished September 1, 2011.

1-26 SECTION 1.03. EQUINE RESEARCH ACCOUNT ADVISORY COMMITTEE.
1-27 Subsection (b), Section 88.524, Education Code, is amended to read
1-28 as follows:

1-29 (b) The Equine Research Account Advisory Committee is
1-30 subject to Chapter 325, Government Code (Texas Sunset Act). Unless
1-31 continued in existence as provided by that chapter, the advisory
1-32 committee is abolished and this subchapter expires September 1,
1-33 2011 [~~2009~~].

1-34 SECTION 1.04. TEXAS STATE AFFORDABLE HOUSING CORPORATION.
1-35 Section 2306.5521, Government Code, is amended to read as follows:

1-36 Sec. 2306.5521. SUNSET PROVISION. The Texas State
1-37 Affordable Housing Corporation is subject to Chapter 325 (Texas
1-38 Sunset Act). Unless continued in existence as provided by that
1-39 chapter, the corporation is abolished and this subchapter expires
1-40 September 1, 2011 [~~2009~~].

1-41 SECTION 1.05. ON-SITE WASTEWATER TREATMENT RESEARCH
1-42 COUNCIL. Section 367.003, Health and Safety Code, is amended to
1-43 read as follows:

1-44 Sec. 367.003. APPLICATION OF SUNSET ACT. (a) The council
1-45 is subject to Chapter 325, Government Code (Texas Sunset Act).
1-46 Unless continued in existence as provided by that chapter, the
1-47 council is abolished and this chapter expires September 1, 2011
1-48 [~~2013~~].

1-49 (b) If this chapter expires under Subsection (a),
1-50 uncommitted money in the on-site wastewater treatment research
1-51 account shall be deposited to the credit of the general revenue
1-52 fund.

1-53 SECTION 1.06. TEXAS DEPARTMENT OF INSURANCE. Subsection
1-54 (a), Section 31.004, Insurance Code, is amended to read as follows:

1-55 (a) The Texas Department of Insurance is subject to Chapter
1-56 325, Government Code (Texas Sunset Act). Unless continued in
1-57 existence as provided by that chapter, the department is abolished
1-58 September 1, 2011 [~~2009~~].

1-59 SECTION 1.07. OFFICE OF PUBLIC INSURANCE COUNSEL. Section
1-60 501.003, Insurance Code, is amended to read as follows:

1-61 Sec. 501.003. SUNSET PROVISION. The office is subject to
1-62 Chapter 325, Government Code (Texas Sunset Act). Unless continued
1-63 in existence as provided by that chapter, the office is abolished
1-64 September 1, 2011 [~~2009~~].

2-1 SECTION 1.08. COASTAL COORDINATION COUNCIL. Section
2-2 33.211, Natural Resources Code, is amended to read as follows:

2-3 Sec. 33.211. SUNSET PROVISION. The Coastal Coordination
2-4 Council is subject to Chapter 325, Government Code (Texas Sunset
2-5 Act). Unless continued in existence as provided by that chapter,
2-6 the council is abolished and this subchapter expires September 1,
2-7 2011 [~~2013~~].

2-8 SECTION 1.09. STATE BOARD OF EXAMINERS FOR SPEECH-LANGUAGE
2-9 PATHOLOGY AND AUDIOLOGY. Section 401.002, Occupations Code, is
2-10 amended to read as follows:

2-11 Sec. 401.002. APPLICATION OF SUNSET ACT. The State Board of
2-12 Examiners for Speech-Language Pathology and Audiology is subject to
2-13 Chapter 325, Government Code (Texas Sunset Act). Unless continued
2-14 in existence as provided by that chapter, the board is abolished and
2-15 this chapter expires September 1, 2011 [~~2013~~].

2-16 SECTION 1.10. STATE COMMITTEE OF EXAMINERS IN THE FITTING
2-17 AND DISPENSING OF HEARING INSTRUMENTS. Section 402.002,
2-18 Occupations Code, is amended to read as follows:

2-19 Sec. 402.002. APPLICATION OF SUNSET ACT. The State
2-20 Committee of Examiners in the Fitting and Dispensing of Hearing
2-21 Instruments is subject to Chapter 325, Government Code (Texas
2-22 Sunset Act). Unless continued in existence as provided by that
2-23 chapter, the committee is abolished and this chapter expires
2-24 September 1, 2011 [~~2013~~].

