

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 2009

Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 1959 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Glenn Hegar
Glenn Hegar - Chair

Kip Averitt
Kip Averitt

Craig Estes
Craig Estes

Joan Huffman
Joan Huffman

Joan Huffman
On the part of the Senate
Joan Huffman

Carl H. Issett
Carl H. Issett - Chair

Judd Husted
Judd Husted

James M. Reynolds
James M. Reynolds

Byron Cook
Byron Cook

Brian McCall
On the part of the House
Brian McCall

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 1959

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the governmental entities subject to the sunset review
3 process.

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

5 ARTICLE 1. ENTITIES GIVEN 2011 SUNSET DATE

6 SECTION 1.01. STATE SOIL AND WATER CONSERVATION BOARD.

7 Section 201.025, Agriculture Code, is amended to read as follows:

8 Sec. 201.025. SUNSET PROVISION. The State Soil and Water
9 Conservation Board is subject to Chapter 325, Government Code
10 (Texas Sunset Act). Unless continued in existence as provided by
11 that chapter, the board is abolished and this chapter expires
12 September 1, 2011 [~~2013~~].

13 SECTION 1.02. TEXAS FOREST SERVICE. Subchapter B, Chapter
14 88, Education Code, is amended by adding Section 88.1016 to read as
15 follows:

16 Sec. 88.1016. SUNSET PROVISION. The Texas Forest Service is
17 subject to Chapter 325, Government Code (Texas Sunset Act). Unless
18 continued in existence as provided by that chapter, the Texas
19 Forest Service is abolished September 1, 2011.

20 SECTION 1.03. ON-SITE WASTEWATER TREATMENT RESEARCH COUNCIL.

21 Section 367.003, Health and Safety Code, is amended to read as

1 follows:

2 Sec. 367.003. APPLICATION OF SUNSET ACT. (a) The council is
3 subject to Chapter 325, Government Code (Texas Sunset Act). Unless
4 continued in existence as provided by that chapter, the council is
5 abolished and this chapter expires September 1, 2011 [~~2013~~].

6 (b) If this chapter expires under Subsection (a), uncommitted
7 money in the on-site wastewater treatment research account shall be
8 deposited to the credit of the general revenue fund.

9 SECTION 1.04. COASTAL COORDINATION COUNCIL. Section 33.211,
10 Natural Resources Code, is amended to read as follows:

11 Sec. 33.211. SUNSET PROVISION. The Coastal Coordination
12 Council is subject to Chapter 325, Government Code (Texas Sunset
13 Act). Unless continued in existence as provided by that chapter,
14 the council is abolished and this subchapter expires September 1,
15 2011 [~~2013~~].

16 SECTION 1.05. PUBLIC UTILITY COMMISSION OF TEXAS. Section
17 12.005, Utilities Code, is amended to read as follows:

18 Sec. 12.005. APPLICATION OF SUNSET ACT. (a) The Public
19 Utility Commission of Texas is subject to Chapter 325, Government
20 Code (Texas Sunset Act). Unless continued in existence as provided
21 by that chapter or by Chapter 39, the commission is abolished and
22 this title expires September 1, 2011.

23 (b) The Sunset Advisory Commission shall conduct a special-
24 purpose review of the Electric Reliability Council of Texas as part
25 of the commission's review of the Public Utility Commission of

1 Texas for the 82nd Legislature. The sunset commission's report to
2 the 82nd Legislature regarding the review must include an
3 assessment of the governance, management, and operating structure
4 of the council and the council's compliance with the duties and
5 requirements placed on it by the legislature and the Public Utility
6 Commission of Texas. The sunset commission's report under this
7 subsection may include any recommendations it considers
8 appropriate. The council shall pay the cost incurred by the Sunset
9 Advisory Commission in performing the special-purpose review of the
10 council under this subsection. The Sunset Advisory Commission
11 shall determine the cost of the review and submit a statement
12 detailing the cost of the review to the council. The council shall
13 promptly pay the cost of the review on receipt of the statement.
14 This subsection expires September 1, 2011.

15 SECTION 1.06. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.
16 Section 5.014, Water Code, is amended to read as follows:

17 Sec. 5.014. SUNSET PROVISION. The Texas Natural Resource
18 Conservation Commission is subject to Chapter 325, Government Code
19 (Texas Sunset Act). Unless continued in existence as provided by
20 that chapter, the commission is abolished and this chapter expires
21 September 1, 2011 [~~2013~~].

22 SECTION 1.07. TEXAS WATER DEVELOPMENT BOARD. Section 6.013,
23 Water Code, is amended to read as follows:

24 Sec. 6.013. SUNSET PROVISION. The Texas Water Development
25 Board is subject to review under Chapter 325, Government Code

1 (Texas Sunset Act), but is not abolished under that chapter. The
2 board shall be reviewed during the period in which state agencies
3 abolished in 2011 [~~2013~~] and every 12th year after 2011 [~~2013~~] are
4 reviewed.

5 SECTION 1.08. RAILROAD COMMISSION OF TEXAS. Article 6445a,
6 Revised Statutes, is amended to read as follows:

7 Art. 6445a. SUNSET PROVISION. The Railroad Commission of
8 Texas is subject to Chapter 325, Government Code (Texas Sunset
9 Act). Unless continued in existence as provided by that chapter,
10 the commission is abolished September 1, 2011 [~~2013~~].

11 SECTION 1.09. TEXAS STATE AFFORDABLE HOUSING CORPORATION. (a)
12 Section 2306.5521, Government Code, is amended to read as follows:

13 Sec. 2306.5521. SUNSET PROVISION. The Texas State Affordable
14 Housing Corporation is subject to Chapter 325 (Texas Sunset Act).
15 Unless continued in existence as provided by that chapter, the
16 corporation is abolished and this subchapter expires September 1,
17 2011 [~~2009~~].

