

1-1 By: Isett, McCall (Senate Sponsor - Hegar) H.B. No. 1959  
1-2 (In the Senate - Received from the House May 7, 2009;  
1-3 May 7, 2009, read first time and referred to Committee on  
1-4 Government Organization; May 22, 2009, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 6,  
1-6 Nays 0; May 22, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1959 By: Hegar

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the governmental entities subject to the sunset review  
1-11 process.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 ARTICLE 1. ENTITIES GIVEN 2011 SUNSET DATE

1-14 SECTION 1.01. STATE SOIL AND WATER CONSERVATION BOARD.

1-15 Section 201.025, Agriculture Code, is amended to read as follows:

1-16 Sec. 201.025. SUNSET PROVISION. The State Soil and Water  
1-17 Conservation Board is subject to Chapter 325, Government Code  
1-18 (Texas Sunset Act). Unless continued in existence as provided by  
1-19 that chapter, the board is abolished and this chapter expires  
1-20 September 1, 2011 [~~2013~~].

1-21 SECTION 1.02. TEXAS FOREST SERVICE. Subchapter B, Chapter  
1-22 88, Education Code, is amended by adding Section 88.1016 to read as  
1-23 follows:

1-24 Sec. 88.1016. SUNSET PROVISION. The Texas Forest Service  
1-25 is subject to Chapter 325, Government Code (Texas Sunset Act).  
1-26 Unless continued in existence as provided by that chapter, the  
1-27 Texas Forest Service is abolished September 1, 2011.

1-28 SECTION 1.03. ON-SITE WASTEWATER TREATMENT RESEARCH  
1-29 COUNCIL. Section 367.003, Health and Safety Code, is amended to  
1-30 read as follows:

1-31 Sec. 367.003. APPLICATION OF SUNSET ACT. (a) The council  
1-32 is subject to Chapter 325, Government Code (Texas Sunset Act).  
1-33 Unless continued in existence as provided by that chapter, the  
1-34 council is abolished and this chapter expires September 1, 2011  
1-35 [~~2013~~].

1-36 (b) If this chapter expires under Subsection (a),  
1-37 uncommitted money in the on-site wastewater treatment research  
1-38 account shall be deposited to the credit of the general revenue  
1-39 fund.

1-40 SECTION 1.04. COASTAL COORDINATION COUNCIL. Section  
1-41 33.211, Natural Resources Code, is amended to read as follows:

1-42 Sec. 33.211. SUNSET PROVISION. The Coastal Coordination  
1-43 Council is subject to Chapter 325, Government Code (Texas Sunset  
1-44 Act). Unless continued in existence as provided by that chapter,  
1-45 the council is abolished and this subchapter expires September 1,  
1-46 2011 [~~2013~~].

1-47 SECTION 1.05. PUBLIC UTILITY COMMISSION OF TEXAS. Section  
1-48 12.005, Utilities Code, is amended to read as follows:

1-49 Sec. 12.005. APPLICATION OF SUNSET ACT. (a) The Public  
1-50 Utility Commission of Texas is subject to Chapter 325, Government  
1-51 Code (Texas Sunset Act). Unless continued in existence as provided  
1-52 by that chapter or by Chapter 39, the commission is abolished and  
1-53 this title expires September 1, 2011.

1-54 (b) The Sunset Advisory Commission shall conduct a  
1-55 special-purpose review of the Electric Reliability Council of Texas  
1-56 as part of the commission's review of the Public Utility Commission  
1-57 of Texas for the 82nd Legislature. The sunset commission's report  
1-58 to the 82nd Legislature regarding the review must include an  
1-59 assessment of the governance, management, and operating structure  
1-60 of the council and the council's compliance with the duties and  
1-61 requirements placed on it by the legislature and the Public Utility  
1-62 Commission of Texas. The sunset commission's report under this  
1-63 subsection may include any recommendations it considers

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

2-8 SECTION 1.06. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.  
 2-9 Section 5.014, Water Code, is amended to read as follows:

2-10 Sec. 5.014. SUNSET PROVISION. The Texas Natural Resource  
 2-11 Conservation Commission is subject to Chapter 325, Government Code  
 2-12 (Texas Sunset Act). Unless continued in existence as provided by  
 2-13 that chapter, the commission is abolished and this chapter expires  
 2-14 September 1, 2011 [~~2013~~].