2-25 SECTION 1.11. TEXAS DEPARTMENT OF TRANSPORTATION. Section
2-26 201.204, Transportation Code, is amended to read as follows:

2-27 Sec. 201.204. SUNSET PROVISION. The Texas Department of
2-28 Transportation is subject to Chapter 325, Government Code (Texas
2-29 Sunset Act). Unless continued in existence as provided by that
2-30 chapter, the department is abolished September 1, 2011 [~~2009~~].

2-31 SECTION 1.12. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.
2-32 Section 5.014, Water Code, is amended to read as follows:

2-33 Sec. 5.014. SUNSET PROVISION. The Texas Natural Resource
2-34 Conservation Commission is subject to Chapter 325, Government Code
2-35 (Texas Sunset Act). Unless continued in existence as provided by
2-36 that chapter, the commission is abolished and this chapter expires
2-37 September 1, 2011 [~~2013~~].

2-38 SECTION 1.13. TEXAS WATER DEVELOPMENT BOARD. Section
2-39 6.013, Water Code, is amended to read as follows:

2-40 Sec. 6.013. SUNSET PROVISION. The Texas Water Development
2-41 Board is subject to review under Chapter 325, Government Code
2-42 (Texas Sunset Act), but is not abolished under that chapter. The
2-43 board shall be reviewed during the period in which state agencies
2-44 abolished in 2011 [~~2013~~] and every 12th year after 2011 [~~2013~~] are
2-45 reviewed.

2-46 SECTION 1.14. RAILROAD COMMISSION OF TEXAS. (a) Article
2-47 6445a, Revised Statutes, is amended to read as follows:

2-48 Art. 6445a. SUNSET PROVISION. The Railroad Commission of
2-49 Texas is subject to Chapter 325, Government Code (Texas Sunset
2-50 Act). Unless continued in existence as provided by that chapter,
2-51 the commission is abolished September 1, 2011 [~~2013~~].

2-52 (b) Section 81.01001, Natural Resources Code, as added by
2-53 S.B. No. 1540, Acts of the 81st Legislature, Regular Session, 2009,
2-54 and as effective April 1, 2011, is amended to read as follows:

2-55 Sec. 81.01001. SUNSET PROVISION. The Railroad Commission
2-56 of Texas is subject to Chapter 325, Government Code (Texas Sunset
2-57 Act). Unless continued in existence as provided by that chapter,
2-58 the commission is abolished September 1, 2011 [~~2013~~].

2-59 SECTION 1.15. TEXAS RACING COMMISSION. Subsection (a),
2-60 Section 18.01, Texas Racing Act (Article 179e, Vernon's Texas Civil
2-61 Statutes), is amended to read as follows:

2-62 (a) The Texas Racing Commission is subject to Chapter 325,
2-63 Government Code (Texas Sunset Act). Unless continued in existence
2-64 as provided by that chapter, and except as provided by Subsections
2-65 (b) and (c) of this section, the commission is abolished and this
2-66 Act expires September 1, 2011 [~~2009~~].

2-67 ARTICLE 2. ENTITIES GIVEN 2013 SUNSET DATE

2-68 SECTION 2.01. TEXAS EDUCATION AGENCY. Section 7.004,
2-69 Education Code, is amended to read as follows:

3-1 Sec. 7.004. SUNSET PROVISION. The Texas Education Agency
 3-2 is subject to Chapter 325, Government Code (Texas Sunset Act).
 3-3 Unless continued in existence as provided by that chapter, the
 3-4 agency is abolished September 1, 2013 [~~2012~~]. [~~In the review of the~~
 3-5 ~~agency by the Sunset Advisory Commission, as required by this~~
 3-6 ~~section, the sunset commission shall limit its review to the~~
 3-7 ~~appropriateness of recommendations made by the sunset commission to~~
 3-8 ~~the 79th Legislature. In the Sunset Advisory Commission's report~~
 3-9 ~~to the 80th Legislature, the sunset commission may include any~~
 3-10 ~~recommendations it considers appropriate.]~~

3-11 SECTION 2.02. TEXAS EMANCIPATION JUNETEENTH CULTURAL AND
 3-12 HISTORICAL COMMISSION. Section 448.002, Government Code, is
 3-13 amended to read as follows:

3-14 Sec. 448.002. SUNSET PROVISION. The Texas Emancipation
 3-15 Juneteenth Cultural and Historical Commission is subject to Chapter
 3-16 325 (Texas Sunset Act). Unless continued in existence as provided
 3-17 by that chapter, the commission is abolished and this chapter
 3-18 expires September 1, 2013 [~~2011~~].