18 (b) This section takes effect only if the 81st Legislature,
19 Regular Session, 2009, does not enact other legislation that
20 becomes law and that amends Section 2306.5521 , Government Code, to
21 extend the sunset date of the Texas State Affordable Housing
22 Corporation. If the 81st Legislature, Regular Session, 2009,
23 enacts legislation of that kind, this section has no effect.

24 SECTION 1.10. TEXAS RACING COMMISSION (a) Subsection (a),
25 Section 18.01, Texas Racing Act (Article 179e, Vernon's Texas Civil

1 Statutes), is amended to read as follows:

2 (a) The Texas Racing Commission is subject to Chapter 325,
3 Government Code (Texas Sunset Act). Unless continued in existence
4 as provided by that chapter, and except as provided by Subsections
5 (b) and (c) of this section, the commission is abolished and this
6 Act expires September 1, 2011 [~~2009~~].

7 (b) This section takes effect only if the 81st Legislature,
8 Regular Session, 2009, does not enact other legislation that
9 becomes law and that amends Section 18.01, Texas Racing Act
10 (Article 179e, Vernon's Texas Civil Statutes), to extend the sunset
11 date of the Texas Racing Commission. If the 81st Legislature,
12 Regular Session, 2009, enacts legislation of that kind, this
13 section has no effect.

14 SECTION 1.11. TEXAS DEPARTMENT OF INSURANCE. (a) Section
15 31.004(a), Insurance Code, is amended to read as follows:

16 (a) The Texas Department of Insurance is subject to Chapter
17 325, Government Code (Texas Sunset Act). Unless continued in
18 existence as provided by that chapter, the department is abolished
19 September 1, 2011 [~~2009~~].

20 (b) This section takes effect only if the 81st Legislature,
21 Regular Session, 2009, does not enact other legislation that
22 becomes law and that amends Section 31.004(a), Insurance Code, to
23 extend the sunset date of the Texas Department of Insurance. If
24 the 81st Legislature, Regular Session, 2009, enacts legislation of
25 that kind, this section has no effect.

1 SECTION 1.12. TEXAS YOUTH COMMISSION. (a) Section 61.020,
2 Human Resources Code, is amended to read as follows:

3 Sec. 61.020. SUNSET PROVISION. (a) The Texas Youth
4 Commission is subject to Chapter 325, Government Code (Texas Sunset
5 Act). Unless continued in existence as provided by that chapter,
6 the commission is abolished and this chapter expires September 1,
7 2011 [~~2009~~].

8 (b) In the review of the Texas Youth Commission by the Sunset
9 Advisory Commission, as required by this section, the sunset
10 commission shall focus its review on:

11 (1) the commission's compliance with Chapter 263 (S.B.
12 103), Acts of the 80th Legislature, Regular Session, 2007;

13 (2) requirements placed on the agency by legislation
14 enacted by the 81st Legislature, Regular Session, 2009, that
15 becomes law, including implementation of programs for the diversion
16 of youth from the commission; and

17 (3) initiatives of the commission and the Texas Juvenile
18 Probation Commission in coordinating activities and services to
19 better integrate Texas Youth Commission, Texas Juvenile Probation
20 Commission, and county juvenile justice functions, including joint
21 strategic planning, the sharing of youth data across youth-serving
22 agencies, assessments and classification of youth, and collection
23 of data on probation outcomes.

24 (c) In its report to the 82nd Legislature, the sunset
25 commission may include any recommendations it considers

1 appropriate. This subsection and Subsection (b) expire September
2 1, 2011.

3 (b) This section takes effect only if the 81st Legislature,
4 Regular Session, 2009, does not enact other legislation that
5 becomes law and that amends Section 61.020, Human Resources Code,
6 to extend the sunset date of the Texas Youth Commission. If the
7 81st Legislature, Regular Session, 2009, enacts legislation of that
8 kind, this section has no effect.

9 SECTION 1.13. TEXAS JUVENILE PROBATION COMMISSION. (a)
10 Section 141.012, Human Resources Code, is amended to read as
11 follows:

12 Sec. 141.012. SUNSET PROVISION. (a) The Texas Juvenile
13 Probation Commission is subject to Chapter 325, Government Code
14 (Texas Sunset Act). Unless continued in existence as provided by
15 that chapter, the commission is abolished and this chapter expires
16 September 1, 2011 [~~2009~~].

17 (b) In the review of the Texas Juvenile Probation Commission
18 by the Sunset Advisory Commission, as required by this section, the
19 sunset commission shall focus its review on the following:

20 (1) the commission's compliance with Chapter 263 (S.B.
21 103), Acts of the 80th Legislature, Regular Session, 2007;

22 (2) requirements placed on the agency by legislation
23 enacted by the 81st Legislature, Regular Session, 2009, that
24 becomes law, including implementation of programs for the diversion
25 of youth from the Texas Youth Commission; and

1 (3) initiatives of the commission and the Texas Youth
2 Commission in coordinating activities and services to better
3 integrate Texas Juvenile Probation Commission, Texas Youth
4 Commission, and county juvenile justice functions, including joint
5 strategic planning, the sharing of youth data across youth-serving
6 agencies, assessment and classification of youth, and collection of
7 data on probation outcomes.

8 (c) In its report to the 82nd Legislature, the sunset
9 commission may include any recommendations it considers
10 appropriate. This subsection and Subsection (b) expire September 1,
11 2011.

