

**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

ARTICLE \_\_. ENTITIES WITH UNCHANGED 2009  
SUNSET DATE

No equivalent provision.

SECTION \_\_.01. TEXAS RESIDENTIAL  
CONSTRUCTION COMMISSION. (a) This section  
takes effect only if the Texas Residential Construction  
Commission is not continued in existence by another Act  
of the 81st Legislature, Regular Session, and Title 16,  
Property Code, expires on September 1, 2009.  
(b) Notwithstanding Section 325.017, Government  
Code:  
(1) on September 1, 2009, the Texas Residential  
Construction Commission has no responsibility or  
authority to regulate or take enforcement action against  
builders, third-party warranty companies, or arbitrators;  
and  
(2) until February 1, 2010, the commission shall  
continue to handle requests for state-sponsored  
inspection and dispute resolution submitted to the  
commission before September 1, 2009, in accordance  
with this section.  
(c) Except as provided by this section, a request for  
state-sponsored inspection and dispute resolution  
submitted to the Texas Residential Construction  
Commission before September 1, 2009, is governed by  
the law applicable to the request immediately before  
September 1, 2009.  
(d) The parties to a request for state-sponsored

**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

inspection and dispute resolution submitted to the Texas Residential Construction Commission before September 1, 2009, may, but are not required to, continue to participate in the state-sponsored inspection and dispute resolution process, as it existed immediately before September 1, 2009, until January 31, 2010.

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

(1) the expiration of the applicable statute of limitations;

or

(2) the earlier of:

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

(B) March 15, 2010.

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

(g) Until February 1, 2010, the Texas Residential Construction Commission shall maintain existing contractual relationships with third-party inspectors for the purposes of continuing the state-sponsored inspection

**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

and dispute resolution process for requests submitted before September 1, 2009. On and after September 1, 2009, a third-party inspector who performs inspections and issues reports in connection with a request for state-sponsored inspection and dispute resolution submitted before September 1, 2009, must meet the requirements of Title 16, Property Code, except that a third-party inspector is not required to submit an annual application or fee under Section 427.001, Property Code, as that section existed immediately before September 1, 2009.

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

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

(j) It is the intent of the legislature that the rights, duties,

**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

and obligations of parties to litigation pending on September 1, 2009, or to a cause of action that accrues before September 1, 2009, are not substantively impaired by the expiration of Title 16, Property Code. A court shall exercise its equitable jurisdiction to effectuate that intent.

ARTICLE 1. ENTITIES GIVEN 2011 SUNSET DATE

Same as House version.

No equivalent provision.

SECTION 1.01. STATE SOIL AND WATER CONSERVATION BOARD. Section 201.025, Agriculture Code, is amended to read as follows:  
Sec. 201.025. SUNSET PROVISION. The State Soil and Water Conservation 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 chapter expires September 1, 2011 [~~2013~~].

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

SECTION 1.02. Same as House version.

**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

provided by that chapter, the Texas Forest Service is abolished September 1, 2011.

No equivalent provision.

SECTION 1.03. ON-SITE WASTEWATER TREATMENT RESEARCH COUNCIL. Section 367.003, Health and Safety Code, is amended to read as follows:

Sec. 367.003. APPLICATION OF SUNSET ACT. (a) The council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2011 [~~2013~~].

(b) If this chapter expires under Subsection (a), uncommitted money in the on-site wastewater treatment research account shall be deposited to the credit of the general revenue fund.

No equivalent provision.

SECTION 1.04. COASTAL COORDINATION COUNCIL. Section 33.211, Natural Resources Code, is amended to read as follows:

Sec. 33.211. SUNSET PROVISION. The Coastal Coordination Council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this subchapter expires September 1, 2011 [~~2013~~].

**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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 assessment of the governance, management, and operating structure of the council and the council's compliance with the duties and requirements placed on it by the legislature and the Public Utility Commission of Texas. The sunset commission's report under this subsection may include any recommendations it considers appropriate.

This subsection expires September 1, 2011.

SENATE VERSION

SECTION 1.05. PUBLIC UTILITY COMMISSION OF TEXAS. 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 assessment of the governance, management, and operating structure of the council and the council's compliance with the duties and requirements placed on it by the legislature and the Public Utility Commission of Texas. The sunset commission's report under this subsection may include any recommendations it considers appropriate. The council shall pay the cost incurred by the Sunset Advisory Commission in performing the special-purpose review of the council under this subsection. The Sunset Advisory Commission shall determine the cost of the review and submit a statement detailing the cost of the review to the council. The council shall promptly pay the cost of the review on receipt of the statement. This subsection expires

CONFERENCE

**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

September 1, 2011.

No equivalent provision.

SECTION 1.06. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. Section 5.014, Water Code, is amended to read as follows:

Sec. 5.014. SUNSET PROVISION. The Texas Natural Resource Conservation 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 [~~2013~~].

No equivalent provision.

SECTION 1.07. TEXAS WATER DEVELOPMENT BOARD. Section 6.013, Water Code, is amended to read as follows:

Sec. 6.013. SUNSET PROVISION. The Texas Water Development Board is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The board shall be reviewed during the period in which state agencies abolished in 2011 [~~2013~~] and every 12th year after 2011 [~~2013~~] are reviewed.