3-19 SECTION 2.03. TEXAS LOTTERY COMMISSION. Section 467.002,
 3-20 Government Code, is amended to read as follows:

3-21 Sec. 467.002. APPLICATION OF SUNSET ACT. The commission is
 3-22 subject to Chapter 325 (Texas Sunset Act). Unless continued in
 3-23 existence as provided by that chapter, the commission is abolished
 3-24 and this chapter, Chapter 466 of this code, and Chapter 2001,
 3-25 Occupations Code, expire September 1, 2013 [~~2011~~].

3-26 SECTION 2.04. TEXAS BOARD OF CRIMINAL JUSTICE AND TEXAS
 3-27 DEPARTMENT OF CRIMINAL JUSTICE. Section 492.012, Government Code,
 3-28 is amended to read as follows:

3-29 Sec. 492.012. SUNSET PROVISION. The Texas Board of
 3-30 Criminal Justice and the Texas Department of Criminal Justice are
 3-31 subject to Chapter 325 (Texas Sunset Act). Unless continued in
 3-32 existence as provided by that chapter, the board and the department
 3-33 are abolished September 1, 2013 [~~2011~~].

3-34 SECTION 2.05. HEALTH AND HUMAN SERVICES COMMISSION.
 3-35 Section 531.004, Government Code, is amended to read as follows:

3-36 Sec. 531.004. SUNSET PROVISION. The Health and Human
 3-37 Services Commission is subject to Chapter 325 (Texas Sunset Act).
 3-38 Unless continued in existence as provided by that chapter, the
 3-39 commission is abolished and this chapter expires September 1, 2013
 3-40 [~~2011~~].

3-41 SECTION 2.06. TAX DIVISION, STATE OFFICE OF ADMINISTRATIVE
 3-42 HEARINGS. Subsection (b), Section 2003.102, Government Code, is
 3-43 amended to read as follows:

3-44 (b) The Sunset Advisory Commission shall evaluate the tax
 3-45 division and present to the 83rd [~~82nd~~] Legislature a report on that
 3-46 evaluation and the commission's recommendations in relation to the
 3-47 tax division.

3-48 SECTION 2.07. TRANSFER OF PURCHASING POWERS TO THE
 3-49 COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS. Subsection
 3-50 (b), Section 2151.0041, Government Code, and Subsection (c),
 3-51 Section 2151.0041, Government Code, as amended by H.B. No. 1705,
 3-52 Acts of the 81st Legislature, Regular Session, 2009, are amended to
 3-53 read as follows:

3-54 (b) The Sunset Advisory Commission shall evaluate the
 3-55 transfer of powers and duties to the comptroller under Section
 3-56 2151.004(d) and under House Bill 3560, Acts of the 80th
 3-57 Legislature, Regular Session, 2007, and present to the 83rd [~~82nd~~]
 3-58 Legislature a report on its evaluation and recommendations in
 3-59 relation to the transfer. The comptroller shall perform all duties
 3-60 in relation to the evaluation that a state agency subject to review
 3-61 under Chapter 325 would perform in relation to a review.

3-62 (c) Unless otherwise provided by the legislature by law, on
 3-63 September 1, 2013 [~~2011~~]:

3-64 (1) the powers and duties transferred to the
 3-65 comptroller under Section 2151.004(d) and under House Bill 3560,
 3-66 Acts of the 80th Legislature, Regular Session, 2007, are
 3-67 transferred to the Texas Facilities Commission;

3-68 (2) a reference in law to the comptroller relating to a
 3-69 power or duty transferred under this subsection means the Texas

4-1 Facilities Commission;

4-2 (3) a rule or form adopted by the comptroller relating
4-3 to a power or duty transferred under this subsection is a rule or
4-4 form of the Texas Facilities Commission and remains in effect until
4-5 altered by the commission;

4-6 (4) all obligations, contracts, proceedings, cases,
4-7 negotiations, funds, and employees of the comptroller relating to a
4-8 power or duty transferred under this subsection are transferred to
4-9 the Texas Facilities Commission;

4-10 (5) all property and records in the custody of the
4-11 comptroller relating to a power or duty transferred under this
4-12 subsection and all funds appropriated by the legislature for
4-13 purposes related to a power or duty transferred under this
4-14 subsection are transferred to the Texas Facilities Commission; and