2-15 SECTION 1.07. TEXAS WATER DEVELOPMENT BOARD. Section  
 2-16 6.013, Water Code, is amended to read as follows:

2-17 Sec. 6.013. SUNSET PROVISION. The Texas Water Development  
 2-18 Board is subject to review under Chapter 325, Government Code  
 2-19 (Texas Sunset Act), but is not abolished under that chapter. The  
 2-20 board shall be reviewed during the period in which state agencies  
 2-21 abolished in 2011 [~~2013~~] and every 12th year after 2011 [~~2013~~] are  
 2-22 reviewed.

2-23 SECTION 1.08. RAILROAD COMMISSION OF TEXAS. Article 6445a,  
 2-24 Revised Statutes, is amended to read as follows:

2-25 Art. 6445a. SUNSET PROVISION. The Railroad Commission of  
 2-26 Texas is subject to Chapter 325, Government Code (Texas Sunset  
 2-27 Act). Unless continued in existence as provided by that chapter,  
 2-28 the commission is abolished September 1, 2011 [~~2013~~].

2-29 ARTICLE 2. ENTITIES GIVEN 2013 SUNSET DATE

2-30 SECTION 2.01. TEXAS EDUCATION AGENCY. Section 7.004,  
 2-31 Education Code, is amended to read as follows:

2-32 Sec. 7.004. SUNSET PROVISION. (a) The Texas Education  
 2-33 Agency is subject to Chapter 325, Government Code (Texas Sunset  
 2-34 Act). Unless continued in existence as provided by that chapter,  
 2-35 the agency is abolished September 1, 2013 [~~2012~~]. [~~In the review of~~  
 2-36 ~~the agency by the Sunset Advisory Commission, as required by this~~  
 2-37 ~~section, the sunset commission shall limit its review to the~~  
 2-38 ~~appropriateness of recommendations made by the sunset commission to~~  
 2-39 ~~the 79th Legislature. In the Sunset Advisory Commission's report~~  
 2-40 ~~to the 80th Legislature, the sunset commission may include any~~  
 2-41 ~~recommendations it considers appropriate.]~~

2-42 (b) The Sunset Advisory Commission shall conduct a  
 2-43 special-purpose review of the Texas Education Agency as part of the  
 2-44 commission's review of agencies for the 82nd Legislature. The  
 2-45 commission's report to the 82nd Legislature regarding the review of  
 2-46 the Texas Education Agency must include an assessment of the  
 2-47 agency's compliance with mandates and requirements contained in  
 2-48 legislation passed by the 79th, 80th, and 81st Legislatures. This  
 2-49 subsection expires September 1, 2011.

2-50 SECTION 2.02. TEXAS BOARD OF CRIMINAL JUSTICE AND TEXAS  
 2-51 DEPARTMENT OF CRIMINAL JUSTICE. Section 492.012, Government Code,  
 2-52 is amended to read as follows:

2-53 Sec. 492.012. SUNSET PROVISION. The Texas Board of  
 2-54 Criminal Justice and the Texas Department of Criminal Justice are  
 2-55 subject to Chapter 325 (Texas Sunset Act). Unless continued in  
 2-56 existence as provided by that chapter, the board and the department  
 2-57 are abolished September 1, 2013 [~~2011~~].

2-58 SECTION 2.03. HEALTH AND HUMAN SERVICES COMMISSION.  
 2-59 Section 531.004, Government Code, is amended to read as follows:

2-60 Sec. 531.004. SUNSET PROVISION. The Health and Human  
 2-61 Services Commission is subject to Chapter 325 (Texas Sunset  
 2-62 Act). Unless continued in existence as provided by that chapter,  
 2-63 the commission is abolished and this chapter expires September 1,  
 2-64 2013 [~~2011~~].

2-65 SECTION 2.04. TRANSFER OF PURCHASING POWERS TO THE  
 2-66 COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS. Sections  
 2-67 2151.0041(b) and (c), Government Code, are amended to read as  
 2-68 follows:

2-69 (b) The Sunset Advisory Commission shall evaluate the

3-1 transfer of powers and duties to the comptroller under Section  
3-2 2151.004(d) and under House Bill 3560, Acts of the 80th  
3-3 Legislature, Regular Session, 2007, and present to the 83rd [~~82nd~~]  
3-4 Legislature a report on its evaluation and recommendations in  
3-5 relation to the transfer. The comptroller shall perform all duties  
3-6 in relation to the evaluation that a state agency subject to review  
3-7 under Chapter 325 would perform in relation to a review.

