

1-1 By: Nichols S.B. No. 1169
1-2 (In the Senate - Filed February 26, 2009; March 13, 2009,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 24, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 0; April 24, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1169 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to abolishing the Private Sector Prison Industries
1-11 Oversight Authority and to the certification and operation of
1-12 private sector prison industries programs.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Chapter 492, Government Code, is amended by
1-15 adding Section 492.0011 to read as follows:

1-16 Sec. 492.0011. PRIVATE SECTOR PRISON INDUSTRIES PROGRAM
1-17 MANAGEMENT. (a) The board shall approve, certify, and supervise
1-18 private sector prison industries programs operated by the
1-19 department, the Texas Youth Commission, and county correctional
1-20 facilities in accordance with Subchapter C, Chapter 497.

1-21 (b) This section does not authorize the board to direct the
1-22 general operations of or to govern the Texas Youth Commission or
1-23 county correctional facilities in any manner not specifically
1-24 described by Subsection (a).

1-25 SECTION 2. Subsections (a) and (c), Section 492.003,
1-26 Government Code, are amended to read as follows:

1-27 (a) Each member of the board must be representative of the
1-28 general public. A person is not eligible for appointment as a
1-29 member if the person or the person's spouse:

1-30 (1) is a person, other than a judge participating in
1-31 the management of a community supervision and corrections
1-32 department, who is employed by or participates in the management of
1-33 a business entity or other organization regulated by the department
1-34 or receiving funds from the department;

1-35 (2) owns, or controls directly or indirectly, more
1-36 than a 10 percent interest in a business entity or other
1-37 organization regulated by the department or receiving funds from
1-38 the department, including an entity or organization with which the
1-39 department contracts under Subchapter C, Chapter 497; [~~or~~]

1-40 (3) uses or receives a substantial amount of tangible
1-41 goods, services, or funds from the department, other than
1-42 compensation or reimbursement authorized by law for board
1-43 membership, attendance, or expenses; or

1-44 (4) owns, controls directly or indirectly, or is
1-45 employed by a business entity or other organization with which the
1-46 department contracts concerning a private sector prison industries
1-47 program approved and certified by the board under Subchapter C,
1-48 Chapter 497.

1-49 (c) A person may not be a member of the board and may not be a
1-50 department employee employed in a "bona fide executive,
1-51 administrative, or professional capacity," as that phrase is used
1-52 for purposes of establishing an exemption to the overtime
1-53 provisions of the federal Fair Labor Standards Act of 1938 (29
1-54 U.S.C. Section 201 et seq.) and its subsequent amendments, if:

1-55 (1) the person is an officer, employee, or paid
1-56 consultant of a Texas trade association in the field of criminal
1-57 justice or private sector prison industries; or

1-58 (2) the person's spouse is an officer, manager, or paid
1-59 consultant of a Texas trade association in the field of criminal
1-60 justice or private sector prison industries.

1-61 SECTION 3. Section 492.0031, Government Code, is amended by
1-62 adding Subsections (b-1) and (d) to read as follows:

1-63 (b-1) In addition to the information described by

2-1 Subsection (b), the training program must provide the person with
2-2 information regarding:

2-3 (1) the legislative history of Subchapter C, Chapter
2-4 497;

2-5 (2) the history and operation of programs under that
2-6 subchapter; and

2-7 (3) any applicable federal law concerning the
2-8 operation or certification of a program under that subchapter.

2-9 (d) A person who is a member of the board on September 1,
2-10 2009, shall complete the training described by Subsection (b-1) not
2-11 later than January 1, 2010. This subsection expires September 1,
2-12 2011.

2-13 SECTION 4. Subsection (a), Section 497.004, Government
2-14 Code, is amended to read as follows:

2-15 (a) The board may develop by rule and the department may
2-16 administer an incentive pay scale for work program participants
2-17 consistent with rules adopted by the board [~~Private Sector Prison~~
2-18 ~~Industries Oversight Authority~~] under Subchapter C. Prison
2-19 industries may be financed through contributions donated for this
2-20 purpose by private businesses contracting with the department. The
2-21 department shall apportion pay earned by a work program participant
2-22 in the same manner as is required by rules adopted by the board
2-23 [~~Private Sector Prison Industries Oversight Authority~~] under
2-24 Section 497.0581.