4-15 (6) Section 122.0011, Human Resources Code, and the
4-16 following provisions of the Government Code expire:

4-17 (A) Sections 2151.004(c) and (d);

4-18 (B) Section 2155.0011;

4-19 (C) Section 2155.086;

4-20 (D) Section 2155.087;

4-21 (E) Section 2156.0011;

4-22 (F) Section 2157.0011;

4-23 (G) Section 2158.0011;

4-24 (H) Section 2161.0011;

4-25 (I) Section 2163.0011;

4-26 (J) Section 2170.0011;

4-27 (K) Section 2171.0011;

4-28 (L) Section 2172.0011;

4-29 (M) Section 2176.0011; and

4-30 (N) [~~Section 2177.0011; and~~

4-31 [~~(O)~~] Section 2262.0011.

4-32 SECTION 2.08. TEXAS HEALTH SERVICES AUTHORITY. Section
4-33 182.052, Health and Safety Code, is amended to read as follows:

4-34 Sec. 182.052. APPLICATION OF SUNSET ACT. The corporation
4-35 is subject to Chapter 325, Government Code. Unless continued in
4-36 existence as provided by that chapter, the corporation is abolished
4-37 and this chapter expires September 1, 2013 [~~2011~~]. The governor may
4-38 order the dissolution of the corporation at any time the governor
4-39 declares that the purposes of the corporation have been fulfilled
4-40 or that the corporation is inoperative or abandoned.

4-41 SECTION 2.09. DEPARTMENT OF STATE HEALTH SERVICES. Section
4-42 1001.003, Health and Safety Code, is amended to read as follows:

4-43 Sec. 1001.003. SUNSET PROVISION. The Department of State
4-44 Health Services is subject to Chapter 325, Government Code (Texas
4-45 Sunset Act). Unless continued in existence as provided by that
4-46 chapter, the department is abolished and this chapter expires
4-47 September 1, 2013 [~~2011~~].

4-48 SECTION 2.10. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES.
4-49 Section 40.003, Human Resources Code, is amended to read as
4-50 follows:

4-51 Sec. 40.003. SUNSET PROVISION. The Department of Family
4-52 and Protective Services is subject to Chapter 325, Government Code
4-53 (Texas Sunset Act). Unless continued in existence as provided by
4-54 that chapter, the department is abolished and this chapter expires
4-55 September 1, 2013 [~~2011~~].

4-56 SECTION 2.11. TEXAS COUNCIL FOR DEVELOPMENTAL
4-57 DISABILITIES. Section 112.023, Human Resources Code, is amended to
4-58 read as follows:

4-59 Sec. 112.023. SUNSET PROVISION. The Texas Council for
4-60 Developmental Disabilities is subject to Chapter 325, Government
4-61 Code (Texas Sunset Act). Unless continued in existence as provided
4-62 by that chapter, the council is abolished and this chapter expires
4-63 September 1, 2013 [~~2011~~].

4-64 SECTION 2.12. GOVERNOR'S COMMITTEE ON PEOPLE WITH
4-65 DISABILITIES. Section 115.005, Human Resources Code, is amended to
4-66 read as follows:

4-67 Sec. 115.005. SUNSET PROVISION. The Governor's Committee
4-68 on People with Disabilities is subject to Chapter 325, Government
4-69 Code (Texas Sunset Act). Unless continued in existence as provided

5-1 by that chapter, the committee is abolished and this chapter
5-2 expires September 1, 2013 [~~2011~~].

5-3 SECTION 2.13. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE
5-4 SERVICES. Section 117.003, Human Resources Code, is amended to
5-5 read as follows:

5-6 Sec. 117.003. SUNSET PROVISION. The Department of
5-7 Assistive and Rehabilitative Services is subject to Chapter 325,
5-8 Government Code (Texas Sunset Act). Unless continued in existence
5-9 as provided by that chapter, the department is abolished and this
5-10 chapter expires September 1, 2013 [~~2011~~].

5-11 SECTION 2.14. TEXAS COUNCIL ON PURCHASING FROM PEOPLE WITH
5-12 DISABILITIES. Section 122.006, Human Resources Code, is amended to
5-13 read as follows:

5-14 Sec. 122.006. SUNSET PROVISION. The Texas Council on
5-15 Purchasing from People with Disabilities is subject to Chapter 325,
5-16 Government Code (Texas Sunset Act). Unless continued in existence
5-17 as provided by that chapter, the council is abolished and this
5-18 chapter expires September 1, 2013 [~~2015~~].

