

SENATE AMENDMENTS

2nd Printing

By: Isett, McCall

H.B. No. 1959

A BILL TO BE ENTITLED

AN ACT

relating to the governmental entities subject to the sunset review process.

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

ARTICLE 1. ENTITIES GIVEN 2011 SUNSET DATE

SECTION 1.01. TEXAS FOREST SERVICE. Subchapter B, Chapter 88, Education Code, is amended by adding Section 88.1016 to read as follows:

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

SECTION 1.02. Section 12.005, Utilities Code, is amended to read as follows:

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

(b) The Sunset Advisory Commission shall conduct a special-purpose review of the Electric Reliability Council of Texas as part of the commission's review of the Public Utility Commission of Texas for the 82nd Legislature. The sunset commission's report to the 82nd Legislature regarding the review must include an

1 assessment of the governance, management, and operating structure
2 of the council and the council's compliance with the duties and
3 requirements placed on it by the legislature and the Public Utility
4 Commission of Texas. The sunset commission's report under this
5 subsection may include any recommendations it considers
6 appropriate. This subsection expires September 1, 2011.

7 ARTICLE 2. ENTITIES GIVEN 2013 SUNSET DATE

8 SECTION 2.01. 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
11 Agency is subject to Chapter 325, Government Code (Texas Sunset
12 Act). Unless continued in existence as provided by that chapter,
13 the agency is abolished September 1, 2013 ~~[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 (b) The Sunset Advisory Commission shall conduct a
21 special-purpose review of the Texas Education Agency as part of the
22 commission's review of agencies for the 82nd Legislature. The
23 commission's report to the 82nd Legislature regarding the review of
24 the Texas Education Agency must include an assessment of the
25 agency's compliance with mandates and requirements contained in
26 legislation passed by the 79th, 80th, and 81st Legislatures. This
27 subsection expires September 1, 2011.

1 SECTION 2.02. TRANSFER OF PURCHASING POWERS TO THE
2 COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS. Sections
3 2151.0041(b) and (c), Government Code, are amended to read as
4 follows:

5 (b) The Sunset Advisory Commission shall evaluate the
6 transfer of powers and duties to the comptroller under Section
7 2151.004(d) and under House Bill 3560, Acts of the 80th
8 Legislature, Regular Session, 2007, and present to the 83rd [~~82nd~~]
9 Legislature a report on its evaluation and recommendations in
10 relation to the transfer. The comptroller shall perform all duties
11 in relation to the evaluation that a state agency subject to review
12 under Chapter 325 would perform in relation to a review.

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

15 (1) the powers and duties transferred to the
16 comptroller under Section 2151.004(d) and under House Bill 3560,
17 Acts of the 80th Legislature, Regular Session, 2007, are
18 transferred to the Texas Facilities Commission;

19 (2) a reference in law to the comptroller relating to a
20 power or duty transferred under this subsection means the Texas
21 Facilities Commission;

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

26 (4) all obligations, contracts, proceedings, cases,
27 negotiations, funds, and employees of the comptroller relating to a

1 power or duty transferred under this subsection are transferred to
2 the Texas Facilities Commission;

3 (5) all property and records in the custody of the
4 comptroller relating to a power or duty transferred under this
5 subsection and all funds appropriated by the legislature for
6 purposes related to a power or duty transferred under this
7 subsection are transferred to the Texas Facilities Commission; and

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

- 10 (A) Sections 2151.004(c) and (d);
- 11 (B) Section 2155.0011;
- 12 (C) Section 2155.086;
- 13 (D) Section 2155.087;
- 14 (E) Section 2156.0011;
- 15 (F) Section 2157.0011;
- 16 (G) Section 2158.0011;
- 17 (H) Section 2161.0011;
- 18 (I) Section 2163.0011;
- 19 (J) Section 2170.0011;
- 20 (K) Section 2171.0011;
- 21 (L) Section 2172.0011;
- 22 (M) Section 2176.0011;
- 23 (N) Section 2177.0011; and
- 24 (O) Section 2262.0011.