12 (b) This section takes effect only if the 81st Legislature,
13 Regular Session, 2009, does not enact other legislation that
14 becomes law and that amends Section 141.012, Human Resources Code,
15 to extend the sunset date of the Texas Juvenile Probation
16 Commission. If the 81st Legislature, Regular Session, 2009, enacts
17 legislation of that kind, this section has no effect.

18 SECTION 1.14. OFFICE OF INDEPENDENT OMBUDSMAN FOR THE TEXAS
19 YOUTH COMMISSION. (a) Section 64.054, Human Resources Code, is
20 amended to read as follows:

21 Sec. 64.054. SUNSET PROVISION. (a) The office is subject to
22 review under Chapter 325, Government Code (Texas Sunset Act), but
23 is not abolished under that chapter. The office shall be reviewed
24 during the periods in which the Texas Youth Commission is [state
25 agencies abolished in 2009 and every 12th year after 2009 are]

1 reviewed.

2 (b) Notwithstanding Subsection (a), the Sunset Advisory
3 Commission shall focus its review of the office on compliance with
4 requirements placed on the office by legislation enacted by the
5 81st Legislature, Regular Session, 2009, that becomes law. This
6 subsection expires September 1, 2011.

7 (b) This section takes effect only if the 81st Legislature,
8 Regular Session, 2009, does not enact other legislation that
9 becomes law and that amends Section 64.054, Human Resources Code,
10 to extend the sunset date of the Office of Independent Ombudsman
11 for the Texas Youth Commission. If the 81st Legislature, Regular
12 Session, 2009, enacts legislation of that kind, this section has no
13 effect.

14 SECTION 1.15 OFFICE OF PUBLIC INSURANCE COUNSEL. Section
15 501.003, Insurance Code, is amended to read as follows:

16 Sec. 501.003. SUNSET PROVISION. The office is subject to
17 Chapter 325, Government Code (Texas Sunset Act). Unless continued
18 in existence as provided by that chapter, the office is abolished
19 September 1, 2011 [~~2009~~].

20 SECTION 1.16. TEXAS DEPARTMENT OF PUBLIC SAFETY. (a) Section
21 411.002, Government Code, is amended by amending Subsection (c) to
22 read as follows:

23 (c) The Department of Public Safety of the State of Texas is
24 subject to Chapter 325 (Texas Sunset Act). Unless continued in
25 existence as provided by that chapter, the department is abolished

1 and Subsections (a) and (b) expire September 1, 2011 [2009].

2 (b) This section takes effect only if the 81st Legislature,
3 Regular Session, 2009, does not enact other legislation that
4 becomes law and that amends Section 411.002, Government Code, to
5 extend the sunset date of the Texas Department of Public Safety.
6 If the 81st Legislature, Regular Session, 2009, enacts legislation
7 of that kind, this section has no effect.

8 SECTION 1.17. TEXAS EDUCATION AGENCY. Section 7.004,
9 Education Code, is amended to read as follows:

10 Sec. 7.004. SUNSET PROVISION. (a) The Texas Education Agency
11 is subject to Chapter 325, Government Code (Texas Sunset Act).
12 Unless continued in existence as provided by that chapter, the
13 agency is abolished September 1, 2011 [2012]. [~~In the review of
14 the agency by the Sunset Advisory Commission, as required by this
15 section, the sunset commission shall limit its review to the
16 appropriateness of recommendations made by the sunset commission to
17 the 79th Legislature. In the Sunset Advisory Commission's report
18 to the 80th Legislature, the sunset commission may include any
19 recommendations it considers appropriate.]~~

20 ARTICLE 2. ENTITIES GIVEN 2013 SUNSET DATE

21 SECTION 2.01. TEXAS BOARD OF CRIMINAL JUSTICE AND TEXAS
22 DEPARTMENT OF CRIMINAL JUSTICE. Section 492.012, Government Code,
23 is amended to read as follows:

24 Sec. 492.012. SUNSET PROVISION. The Texas Board of Criminal
25 Justice and the Texas Department of Criminal Justice are subject to

1 Chapter 325 (Texas Sunset Act). Unless continued in existence as
2 provided by that chapter, the board and the department are
3 abolished September 1, 2013 [~~2011~~].

4 SECTION 2.02. HEALTH AND HUMAN SERVICES COMMISSION. Section
5 531.004, Government Code, is amended to read as follows:

6 Sec. 531.004. SUNSET PROVISION. The Health and Human
7 Services Commission is subject to Chapter 325 (Texas Sunset
8 Act). Unless continued in existence as provided by that chapter,
9 the commission is abolished and this chapter expires September 1,
10 2013 [~~2011~~].

11 SECTION 2.03. TRANSFER OF PURCHASING POWERS TO THE
12 COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS. Sections
13 2151.0041(b) and (c), Government Code, are amended to read as
14 follows:

15 (b) The Sunset Advisory Commission shall evaluate the
16 transfer of powers and duties to the comptroller under Section
17 2151.004(d) and under House Bill 3560, Acts of the 80th
18 Legislature, Regular Session, 2007, and present to the 83rd [~~82nd~~]
19 Legislature a report on its evaluation and recommendations in
20 relation to the transfer. The comptroller shall perform all duties
21 in relation to the evaluation that a state agency subject to review
22 under Chapter 325 would perform in relation to a review.