3-8 (c) Unless otherwise provided by the legislature by law, on  
3-9 September 1, 2013 [~~2011~~]:

3-10 (1) the powers and duties transferred to the  
3-11 comptroller under Section 2151.004(d) and under House Bill 3560,  
3-12 Acts of the 80th Legislature, Regular Session, 2007, are  
3-13 transferred to the Texas Facilities Commission;

3-14 (2) a reference in law to the comptroller relating to a  
3-15 power or duty transferred under this subsection means the Texas  
3-16 Facilities Commission;

3-17 (3) a rule or form adopted by the comptroller relating  
3-18 to a power or duty transferred under this subsection is a rule or  
3-19 form of the Texas Facilities Commission and remains in effect until  
3-20 altered by the commission;

3-21 (4) all obligations, contracts, proceedings, cases,  
3-22 negotiations, funds, and employees of the comptroller relating to a  
3-23 power or duty transferred under this subsection are transferred to  
3-24 the Texas Facilities Commission;

3-25 (5) all property and records in the custody of the  
3-26 comptroller relating to a power or duty transferred under this  
3-27 subsection and all funds appropriated by the legislature for  
3-28 purposes related to a power or duty transferred under this  
3-29 subsection are transferred to the Texas Facilities Commission; and

3-30 (6) Section 122.0011, Human Resources Code, and the  
3-31 following provisions of the Government Code expire:

- 3-32 (A) Sections 2151.004(c) and (d);
- 3-33 (B) Section 2155.0011;
- 3-34 (C) Section 2155.086;
- 3-35 (D) Section 2155.087;
- 3-36 (E) Section 2156.0011;
- 3-37 (F) Section 2157.0011;
- 3-38 (G) Section 2158.0011;
- 3-39 (H) Section 2161.0011;
- 3-40 (I) Section 2163.0011;
- 3-41 (J) Section 2170.0011;
- 3-42 (K) Section 2171.0011;
- 3-43 (L) Section 2172.0011;
- 3-44 (M) Section 2176.0011;
- 3-45 (N) Section 2177.0011; and
- 3-46 (O) Section 2262.0011.

3-47 SECTION 2.05. TEXAS HEALTH SERVICES AUTHORITY. Section  
3-48 182.052, Health and Safety Code, is amended to read as follows:

3-49 Sec. 182.052. APPLICATION OF SUNSET ACT. The corporation  
3-50 is subject to Chapter 325, Government Code. Unless continued in  
3-51 existence as provided by that chapter, the corporation is abolished  
3-52 and this chapter expires September 1, 2013 [~~2011~~]. The governor may  
3-53 order the dissolution of the corporation at any time the governor  
3-54 declares that the purposes of the corporation have been fulfilled  
3-55 or that the corporation is inoperative or abandoned.

3-56 SECTION 2.06. DEPARTMENT OF STATE HEALTH SERVICES. Section  
3-57 1001.003, Health and Safety Code, is amended to read as follows:

3-58 Sec. 1001.003. SUNSET PROVISION. The Department of State  
3-59 Health Services is subject to Chapter 325, Government Code (Texas  
3-60 Sunset Act). Unless continued in existence as provided by that  
3-61 chapter, the department is abolished and this chapter expires  
3-62 September 1, 2013 [~~2011~~].

3-63 SECTION 2.07. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES.  
3-64 Section 40.003, Human Resources Code, is amended to read as  
3-65 follows:

3-66 Sec. 40.003. SUNSET PROVISION. The Department of Family  
3-67 and Protective Services is subject to Chapter 325, Government Code  
3-68 (Texas Sunset Act). Unless continued in existence as provided by  
3-69 that chapter, the department is abolished and this chapter expires

4-1 September 1, 2013 [~~2011~~].

4-2 SECTION 2.08. TEXAS COUNCIL FOR DEVELOPMENTAL  
4-3 DISABILITIES. Section 112.023, Human Resources Code, is amended  
4-4 to read as follows:

4-5 Sec. 112.023. SUNSET PROVISION. The Texas Council for  
4-6 Developmental Disabilities is subject to Chapter 325, Government  
4-7 Code (Texas Sunset Act). Unless continued in existence as provided  
4-8 by that chapter, the council is abolished and this chapter expires  
4-9 September 1, 2013 [~~2011~~].

4-10 SECTION 2.09. GOVERNOR'S COMMITTEE ON PEOPLE WITH  
4-11 DISABILITIES. Section 115.005, Human Resources Code, is amended to  
4-12 read as follows:

4-13 Sec. 115.005. SUNSET PROVISION. The Governor's Committee  
4-14 on People with Disabilities is subject to Chapter 325, Government  
4-15 Code (Texas Sunset Act). Unless continued in existence as provided  
4-16 by that chapter, the committee is abolished and this chapter  
4-17 expires September 1, 2013 [~~2011~~].