2-25 SECTION 5. Subsection (c), Section 497.006, Government
2-26 Code, is amended to read as follows:

2-27 (c) A contract for the provision of services under this
2-28 section must:

2-29 (1) be certified by the board [~~Private Sector Prison~~
2-30 ~~Industries Oversight Authority~~] as complying with all requirements
2-31 of the Private Sector/Prison Industry Enhancement Certification
2-32 Program operated by the Bureau of Justice Assistance and authorized
2-33 by 18 U.S.C. Section 1761, other than a requirement relating to the
2-34 payment of prevailing wages, so long as the contract requires
2-35 payment of not less than the federal minimum wage;

2-36 (2) be certified by the board [authority], under rules
2-37 adopted under Section 497.059, that the contract would not cause
2-38 the loss of existing jobs of a specific type provided by any
2-39 employer [~~the contracting party~~] in this state; and

2-40 (3) be approved by the board.

2-41 SECTION 6. The heading to Subchapter C, Chapter 497,
2-42 Government Code, is amended to read as follows:

2-43 SUBCHAPTER C. PRIVATE SECTOR PRISON INDUSTRIES PROGRAMS [~~OVERSIGHT~~
2-44 ~~AUTHORITY~~]

2-45 SECTION 7. Section 497.051, Government Code, is amended to
2-46 read as follows:

2-47 Sec. 497.051. PURPOSE; DEFINITIONS [~~DEFINITION~~]. (a) The
2-48 board shall [~~Private Sector Prison Industries Oversight Authority~~
2-49 ~~is created to~~] approve, certify, and supervise [~~oversee~~] the
2-50 operation of private sector prison industries programs in the
2-51 department, the Texas Youth Commission, and in county correctional
2-52 facilities in compliance with the federal prison enhancement
2-53 certification program established under 18 U.S.C. Section 1761.
2-54 The board may use board and department employees to [~~executive~~
2-55 ~~director shall~~] provide the [~~authority with~~] clerical and technical
2-56 support [~~as~~] necessary for the board [authority] to perform the
2-57 board's duties under [~~imposed on the authority by~~] this subchapter
2-58 and shall ensure that the department implements the policies
2-59 adopted by the board [authority] that relate to the operation of
2-60 private sector prison industries programs.

2-61 (a-1) The board shall ensure that private sector prison
2-62 industries programs are operated under this subchapter in a manner
2-63 that is designed to avoid the loss of existing jobs for employees in
2-64 this state who are not incarcerated or imprisoned.

2-65 (b) In this subchapter:

2-66 (1) "Governmental entity" means the department, the
2-67 Texas Youth Commission, and any county that operates a private
2-68 sector prison industries program under this subchapter
2-69 ["Authority" means the Private Sector Prison Industries Oversight

3-1 Authority].

3-2 (2) "Participant" means a participant in a private
3-3 sector prison industries program.

3-4 (c) This subchapter does not authorize the board to direct
3-5 the general operations of or to govern the Texas Youth Commission or
3-6 county correctional facilities in any manner not specifically
3-7 described by Subsection (a).

3-8 SECTION 8. Section 497.0527, Government Code, is amended to
3-9 read as follows:

3-10 Sec. 497.0527. COMPLAINTS. (a) The board [authority]
3-11 shall maintain a file on each written complaint filed with the board
3-12 in relation to a private sector prison industries program
3-13 [authority]. The file must include:

3-14 (1) the name of the person who filed the complaint;

3-15 (2) the date the complaint is received by the board
3-16 [authority];

3-17 (3) the subject matter of the complaint;

3-18 (4) the name of each person contacted in relation to
3-19 the complaint;

3-20 (5) a summary of the results of the review or
3-21 investigation of the complaint; and

3-22 (6) an explanation of the reason the file was closed,
3-23 if the board [authority] closed the file without taking action
3-24 other than to investigate the complaint.

3-25 (b) The board [authority] shall provide to the person filing
3-26 the complaint and to each person who is a subject of the complaint a
3-27 copy of the board's [authority's] policies and procedures relating
3-28 to complaint investigation and resolution.