23 (c) Unless otherwise provided by the legislature by law, on
24 September 1, 2013 [~~2011~~]:

25 (1) the powers and duties transferred to the comptroller

1 under Section 2151.004(d) and under House Bill 3560, Acts of the
2 80th Legislature, Regular Session, 2007, are transferred to the
3 Texas Facilities Commission;

4 (2) a reference in law to the comptroller relating to a
5 power or duty transferred under this subsection means the Texas
6 Facilities Commission;

7 (3) a rule or form adopted by the comptroller relating
8 to a power or duty transferred under this subsection is a rule or
9 form of the Texas Facilities Commission and remains in effect until
10 altered by the commission;

11 (4) all obligations, contracts, proceedings, cases,
12 negotiations, funds, and employees of the comptroller relating to a
13 power or duty transferred under this subsection are transferred to
14 the Texas Facilities Commission;

15 (5) all property and records in the custody of the
16 comptroller relating to a power or duty transferred under this
17 subsection and all funds appropriated by the legislature for
18 purposes related to a power or duty transferred under this
19 subsection are transferred to the Texas Facilities Commission; and

20 (6) Section 122.0011, Human Resources Code, and the
21 following provisions of the Government Code expire:

22 (A) Sections 2151.004(c) and (d);

23 (B) Section 2155.0011;

24 (C) Section 2155.086;

25 (D) Section 2155.087;

- 1 (E) Section 2156.0011;
2 (F) Section 2157.0011;
3 (G) Section 2158.0011;
4 (H) Section 2161.0011;
5 (I) Section 2163.0011;
6 (J) Section 2170.0011;
7 (K) Section 2171.0011;
8 (L) Section 2172.0011;
9 (M) Section 2176.0011;
10 (N) Section 2177.0011; and
11 (O) Section 2262.0011.

12 SECTION 2.04. TEXAS HEALTH SERVICES AUTHORITY. Section
13 182.052, Health and Safety Code, is amended to read as follows:

14 Sec. 182.052. APPLICATION OF SUNSET ACT. The corporation is
15 subject to Chapter 325, Government Code. Unless continued in
16 existence as provided by that chapter, the corporation is abolished
17 and this chapter expires September 1, 2013 [~~2011~~]. The governor
18 may order the dissolution of the corporation at any time the
19 governor declares that the purposes of the corporation have been
20 fulfilled or that the corporation is inoperative or abandoned.

21 SECTION 2.05. DEPARTMENT OF STATE HEALTH SERVICES. Section
22 1001.003, Health and Safety Code, is amended to read as follows:

23 Sec. 1001.003. SUNSET PROVISION. The Department of State
24 Health Services is subject to Chapter 325, Government Code (Texas
25 Sunset Act). Unless continued in existence as provided by that

1 chapter, the department is abolished and this chapter expires
2 September 1, 2013 [~~2011~~].

3 SECTION 2.06. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES.

4 Section 40.003, Human Resources Code, is amended to read as
5 follows:

6 Sec. 40.003. SUNSET PROVISION. The Department of Family and
7 Protective Services is subject to Chapter 325, Government Code
8 (Texas Sunset Act). Unless continued in existence as provided by
9 that chapter, the department is abolished and this chapter expires
10 September 1, 2013 [~~2011~~].

11 SECTION 2.07. TEXAS COUNCIL FOR DEVELOPMENTAL DISABILITIES.

12 Section 112.023, Human Resources Code, is amended to read as
13 follows:

14 Sec. 112.023. SUNSET PROVISION. The Texas Council for
15 Developmental Disabilities is subject to Chapter 325, Government
16 Code (Texas Sunset Act). Unless continued in existence as provided
17 by that chapter, the council is abolished and this chapter expires
18 September 1, 2013 [~~2011~~].

19 SECTION 2.08. GOVERNOR'S COMMITTEE ON PEOPLE WITH
20 DISABILITIES. Section 115.005, Human Resources Code, is amended to
21 read as follows:

22 Sec. 115.005. SUNSET PROVISION. The Governor's Committee on
23 People with Disabilities is subject to Chapter 325, Government Code
24 (Texas Sunset Act). Unless continued in existence as provided by
25 that chapter, the committee is abolished and this chapter expires

1 September 1, 2013 [~~2011~~].

2 SECTION 2.09. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE
3 SERVICES. Section 117.003, Human Resources Code, is amended to
4 read as follows:

5 Sec. 117.003. SUNSET PROVISION. The Department of Assistive
6 and Rehabilitative Services is subject to Chapter 325, Government
7 Code (Texas Sunset Act). Unless continued in existence as provided
8 by that chapter, the department is abolished and this chapter
9 expires September 1, 2013 [~~2011~~].

10 SECTION 2.10. TEXAS COUNCIL ON PURCHASING FROM PEOPLE WITH
11 DISABILITIES. Section 122.006, Human Resources Code, is amended to
12 read as follows:

13 Sec. 122.006. SUNSET PROVISION. The Texas Council on
14 Purchasing from People with Disabilities is subject to Chapter 325,
15 Government Code (Texas Sunset Act). Unless continued in existence
16 as provided by that chapter, the council is abolished and this
17 chapter expires September 1, 2013 [~~2015~~].

18 SECTION 2.11. DEPARTMENT OF AGING AND DISABILITY SERVICES.
19 Section 161.003, Human Resources Code, is amended to read as
20 follows:

21 Sec. 161.003. SUNSET PROVISION. The Department of Aging and
22 Disability Services is subject to Chapter 325, Government Code
23 (Texas Sunset Act). Unless continued in existence as provided by
24 that chapter, the department is abolished and this chapter expires
25 September 1, 2013 [~~2011~~].

1 SECTION 2.12. OFFICE OF FIREFIGHTERS' PENSION COMMISSIONER.
2 Article 6243e, Vernon's Texas Civil Statutes, Section 21(h), is
3 amended to read as follows:

4 (h) The office of fire fighters' pension commissioner is
5 subject to Chapter 325, Government Code (Texas Sunset Act).
6 Unless continued in existence as provided by that chapter, the
7 office is abolished September 1, 2013 [~~2011~~].