5-19 SECTION 2.15. DEPARTMENT OF AGING AND DISABILITY SERVICES.
5-20 Section 161.003, Human Resources Code, is amended to read as
5-21 follows:

5-22 Sec. 161.003. SUNSET PROVISION. The Department of Aging
5-23 and Disability Services is subject to Chapter 325, Government Code
5-24 (Texas Sunset Act). Unless continued in existence as provided by
5-25 that chapter, the department is abolished and this chapter expires
5-26 September 1, 2013 [~~2011~~].

5-27 SECTION 2.16. OFFICE OF FIREFIGHTERS' PENSION
5-28 COMMISSIONER. Subsection (h), Section 21, Article 6243e, Texas
5-29 Local Fire Fighters Retirement Act (Vernon's Texas Civil Statutes),
5-30 is amended to read as follows:

5-31 (h) The office of fire fighters' pension commissioner is
5-32 subject to Chapter 325, Government Code (Texas Sunset Act). Unless
5-33 continued in existence as provided by that chapter, the office is
5-34 abolished September 1, 2013 [~~2011~~].

5-35 ARTICLE 3. SUNSET ADVISORY COMMISSION

5-36 SECTION 3.01. REVIEW OF AGENCIES REVIEWED FOR THE 81ST
5-37 LEGISLATURE. For a state agency that was reviewed by the Sunset
5-38 Advisory Commission in preparation for the work of the 81st
5-39 Legislature in Regular Session and the abolition date of which was
5-40 extended to 2011, the commission, unless expressly provided
5-41 otherwise, shall limit its review of the agency in preparation for
5-42 the work of the 82nd Legislature in Regular Session to the
5-43 appropriateness of recommendations made by the commission to the
5-44 81st Legislature. In the commission's report to the 82nd
5-45 Legislature, the commission may include any recommendations it
5-46 considers appropriate. This section expires September 1, 2011.

5-47 SECTION 3.02. REVIEW OF THE ELECTRIC RELIABILITY COUNCIL OF
5-48 TEXAS. The Sunset Advisory Commission shall conduct a
5-49 special-purpose review of the Electric Reliability Council of Texas
5-50 as part of the commission's review of the Public Utility Commission
5-51 of Texas for the 82nd Legislature. The sunset commission's report
5-52 to the 82nd Legislature regarding the review must include an
5-53 assessment of the governance, management, and operating structure
5-54 of the council and the council's compliance with the duties and
5-55 requirements placed on it by the legislature and the Public Utility
5-56 Commission of Texas. The sunset commission's report under this
5-57 section may include any recommendations it considers appropriate.
5-58 The council shall pay the cost incurred by the Sunset Advisory
5-59 Commission in performing the special-purpose review of the council
5-60 under this section. The Sunset Advisory Commission shall determine
5-61 the cost of the review and submit a statement detailing the cost of
5-62 the review to the council. The council shall promptly pay the cost
5-63 of the review on receipt of the statement. This section expires
5-64 September 1, 2011.

5-65 SECTION 3.03. PAYMENT FOR REVIEW OF CERTAIN ENTITIES FOR
5-66 THE 82ND LEGISLATURE. Rider No. 7, Article X, S.B. No. 1, Acts of
5-67 the 81st Legislature, Regular Session, 2009 (the General
5-68 Appropriations Act, appropriations to the House of
5-69 Representatives, page X-3), is amended by adding Subsection c to

6-1 read as follows:

6-2 c. The money that an entity is required by law to pay to the
6-3 Sunset Advisory Commission to cover the costs the commission incurs
6-4 in performing a review of the entity is appropriated to the
6-5 commission for maintaining the operations of the commission. Money
6-6 appropriated to the commission under this subsection is in addition
6-7 to the aggregate amounts appropriated to the commission under
6-8 Subsection a.

6-9 ARTICLE 4. EFFECTIVE DATE

6-10 SECTION 4.01. EFFECTIVE DATE. This Act takes effect
6-11 immediately if it receives a vote of two-thirds of all the members
6-12 elected to each house, as provided by Section 39, Article III, Texas
6-13 Constitution. If this Act does not receive the vote necessary for
6-14 immediate effect, this Act takes effect on the 91st day after the
6-15 last day of the legislative session.

6-16

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