

By: Huffines

S.B. No. 1180

A BILL TO BE ENTITLED

AN ACT

relating to the membership, powers, and duties of the Sunset Advisory Commission.

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

SECTION 1. Chapter 325, Government Code, is amended by adding Section 325.0025 to read as follows:

Sec. 325.0025. PURPOSE OF SUNSET ADVISORY COMMISSION. The primary purpose of the commission is to review a state agency to evaluate the need for the agency and to determine whether the agency or the agency's functions should be abolished or consolidated in order to reduce the cost of state government operations.

SECTION 2. Sections 325.003(a), (b), (c), (d), (e), (f), (j), and (k), Government Code, are amended to read as follows:

(a) The Sunset Advisory Commission consists of four ~~[five]~~ members of the ~~[senate and one]~~ public ~~[member]~~ appointed by the lieutenant governor, four ~~[and five]~~ members of the ~~[house of representatives and one]~~ public ~~[member]~~ appointed by the speaker of the house, and one member of the public appointed by the state auditor. ~~[The lieutenant governor and the speaker of the house may serve as one of the legislative appointees.]~~

(b) An individual is not eligible for appointment as a commission ~~[public]~~ member if:

(1) the individual or the individual's spouse is:

(A) ~~[(1)]~~ regulated by a state agency that the

1 commission will review during the term for which the individual
2 would serve;

3 (B) [(2)] employed by, participates in the
4 management of, or directly or indirectly has more than a 10 percent
5 interest in a business entity or other organization regulated by a
6 state agency the commission will review during the term for which
7 the individual would serve; ~~[or]~~

8 (C) [(3)] required to register as a lobbyist
9 under Chapter 305 because of the person's activities for
10 compensation on behalf of a profession or entity related to the
11 operation of an agency under review;

12 (D) currently employed or has been employed by
13 the federal government, the state, or a political subdivision of
14 the state at any time during the 10 years immediately preceding the
15 date the individual's term of office would begin; or

16 (E) an elected or appointed officer of the state
17 or a political subdivision of the state; or

18 (2) the individual has ever been an elected official
19 of the federal government, the state, or a political subdivision of
20 the state.

21 (c) It is a ground for removal of a ~~[public]~~ member from the
22 commission if the member does not have the qualifications required
23 by Subsection (b) for appointment to the commission at the time of
24 appointment or does not maintain the qualifications while serving
25 on the commission. The validity of the commission's action is not
26 affected by the fact that it was taken when a ground for removal of a
27 ~~[public]~~ member from the commission existed.

1 (d) Commission [~~Legislative~~] members serve four-year terms,
2 with terms staggered so that the terms of [~~as near to~~] one-half of
3 the [~~legislative~~] members appointed by the lieutenant governor [~~as~~
4 ~~possible~~] and the terms of [~~as near to~~] one-half of the
5 [~~legislative~~] members appointed by the speaker [~~as possible~~] expire
6 September 1 of each odd-numbered year, and the term of the member
7 appointed by the state auditor expires on September 1 of
8 alternating odd-numbered years. [~~If the lieutenant governor or the~~
9 ~~speaker serves on the commission, service continues until~~
10 ~~resignation from the commission or until the individual ceases to~~
11 ~~hold the office. Public members serve two-year terms expiring~~
12 ~~September 1 of each odd-numbered year.~~]

13 (e) A member of the commission who [~~Members other than the~~
14 ~~lieutenant governor and the speaker are subject to the following~~
15 ~~restrictions:~~

16 [~~(1) after an individual~~] serves three terms [~~six~~
17 ~~years on the commission, the individual~~] is not eligible for
18 appointment to another term or part of a term. For [~~+~~

19 [~~(2) a legislative member who serves a full term may~~
20 ~~not be appointed to an immediately succeeding term, and~~

21 [~~(3) a public member may not serve more than two~~
22 ~~consecutive terms, and, for~~] purposes of this prohibition, a member
23 is considered to have served a term only if the member has served
24 more than half of the term.

25 (f) The lieutenant governor, and speaker, and state
26 auditor shall make their appointments before September 1 of each
27 odd-numbered year.

1 (j) Five [~~Seven~~] members of the commission constitute a
2 quorum. [~~A final action or recommendation may not be made unless~~
3 ~~approved by a record vote of a majority of members appointed by the~~
4 ~~lieutenant governor and the speaker of the house.~~] All [~~other~~]
5 actions by the commission shall be decided by a majority of the
6 members present and voting.

7 (k) Each member of the commission is entitled to
8 reimbursement for actual and necessary expenses incurred in
9 performing commission duties[~~. Each legislative member is entitled~~
10 ~~to reimbursement from the appropriate fund of the member's~~
11 ~~respective house. Each public member is entitled to reimbursement]~~
12 from funds appropriated to the commission.

13 SECTION 3. Section 325.004, Government Code, is amended by
14 adding Subsection (d) to read as follows:

15 (d) A commission employee described by Subsection (a) or (b)
16 may not be employed for more than 12 years. This subsection does
17 not affect the status of a commission employee as an at-will
18 employee of the commission.

19 SECTION 4. Section 325.010(b), Government Code, is amended
20 to read as follows:

21 (b) In the report the commission shall include:

22 (1) its findings regarding the criteria prescribed by
23 Section 325.011, including whether the agency should be abolished
24 or consolidated with another agency to reduce the cost of state
25 government operations;

26 (2) its recommendations based on the matters
27 prescribed by Section 325.012; and

1 (3) other information the commission considers
2 necessary for a complete review of the agency.

3 SECTION 5. Section 325.015(a), Government Code, is amended
4 to read as follows:

5 (a) During the regular session immediately before the
6 abolition of a state agency or an advisory committee that is subject
7 to this chapter, the legislature by law may continue the agency or
8 advisory committee for a period not to exceed six [~~12~~] years.

9 SECTION 6. Sections 325.003(g) and 325.020, Government
10 Code, are repealed.

11 SECTION 7. (a) The offices of the members of the Sunset
12 Advisory Commission serving on the effective date of this Act are
13 abolished. The abolition takes effect on the date of the first
14 meeting of the commission composed as provided by Section 325.003,
15 Government Code, as amended by this Act. Until the commission that
16 exists on the effective date of this Act is abolished, the
17 commission shall continue to perform its duties under Chapter 325,
18 Government Code, as that law existed immediately before the
19 effective date of this Act.

20 (b) The lieutenant governor, the speaker of the house of
21 representatives, and the state auditor, as soon as possible after
22 the effective date of this Act, shall appoint members to serve
23 initial terms on the Sunset Advisory Commission under Section
24 325.003, Government Code, as amended by this Act.

25 (c) At the first meeting of the Texas Sunset Commission
26 after the members are appointed under Subsection (b) of this
27 section, or as soon as practicable after that meeting, the members

1 of the commission appointed by the lieutenant governor and the
2 speaker of the house of representatives shall draw lots to
3 determine which members will serve terms expiring September 1,
4 2017, and which members will serve terms expiring September 1,
5 2019.

6 SECTION 8. This Act takes effect September 1, 2015.