3-29 (c) The board [authority], at least quarterly until final
3-30 disposition of the complaint, shall notify the person filing the
3-31 complaint and each person who is a subject of the complaint of the
3-32 status of the investigation, unless the notice would jeopardize an
3-33 undercover investigation.

3-34 SECTION 9. The heading to Section 497.056, Government Code,
3-35 is amended to read as follows:

3-36 Sec. 497.056. PRIVATE SECTOR PRISON INDUSTRIES [~~EXPANSION~~]
3-37 ACCOUNT.

3-38 SECTION 10. Subsections (b) and (c), Section 497.056,
3-39 Government Code, are amended to read as follows:

3-40 (b) ~~The [To construct more facilities and increase the~~
3-41 ~~number of participants, the]~~ private sector prison industry
3-42 [~~expansion~~] account is created as an account in the general revenue
3-43 fund. Money in the account may be appropriated only to [~~construct~~
3-44 ~~work facilities,~~] recruit corporations to participate as private
3-45 sector industries programs[~~r~~] and pay costs of the board
3-46 [authority] and department in implementing this subchapter,
3-47 including the cost to the department in reimbursing board
3-48 [authority] members [~~and the employer liaison~~] for expenses.

3-49 (c) On each certification by the department that an amount
3-50 has been deposited to the credit of the general revenue fund from
3-51 deductions from participants' wages under Section 497.0581, the
3-52 comptroller shall transfer an equivalent amount from the general
3-53 revenue fund to the private sector prison industry [~~expansion~~]
3-54 account, until the balance in the account is \$1 [~~\$2~~] million. The
3-55 balance of the account may not exceed \$1 million [~~On a certification~~
3-56 ~~occurring when the balance in the account is more than \$2 million,~~
3-57 ~~the comptroller shall transfer to the account an amount equal to~~
3-58 ~~one-half of the amount deposited to the credit of the general~~
3-59 ~~revenue fund from deductions from participants' wages].~~

3-60 SECTION 11. Section 497.057, Government Code, is amended to
3-61 read as follows:

3-62 Sec. 497.057. RULES. The board [authority] shall adopt
3-63 rules as necessary to ensure that the private sector prison
3-64 industries program authorized by this subchapter is in compliance
3-65 with the federal prison enhancement certification program
3-66 established under 18 U.S.C. Section 1761.

3-67 SECTION 12. Subsection (a), Section 497.058, Government
3-68 Code, is amended to read as follows:

3-69 (a) The board [authority] by rule shall require that

4-1 participants at each private sector prison industries program be
4-2 paid not less than the prison industry enhancement certification
4-3 program (PIECP) wage as computed by the Texas Workforce Commission,
4-4 except that:

4-5 (1) the board [authority] may permit employers to pay
4-6 a participant the federal minimum wage for the two-month period
4-7 beginning on the date participation begins; and

4-8 (2) the minimum wage for participants committed to
4-9 [under the supervision of] the Texas Youth Commission, because of
4-10 the age of the participants and the extensive training component of
4-11 their employment, is the federal minimum wage.

4-12 SECTION 13. Section 497.0581, Government Code, is amended
4-13 to read as follows:

4-14 Sec. 497.0581. PARTICIPANT CONTRIBUTIONS; ASSISTANCE
4-15 ACCOUNT. (a) The board [authority] by rule shall determine the
4-16 amount of deductions to be taken from wages received by the
4-17 participant under this subchapter and the disbursement of those
4-18 deductions. The board [authority] may establish deductions for
4-19 participants committed to [under the supervision of] the Texas
4-20 Youth Commission that are different than deductions established for
4-21 other participants in the program. In determining the amount of
4-22 deductions under this section, the board [authority] shall ensure
4-23 that the deductions do not place the private sector prison
4-24 industries programs in the department in noncompliance with the
4-25 federal prison enhancement certification program established under
4-26 18 U.S.C. Section 1761.

4-27 (b) The private sector prison industry crime victims
4-28 assistance account is created as an account in the general revenue
4-29 fund. Money in the account may be appropriated only to the board
4-30 [authority] for the purpose of aiding victims of crime, under rules
4-31 adopted by the board [authority].

4-32 SECTION 14. The heading to Section 497.059, Government
4-33 Code, is amended to read as follows:

4-34 Sec. 497.059. LIMITING IMPACT OF CERTIFICATION ON
4-35 NON-PRISON INDUSTRY.