8 SECTION 2.13. TEXAS LOTTERY COMMISSION. Section 467.002,
9 Government Code, is amended to read as follows:

10 Sec. 467.002. APPLICATION OF SUNSET ACT. The commission is
11 subject to Chapter 325 (Texas Sunset Act). Unless continued in
12 existence as provided by that chapter, the commission is abolished
13 and this chapter, Chapter 466 of this code, and Chapter 2001,
14 Occupations Code, expire September 1, 2013 [~~2011~~].

15 SECTION 2.14. TEXAS DEPARTMENT OF TRANSPORTATION. (a)
16 Section 201.204, Transportation Code, is amended to read as
17 follows:

18 Sec. 201.204. SUNSET PROVISION. The Texas Department of
19 Transportation is subject to Chapter 325, Government Code (Texas
20 Sunset Act). Unless continued in existence as provided by that
21 chapter, the department is abolished September 1, 2013 [~~2009~~].

22 (b) This section takes effect only if the 81st Legislature,
23 Regular Session, 2009, does not enact other legislation that
24 becomes law and that amends Section 201.204, Transportation Code,
25 to extend the sunset date of the Texas Department of

1 Transportation. If the 81st Legislature, Regular Session, 2009,
2 enacts legislation of that kind, this section has no effect.

3 SECTION 2.15. TEXAS DEPARTMENT OF INSURANCE, DIVISION OF
4 WORKERS' COMPENSATION. Section 31.004(b), Insurance Code, is
5 amended to read as follows:

6 (b) Unless continued as provided by Chapter 325, Government
7 Code, the duties of the division of workers' compensation of the
8 Texas Department of Insurance under Title 5, Labor Code, expire
9 September 1, 2013 [~~2011~~], or another date designated by the
10 legislature.

11 SECTION 2.16. OFFICE OF INJURED EMPLOYEE COUNSEL. Section
12 404.003, Labor Code, is amended to read as follows:

13 Sec. 404.003. SUNSET PROVISION. The office of injured
14 employee counsel is subject to Chapter 325, Government Code (Texas
15 Sunset Act). Unless continued in existence as provided by that
16 chapter, the office is abolished and this chapter expires September
17 1, 2013 [~~2011~~].

18 ARTICLE 3. SPECIAL-PURPOSE REVIEW

19 SECTION 3.01. REVIEW OF METROPOLITAN RAPID TRANSIT AUTHORITY.

20 Subchapter A, Chapter 451, Transportation Code, is amended by
21 adding Section 451.004 to read as follows:

22 Sec. 451.004. SUNSET REVIEW. (a) An authority confirmed
23 before July 1, 1985, in which the principal municipality has a
24 population of less than 750,000 is subject to review under Chapter
25 325, Government Code (Texas Sunset Act), as if it were a state

1 agency but is not abolished under that chapter. The authority
2 shall cooperate with the Sunset Advisory Commission in performing
3 the review in the manner required by Chapter 325, Government Code
4 (Texas Sunset Act), as if the authority were a state agency
5 scheduled to be abolished.

6 (b) The authority shall be reviewed during the periods in
7 which state agencies scheduled to be abolished in 2011 and in 2017
8 are reviewed.

9 (c) The reviews conducted under this section must include an
10 assessment of the governance, management, and operating structure
11 of the authority and the authority's compliance with the duties and
12 requirements placed on it by the legislature.

13 (d) The authority shall pay the cost incurred by the Sunset
14 Advisory Commission in performing a review of the authority under
15 this section. The Sunset Advisory Commission shall determine the
16 cost of the review and submit a statement detailing the cost of the
17 review to the authority. The authority shall promptly pay the cost
18 of the review on receipt of the statement.

19 ARTICLE 4. CHANGE TO SUNSET ACT

20 SECTION 4.01. REVIEW OF AGENCIES REVIEWED FOR THE 81ST
21 LEGISLATURE. Chapter 325, Government Code, is amended by adding
22 Section 325.0127 to read as follows:

23 Sec. 325.0127. AGENCIES REVIEWED FOR THE 81ST LEGISLATURE.
24 For a state agency that was reviewed by the commission in
25 preparation for the work of the 81st Legislature in Regular Session

1 and the abolition date of which was extended to 2011, the
2 commission shall limit its review of the agency in preparation for
3 the work of the 82nd Legislature in Regular Session to the
4 appropriateness of recommendations made by the commission to the
5 81st Legislature. In the commission's report to the 82nd
6 Legislature, the commission may include any recommendations it
7 considers appropriate. This section expires September 1, 2011.

8 ARTICLE 5. ENTITIES WITH UNCHANGED 2009 SUNSET DATE

9 SECTION 5.01. TEXAS RESIDENTIAL CONSTRUCTION COMMISSION. (a)

10 This section takes effect only if the Texas Residential
11 Construction Commission is not continued in existence by another
12 Act of the 81st Legislature, Regular Session, and Title 16,
13 Property Code, expires on September 1, 2009.

14 (b) Notwithstanding Section 325.017, Government Code:

15 (1) on September 1, 2009, the Texas Residential
16 Construction Commission has no responsibility or authority to
17 regulate or take enforcement action against builders, third-party
18 warranty companies, or arbitrators; and

19 (2) until February 1, 2010, the commission shall
20 continue to handle requests for state-sponsored inspection and
21 dispute resolution submitted to the commission before September 1,
22 2009, in accordance with this section.

