

BILL ANALYSIS

Senate Research Center

S.B. 202
By: Huffman; Nichols
Government Organization
7/3/2013
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Commission on the Arts (TCA) awards approximately 1,100 grants annually to nonprofit arts and cultural organizations across the state, designates cultural districts as catalysts for economic development, and works with other state entities to promote tourism in Texas. Though the Sunset Advisory Commission (Sunset) recommends the continuation of TCA for another 12 years, Sunset has identified areas where TCA can improve its effectiveness and efficiency. First, that a seventeen-member board is unnecessary to effectively oversee TCA. Second, although TCA's grant procedures adhere to best practices, TCA could benefit from improvements.

The purpose of S.B. 202 is to enact the Sunset recommendations for TCA. S.B. 202 authorizes the continuation of TCA for 12 years; reduces the number of TCA commissioners from 17 to nine; and requires that TCA commissioners present a diverse cross-section of arts fields rather than all fields of the arts. There are also technical and instructional provisions to phase in the reduction of TCA commissioners to allow fewer appointments as current TCA commissioners' terms expire and a reallocation of terms to ensure an equal number of appointments every two years. Lastly, the bill clarifies TCA's authority to grant awards in accordance with its mission to advance the state economically and culturally by investing in the arts in Texas. S.B. 202 establishes the effective date of the Act as the 91st day after the last day of the legislative session, which will be August 26, 2013.

S.B. 202 amends current law relating to the continuation and functions of the Texas Commission on the Arts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 444.002(a), Government Code, to provide that the Texas Commission on the Arts (TCA) is abolished and this chapter expires September 1, 2025, rather than September 1, 2013, unless continued in existence as provided by Chapter 325 (Texas Sunset Act).

SECTION 2. Amends the heading to Section 444.003, Government Code, to read as follows:

Sec. 444.003. COMPOSITION; TERMS.

SECTION 3. Amends Section 444.003, Government Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Provides that TCA is composed of nine members, rather than 17 members, appointed by the governor with the advice and consent of the senate. Requires the members to represent a diverse cross-section of the fields of the arts, rather than represent all fields of the arts, and be widely known for their professional competence and experience in connection with the arts.

(c) Provides that members of TCA serve staggered terms of six years.

SECTION 4. Amends Section 444.024, Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Authorizes TCA to award grants in accordance with TCA's mission to advance the state economically and culturally by investing in the arts in this state.

(a-1) Redesignates existing Subsection (a) as Subsection (a-1). Makes no further changes to this subsection.

SECTION 5. (a) Provides that the six positions on TCA with terms scheduled to expire on August 31, 2013, are abolished on that date.

(b) Provides that two of the six positions on TCA with terms scheduled to expire on August 31, 2015, are abolished on that date.

(c) Requires the governor, in appointing members to TCA for terms scheduled to begin September 1, 2015, to appoint three members to TCA for terms expiring August 31, 2021, and one member to TCA for a term expiring August 31, 2019. Requires two of the three members appointed to TCA for terms expiring August 31, 2021, to be residents of a county with a population of less than 50,000, as provided by Section 444.003, Government Code.

(d) Requires the governor, in appointing members to TCA for terms scheduled to begin September 1, 2017, to appoint three members to TCA for terms expiring August 31, 2023, and two members to TCA for terms expiring August 31, 2019.

(e) Provides that, to the extent that the reduction in positions on the TCA under this Act causes the composition of TCA to violate the residency requirement of Section 444.003(a), Government Code, that provision of law is suspended from the effective date of this Act until September 1, 2015.

SECTION 6. Effective date: the 91st day after the last day of the legislative session.