4-36 SECTION 15. Subsections (a) and (b), Section 497.059,
4-37 Government Code, are amended to read as follows:

4-38 (a) The board [authority] may not grant initial
4-39 certification to a private sector prison industries program if the
4-40 board [authority] determines that the operation of the program
4-41 would result in the loss of existing jobs provided by any [the]
4-42 employer in this state.

4-43 (b) The board [authority] shall adopt rules to determine
4-44 whether a program would cause the loss of existing jobs of a
4-45 specific type provided by an [the] employer in this state.

4-46 SECTION 16. Subchapter C, Chapter 497, Government Code, is
4-47 amended by adding Sections 497.0595 and 497.0596 to read as
4-48 follows:

4-49 Sec. 497.0595. LIMITATION ON CONTRACTS. (a) A
4-50 governmental entity may not enter into a contract or renew a
4-51 contract with an employer for a private sector prison industries
4-52 program under this subchapter if the board determines that the
4-53 contract has negatively affected or would negatively affect any
4-54 employer in this state, including through the loss of existing jobs
4-55 provided by the employer to employees in this state who are not
4-56 incarcerated or imprisoned.

4-57 (b) The board shall adopt rules that establish a procedure
4-58 to be used in making the determination described by Subsection (a).
4-59 The procedure must allow an aggrieved employer in this state to
4-60 submit a sworn statement to the board alleging that the employer has
4-61 been or would be negatively affected by the contract to be entered
4-62 into or renewed.

4-63 (c) For the purposes of this section, a contract does not
4-64 negatively affect an employer if the only negative effect alleged
4-65 in a sworn statement by the employer is the loss of existing jobs
4-66 that, at the time the sworn statement is submitted to the board, are
4-67 performed by workers in a foreign country.

4-68 Sec. 497.0596. NOTICE CONCERNING CERTAIN CONTRACTS.

4-69 (a) Not later than the 60th day before the date a governmental

5-1 entity intends to enter into a contract with an employer for a
5-2 private sector prison industries program under this subchapter, the
5-3 governmental entity shall notify:

5-4 (1) the state senator and state representative in
5-5 whose district the program covered by the contract is or will be
5-6 located;

5-7 (2) the executive heads of the Texas AFL-CIO, the
5-8 Texas Association of Manufacturers, the National Federation of
5-9 Independent Business/Texas, the Texas Association of Business, and
5-10 the Texas Association of Workforce Boards;

5-11 (3) the chamber of commerce in any municipality or
5-12 county in which the program covered by the contract is or will be
5-13 located; and

5-14 (4) any employer that employs persons in this state
5-15 who are not incarcerated or imprisoned and who, as determined under
5-16 rules adopted by the Texas Workforce Commission to implement this
5-17 subdivision:

5-18 (A) perform work in the same job descriptions as
5-19 participants in the program covered by the contract will perform;
5-20 or

5-21 (B) are otherwise engaged in the manufacture of
5-22 the same or a substantially similar product as will be manufactured
5-23 under the contract.

5-24 (b) The notice required by Subsection (a) must include a
5-25 specific description, in plain language and in an easily readable
5-26 and understandable format, of any product that will be manufactured
5-27 under the contract.

5-28 (c) A governmental entity that provides notice under
5-29 Subsection (a) may charge the employer with whom the governmental
5-30 entity intends to enter into the contract for the cost of providing
5-31 that notice.

5-32 SECTION 17. Sections 497.060, 497.061, and 497.062,
5-33 Government Code, are amended to read as follows:

5-34 Sec. 497.060. WORKERS' COMPENSATION. The board [authority]
5-35 by rule shall require private sector prison industries program
5-36 employers to meet or exceed all federal requirements for providing
5-37 compensation to participants injured while working.

5-38 Sec. 497.061. RECIDIVISM STUDIES. The board [authority,
5-39 with the cooperation of the Criminal Justice Policy Council,]
5-40 shall gather data to determine whether participation in a private sector
5-41 prison industries program is a factor that reduces recidivism among
5-42 participants.