4-18 SECTION 2.10. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE  
4-19 SERVICES. Section 117.003, Human Resources Code, is amended to  
4-20 read as follows:

4-21 Sec. 117.003. SUNSET PROVISION. The Department of  
4-22 Assistive and Rehabilitative Services is subject to Chapter 325,  
4-23 Government Code (Texas Sunset Act). Unless continued in existence  
4-24 as provided by that chapter, the department is abolished and this  
4-25 chapter expires September 1, 2013 [~~2011~~].

4-26 SECTION 2.11. TEXAS COUNCIL ON PURCHASING FROM PEOPLE WITH  
4-27 DISABILITIES. Section 122.006, Human Resources Code, is amended to  
4-28 read as follows:

4-29 Sec. 122.006. SUNSET PROVISION. The Texas Council on  
4-30 Purchasing from People with Disabilities is subject to Chapter 325,  
4-31 Government Code (Texas Sunset Act). Unless continued in existence  
4-32 as provided by that chapter, the council is abolished and this  
4-33 chapter expires September 1, 2013 [~~2011~~].

4-34 SECTION 2.12. DEPARTMENT OF AGING AND DISABILITY SERVICES.  
4-35 Section 161.003, Human Resources Code, is amended to read as  
4-36 follows:

4-37 Sec. 161.003. SUNSET PROVISION. The Department of Aging  
4-38 and Disability Services is subject to Chapter 325, Government Code  
4-39 (Texas Sunset Act). Unless continued in existence as provided by  
4-40 that chapter, the department is abolished and this chapter expires  
4-41 September 1, 2013 [~~2011~~].

4-42 ARTICLE 3. SPECIAL-PURPOSE REVIEW

4-43 SECTION 3.01. REVIEW OF METROPOLITAN RAPID TRANSIT  
4-44 AUTHORITY. Subchapter A, Chapter 451, Transportation Code, is  
4-45 amended by adding Section 451.004 to read as follows:

4-46 Sec. 451.004. SUNSET REVIEW. (a) An authority confirmed  
4-47 before July 1, 1985, in which the principal municipality has a  
4-48 population of less than 750,000 is subject to review under Chapter  
4-49 325, Government Code (Texas Sunset Act), as if it were a state  
4-50 agency but is not abolished under that chapter. The authority shall  
4-51 cooperate with the Sunset Advisory Commission in performing the  
4-52 review in the manner required by Chapter 325, Government Code  
4-53 (Texas Sunset Act), as if the authority were a state agency  
4-54 scheduled to be abolished.

4-55 (b) The authority shall be reviewed during the periods in  
4-56 which state agencies scheduled to be abolished in 2011 and in 2017  
4-57 are reviewed.

4-58 (c) The reviews conducted under this section must include an  
4-59 assessment of the governance, management, and operating structure  
4-60 of the authority and the authority's compliance with the duties and  
4-61 requirements placed on it by the legislature.

4-62 (d) The authority shall pay the cost incurred by the Sunset  
4-63 Advisory Commission in performing a review of the authority under  
4-64 this section. The Sunset Advisory Commission shall determine the  
4-65 cost of the review and submit a statement detailing the cost of the  
4-66 review to the authority. The authority shall promptly pay the cost  
4-67 of the review on receipt of the statement.

4-68 ARTICLE 4. CHANGE TO SUNSET ACT

4-69 SECTION 4.01. REVIEW OF AGENCIES REVIEWED FOR THE 81ST

5-1 LEGISLATURE. Chapter 325, Government Code, is amended by adding  
5-2 Section 325.0127 to read as follows:

5-3 Sec. 325.0127. AGENCIES REVIEWED FOR THE 81ST LEGISLATURE.  
5-4 For a state agency that was reviewed by the commission in  
5-5 preparation for the work of the 81st Legislature in Regular Session  
5-6 and the abolition date of which was extended to 2011, the commission  
5-7 shall limit its review of the agency in preparation for the work of  
5-8 the 82nd Legislature in Regular Session to the appropriateness of  
5-9 recommendations made by the commission to the 81st Legislature. In  
5-10 the commission's report to the 82nd Legislature, the commission may  
5-11 include any recommendations it considers appropriate. This section  
5-12 expires September 1, 2011.

5-13 ARTICLE 5. EFFECTIVE DATE

5-14 SECTION 5.01. EFFECTIVE DATE. This Act takes effect  
5-15 immediately if it receives a vote of two-thirds of all the members  
5-16 elected to each house, as provided by Section 39, Article III, Texas  
5-17 Constitution. If this Act does not receive the vote necessary for  
5-18 immediate effect, this Act takes effect September 1, 2009.

5-19 \* \* \* \* \*