

Suspending limitations on conference committee
jurisdiction, H.B. No. 1959 (Isett/Hegar)

By: Isett

H.R. No. 3051

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 81st Legislature, Regular Session, 2009, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 1959 (the governmental
6 entities subject to the sunset review process) to consider and take
7 action on the following matters:

8 (1) House Rule 13, Section 9(a)(4), is suspended to permit
9 the committee to add the following:

10 SECTION 1.09. TEXAS STATE AFFORDABLE HOUSING CORPORATION.

11 (a) Section 2306.5521, Government Code, is amended to read as
12 follows:

13 Sec. 2306.5521. SUNSET PROVISION. The Texas State
14 Affordable Housing Corporation is subject to Chapter 325 (Texas
15 Sunset Act). Unless continued in existence as provided by that
16 chapter, the corporation is abolished and this subchapter expires
17 September 1, 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), Section 18.01, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended to read as follows:

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

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

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

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

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

SECTION 1.12. TEXAS YOUTH COMMISSION. (a) Section 61.020,

Human Resources Code, is amended to read as follows:

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

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

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

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

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

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

(b) This section takes effect only if the 81st Legislature,

1 Regular Session, 2009, does not enact other legislation that
2 becomes law and that amends Section 61.020, Human Resources Code,
3 to extend the sunset date of the Texas Youth Commission. If the
4 81st Legislature, Regular Session, 2009, enacts legislation of that
5 kind, this section has no effect.

6 SECTION 1.13. TEXAS JUVENILE PROBATION COMMISSION. (a)
7 Section 141.012, Human Resources Code, is amended to read as
8 follows:

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

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

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

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

23 (3) initiatives of the commission and the Texas Youth
24 Commission in coordinating activities and services to better
25 integrate Texas Juvenile Probation Commission, Texas Youth
26 Commission, and county juvenile justice functions, including joint
27 strategic planning, the sharing of youth data across youth-serving

1 agencies, assessment and classification of youth, and collection of
2 data on probation outcomes.

3 (c) In its report to the 82nd Legislature, the sunset
4 commission may include any recommendations it considers
5 appropriate. This subsection and Subsection (b) expire September 1,
6 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 141.012, Human Resources Code,
10 to extend the sunset date of the Texas Juvenile Probation
11 Commission. If the 81st Legislature, Regular Session, 2009, enacts
12 legislation of that kind, this section has no effect.

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

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

22 (b) Notwithstanding Subsection (a), the Sunset Advisory
23 Commission shall focus its review of the office on compliance with
24 requirements placed on the office by legislation enacted by the
25 81st Legislature, Regular Session, 2009, that becomes law. This
26 subsection expires September 1, 2011.

27 (b) This section takes effect only if the 81st Legislature,

1 Regular Session, 2009, does not enact other legislation that
2 becomes law and that amends Section 64.054, Human Resources Code,
3 to extend the sunset date of the Office of Independent Ombudsman for
4 the Texas Youth Commission. If the 81st Legislature, Regular
5 Session, 2009, enacts legislation of that kind, this section has no
6 effect.

7 SECTION 1.15. OFFICE OF PUBLIC INSURANCE COUNSEL. Section
8 501.003, Insurance Code, is amended to read as follows:

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

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

16 (c) The Department of Public Safety of the State of Texas is
17 subject to Chapter 325 (Texas Sunset Act). Unless continued in
18 existence as provided by that chapter, the department is abolished
19 and Subsections (a) and (b) expire 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 411.002, Government Code, to
23 extend the sunset date of the Texas Department of Public Safety. If
24 the 81st Legislature, Regular Session, 2009, enacts legislation of
25 that kind, this section has no effect.

26 Explanation: The changes are necessary to change the sunset
27 review date for various state agencies.

1 (2) House Rule 13, Sections 9(a)(1) and (2), are suspended
2 to permit the committee, in SECTION 1.17 of the bill, to change text
3 that is not in disagreement and to omit text that is not in
4 disagreement by amending Section 7.004, Education Code, to read as
5 follows:

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

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

18 Explanation: The change is necessary to provide for the
19 sunset review of the Texas Education Agency in preparation for the
20 82nd Legislature.

21 (3) House Rule 13, Section 9(a)(4), is suspended to permit
22 the committee to add the following:

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

26 (h) The office of fire fighters' pension commissioner is
27 subject to Chapter 325, Government Code (Texas Sunset Act). Unless

1 continued in existence as provided by that chapter, the office is
2 abolished September 1, 2013 [~~2011~~].

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

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

10 SECTION 2.14. TEXAS DEPARTMENT OF TRANSPORTATION. (a)
11 Section 201.204, Transportation Code, is amended to read as
12 follows:

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

17 (b) This section takes effect only if the 81st Legislature,
18 Regular Session, 2009, does not enact other legislation that
19 becomes law and that amends Section 201.204, Transportation Code,
20 to extend the sunset date of the Texas Department of
21 Transportation. If the 81st Legislature, Regular Session, 2009,
22 enacts legislation of that kind, this section has no effect.

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

26 (b) Unless continued as provided by Chapter 325, Government
27 Code, the duties of the division of workers' compensation of the

1 Texas Department of Insurance under Title 5, Labor Code, expire
2 September 1, 2013 [~~2011~~], or another date designated by the
3 legislature.

4 SECTION 2.16. OFFICE OF INJURED EMPLOYEE COUNSEL. Section
5 404.003, Labor Code, is amended to read as follows:

6 Sec. 404.003. SUNSET PROVISION. The office of injured
7 employee counsel is subject to Chapter 325, Government Code (Texas
8 Sunset Act). Unless continued in existence as provided by that
9 chapter, the office is abolished and this chapter expires September
10 1, 2013 [~~2011~~].

11 Explanation: The changes are necessary to change the sunset
12 review date for various state agencies.