23 (c) Except as provided by this section, a request for state-
24 sponsored inspection and dispute resolution submitted to the Texas
25 Residential Construction Commission before September 1, 2009, is

1 governed by the law applicable to the request immediately before
2 September 1, 2009.

3 (d) The parties to a request for state-sponsored inspection
4 and dispute resolution submitted to the Texas Residential
5 Construction Commission before September 1, 2009, may, but are not
6 required to, continue to participate in the state-sponsored
7 inspection and dispute resolution process, as it existed
8 immediately before September 1, 2009, until January 31, 2010.

9 (e) Notwithstanding Chapter 27, Property Code, on and after
10 September 1, 2009, a party to a dispute that is the subject of a
11 request for state-sponsored inspection and dispute resolution
12 submitted to the Texas Residential Construction Commission before
13 September 1, 2009, may file an action arising out of the alleged
14 construction defect that is the subject of the dispute before the
15 later of:

16 (1) the expiration of the applicable statute of
17 limitations; or

18 (2) the earlier of:

19 (A) the 45th day after the date on which a final,
20 unappealable determination is received in connection with the
21 request; or

22 (B) March 15, 2010.

23 (f) The Texas Residential Construction Commission may not
24 refund any fees paid in connection with a request for state-
25 sponsored inspection and dispute resolution filed with the

1 commission before September 1, 2009.

2 (g) Until February 1, 2010, the Texas Residential
3 Construction Commission shall maintain existing contractual
4 relationships with third-party inspectors for the purposes of
5 continuing the state-sponsored inspection and dispute resolution
6 process for requests submitted before September 1, 2009. On and
7 after September 1, 2009, a third-party inspector who performs
8 inspections and issues reports in connection with a request for
9 state-sponsored inspection and dispute resolution submitted before
10 September 1, 2009, must meet the requirements of Title 16, Property
11 Code, except that a third-party inspector is not required to submit
12 an annual application or fee under Section 427.001, Property Code,
13 as that section existed immediately before September 1, 2009.

14 (h) For the purposes of Section 27.004, Property Code, for a
15 claim that was subject to Chapter 27 and Subtitle D, Title 16,
16 Property Code, immediately before September 1, 2009, and for which
17 a request for state-sponsored inspection and dispute resolution was
18 not filed under that subtitle before September 1, 2009, notice must
19 be given in the same manner and in the same time as is required by
20 that section for a claim not subject to Subtitle D, Title 16, and
21 any deadline under Section 27.004, Property Code, that applies with
22 respect to the claim shall be computed as if the claim were not
23 subject to Subtitle D, Title 16, Property Code.

24 (i) For the purposes of Section 27.0042, Property Code, if a
25 request for state-sponsored inspection and dispute resolution is

1 filed before September 1, 2009, and a final, unappealable
2 determination is not received before February 1, 2010, a final,
3 unappealable determination is considered to have been received on
4 February 1, 2010.

5 (j) It is the intent of the legislature that the rights,
6 duties, and obligations of parties to litigation pending on
7 September 1, 2009, or to a cause of action that accrues before
8 September 1, 2009, are not substantively impaired by the expiration
9 of Title 16, Property Code. A court shall exercise its equitable
10 jurisdiction to effectuate that intent.

11 ARTICLE 6. EFFECTIVE DATE

12 SECTION 6.01. EFFECTIVE DATE. This Act takes effect
13 immediately if it receives a vote of two-thirds of all the members
14 elected to each house, as provided by Section 39, Article III,
15 Texas Constitution. If this Act does not receive the vote
16 necessary for immediate effect, this Act takes effect September 1,
17 2009.

House Bill 1959
Conference Committee Report
Section-by-Section Analysis
May 30, 2009

HOUSE VERSION

SECTION 1.01. Amends Subchapter B, Chapter 88, Education Code, by adding Section 88.1016. Subjects the Texas Forest Service in 2011.

SECTION 1.02. Amends Section 12.005, Utilities Code. Adds subsection (b) subjecting the Electric Reliability Council of Texas to a special-purpose review as part of the sunset review of the Public Utility Commission in 2011.

SECTION 2.01. Amends Section 7.004, Education Code. Changes the sunset review date for the Texas Education Agency from 2012 to 2013. Also subjects the agency to a special-purpose review as part of the sunset commission's report to the 82nd Legislature.

SECTION 2.02. Amends Sections 2151.0041(b) and (c), Government Code. Changes the sunset date for the review of the transfer of purchasing powers to the Comptroller of Public Accounts from 2011 to 2013.

SECTION 2.03. Amends Section 122.006, Human Resources Code. Changes the sunset review date for the Texas Council on Purchasing From People With Disabilities from 2015 to 2013.

SECTION 3.01. Establishes effective date of September 1, 2009, unless the bill receives the required vote to take immediate effect.

No equivalent provision.

SENATE VERSION

SECTION 1.02. Same as SECTION 1.01, House version.

SECTION 1.05. Same as SECTION 1.02, House version, but adds a requirement that the council pay the sunset commission for the cost of the sunset review

SECTION 2.01. Same as SECTION 2.01, House version.

SECTION 2.04 Same as SECTION 2.02, House version.

SECTION 2.11. Same as SECTION 2.03, House version.

SECTION 5.01. Same as SECTION 3.01, House version.

SECTION 1.01. Amends Section 201.025, Agriculture Code. Changes the sunset date for the State Soil and Water Conservation Board from 2013 to 2011.

CONFERENCE

SECTION 1.02. Same as House version.

SECTION 1.05. Same as Senate version.

SECTION 1.17. Amends Section 7.004, Education Code. Changes the sunset review date for the Texas Education Agency from 2012 to 2011.

SECTION 2.03. Same as House version.

