

AN ACT

relating to the governmental entities subject to, and the confidentiality of records under, the sunset review process.

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

ARTICLE 1. ENTITIES GIVEN 2005 SUNSET DATE

SECTION 1.01. STATE BOARD FOR EDUCATOR CERTIFICATION.

Section 21.035, Education Code, is amended to read as follows:

Sec. 21.035. APPLICATION OF SUNSET ACT. (a) The board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this subchapter expires September 1, 2005 [~~2003~~].

(b) The board and the Texas Education Agency shall enter into a memorandum of understanding to consolidate administrative functions and services.

(c) The sunset commission shall focus its review of the board on the appropriateness of recommendations made by the sunset commission to the 78th Legislature and compliance with the MOU to consolidate functions.

SECTION 1.02. WINDHAM SCHOOL DISTRICT WITHIN TEXAS DEPARTMENT OF CRIMINAL JUSTICE. Chapter 19, Education Code, is amended by adding Section 19.0021 to read as follows:

Sec. 19.0021. SPECIAL PURPOSE REVIEW. (a) As part of its review of the Texas Education Agency for the 79th Legislature, the Sunset Advisory Commission shall conduct a special purpose review

1 of the Windham School District.

2 (b) To assist the Sunset Advisory Commission in its review,
3 the Texas Education Agency shall:

4 (1) conduct a limited scope review of the structure,
5 management, and operations of the Windham School District; and

6 (2) report the results of the review to the commission
7 before March 1, 2004.

8 (c) The Texas Education Agency shall consult the Sunset
9 Advisory Commission regarding the scope of the review to minimize
10 the cost of the review.

11 (d) After considering the report of the Texas Education
12 Agency, the Sunset Advisory Commission shall include in the
13 commission's report to the 79th Legislature, Regular Session, 2005,
14 any recommendations relating to the Windham School District that
15 the commission considers appropriate.

16 (e) This section expires September 1, 2005.

17 SECTION 1.03. TEXAS LOTTERY COMMISSION AND LOTTERY
18 DIVISION. (a) Section 467.002, Government Code, is amended to read
19 as follows:

20 Sec. 467.002. APPLICATION OF SUNSET ACT. The commission is
21 subject to Chapter 325 (Texas Sunset Act). Unless continued in
22 existence as provided by that chapter, the commission is abolished
23 and this Act expires September 1, 2005 ~~[2003]~~. In the review of the
24 commission by the Sunset Advisory Commission, as required by this
25 section, the sunset commission shall limit its review to the
26 appropriateness of recommendations made by the sunset commission to
27 the 78th Legislature. In the Sunset Advisory Commission's report

1 to the 79th Legislature, the sunset commission may include any
2 recommendations it considers appropriate.

3 (b) Section 466.003(a), Government Code, is amended to read
4 as follows:

5 (a) The lottery division is subject to Chapter 325 (Texas
6 Sunset Act). Unless continued in existence as provided by that
7 chapter, the division is abolished and this chapter expires
8 September 1, 2005 [2003]. In the review of the lottery division by
9 the Sunset Advisory Commission, as required by this section, the
10 sunset commission shall limit its review to the appropriateness of
11 recommendations made by the sunset commission to the 78th
12 Legislature. In the Sunset Advisory Commission's report to the
13 79th Legislature, the sunset commission may include any
14 recommendations it considers appropriate.

15 (c) This section takes effect only if the 78th Legislature,
16 Regular Session, 2003, does not enact other legislation that
17 becomes law and that amends Section 467.002, Government Code, to
18 extend the sunset date of the Texas Lottery Commission. If the 78th
19 Legislature, Regular Session, 2003, enacts legislation of that
20 kind, this section has no effect.