25 SECTION 2.03. TEXAS COUNCIL ON PURCHASING FROM PEOPLE WITH
26 DISABILITIES. Section 122.006, Human Resources Code, is amended to
27 read as follows:

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

6 ARTICLE 3. EFFECTIVE DATE

7 SECTION 3.01. EFFECTIVE DATE. This Act takes effect
8 immediately if it receives a vote of two-thirds of all the members
9 elected to each house, as provided by Section 39, Article III, Texas
10 Constitution. If this Act does not receive the vote necessary for
11 immediate effect, this Act takes effect September 1, 2009.

ADOPTED

MAY 23 2009

Leroy Spaul
Secretary of the Senate

By: Isett / Hegar

H.B. No. 1959

Substitute the following for H.B. No. 1959:

By: *[Signature]*

C.S.H.B. No. 1959

A BILL TO BE ENTITLED

1 AN ACT

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 ARTICLE 2. ENTITIES GIVEN 2013 SUNSET DATE

12 SECTION 2.01. TEXAS EDUCATION AGENCY. Section 7.004,
13 Education Code, is amended to read as follows:

14 Sec. 7.004. SUNSET PROVISION. (a) The Texas Education Agency
15 is subject to Chapter 325, Government Code (Texas Sunset Act).
16 Unless continued in existence as provided by that chapter, the
17 agency is abolished September 1, 2013 [2012]. [~~In the review of
18 the agency by the Sunset Advisory Commission, as required by this
19 section, the sunset commission shall limit its review to the
20 appropriateness of recommendations made by the sunset commission to
21 the 79th Legislature. In the Sunset Advisory Commission's report
22 to the 80th Legislature, the sunset commission may include any
23 recommendations it considers appropriate.]~~

24 (b) The Sunset Advisory Commission shall conduct a special-
25 purpose review of the Texas Education Agency as part of the

1 commission's review of agencies for the 82nd Legislature. The
2 commission's report to the 82nd Legislature regarding the review of
3 the Texas Education Agency must include an assessment of the
4 agency's compliance with mandates and requirements contained in
5 legislation passed by the 79th, 80th, and 81st Legislatures. This
6 subsection expires September 1, 2011.

7 SECTION 2.02. TEXAS BOARD OF CRIMINAL JUSTICE AND TEXAS
8 DEPARTMENT OF CRIMINAL JUSTICE. Section 492.012, Government Code,
9 is amended to read as follows:

10 Sec. 492.012. SUNSET PROVISION. The Texas Board of Criminal
11 Justice and the Texas Department of Criminal Justice are subject to
12 Chapter 325 (Texas Sunset Act). Unless continued in existence as
13 provided by that chapter, the board and the department are
14 abolished September 1, 2013 [~~2011~~].

15 SECTION 2.03. HEALTH AND HUMAN SERVICES COMMISSION. Section
16 531.004, Government Code, is amended to read as follows:

17 Sec. 531.004. SUNSET PROVISION. The Health and Human
18 Services Commission is subject to Chapter 325 (Texas Sunset
19 Act). Unless continued in existence as provided by that chapter,
20 the commission is abolished and this chapter expires September 1,
21 2013 [~~2011~~].

22 SECTION 2.04. TRANSFER OF PURCHASING POWERS TO THE
23 COMPTROLLER OF PUBLIC ACCOUNTS OF THE STATE OF TEXAS. Sections
24 2151.0041(b) and (c), Government Code, are amended to read as
25 follows:

1 (b) The Sunset Advisory Commission shall evaluate the
2 transfer of powers and duties to the comptroller under Section
3 2151.004(d) and under House Bill 3560, Acts of the 80th
4 Legislature, Regular Session, 2007, and present to the 83rd [~~82nd~~]
5 Legislature a report on its evaluation and recommendations in
6 relation to the transfer. The comptroller shall perform all duties
7 in relation to the evaluation that a state agency subject to review
8 under Chapter 325 would perform in relation to a review.