SECTION 2.10. Same as House version.

SECTION 6.01. Same as House version.

SECTION 1.01. Same as Senate version.

House Bill 1959
Conference Committee Report
Section-by-Section Analysis
May 30, 2009

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION 1.03. Amends Section 367.003, Health and Safety Code. Changes the sunset date for the On-Site Wastewater Treatment Research Council from 2013 to 2011	SECTION 1.03. Same as Senate version.
No equivalent provision.	SECTION 1.04. Amends Section 33.211, Natural Resources Code. Changes the sunset date for the Coastal Coordination Council from 2013 to 2011.	SECTION 1.04. Same as Senate version.
No equivalent provision.	SECTION 1.06. Amends Section 5.014, Water Code. Changes the sunset date for the Texas Commission on Environmental Quality from 2013 to 2011.	SECTION 1.06. Same as Senate version.
No equivalent provision.	SECTION 1.07. Amends Section 6.013, Water Code. Changes the sunset date for the Texas Water Development Board from 2013 to 2011.	SECTION 1.07. Same as Senate version.
No equivalent provision.	SECTION 1.08. Amends Article 6445a, Revised Statutes. Changes the sunset date for the Railroad Commission from 2013 to 2011.	SECTION 1.08. Same as Senate version.
No equivalent provision.	SECTION 2.02. Amends Section 492.012, Government Code. Changes the sunset date for the Texas Board of Criminal Justice and the Texas Department of Criminal Justice from 2011 to 2013.	SECTION 2.01. Same as Senate version.
No equivalent provision.	SECTION 2.03. Amends Section 531.004, Government Code. Changes the sunset date for the Health and Human Services Commission from 2011 to 2013.	SECTION 2.02. Same as Senate version.
No equivalent provision.	SECTION 2.05. Amends Section 182.052, Health and Safety Code. Changes the sunset date for the Texas Health Services Authority from 2011 to 2013.	SECTION 2.04. Same as Senate version.

House Bill 1959
Conference Committee Report
Section-by-Section Analysis
May 30, 2009

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION 2.06. Amends Section 1001.003, Health and Safety Code. Change the sunset date for the Department of State Health Services from 2011 to 2013.	SECTION 2.05. Same as Senate version.
No equivalent provision.	SECTION 2.07. Amends Section 40.003, Human Resources Code. Changes the sunset date for the Department of Family and Protective Services from 2011 to 2013.	SECTION 2.06. Same as Senate version.
No equivalent provision.	SECTION 2.08. Amends Section 112.023, Human Resources Code. Changes the sunset date for the Texas Council for Developmental Disabilities from 2011 to 2013.	SECTION 2.07. Same as Senate version.
No equivalent provision.	SECTION 2.09. Amends Section 115.005, Human Resources Code. Changes the sunset date for the Governor's Committee on People with Disabilities from 2011 to 2013.	SECTION 2.08. Same as Senate version.
No equivalent provision.	SECTION 2.10. Amends Section 117.003, Human Resources Code. Changes the sunset date for the Department of Assistive and Rehabilitative Services from 2011 to 2013.	SECTION 2.09. Same as Senate version.
No equivalent provision.	SECTION 2.12. Amends Section 161.003, Human Resources Code. Changes the sunset date for the Department of Aging and Disability Services from 2011 to 2013.	SECTION 2.11. Same as Senate version.
No equivalent provision.	SECTION 3.01. Amends Subchapter A, Chapter 451, Transportation Code. Subjects a Metropolitan Rapid Transit Authority that meets the definition to sunset review in 2011 and 2017. Requires the authority to pay the sunset commission for the cost of the review.	SECTION 3.01. Same as Senate version.
No equivalent provision.	SECTION 4.01. Amends Section 325, Government Code, by adding Section 325.0127. Provides for a limited review in 2011 of any agency reviewed in 2009 that is scheduled for review again in 2011.	SECTION 4.01. Same as Senate version.

House Bill 1959
Conference Committee Report
Section-by-Section Analysis
May 30, 2009

HOUSE VERSION

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SENATE VERSION

SECTION __.01 Provides timeframes and details for the wind down of the functions of the Texas Residential Construction Commission. (Floor Amendment 1)

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

CONFERENCE

SECTION 5.01. Same as Senate version.

SECTION 1.09. Amends Section 2306.5521, Government Code. Changes the sunset review date for the Texas Affordable Housing Corporation from 2009 to 2011, if no other legislation passes changing the review date. (Resolution item)

SECTION 1.10. Amends Subsection (a), Section 18.01, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes.) Changes the sunset review date for the Texas Racing Commission from 2009 to 2011, if no other legislation passes changing the review date. (Resolution item)

SECTION 1.11. Amends Section 31.004(a), Insurance Code. Changes the sunset review date for the Texas Department of Insurance from 2009 to 2011, if no other legislation passes changing the review date. (Resolution item)

SECTION 1.12. Amends Section 61.020, Human Resources Code. Changes the sunset review date for the Texas Youth Commission from 2009 to 2011, if no other legislation passes changing the review date. Provides language that specifies the focus areas for the review. (Resolution item)

SECTION 1.13. Amends Section 141.012, Human Resources Code. Changes the sunset review date for the Texas Juvenile Probation Commission from 2009 to 2011, if no other legislation passes changing the review date. Provides language that specifies the focus areas for the review. (Resolution item)

SECTION 1.14. Amends Section 64.054, Human Resources Code. Changes the sunset review date for the Office of Independent Ombudsman for the Texas Youth Commission from 2009 to 2011, if no other legislation passes changing the review date. Provides language that specifies the focus area for the review. (Resolution item)