21 SECTION 1.04. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY
22 AFFAIRS. (a) Section 2306.022, Government Code, is amended to read
23 as follows:

24 Sec. 2306.022. APPLICATION OF SUNSET ACT. The Texas
25 Department of Housing and Community Affairs is subject to Chapter
26 325 (Texas Sunset Act). Unless continued in existence as provided
27 by that chapter, the department is abolished and this chapter

1 expires September 1, 2005 [~~2003~~]. In the review of the department
2 by the Sunset Advisory Commission, as required by this section, the
3 sunset commission shall limit its review to the appropriateness of
4 recommendations made by the sunset commission to the 78th
5 Legislature and the extent to which the department has implemented
6 laws enacted by the 77th Legislature in continuing the department.
7 In the Sunset Advisory Commission's report to the 79th Legislature,
8 the sunset commission may include any recommendations it considers
9 appropriate.

10 (b) This section takes effect only if the 78th Legislature,
11 Regular Session, 2003, does not enact other legislation that
12 becomes law and that amends Section 2306.022, Government Code, to
13 extend the sunset date of the Texas Department of Housing and
14 Community Affairs. If the 78th Legislature, Regular Session, 2003,
15 enacts legislation of that kind, this section has no effect.

16 SECTION 1.05. TEXAS AFFORDABLE HOUSING CORPORATION. (a)
17 Section 2306.5521, Government Code, is amended to read as follows:

18 Sec. 2306.5521. SUNSET PROVISION. The Texas State
19 Affordable Housing Corporation is subject to Chapter 325 (Texas
20 Sunset Act). Unless continued in existence as provided by that
21 chapter, the corporation is abolished and this subchapter expires
22 September 1, 2005 [~~2003~~]. In the review of the corporation by the
23 Sunset Advisory Commission, as required by this section, the sunset
24 commission shall limit its review to the appropriateness of
25 recommendations made by the sunset commission to the 78th
26 Legislature. In the Sunset Advisory Commission's report to the
27 79th Legislature, the sunset commission may include any

1 recommendations it considers appropriate.

2 (b) This section takes effect only if the 78th Legislature,
3 Regular Session, 2003, does not enact other legislation that
4 becomes law and that amends Section 2306.5521, Government Code, to
5 extend the sunset date of the Texas State Affordable Housing
6 Corporation. If the 78th Legislature, Regular Session, 2003,
7 enacts legislation of that kind, this section has no effect.

8 SECTION 1.06. TEXAS HIGHER EDUCATION COORDINATING BOARD.

9 (a) Section 61.0211, Education Code, is amended to read as follows:

10 Sec. 61.0211. SUNSET PROVISION. The Texas Higher Education
11 Coordinating Board is subject to Chapter 325, Government Code
12 (Texas Sunset Act). Unless continued in existence as provided by
13 that chapter, the board is abolished and this chapter expires
14 September 1, 2005 [~~2003~~]. In the review of the board by the sunset
15 commission, as required by this section, the commission shall limit
16 its review to the appropriateness of recommendations made by the
17 commission to the 78th Legislature. In the commission's report to
18 the 79th Legislature, the commission may include any
19 recommendations it considers appropriate.

20 (b) This section takes effect only if the 78th Legislature,
21 Regular Session, 2003, does not enact other legislation that
22 becomes law and that amends Section 61.0211, Education Code, to
23 extend the sunset date of the Texas Higher Education Coordinating
24 Board. If the 78th Legislature, Regular Session, 2003, enacts
25 legislation of that kind, this section has no effect.

26 ARTICLE 2. ENTITIES GIVEN 2007 SUNSET DATE

27 SECTION 2.01. TEXAS VETERANS COMMISSION. Section

1 434.002(a), Government Code, is amended to read as follows:

2 (a) The Texas Veterans Commission is subject to Chapter 325
3 (Texas Sunset Act). Unless continued in existence as provided by
4 that chapter, the commission is abolished September 1, 2007 [~~2005~~].

5 SECTION 2.02. TEXAS DEPARTMENT OF INSURANCE. Section
6 31.004, Insurance Code, is amended to read as follows:

7 Sec. 31.004. SUNSET PROVISION. The Texas Department of
8 Insurance is subject to Chapter 325, Government Code (Texas Sunset
9 Act). Unless continued in existence as provided by that chapter,
10 the department is abolished September 1, 2007 [~~2005~~].

