

BILL ANALYSIS

Senate Research Center

S.B. 526
By: Birdwell
Business & Commerce
6/7/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are many boards, commissions, and/or task forces that are currently inactive and outdated. The Office of the Attorney General (OAG) has provided four in particular that do not need to be formally codified or are potentially inactive.

The purpose of this bill is to remove boards, commissions, and/or task forces that are deemed by OAG as inactive or do not need to be formally codified.

On the effective date of this Act (September 1, 2017), the following are abolished:

1. the information resources steering committee;
2. the residential mortgage fraud task force;
3. the Electronic Recording Advisory Committee; and
4. the interagency advisory committee to the Council on Sex Offender Treatment. (Original Author's / Sponsor's Statement of Intent)

S.B. 526 amends current law relating to the abolishment of certain advisory committees and other state entities.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Public Safety Commission is rescinded in SECTION 2 (Section 411.0197, Government Code) of this bill.

Rulemaking authority previously granted to the State Cogeneration Council is rescinded in SECTION 4 of this bill.

Rulemaking authority previously granted to the Alternative Fuels Council (AFC) is rescinded in SECTION 9 (Sections 113.284 and 113.287, Natural Resources Code) of this bill.

Rulemaking authority previously granted to the Texas comptroller of public accounts (comptroller) is modified in SECTION 10 (Sections 23.52 and 23.73, Tax Code) of this bill.

Rulemaking authority previously granted to AFC is transferred to the comptroller in SECTION 9 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. RESIDENTIAL MORTGAGE FRAUD TASK FORCE. (a) Provides that the residential mortgage fraud task force (RMFTF) is abolished.

(b) Amends Section 402.033, Government Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Requires the Texas attorney general (attorney general), if a person reports information to the attorney general about a determined or suspected fraudulent activity that has been committed or is about to be committed, to notify an appropriate law enforcement agency with jurisdiction to investigate the fraudulent activity, rather than to notify each agency with representation on RMFTF under Section 402.032 (Residential Mortgage Fraud Task Force).

(d) Authorizes an authorized governmental agency to share confidential information or information to which access is otherwise restricted by law with one or more other authorized governmental agencies. Provides that, except as provided by this subsection, confidential information that is shared under this subsection remains confidential and legal restrictions on access to the information apply.

(c) Repealer: Section 402.032 (Residential Mortgage Fraud Task Force), Government Code.

SECTION 2. ADVISORY OVERSIGHT COMMUNITY OUTREACH COMMITTEE. (a) Provides that the Advisory Oversight Community Outreach Committee is abolished.

(b) Repealer: Section 411.0197 (Advisory Oversight Community Outreach Committee), Government Code.

SECTION 3. RAIN HARVESTING AND WATER RECYCLING TASK FORCE. (a) Provides that the task force under Section 2113.301(h) (relating to requiring the Texas comptroller of public accounts (comptroller) to appoint a task force for certain purposes regarding rain harvesting and water recycling), Government Code, as repealed by this section, is abolished.

(b) Repealer: Section 2113.301(h), Government Code.

SECTION 4. STATE COGENERATION COUNCIL. (a) Provides that the State Cogeneration Council (council) and all rules adopted by the council are abolished.

(b) Amends Section 2302.024, Government Code, as follows:

Sec. 2302.024. **AUTHORITY TO SELL POWER.** Authorizes a cogenerating state agency (agency) to contract in the same manner as a qualifying facility for a certain purpose, rather than authorizes an agency, after the council has approved the application to construct or operate a cogeneration facility, to contract in the same manner as a qualifying facility for a certain purpose. Deletes existing designation of Subsection (a) and deletes existing Subsection (b) authorizing an agency to consult with the council about the price or other terms of a contract entered under this section.

(c) Repealers: Sections 2302.001(3) (relating to defining “council”), 2302.002 (Composition of Council), 2302.003 (Presiding Officer), 2302.004 (Compensation), 2302.005 (Council Expenses), 2302.006 (Experts), 2302.007 (Duties of Council), 2302.021(a) (relating to prohibiting a state agency from constructing or operating a cogeneration facility unless the council has given certain approvals), and 2302.022 (Application), Government Code.