5-43 Sec. 497.062. LIMITATION ON NUMBER OF PARTICIPANTS AND COST
5-44 ACCOUNTING CENTERS [, GOALS]. (a) The board [authority] may
5-45 certify [any number of] private sector prison industries programs
5-46 that meet or exceed the requirements of federal law and the rules of
5-47 the board. Except as provided by Subsection (b), the board may not
5-48 allow [authority, but in no event may the authority permit] more
5-49 than 750 [5,000] participants in the program at any one time or
5-50 authorize the operation of more than 11 cost accounting centers at
5-51 any one time.

5-52 (b) The board may allow more than 750 participants in the
5-53 program at one time on a temporary basis if:

5-54 (1) an employer that operates a private sector prison
5-55 industries program requests in writing that the board temporarily
5-56 allow more than 750 participants in the program; and

5-57 (2) the board determines that there is good cause to
5-58 temporarily allow more than 750 participants in the program
5-59 [authority shall establish as a goal that the program have at least
5-60 1,800 participants by January 1, 2006].

5-61 SECTION 18. Subchapter C, Chapter 497, Government Code, is
5-62 amended by adding Sections 497.063 and 497.064 to read as follows:

5-63 Sec. 497.063. CONTRACT REQUIREMENTS. (a) The board shall
5-64 adopt rules requiring a contract entered into by a governmental
5-65 entity concerning a private sector prison industries program
5-66 operated under this subchapter to:

5-67 (1) include specific job descriptions for any work
5-68 that will be performed by participants under the contract;

5-69 (2) include a specific description, in plain language

6-1 and in an easily readable and understandable format, of any product
6-2 that will be manufactured under the contract; and

6-3 (3) charge a private sector prison industries employer
6-4 or other participating entity the fair market value for the lease of
6-5 any property owned by the governmental entity and leased to the
6-6 employer or entity under the contract.

6-7 (b) For the purposes of Subsection (a), "fair market value"
6-8 means an amount or rate that is equal to or greater than the average
6-9 amount or rate paid by the state for the lease of substantially
6-10 similar property.

6-11 Sec. 497.064. AVAILABILITY OF CERTAIN INFORMATION ON
6-12 INTERNET. The board shall make the following information available
6-13 on any publicly accessible Internet website that is maintained by
6-14 the board and contains any information concerning the private
6-15 sector prison industries programs operated under this subchapter:

6-16 (1) a copy of each current contract entered into by a
6-17 governmental entity;

6-18 (2) a list of hourly wages paid to participants under
6-19 each contract described by Subdivision (1); and

6-20 (3) minutes of any meeting of the board in which the
6-21 board discusses or takes action concerning:

6-22 (A) the board's powers and duties under this
6-23 subchapter; or

6-24 (B) one or more private sector prison industries
6-25 programs operated under this subchapter.

6-26 SECTION 19. Subchapter A, Chapter 302, Labor Code, is
6-27 amended by adding Section 302.016 to read as follows:

6-28 Sec. 302.016. RULES REGARDING PRIVATE SECTOR PRISON
6-29 INDUSTRIES PROGRAMS. The commission shall adopt rules necessary to
6-30 implement Section 497.0596(a)(4), Government Code.

6-31 SECTION 20. Sections 497.009, 497.052, 497.0521, 497.0522,
6-32 497.0523, 497.0524, 497.0525, 497.0526, 497.053, 497.054, and
6-33 497.055, Government Code, are repealed.

6-34 SECTION 21. (a) On the date on which the Texas Board of
6-35 Criminal Justice is designated as the certificate holder for this
6-36 state by the Bureau of Justice Assistance, the Private Sector
6-37 Prison Industries Oversight Authority is abolished and all powers,
6-38 duties, obligations, rights, contracts, appropriations, records,
6-39 real or personal property, and personnel of the Private Sector
6-40 Prison Industries Oversight Authority are transferred to the Texas
6-41 Board of Criminal Justice in accordance with Subchapter C, Chapter
6-42 497, Government Code, as amended by this Act. Notwithstanding any
6-43 other provision of this Act, before the date on which the Texas
6-44 Board of Criminal Justice is designated as the certificate holder
6-45 for this state by the Bureau of Justice Assistance, the Private
6-46 Sector Prison Industries Oversight Authority shall continue to
6-47 fulfill all duties and exercise all powers given to the authority
6-48 under Subchapter C, Chapter 497, Government Code, as that law
6-49 existed immediately before the effective date of this Act, and the
6-50 former law is continued in effect for that purpose.

6-51 (b) A rule, policy, procedure, or decision of the Private
6-52 Sector Prison Industries Oversight Authority continues in effect as
6-53 a rule, policy, procedure, or decision of the Texas Board of
6-54 Criminal Justice until repealed or otherwise superseded by an act
6-55 of the board.

6-56 (c) On or after the date on which the Texas Board of Criminal
6-57 Justice is designated as the certificate holder for this state by
6-58 the Bureau of Justice Assistance, a reference in law to the Private
6-59 Sector Prison Industries Oversight Authority means the Texas Board
6-60 of Criminal Justice.

6-61 SECTION 22. (a) Except as provided by Subsection (d),
6-62 Section 492.0031, Government Code, as added by this Act, Subsection
6-63 (c), Section 492.003, Governmental Code, as amended by this Act,
6-64 and Subsection (b-1), Section 492.0031, Government Code, as added
6-65 by this Act, apply only to a member of the Texas Board of Criminal
6-66 Justice who is appointed on or after the effective date of this Act.
6-67 Except as provided by Subsection (d), Section 492.0031, Government
6-68 Code, as added by this Act, a member who is appointed to the board
6-69 before the effective date of this Act is governed by the law in

7-1 effect when the member was appointed, and the former law is
7-2 continued in effect for that purpose.

7-3 (b) As soon as practicable after the effective date of this
7-4 Act and not later than January 1, 2010, the Texas Workforce
7-5 Commission shall adopt rules as required by Section 302.016, Labor
7-6 Code, as added by this Act.

7-7 (c) Subsection (a-1), Section 497.051, Government Code, as
7-8 added by this Act, applies only to the operation of a private sector
7-9 prison industries program that is certified on or after the
7-10 effective date of this Act or to a private sector prison industries
7-11 program that was certified before the effective date of this Act but
7-12 is not in operation on the effective date of this Act. Subsection
7-13 (a-1), Section 497.051, Government Code, as added by this Act, does
7-14 not apply to the operation of a private sector prison industries
7-15 program that was certified before the effective date of this Act and
7-16 is in operation on the effective date of this Act. The operation of
7-17 that program is governed by the law in effect when the program was
7-18 certified, and the former law is continued in effect for that
7-19 purpose.

7-20 (d) Section 497.059, Government Code, as amended by this
7-21 Act, applies only to the certification of a private sector prison
7-22 industries program that occurs on or after the effective date of
7-23 this Act. The certification of a private sector prison industries
7-24 program that occurs before the effective date of this Act is
7-25 governed by the law in effect when the program was certified, and
7-26 the former law is continued in effect for that purpose.

7-27 (e) Sections 497.0595 and 497.0596, Government Code, as
7-28 added by this Act, apply only to a contract that is entered into or
7-29 renewed in connection with a private sector prison industries
7-30 program that is certified on or after the effective date of this Act
7-31 or a private sector prison industries program that was certified
7-32 before the effective date of this Act but is not in operation on the
7-33 effective date of this Act. A contract that is entered into or
7-34 renewed in connection with a private sector prison industries
7-35 program that was certified before the effective date of this Act and
7-36 is in operation on the effective date of this Act is governed by the
7-37 law in effect when the program was certified, and the former law is
7-38 continued in effect for that purpose.

7-39 (f) A rule adopted by the Texas Board of Criminal Justice
7-40 under Section 497.063, Government Code, as added by this Act,
7-41 applies only to a contract in connection with a private sector
7-42 prison industries program that is certified on or after the
7-43 effective date of this Act or to a contract in connection with a
7-44 private sector prison industries program that was certified before
7-45 the effective date of this Act but is not in operation on the
7-46 effective date of this Act.

7-47 SECTION 23. This Act takes effect immediately if it
7-48 receives a vote of two-thirds of all the members elected to each
7-49 house, as provided by Section 39, Article III, Texas Constitution.
7-50 If this Act does not receive the vote necessary for immediate
7-51 effect, this Act takes effect September 1, 2009.

7-52 * * * * *