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

11 (1) the powers and duties transferred to the comptroller
12 under Section 2151.004(d) and under House Bill 3560, Acts of the
13 80th Legislature, Regular Session, 2007, are transferred to the
14 Texas Facilities Commission;

15 (2) a reference in law to the comptroller relating to a
16 power or duty transferred under this subsection means the Texas
17 Facilities Commission;

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

22 (4) all obligations, contracts, proceedings, cases,
23 negotiations, funds, and employees of the comptroller relating to a
24 power or duty transferred under this subsection are transferred to
25 the Texas Facilities Commission;

1 (5) all property and records in the custody of the
2 comptroller relating to a power or duty transferred under this
3 subsection and all funds appropriated by the legislature for
4 purposes related to a power or duty transferred under this
5 subsection are transferred to the Texas Facilities Commission; and

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

- 8 (A) Sections 2151.004(c) and (d);
9 (B) Section 2155.0011;
10 (C) Section 2155.086;
11 (D) Section 2155.087;
12 (E) Section 2156.0011;
13 (F) Section 2157.0011;
14 (G) Section 2158.0011;
15 (H) Section 2161.0011;
16 (I) Section 2163.0011;
17 (J) Section 2170.0011;
18 (K) Section 2171.0011;
19 (L) Section 2172.0011;
20 (M) Section 2176.0011;
21 (N) Section 2177.0011; and
22 (O) Section 2262.0011.

23 SECTION 2.05. TEXAS HEALTH SERVICES AUTHORITY. Section
24 182.052, Health and Safety Code, is amended to read as follows:

25 Sec. 182.052. APPLICATION OF SUNSET ACT. The corporation is

1 subject to Chapter 325, Government Code. Unless continued in
2 existence as provided by that chapter, the corporation is abolished
3 and this chapter expires September 1, 2013 [~~2011~~]. The governor
4 may order the dissolution of the corporation at any time the
5 governor declares that the purposes of the corporation have been
6 fulfilled or that the corporation is inoperative or abandoned.

7 SECTION 2.06. DEPARTMENT OF STATE HEALTH SERVICES. Section
8 1001.003, Health and Safety Code, is amended to read as follows:

9 Sec. 1001.003. SUNSET PROVISION. The Department of State
10 Health Services is subject to Chapter 325, Government Code (Texas
11 Sunset Act). Unless continued in existence as provided by that
12 chapter, the department is abolished and this chapter expires
13 September 1, 2013 [~~2011~~].

14 SECTION 2.07. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES.
15 Section 40.003, Human Resources Code, is amended to read as
16 follows:

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

22 SECTION 2.08. TEXAS COUNCIL FOR DEVELOPMENTAL DISABILITIES.
23 Section 112.023, Human Resources Code, is amended to read as
24 follows:

25 Sec. 112.023. SUNSET PROVISION. The Texas Council for

1 Developmental Disabilities is subject to Chapter 325, Government
2 Code (Texas Sunset Act). Unless continued in existence as provided
3 by that chapter, the council is abolished and this chapter expires
4 September 1, 2013 [~~2011~~].

5 SECTION 2.09. GOVERNOR'S COMMITTEE ON PEOPLE WITH
6 DISABILITIES. Section 115.005, Human Resources Code, is amended to
7 read as follows:

8 Sec. 115.005. SUNSET PROVISION. The Governor's Committee on
9 People with Disabilities is subject to Chapter 325, Government Code
10 (Texas Sunset Act). Unless continued in existence as provided by
11 that chapter, the committee is abolished and this chapter expires
12 September 1, 2013 [~~2011~~].

13 SECTION 2.10. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE
14 SERVICES. Section 117.003, Human Resources Code, is amended to
15 read as follows:

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

21 SECTION 2.11. TEXAS COUNCIL ON PURCHASING FROM PEOPLE WITH
22 DISABILITIES. Section 122.006, Human Resources Code, is amended to
23 read as follows:

24 Sec. 122.006. SUNSET PROVISION. The Texas Council on
25 Purchasing from People with Disabilities is subject to Chapter 325,

1 Government Code (Texas Sunset Act). Unless continued in existence
2 as provided by that chapter, the council is abolished and this
3 chapter expires September 1, 2013 [~~2015~~].

4 SECTION 2.12. DEPARTMENT OF AGING AND DISABILITY SERVICES.
5 Section 161.003, Human Resources Code, is amended to read as
6 follows:

7 Sec. 161.003. SUNSET PROVISION. The Department of Aging and
8 Disability Services is subject to Chapter 325, Government Code
9 (Texas Sunset Act). Unless continued in existence as provided by
10 that chapter, the department is abolished and this chapter expires
11 September 1, 2013 [~~2014~~].

