

By: Isett, McCall

H.B. No. 1959

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. 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 1.02. Section 12.005, Utilities Code, is amended to read as follows:

Sec. 12.005. APPLICATION OF SUNSET ACT. (a) The Public Utility Commission of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter or by Chapter 39, the commission is abolished and this title expires September 1, 2011.

(b) The Sunset Advisory Commission shall conduct a special-purpose review of the Electric Reliability Council of Texas as part of the commission's review of the Public Utility Commission of Texas for the 82nd Legislature. The sunset commission's report to the 82nd Legislature regarding the review must include an

1 assessment of the governance, management, and operating structure  
2 of the council and the council's compliance with the duties and  
3 requirements placed on it by the legislature and the Public Utility  
4 Commission of Texas. The sunset commission's report under this  
5 subsection may include any recommendations it considers  
6 appropriate. This subsection expires September 1, 2011.

7 ARTICLE 2. ENTITIES GIVEN 2013 SUNSET DATE

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

10 Sec. 7.004. SUNSET PROVISION. (a) The Texas Education  
11 Agency is subject to Chapter 325, Government Code (Texas Sunset  
12 Act). Unless continued in existence as provided by that chapter,  
13 the agency is abolished September 1, 2013 [~~2012~~]. [~~In the review of~~  
14 ~~the agency by the Sunset Advisory Commission, as required by this~~  
15 ~~section, the sunset commission shall limit its review to the~~  
16 ~~appropriateness of recommendations made by the sunset commission to~~  
17 ~~the 79th Legislature. In the Sunset Advisory Commission's report~~  
18 ~~to the 80th Legislature, the sunset commission may include any~~  
19 ~~recommendations it considers appropriate.]~~

20 (b) The Sunset Advisory Commission shall conduct a  
21 special-purpose review of the Texas Education Agency as part of the  
22 commission's review of agencies for the 82nd Legislature. The  
23 commission's report to the 82nd Legislature regarding the review of  
24 the Texas Education Agency must include an assessment of the  
25 agency's compliance with mandates and requirements contained in  
26 legislation passed by the 79th, 80th, and 81st Legislatures. This  
27 subsection expires September 1, 2011.

1 SECTION 2.02. TRANSFER OF PURCHASING POWERS TO THE  
2 COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS. Sections  
3 2151.0041(b) and (c), Government Code, are amended to read as  
4 follows:

5 (b) The Sunset Advisory Commission shall evaluate the  
6 transfer of powers and duties to the comptroller under Section  
7 2151.004(d) and under House Bill 3560, Acts of the 80th  
8 Legislature, Regular Session, 2007, and present to the 83rd [~~82nd~~]  
9 Legislature a report on its evaluation and recommendations in  
10 relation to the transfer. The comptroller shall perform all duties  
11 in relation to the evaluation that a state agency subject to review  
12 under Chapter 325 would perform in relation to a review.

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

15 (1) the powers and duties transferred to the  
16 comptroller under Section 2151.004(d) and under House Bill 3560,  
17 Acts of the 80th Legislature, Regular Session, 2007, are  
18 transferred to the Texas Facilities Commission;

19 (2) a reference in law to the comptroller relating to a  
20 power or duty transferred under this subsection means the Texas  
21 Facilities Commission;

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

26 (4) all obligations, contracts, proceedings, cases,  
27 negotiations, funds, and employees of the comptroller relating to a

1 power or duty transferred under this subsection are transferred to  
2 the Texas Facilities Commission;

3 (5) all property and records in the custody of the  
4 comptroller relating to a power or duty transferred under this  
5 subsection and all funds appropriated by the legislature for  
6 purposes related to a power or duty transferred under this  
7 subsection are transferred to the Texas Facilities Commission; and

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

- 10 (A) Sections 2151.004(c) and (d);
- 11 (B) Section 2155.0011;
- 12 (C) Section 2155.086;
- 13 (D) Section 2155.087;
- 14 (E) Section 2156.0011;
- 15 (F) Section 2157.0011;
- 16 (G) Section 2158.0011;
- 17 (H) Section 2161.0011;
- 18 (I) Section 2163.0011;
- 19 (J) Section 2170.0011;
- 20 (K) Section 2171.0011;
- 21 (L) Section 2172.0011;
- 22 (M) Section 2176.0011;
- 23 (N) Section 2177.0011; and
- 24 (O) Section 2262.0011.

25 SECTION 2.03. TEXAS COUNCIL ON PURCHASING FROM PEOPLE WITH  
26 DISABILITIES. Section 122.006, Human Resources Code, is amended to  
27 read as follows:

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

6                                   ARTICLE 3. EFFECTIVE DATE

7           SECTION 3.01. EFFECTIVE DATE.    This Act takes effect  
8 immediately if it receives a vote of two-thirds of all the members  
9 elected to each house, as provided by Section 39, Article III, Texas  
10 Constitution. If this Act does not receive the vote necessary for  
11 immediate effect, this Act takes effect September 1, 2009.