

By: Harper-Brown

H.B. No. 3394

A BILL TO BE ENTITLED

AN ACT

relating to the Sunset Advisory Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 325, Government Code, is amended to read as follows:

CHAPTER 325. SUNSET AND MODERNIZATION LAW

SECTION 2. Section 325.001, Government Code, is amended to read as follows:

Sec. 325.001. SHORT TITLE. This chapter may be cited as the Texas Sunset and Modernization Act.

SECTION 3. Chapter 325, Government Code, is amended by adding Section 325.0011 to read as follows:

Sec. 325.0011. PURPOSE. The purpose of the Sunset Advisory and Modernization Commission is to review and redesign state agencies in an effort to streamline an agency's services, processes, and procedures and to evaluate the justification for the agency's existence. The commission's primary objective is to create a more efficient government that ensures the highest-quality services to citizens of the state at the lowest possible cost.

SECTION 4. Section 325.002(3), Government Code, is amended to read as follows:

(3) "Commission" means the Sunset Advisory and Modernization Commission.

SECTION 5. Chapter 325, Government Code, is amended by

1 adding Section 325.0021 to read as follows:

2 Sec. 325.0021. REFERENCE IN STATE LAW. A reference in state
3 law to the Sunset Advisory Commission means the Sunset Advisory and
4 Modernization Commission.

5 SECTION 6. The heading to Section 325.003, Government Code,
6 is amended to read as follows:

7 Sec. 325.003. SUNSET ADVISORY AND MODERNIZATION
8 COMMISSION.

9 SECTION 7. Section 325.003, Government Code, is amended by
10 amending Subsections (a), (d), and (i) and adding Subsection (a-1)
11 to read as follows:

12 (a) The Sunset Advisory and Modernization Commission
13 consists of six public members appointed by the governor, two
14 [five] members of the senate and one public member appointed by the
15 lieutenant governor, and two [five] members of the house of
16 representatives and one public member appointed by the speaker of
17 the house. The lieutenant governor and the speaker of the house may
18 serve as one of the legislative appointees.

19 (a-1) The public members appointed by the governor must have
20 the following experience or qualifications:

- 21 (1) technology experience; or
22 (2) auditing experience; or
23 (3) management consulting experience; or
24 (4) experience in the administration of incentive
25 programs and other related programs used in the private sector; or
26 (5) experience as an innovation executive.

27 (d) Legislative members serve four-year terms, with terms

1 staggered so that the term [~~terms~~] of one [~~as near to one half~~] of
2 the legislative members appointed by the lieutenant governor [~~as~~
3 ~~possible~~] and the term [~~terms~~] of one [~~as near to one half~~] of the
4 legislative members appointed by the speaker [~~as possible~~] expire
5 September 1 of each odd-numbered year. If the lieutenant governor
6 or the speaker serves on the commission, service continues until
7 resignation from the commission or until the individual ceases to
8 hold the office. Public members serve two-year terms expiring
9 September 1 of each odd-numbered year.

10 (i) The commission shall have a chairman and vice-chairman
11 as presiding officers. The chairmanship ~~and vice-chairmanship~~ must
12 alternate every two years between the two membership groups
13 appointed by the lieutenant governor and the speaker. ~~The chairman~~
14 ~~and vice-chairman may not be from the same membership group.~~ The
15 lieutenant governor shall designate a ~~presiding officer~~ chairman
16 from his appointed membership group and the speaker shall designate
17 ~~the other presiding officer~~ a chairman from his appointed
18 membership group. The vice-chairman shall be selected by the
19 commission from among the public members.

20 SECTION 8. Section 325.0011, Government Code, is amended by
21 amending Subsections (6) and adding Subsection (14) to read as
22 follows:

23 (6) the extent to which the jurisdiction of the agency and
24 the programs and facilities administered by the agency overlap or
25 duplicate those of other agencies, the extent to which the agency
26 coordinates with those agencies, and the extent to which the
27 programs and facilities administered by the agency can be

1 consolidated with the programs and facilities of other state
2 agencies;

3 (14) an assessment of the effective use of all facilities
4 operated by an agency, including their total number, cost of
5 operation, location, and intended purpose.

6 SECTION 9. Sec. 325.012(2), Government Code, is amended to
7 read as follows:

8 (2) make recommendations on the consolidation, transfer, or
9 reorganization of programs and facilities within state agencies not
10 under review when the programs and facilities duplicate functions
11 performed in agencies under review;

12 SECTION 10. Chapter 325, Government Code, is amended by
13 adding Section 325.0105 to read as follows:

14 Sec. 325.0105. GOALS FOR STATE AGENCY REVIEW. (a) The
15 commission shall use performance audits and cost-benefit analyses
16 when reviewing a state agency.

17 (b) The commission shall promote the use of innovation to
18 improve the operation of state agencies through:

19 (1) the dissemination to state employees and officers
20 of innovative solutions developed in the public or private sector
21 that can be applied to state government;

22 (2) the consultation of innovation experts with state
23 officers and agency heads to provide assistance on efficiency
24 problems in state government, where appropriate; and

25 (3) accepting innovation recommendations from state
26 employees and sharing those recommendations with other agencies, as
27 appropriate.

1 (c) In order to increase the efficiency of each state agency
2 the commission reviews, the commission shall consider whether:

3 (1) enhanced technology or improved work practices
4 could improve the operation of the state agency;

5 (2) any functions of the agency could be provided by
6 private entities for a lower cost;

7 (3) the state agency could make better use of its
8 employees;

9 (4) any services offered by the state agency could be
10 reduced or eliminated;

11 (5) the state agency's facilities could be combined
12 with another agency's; and

13 (6) any other innovative solutions could improve the
14 operation of the state agency.

15 SECTION 11. (a) All terms of the current members of the
16 Sunset Advisory Commission expire on the effective date of this
17 Act. On that date, or as soon as possible after that date, the
18 governor, the lieutenant governor, and the speaker of the house of
19 representatives shall appoint the public members of the Sunset
20 Advisory and Modernization Commission, and the lieutenant governor
21 and the speaker of the house of representatives shall each appoint
22 one legislative member of the commission for a term expiring
23 September 1, 2015, and one legislative member of the commission for
24 a term expiring September 1, 2017.

25 (b) Subject to the restrictions for membership on the Sunset
26 Advisory and Modernization Commission in Chapter 325, Government
27 Code, as amended by this Act, a member of the Sunset Advisory

H.B. No. 3394

1 Commission serving immediately before the effective date of this
2 Act is eligible for reappointment to the Sunset Advisory and
3 Modernization Commission.

4 SECTION 12. This Act takes effect September 1, 2013.