

CHAPTER 1008

H.B. No. 2243

AN ACT

relating to the Sunset Advisory Commission and the review of certain agencies by the commission.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 325.002(1), Texas Sunset Act (Chapter 325, Government Code), is amended to read as follows:

(1) "State agency" means[;:

~~[(A)] an agency [that is] expressly made subject to this chapter[; or~~

~~[(B)] a department, commission, board, or other agency, except a university system or an institution of higher education as defined by Section 61.003, Education Code, that;~~

~~[(i)] is created by statute after January 1, 1977;~~

~~[(ii)] is part of any branch of state government; and~~

~~[(iii)] has authority that is not limited to a geographical portion of the state].~~

SECTION 2. Sections 325.003(d), (e), and (f), Texas Sunset Act (Chapter 325, Government Code), are amended to read as follows:

(d) Legislative members serve four-year terms, with terms staggered so that the terms of one-half of the legislative members appointed by the lieutenant governor and the terms of one-half of the legislative members appointed by the speaker expire *September 1 of each odd-numbered year* ~~[every two years]~~. If the lieutenant governor or the speaker serves on the commission, he continues to serve until resignation from the commission or until he ceases to hold the office. Public members serve two-year terms *expiring September 1 of each odd-numbered year*.

(e) *Members other than the lieutenant governor and the speaker are subject to the following restrictions:*

(1) after [After] an individual serves six years on the commission, the individual is not eligible for appointment to another term or part of a term;

(2) a legislative[—A] member who serves more than half of a full term may not be appointed to an immediately succeeding term; and

(3) a public member may not serve more than two consecutive terms, and, for purposes of this prohibition, a member is considered to have served a term only if the member has served more than half of the term. [These restrictions do not apply to the lieutenant governor or to the speaker.]

(f) The lieutenant governor and speaker shall make their appointments before *September 1* ~~[July 1]~~ of each odd-numbered year.

SECTION 3. Section 325.007, Texas Sunset Act (Chapter 325, Government Code), is amended to read as follows:

Sec. 325.007. **AGENCY REPORT TO COMMISSION.** Before October 30 of the odd-numbered year before the year in which a state agency subject to this chapter is abolished, the agency shall report to the commission:

- (1) information regarding the application to the agency of the criteria in Section 325.011; and
- (2) ~~information specified in Section 325.006 regarding each of the agency's advisory committees; and~~
- ~~(3)~~ any other information that the agency considers appropriate or that is requested by the commission.

SECTION 4. Section 325.012, Texas Sunset Act (Chapter 325, Government Code), is amended to read as follows:

Sec. 325.012. **RECOMMENDATIONS.** (a) In its report on a state agency, the commission shall:

- (1) make recommendations on the abolition, continuation, or reorganization of each affected state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees;
- (2) make recommendations on the consolidation, transfer, or reorganization of programs within state agencies not under review when the programs duplicate functions performed in agencies under review;
- (3) recommend appropriation levels for each state agency and advisory committee for which abolition or reorganization is recommended under Subdivision (1) or (2); and
- (4) include drafts of legislation necessary to carry out the commission's recommendations under Subdivisions (1) and (2).

(b) On the date the commission presents its report to the legislature under Section 325.010, the commission shall present to the state auditor the commission's recommendations that do not require a statutory change to be put into effect. The state auditor shall examine the recommendations and, as part of the next scheduled audit of the agency, shall prepare a report on the manner in which the agency has implemented the recommendations.

SECTION 5. The Texas Sunset Act (Chapter 325, Government Code) is amended by adding Section 325.0125 to read as follows:

Sec. 325.0125. **REVIEW OF CERTAIN AGENCIES.** (a) *In the two-year period preceding the date scheduled for the abolition of a state agency under this chapter, the commission may exempt certain agencies from the requirements of this chapter relating to staff reports, hearings, and evaluations.*

(b) The commission may only exempt agencies that have been inactive for a period of two years preceding the date the agency is scheduled for abolition.

(c) The commission's action in exempting agencies under this section must be done by an affirmative record vote of all members of the commission.

SECTION 6. The Texas Sunset Act (Chapter 325, Government Code) is amended by adding Section 325.0126 to read as follows:

Sec. 325.0126. **MONITORING OF RECOMMENDATIONS.** *During each legislative session, the staff of the commission shall monitor legislation affecting agencies that have undergone sunset review and shall periodically report to the members of the commission on proposed changes which would modify prior recommendations of the commission.*

SECTION 7. Section 3(10), Texas Nursing Home Administrators Licensure Act (Article 4442d, Vernon's Texas Civil Statutes), is amended to read as follows:

(10) The Texas Board of Licensure for Nursing Home Administrators is subject to the Texas Sunset Act (Chapter 325, Government Code). Unless continued in existence as

provided by that Act, the board is abolished and this Act expires September 1, 1997 [1991].

SECTION 8. Section 50.004(n), Human Resources Code, is amended to read as follows:

(n) The *Council for Social Work Certification* [council] is subject to the Texas Sunset Act (Chapter 325, Government Code). Unless continued in existence as provided by that Act, the council is abolished and this section expires September 1, 1999 [1989]. If the council is continued in existence beyond that date, subsequent sunset provisions should be made to conform with those of the Texas Department of Human Services.

SECTION 9. Section (c), Article 6663, Revised Statutes, is amended to read as follows:

(c) The State Department of Highways and Public Transportation is subject to the Texas Sunset Act (Chapter 325, Government Code). Unless continued in existence as provided by that Act, the department is abolished September 1, 1991 [1989].

SECTION 10. Section 1a, Chapter 181, General Laws, Acts of the 44th Legislature, Regular Session, 1935 (Article 4413(1a), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1a. APPLICATION OF SUNSET ACT. The Department of Public Safety is subject to the Texas Sunset Act (Chapter 325, Government Code). Unless continued in existence as provided by that Act, the department is abolished *and Section 1 of this Act (Article 4413(1), Vernon's Texas Civil Statutes) expires* September 1, 1993.

SECTION 11. Section 5.01(b), Alcoholic Beverage Code, is amended to read as follows:

(b) The Texas Alcoholic Beverage Commission is subject to the Texas Sunset Act (Chapter 325, Government Code). Unless continued in existence as provided by that Act, the commission is abolished and *Subchapter A, Chapter 5, of this code expires* September 1, 1991.

SECTION 12. The following laws are repealed:

(1) Sections 325.006 and 325.014, Texas Sunset Act (Chapter 325, Government Code); and

(2) Subdivision (1), Section 1.02, Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes), as amended by Chapter 238, Acts of the 69th Legislature, Regular Session, 1985.

SECTION 13. This Act takes effect September 1, 1987.

SECTION 14. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 8, 1987, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 2243 on May 25, 1987, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2243 on June 1, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 22, 1987, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2243 on June 1, 1987, by a viva-voce vote.

Approved June 19, 1987.

Effective Sept. 1, 1987.