

- SUBJECT:** Changing or adding sunset dates for various state entities
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 13 ayes — Solomons, Menendez, Cook, Craddick, Farabee, Gallego, Geren, Harless, Jones, Lucio, Maldonado, Swinford, S. Turner
- 0 nays
- 2 absent — Hilderbran, Oliveira
- WITNESSES:** For — None
- Against — None
- On — Joey Longley, Sunset Commission
- BACKGROUND:** Government Code, ch. 325, the Texas Sunset Act, requires the Sunset Advisory Commission and the Legislature to evaluate state agencies periodically by providing for their abolition on specific dates. Most agencies are scheduled for review once every 12 years. About 200 agencies and advisory commissions are subject to the provisions of the act, and about 20 to 30 agencies go through the sunset process each legislative session. A state agency is subject to the act if a date for its review or abolition is set by statute.
- DIGEST:** CSHB 1959 would change the following agencies' statutory sunset dates:
- for the Texas Education Agency, from September 1, 2012, to September 1, 2013;
 - Texas Council on Purchasing from People With Disabilities, from September 1, 2015 to September 1, 2013.
- A special purpose review of the Texas Education Agency would assess the agency's compliance with mandates and requirements enacted by the 79th, 80th, and 81st legislatures.
- The bill also would require a special purpose review of the Electric Reliability Council of Texas (ERCOT) as part of the Sunset Commission's

review of the Public Utility Commission for the next legislature, assessing ERCOT's governance, management, and operating structure, and compliance with certain duties and requirements. This section would expire September 1, 2011.

The bill would subject the Texas Forest Service to the Sunset process, to be abolished on September 1, 2011.

CSHB 1959 would extend the Sunset Commission's review of the transfer of purchasing powers from the Texas Facilities Commission to the Comptroller of Public Accounts to be presented to the 83rd Legislature. The transfer of powers and duties to the comptroller would be extended to September 1, 2013. The bill also would delete out-of-date statutory references in the Government Code relating to the transfer of power and duties to the Comptroller.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

Each session, the Legislature traditionally alters the sunset review schedule to bring similar agencies under review at the same time, to address special problems or concerns, or to adjust the Sunset Advisory Commission's workload. CSHB 1959 would make these kinds of adjustments. Also, the bill potentially could be used later in the session as a vehicle to continue agencies that are under sunset review this session to avoid inadvertently terminating those agencies if the individual bills continuing those agencies failed to be enacted for other reasons.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The committee substitute differs from the bill as filed by subjecting the Texas Forest Service to the sunset process and requiring special purpose studies of the Texas Education Agency and the Electric Reliability Council of Texas.

The companion bill, SB 1006 by Hegar, has been referred to the Senate Government Organization Committee.