12 ARTICLE 3. SPECIAL-PURPOSE REVIEW

13 SECTION 3.01. REVIEW OF METROPOLITAN RAPID TRANSIT AUTHORITY.
14 Subchapter A, Chapter 451, Transportation Code, is amended by
15 adding Section 451.004 to read as follows:

16 Sec. 451.004. SUNSET REVIEW. (a) An authority confirmed
17 before July 1, 1985, in which the principal municipality has a
18 population of less than 750,000 is subject to review under Chapter
19 325, Government Code (Texas Sunset Act), as if it were a state
20 agency but is not abolished under that chapter. The authority
21 shall cooperate with the Sunset Advisory Commission in performing
22 the review in the manner required by Chapter 325, Government Code
23 (Texas Sunset Act), as if the authority were a state agency
24 scheduled to be abolished.

25 (b) The authority shall be reviewed during the periods in

1 which state agencies scheduled to be abolished in 2011 and in 2017
2 are reviewed.

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

7 (d) The authority shall pay the cost incurred by the Sunset
8 Advisory Commission in performing a review of the authority under
9 this section. The Sunset Advisory Commission shall determine the
10 cost of the review and submit a statement detailing the cost of the
11 review to the authority. The authority shall promptly pay the cost
12 of the review on receipt of the statement.

13 ARTICLE 4. CHANGE TO SUNSET ACT

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

17 Sec. 325.0127. AGENCIES REVIEWED FOR THE 81ST LEGISLATURE.
18 For a state agency that was reviewed by the commission in
19 preparation for the work of the 81st Legislature in Regular Session
20 and the abolition date of which was extended to 2011, the
21 commission shall limit its review of the agency in preparation for
22 the work of the 82nd Legislature in Regular Session to the
23 appropriateness of recommendations made by the commission to the
24 81st Legislature. In the commission's report to the 82nd
25 Legislature, the commission may include any recommendations it

1 considers appropriate. This section expires September 1, 2011.

2 ARTICLE 5. EFFECTIVE DATE

3 SECTION 5.01. EFFECTIVE DATE. This Act takes effect
4 immediately if it receives a vote of two-thirds of all the members
5 elected to each house, as provided by Section 39, Article III,
6 Texas Constitution. If this Act does not receive the vote
7 necessary for immediate effect, this Act takes effect September 1,
8 2009.

ADOPTED

MAY 23 2009

Lataj Shaw
Secretary of the Senate

Sten Hegar

FLOOR AMENDMENT NO. 1

BY: _____

1 Amend C.S.H.B. No. 1959 (senate committee printing) by adding
2 the following appropriately numbered Article to the bill and
3 renumbering existing Articles of the bill accordingly:

4 ARTICLE ____ . ENTITIES WITH UNCHANGED 2009 SUNSET DATE

5 SECTION ____ .01. TEXAS RESIDENTIAL CONSTRUCTION COMMISSION.

6 (a) This section takes effect only if the Texas Residential
7 Construction Commission is not continued in existence by another
8 Act of the 81st Legislature, Regular Session, and Title 16,
9 Property Code, expires on September 1, 2009.

10 (b) Notwithstanding Section 325.017, Government Code:

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

15 (2) until February 1, 2010, the commission shall
16 continue to handle requests for state-sponsored inspection and
17 dispute resolution submitted to the commission before September 1,
18 2009, in accordance with this section.

19 (c) Except as provided by this section, a request for
20 state-sponsored inspection and dispute resolution submitted to the
21 Texas Residential Construction Commission before September 1,
22 2009, is governed by the law applicable to the request immediately
23 before September 1, 2009.

24 (d) The parties to a request for state-sponsored inspection
25 and dispute resolution submitted to the Texas Residential
26 Construction Commission before September 1, 2009, may, but are not
27 required to, continue to participate in the state-sponsored
28 inspection and dispute resolution process, as it existed
29 immediately before September 1, 2009, until January 31, 2010.

1 (e) Notwithstanding Chapter 27, Property Code, on and after
2 September 1, 2009, a party to a dispute that is the subject of a
3 request for state-sponsored inspection and dispute resolution
4 submitted to the Texas Residential Construction Commission before
5 September 1, 2009, may file an action arising out of the alleged
6 construction defect that is the subject of the dispute before the
7 later of:

8 (1) the expiration of the applicable statute of
9 limitations; or

10 (2) the earlier of:

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

14 (B) March 15, 2010.