11 SECTION 2.03. OFFICE OF PUBLIC INSURANCE COUNSEL. Section
12 7, Article 1.35A, Insurance Code, is amended to read as follows:

13 Sec. 7. APPLICABILITY OF SUNSET ACT. The office of public
14 insurance 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 September 1, 2007 [~~2005~~].

17 SECTION 2.04. PRESCRIBED BURNING BOARD. Section 153.044,
18 Natural Resources Code, is amended to read as follows:

19 Sec. 153.044. SUNSET PROVISION. The Prescribed Burning
20 Board is subject to Chapter 325, Government Code (Texas Sunset
21 Act). Unless continued in existence as provided by that chapter,
22 the board is abolished and this chapter expires September 1, 2007
23 [~~2009~~].

24 SECTION 2.05. VETERANS' LAND BOARD. Section 161.0111,
25 Natural Resources Code, is amended to read as follows:

26 Sec. 161.0111. SUNSET PROVISION. The Veterans' Land Board
27 is subject to review under Chapter 325, Government Code (Texas

1 Sunset Act), but is not abolished under that chapter. The board
2 shall be reviewed during the period in which state agencies
3 abolished in 2007 [~~2005~~] and every 12th year after 2007 [~~2005~~] are
4 reviewed.

5 SECTION 2.06. REGIONAL EDUCATION SERVICE CENTERS. If the
6 78th Legislature, Regular Session, 2003, enacts legislation that
7 becomes law and that makes regional education service centers
8 subject to Chapter 325, Government Code (Texas Sunset Act), the
9 comptroller of public accounts shall assist the Sunset Advisory
10 Commission in its review. The comptroller shall conduct a review of
11 the regional education service centers and report the results of
12 the review to the Sunset Advisory Commission before March 1, 2004.
13 The comptroller shall consult the Sunset Advisory Commission
14 regarding the scope of the review. The report shall also be
15 transmitted to the presiding officers of the standing committee in
16 the senate and the house of representatives responsible for public
17 education.

18 ARTICLE 3. ENTITIES GIVEN 2009 SUNSET DATE

19 SECTION 3.01. EQUINE RESEARCH ACCOUNT ADVISORY COMMITTEE.
20 Section 88.524(b), Education Code, is amended to read as follows:

21 (b) The Equine Research Account Advisory Committee is
22 subject to Chapter 325, Government Code (Texas Sunset Act). Unless
23 continued in existence as provided by that chapter, the advisory
24 committee is abolished and this subchapter expires September 1,
25 2009 [~~2005~~].

26 SECTION 3.02. TEXASONLINE DIVISION OF THE DEPARTMENT OF
27 INFORMATION RESOURCES. Section 2054.2645, Government Code, is

amended to read as follows:

Sec. 2054.2645. SUNSET PROVISION. The division is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the division is abolished September 1, 2009 [~~2005~~].

SECTION 3.03. ELECTRONIC GOVERNMENT PROGRAM MANAGEMENT OFFICE OF THE DEPARTMENT OF INFORMATION RESOURCES. Section 2055.003, Government Code, is amended to read as follows:

Sec. 2055.003. SUNSET PROVISION. The office is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished September 1, 2009 [~~2005~~].

SECTION 3.04. STATE BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY. Section 401.002, Occupations Code, is amended to read as follows:

Sec. 401.002. APPLICATION OF SUNSET ACT. The State Board of Examiners for Speech-Language Pathology and Audiology is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2009 [~~2005~~].

SECTION 3.05. STATE COMMITTEE OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS. Section 402.002, Occupations Code, is amended to read as follows:

Sec. 402.002. APPLICATION OF SUNSET ACT. The State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that

chapter, the committee is abolished and this chapter expires September 1, 2009 [~~2005~~].

SECTION 3.06. EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY EXAMINERS. Section 452.002, Occupations Code, is amended to read as follows:

Sec. 452.002. APPLICATION OF SUNSET ACT. The Executive Council of Physical Therapy and Occupational Therapy Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the executive council is abolished and the following laws expire September 1, 2009 [~~2005~~]:

- (1) this chapter;
- (2) Chapter 453; and
- (3) Chapter 454.