SECTION 1.15. Amends Section 501.003, Insurance Code. Changes the sunset review date for the Office of Public Insurance Counsel from 2009 to 2011, if no other legislation passes changing the review date. (Resolution item)

House Bill 1959
Conference Committee Report
Section-by-Section Analysis
May 30, 2009

HOUSE VERSION
No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SENATE VERSION
No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

CONFERENCE

SECTION 1.16. Amends Section 411.002, Government Code. Changes the sunset review date for the Department of Public Safety from 2009 to 2011, if no other legislation passes changing the review date. (Resolution item)

SECTION 2.12. Amends Article 6243e, Vernon's Texas Civil Statutes, Section 21(h). Changes the sunset review date for the Office of Firefighters' Pension Commissioner from 2011 to 2013. (Resolution item)

SECTION 2.13. Amends Section 467.002, Government Code. Changes the sunset review date for the Texas Lottery Commission from 2011 to 2013. (Resolution item)

SECTION 2.14. Amends Section 201.204, Transportation Code. Changes the sunset review date for the Texas Department of Transportation from 2009 to 2013, if no other legislation passes changing the review date. (Resolution item)

SECTION 2.15. Amends Section 31.004(b), Insurance Code. Changes the sunset review date for the Texas Department of Insurance, Workers' Compensation Division, from 2011 to 2013. (Resolution item)

SECTION 2.16. Amends Section 404.003, Labor Code. Changes the sunset review date for the Office of Injured Employee Counsel from 2011 to 2013. (Resolution item)

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

**TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives**

FROM: John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1959 by Isett (relating to the governmental entities subject to the sunset review process.),
Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would extend the Sunset's review of the transfer of purchasing powers to the Comptroller of Public Accounts to be presented to the Eighty-third Legislature. In addition, the bill would move up the sunset date of the Texas Council of Purchasing from People with Disabilities to September 1, 2013. In addition, the Forest Service would be subject to the Sunset process, and a special purpose study of the Texas Education Agency would be required to assess the agency's compliance with mandates and requirements placed on it by the Legislature.

The bill changes the Sunset dates for the Board and Department of Criminal Justice, Health and Human Services Commission, transfer of purchasing powers to the Comptroller of Public Accounts, Health Services Authority, Department of State Health Services, Department of Family and Protective Services, Texas Council for Developmental Disabilities, Governor's Committee on People with Disabilities, Department of Assistive and Rehabilitative Services, Council on Purchasing from People with Disabilities, Office of Firefighters' Pension Commissioner, Texas Lottery Commission, Texas Department of Insurance Workers' Compensation Division, Office of Injured Employee Counsel, and Department of Aging and Disability Services, from 2011 to 2013.

The bill changes the Sunset dates for the State Soil and Water Conservation Board, On-Site Wastewater Treatment Research Council, Coastal Coordination Council, Commission on Environmental Quality, Texas Water Development Board, and Railroad Commission from 2013 to 2011.

The bill changes the Sunset date for the Texas Education Agency from 2012 to 2011.

The bill adds a special-purpose review of the capital area metropolitan rapid transit authority (CapMetro) in 2011 and 2017. The bill also requires CapMetro to pay the cost incurred by the Sunset Advisory Commission in performing the special-purpose reviews.

The bill would require a special purpose review of the Electric Reliability Council of Texas (ERCOT), as part of the 2011 review of the Public Utility Commission, assessing ERCOT's governance, management, and operating structure, and compliance with certain duties and requirements. The bill also requires ERCOT to pay the cost incurred by the Sunset Advisory Commission in performing the special-purpose reviews.

Unless the Texas Residential Construction Commission (TRCC) is continued in existence by another Act of the Eighty-first Legislature, the bill would phase out the agency over a five-month period ending February 1, 2010, during which the agency would continue to handle requests for home inspection requests submitted before September 1, 2009. The bill would specify that TRCC would have no responsibility or authority to regulate or take enforcement action against builders, third-party warranty companies, or arbitrators beginning on September 1, 2009. It is assumed the abolishment of

TRCC would result in a loss to the General Revenue Fund from builder and home registration fee revenue collected by the agency offset by a cost savings from discontinued operations of the TRCC.

The bill specifies that, if no other legislation changing the review date passes, the sunset review date for the following agencies will change from 2009 to 2011: Texas Affordable Housing Corporation, Texas Racing Commission, Texas Department of Insurance, Texas Youth Commission, Texas Juvenile Probation Commission, Office of Independent Ombudsman for the Texas Youth Commission, Office of Public Insurance Council, Department of Public Safety, and the Texas Department of Transportation.

The Sunset Advisory Commission has indicated that provisions of the bill would be implemented within existing resources.

The bill would be effective immediately upon a two-thirds vote of each house; otherwise the bill would be effective September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

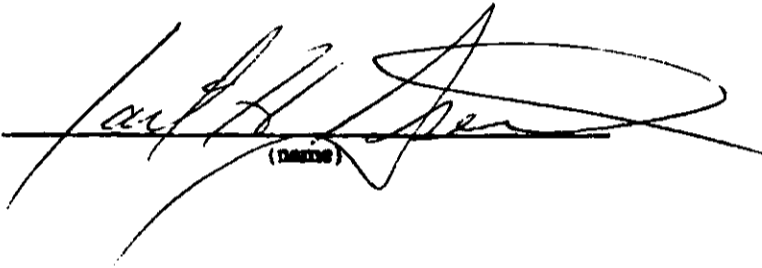
Source Agencies: 116 Sunset Advisory Commission

LBB Staff: JOB, KK, MS, KJG

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 1959 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.



(name)

30 MAY 1959

(date)