SECTION 5. INFORMATION RESOURCES STEERING COMMITTEE. (a) Provides that the information resources steering committee is abolished.

(b) Repealer: Section 231.013 (Information Resources Steering Committee), Family Code.

SECTION 6. PREMARITAL EDUCATION HANDBOOK ADVISORY COMMITTEE. (a) Provides that the advisory committee under Section 2.014(d) (relating to requiring the attorney

general to appoint an advisory committee for a certain purpose and requiring the advisory committee to consist of certain persons), Family Code, as repealed by this section, is abolished.

(b) Repealer: Section 2.014(d), Family Code.

SECTION 7. INDEPENDENT REVIEW ORGANIZATION ADVISORY GROUP. (a) Provides that the advisory group under Section 4202.011 (Advisory Group), Insurance Code, as repealed by this section, is abolished.

(b) Repealer: Section 4202.011, Insurance Code.

SECTION 8. VEHICLE PROTECTION PRODUCT WARRANTOR ADVISORY BOARD. (a) Provides that the Vehicle Protection Product Warrantor Advisory Board is abolished.

(b) Repealer: Subchapter C (Advisory Board), Chapter 2306 (Vehicle Protection Product Warrantors), Occupations Code.

SECTION 9. ALTERNATIVE FUELS COUNCIL. (a) Provides that the Alternative Fuels Council (AFC) is abolished.

(b) Provides that, on the effective date of this Act, a rule, form, policy, procedure, or decision of AFC continues in effect as a rule, form, policy, procedure, or decision of the comptroller until superseded or repealed by an act of the comptroller.

(c) Authorizes a vehicle or other property to which Section 113.290 (Transfer of Vehicle or Other Property Converted With Loan Proceeds), Natural Resources Code, as repealed by this section, applied to be transferred to another person.

(d) Amends Section 1232.106, Government Code, as follows:

Sec. 1232.106. EVALUATION OF APPLICATION FOR ASSISTANCE WITH ALTERNATIVE FUEL PROJECTS. (a) Requires the comptroller, rather than AFC, to evaluate an application by an eligible entity for the financing under Section 1232.104 (Issuance of Obligations for Alternative Fuel Projects) of the acquisition, construction, or improvement of alternative fuels infrastructure and to make certain determinations.

(b) Prohibits the Texas Public Finance Authority from issuing an obligation under Section 1232.104 unless the comptroller, rather than AFC, certifies that the proposed project will increase energy or cost savings to the applicant.

(c) Authorizes the comptroller, rather than AFC, by rule, to adopt certain procedures and standards.

(e) Repealer: Subchapter J (Alternative Fuels Council), Chapter 113 (Liquefied Petroleum Gas), Natural Resources Code.

SECTION 10. QUALIFIED AGRICULTURAL LAND AND QUALIFIED TIMBER LAND PROPERTY TAX VALUATION MANUALS APPROVAL COMMITTEES. (a) Provides that the committees under Sections 23.52(d) (relating to certain appraisal manuals developed and distributed by the comptroller, by rule) and 23.73(b) (relating to certain appraisal manuals developed and distributed by the comptroller, by rule), Tax Code, before amendment by this section, are abolished.

(b) Amends Section 23.52(d), Tax Code, as follows:

(d) Requires that certain rules, before taking effect, be approved by the comptroller with the review and counsel of the Texas Department of Agriculture,

rather than by a majority vote of a committee comprised of certain officials or their designees. Makes a nonsubstantive change.

(c) Amends Section 23.73(b), Tax Code, as follows:

(b) Requires that certain rules, before taking effect, be approved by the comptroller with the review and counsel of the Texas A&M Forest Service, rather than by majority vote of a committee comprised of certain officials or their designees. Makes a nonsubstantive change.

SECTION 11. COMMUNITIES IN SCHOOLS ADVISORY COMMITTEE. (a) Provides that the Communities in Schools advisory committee (advisory committee) is abolished.

(b) Repealer: Section 16 (relating to the creation and operations of the advisory committee), Chapter 1156 (H.B. 2879), Acts of the 77th Legislature, Regular Session, 2001.

SECTION 12. EFFECTIVE DATE. Provides that this Act takes effect September 1, 2017.