SECTION 3.07. TEXAS BOARD OF PHYSICAL THERAPY EXAMINERS. Section 453.002, Occupations Code, is amended to read as follows:

Sec. 453.002. APPLICATION OF SUNSET ACT. The Texas Board of Physical Therapy Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2009 [~~2005~~].

SECTION 3.08. TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS. Section 454.003, Occupations Code, is amended to read as follows:

Sec. 454.003. APPLICATION OF SUNSET ACT. The Texas Board of Occupational Therapy Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence

1 as provided by that chapter, the board is abolished and this chapter
2 expires September 1, 2009 [~~2005~~].

3 SECTION 3.09. TEXAS RACING COMMISSION. Section 18.01(a),
4 Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is
5 amended to read as follows:

6 (a) The Texas Racing Commission is subject to Chapter 325,
7 Government Code (Texas Sunset Act). Unless continued in existence
8 as provided by that chapter, and except as provided by Subsections
9 (b) and (c) of this section, the commission is abolished and this
10 Act expires September 1, 2009 [~~2005~~].

11 ARTICLE 4. ENTITIES GIVEN 2011 SUNSET DATE

12 SECTION 4.01. CORRECTIONAL MANAGED HEALTH CARE COMMITTEE.
13 Section 501.132, Government Code, is amended to read as follows:

14 Sec. 501.132. APPLICATION OF SUNSET ACT. The Correctional
15 Managed Health Care Committee is subject to Chapter 325 (Texas
16 Sunset Act). Unless continued in existence as provided by that
17 chapter, the committee is abolished and this subchapter expires
18 September 1, 2011 [~~2005~~].

19 ARTICLE 5. ENTITIES GIVEN 2013 SUNSET DATE

20 SECTION 5.01. ON-SITE WASTEWATER TREATMENT RESEARCH
21 COUNCIL. Section 367.003(a), Health and Safety Code, is amended to
22 read as follows:

23 (a) The council is subject to Chapter 325, Government Code
24 (Texas Sunset Act). Unless continued in existence as provided by
25 that chapter, the council is abolished and this chapter expires
26 September 1, 2013 [~~2005~~].

27 ARTICLE 6. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW

SECTION 6.01. REPEALER. The following laws are repealed:

(1) Section 50A.003, Agriculture Code (Texas Food for Health Advisory Council);

(2) Section 262.057, Occupations Code (Dental Hygiene Advisory Committee);

(3) Section 8, Chapter 105, Acts of the 76th Legislature, Regular Session, 1999 (Article 2654-3g, Vernon's Texas Civil Statutes) (Texas Environmental Education Partnership Fund); and

(4) Section 1.12, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993 (Edwards Aquifer Authority).

ARTICLE 7. CONFIDENTIALITY OF SUNSET RECORDS

SECTION 7.01. CONFIDENTIALITY. Chapter 325, Government Code, is amended by adding Section 325.0195 to read as follows:

Sec. 325.0195. RECORDS PROTECTED FROM DISCLOSURE. (a) A working paper, including all documentary or other information, prepared or maintained by the commission staff in performing its duties under this chapter or other law to conduct an evaluation and prepare a report is excepted from the public disclosure requirements of Section 552.021.

(b) A record held by another entity that is considered to be confidential by law and that the commission receives in connection with the performance of the commission's functions under this chapter or another law remains confidential and is excepted from the public disclosure requirements of Section 552.021.

ARTICLE 8. EFFECTIVE DATE

SECTION 8.01. EFFECTIVE DATE. This Act takes effect

H.B. No. 2455

1 September 1, 2003.

H.B. No. 2455

President of the Senate

Speaker of the House

I certify that H.B. No. 2455 was passed by the House on May 2, 2003, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 2455 on May 30, 2003, 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. 2455 on June 1, 2003, by a non-record vote.

Chief Clerk of the House

H.B. No. 2455

I certify that H.B. No. 2455 was passed by the Senate, with amendments, on May 28, 2003, 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. 2455 on June 1, 2003, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor