

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

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