15 (f) The Texas Residential Construction Commission may not
16 refund any fees paid in connection with a request for
17 state-sponsored inspection and dispute resolution filed with the
18 commission before September 1, 2009.

19 (g) Until February 1, 2010, the Texas Residential
20 Construction Commission shall maintain existing contractual
21 relationships with third-party inspectors for the purposes of
22 continuing the state-sponsored inspection and dispute resolution
23 process for requests submitted before September 1, 2009. On and
24 after September 1, 2009, a third-party inspector who performs
25 inspections and issues reports in connection with a request for
26 state-sponsored inspection and dispute resolution submitted before
27 September 1, 2009, must meet the requirements of Title 16, Property
28 Code, except that a third-party inspector is not required to submit
29 an annual application or fee under Section 427.001, Property Code,
30 as that section existed immediately before September 1, 2009.

31 (h) For the purposes of Section 27.004, Property Code, for a

1 claim that was subject to Chapter 27 and Subtitle D, Title 16,
2 Property Code, immediately before September 1, 2009, and for which
3 a request for state-sponsored inspection and dispute resolution was
4 not filed under that subtitle before September 1, 2009, notice must
5 be given in the same manner and in the same time as is required by
6 that section for a claim not subject to Subtitle D, Title 16, and
7 any deadline under Section 27.004, Property Code, that applies with
8 respect to the claim shall be computed as if the claim were not
9 subject to Subtitle D, Title 16, Property Code.

10 (i) For the purposes of Section 27.0042, Property Code, if a
11 request for state-sponsored inspection and dispute resolution is
12 filed before September 1, 2009, and a final, unappealable
13 determination is not received before February 1, 2010, a final,
14 unappealable determination is considered to have been received on
15 February 1, 2010.

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

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: 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.),
As Passed 2nd House

Estimated Two-year Net Impact to General Revenue Related Funds for HB1959, As Passed 2nd House: a negative impact of (\$7,828,087) through the biennium ending August 31, 2011.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$5,787,190)
2011	(\$2,040,897)
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings from <i>General Revenue Fund</i> 1	Probable Revenue (Loss) from <i>General Revenue Fund</i> 1
2010	\$5,244,810	(\$11,032,000)
2011	\$8,991,103	(\$11,032,000)
2012	\$0	\$0
2013	\$0	\$0
2014	\$0	\$0

Fiscal Analysis

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, 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 2013.

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.

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

Methodology

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. Based on the Comptroller's Biennial Revenue Estimate for the 2010-11 biennium, TRCC fee revenue collections are estimated to be \$11,032,000 in each year of the biennium. Based on General Revenue appropriations to TRCC of \$8,991,102 for fiscal year 2010 and \$8,991,103 in fiscal year 2011, included in the Conference Committee Report on Senate Bill 1, General Appropriations Bill for the 2010-11 biennium, it is assumed the provisions of the bill would result in a savings of \$5,244,810 (\$8,991,102 - \$3,746,293, it should be noted that \$3,746,293 represents 5 months of fiscal year 2010 appropriations) in fiscal year 2010 and a savings of \$8,991,103 in fiscal year 2011.

The Sunset Advisory Commission has indicated that provisions of the bill, other than those dealing with the TRCC, would be implemented within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission

LBB Staff: JOB, KK, MS, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 22, 2009

TO: Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

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.),
Committee Report 2nd House, Substituted

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, 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 2013.

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.

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 fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission

LBB Staff: JOB, KK, MS, KJG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 11, 2009

TO: Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

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.),
As Engrossed

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 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 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 fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission

LBB Staff: JOB, KK, MS, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 26, 2009

TO: Honorable Burt R. Solomons, Chair, House Committee on State Affairs

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.),
Committee Report 1st House, Substituted

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 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 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 fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission

LBB Staff: JOB, MS, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 5, 2009

TO: Honorable Burt R. Solomons, Chair, House Committee on State Affairs

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.),
As Introduced

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

Source Agencies: 116 Sunset Advisory Commission

LBB Staff: JOB, KJG, MS

