

BILL ANALYSIS

Senate Research Center
84R28168 MCK-D

C.S.H.B. 3123
By: Price (Nelson)
State Affairs
5/7/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State agencies undergo periodic review by the Sunset Advisory Commission (Sunset). The legislature frequently changes the review schedule for certain agencies to balance the workload of Sunset and to better align the reviews of agencies by grouping them based on subject matter. C.S.H.B. 3123 serves this purpose of better aligning and grouping agencies set for Sunset review in upcoming biennia.

C.S.H.B. 3123 amends current law relating to governmental entities subject to the sunset review process.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

ARTICLE 1. ENTITIES GIVEN 2021 SUNSET DATE

SECTION 1.01. TEXAS FACILITIES COMMISSION. Amends Section 2152.002, Government Code, as follows:

Sec. 2152.002. SUNSET PROVISION. Provides that the Texas Facilities Commission (TFC) is subject to Chapter 325 (Texas Sunset Act). Abolishes TFC, unless continued in existence as provided by that chapter, and this subtitle expires September 1, 2021, rather than September 1, 2015, except for Chapter 2170 (Telecommunications Services) and Section 2157.121 (Acquisition Through Competitive Sealed Proposals).

SECTION 1.02. TEXAS JUVENILE JUSTICE BOARD AND TEXAS JUVENILE JUSTICE DEPARTMENT. Amends Section 202.010, Human Resources Code, as follows:

Sec. 202.010. SUNSET PROVISION. Provides that the Texas Juvenile Justice Board (board) and the Texas Juvenile Justice Department (department) are subject to Chapter 325, Government Code (Texas Sunset Act). Abolishes the board and the department September 1, 2021, rather than September 1, 2017, unless continued in existence as provided by that chapter.

SECTION 1.03. INTERMUNICIPAL COMMUTER RAIL DISTRICTS. Amends Section 173.005, Transportation Code, as follows:

Sec. 173.005. SUNSET PROVISION. Provides that an intermunicipal commuter rail district (district) is subject to review, rather than subject every 12th year to review, under Chapter 325, Government Code (Texas Sunset Act). Requires a district to be reviewed during the periods in which state agencies abolished in 2021 and every 12th year after that year are reviewed.

ARTICLE 2. ENTITIES GIVEN 2023 SUNSET DATE

SECTION 2.01. EXPANDED LEARNING OPPORTUNITIES COUNCIL. Amends Section 33.254, Education Code, as follows:

Sec. 33.254. SUNSET PROVISION. Provides that the Expanded Learning Opportunities Council (council) is subject to Chapter 325, Government Code (Texas Sunset Act). Abolishes the council, unless continued in existence as provided by that chapter, and provides that this subchapter expires September 1, 2023, rather than September 1, 2017.

SECTION 2.02. STATE COMMISSION ON JUDICIAL CONDUCT. Amends Section 33.003, Government Code, as follows:

Sec. 33.003. SUNSET PROVISION. Provides that the State Commission on Judicial Conduct (SCJC) is subject to review under Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. Requires SCJC to be reviewed during the period in which state agencies abolished in 2023 and every 12th year after 2023 are reviewed, rather than in 2019 and every 12th year after 2019 are reviewed.

SECTION 2.03. JUDICIAL BRANCH CERTIFICATION COMMISSION. Amends Section 152.001, Government Code, as follows:

Sec. 152.001. SUNSET PROVISION. Provides that the Judicial Branch Certification Commission (commission) is subject to Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. Requires the commission to be reviewed during the period in which state agencies abolished in 2023 and every 12th year after 2023 are reviewed, rather than in 2019 and every 12th year after 2019 are reviewed.

SECTION 2.04. TEXAS RACING COMMISSION. Amends Section 18.01(a), Texas Racing Act, (Article 179e, V.T.C.S.), as follows:

(a) Provides that the Texas Racing Commission (TRC) is subject to Chapter 325, Government Code (Texas Sunset Act). Abolishes TRC and provides that this Act expires September 1, 2023, rather than September 1, 2017, unless continued in existence as provided by that chapter, and except as provided by Subsections (b) (authorizing the association, if, at the time that TRC would be abolished under Subsection (a) of this section, an association created under this Act has outstanding long-term liabilities, to continue to operate for a period not to exceed one year after those liabilities are satisfied, and TRC and this Act are continued in effect for the purpose of regulating that association under this Act) and (c) (providing that, if TRC and this Act are continued in effect under Subsection (b) of this section, TRC is abolished and this Act expires on the first day of the fiscal year following the fiscal year in which TRC certifies to the secretary of state that no associations are operating under the terms of Subsection (b) of this section) of this section.

ARTICLE 3. ENTITIES GIVEN 2025 SUNSET DATE

SECTION 3.01. TEXAS EDUCATION AGENCY. Amends Section 7.004, Education Code, as follows:

Sec. 7.004. SUNSET PROVISION. Provides that the Texas Education Agency (TEA) is subject to Chapter 325, Government Code (Texas Sunset Act). Abolishes TEA September 1, 2025, rather than September 1, 2015, unless continued in existence as provided by that chapter.

SECTION 3.02. STATE EMPLOYEE CHARITABLE CAMPAIGN POLICY COMMITTEE. Amends Section 659.140(i), Government Code, as follows:

(i) Provides that the state employee charitable campaign policy committee is subject to the Texas Sunset Act. Abolishes the committee and provides that Government Code, Chapter 659 (Compensation), Subchapter I (Charitable Contributions), and Sections 814.0095 (Charitable Deduction from Annuity) and 814.0096 (Coordination with State

Employee Charitable Campaign Policy Committee) expire on September 1, 2025, rather than September 1, 2017, unless continued in existence as provided by that chapter.

ARTICLE 4. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW

SECTION 4.01. SULPHUR RIVER BASIN AUTHORITY. Repealer: Section 1A, Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, (creating the Sulphur River Basin Authority).

SECTION 4.02. PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, TEXAS. Repealer: Section 5007.203 (Sunset Review), Special District Local Laws Code.

SECTION 4.03. CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY. Repealer: Section 451.459 (Sunset Review), Transportation Code.

ARTICLE 5. EFFECTIVE DATE

SECTION 5.01. EFFECTIVE DATE. Effective date: upon passage or September 1, 2015.