No equivalent provision.

SECTION 1.08. RAILROAD COMMISSION OF TEXAS. Article 6445a, Revised Statutes, is amended to read as follows:

**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Art. 6445a. SUNSET PROVISION. The Railroad Commission of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, 2011 [2013].

ARTICLE 2. ENTITIES GIVEN 2013 SUNSET DATE

Same as House version.

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

SECTION 2.01. Same as House version.

Sec. 7.004. SUNSET PROVISION. (a)

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

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



**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

No equivalent provision.

No equivalent provision.

SENATE VERSION

SECTION 2.02. TEXAS BOARD OF CRIMINAL JUSTICE AND TEXAS DEPARTMENT OF CRIMINAL JUSTICE. Section 492.012, Government Code, is amended to read as follows:  
Sec. 492.012. SUNSET PROVISION. The Texas Board of Criminal Justice and the Texas Department of Criminal Justice are subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2013 [~~2011~~].

SECTION 2.03. HEALTH AND HUMAN SERVICES COMMISSION. Section 531.004, Government Code, is amended to read as follows:  
Sec. 531.004. SUNSET PROVISION. The Health and Human Services Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished

CONFERENCE

**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

and this chapter expires September 1, 2013 [~~2014~~].

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

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

(c) Unless otherwise provided by the legislature by law, on September 1, 2013 [~~2014~~]:

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

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

(3) a rule or form adopted by the comptroller relating to a power or duty transferred under this subsection is a rule or form of the Texas Facilities Commission and remains

SECTION 2.04. Same as House version.

**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

in effect until altered by the commission;

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

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

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

- (A) Sections 2151.004(c) and (d);
- (B) Section 2155.0011;
- (C) Section 2155.086;
- (D) Section 2155.087;
- (E) Section 2156.0011;
- (F) Section 2157.0011;
- (G) Section 2158.0011;
- (H) Section 2161.0011;
- (I) Section 2163.0011;
- (J) Section 2170.0011;
- (K) Section 2171.0011;
- (L) Section 2172.0011;
- (M) Section 2176.0011;
- (N) Section 2177.0011; and
- (O) Section 2262.0011.

**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION 2.05. TEXAS HEALTH SERVICES AUTHORITY. Section 182.052, Health and Safety Code, is amended to read as follows:  
Sec. 182.052. APPLICATION OF SUNSET ACT. The corporation is subject to Chapter 325, Government Code. Unless continued in existence as provided by that chapter, the corporation is abolished and this chapter expires September 1, 2013 [2014]. The governor may order the dissolution of the corporation at any time the governor declares that the purposes of the corporation have been fulfilled or that the corporation is inoperative or abandoned.

No equivalent provision.

SECTION 2.06. DEPARTMENT OF STATE HEALTH SERVICES. Section 1001.003, Health and Safety Code, is amended to read as follows:  
Sec. 1001.003. SUNSET PROVISION. The Department of State Health Services is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2013 [2014].

No equivalent provision.

SECTION 2.07. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. Section 40.003, Human

**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Resources Code, is amended to read as follows:  
Sec. 40.003. SUNSET PROVISION. The Department of Family and Protective Services is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2013 [~~2014~~].

No equivalent provision.

SECTION 2.08. TEXAS COUNCIL FOR DEVELOPMENTAL DISABILITIES. Section 112.023, Human Resources Code, is amended to read as follows:  
Sec. 112.023. SUNSET PROVISION. The Texas Council for Developmental Disabilities is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2013 [~~2014~~].

No equivalent provision.

SECTION 2.09. GOVERNOR'S COMMITTEE ON PEOPLE WITH DISABILITIES. Section 115.005, Human Resources Code, is amended to read as follows:  
Sec. 115.005. SUNSET PROVISION. The Governor's Committee on People with Disabilities 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

**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

expires September 1, 2013 [~~2014~~].

No equivalent provision.

SECTION 2.10. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES. Section 117.003, Human Resources Code, is amended to read as follows:  
Sec. 117.003. SUNSET PROVISION. The Department of Assistive and Rehabilitative Services is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2013 [~~2014~~].

SECTION 2.03. TEXAS COUNCIL ON PURCHASING FROM PEOPLE WITH DISABILITIES. Section 122.006, Human Resources Code, is amended to read as follows:  
Sec. 122.006. SUNSET PROVISION. The Texas Council on Purchasing from People with Disabilities is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2013 [~~2015~~].

SECTION 2.11. Same as House version.

No equivalent provision.

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

**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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

No equivalent provision.

ARTICLE 3. SPECIAL-PURPOSE REVIEW

No equivalent provision.

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

Sec. 451.004. SUNSET REVIEW. (a) An authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 750,000 is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if it were a state agency but is not abolished under that chapter. The authority shall cooperate with the Sunset Advisory Commission in performing the review in the manner required by Chapter 325, Government Code (Texas Sunset Act), as if the authority were a state agency scheduled to be abolished.  
(b) The authority shall be reviewed during the periods in which state agencies scheduled to be abolished in 2011 and in 2017 are reviewed.  
(c) The reviews conducted under this section must

**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

include an assessment of the governance, management, and operating structure of the authority and the authority's compliance with the duties and requirements placed on it by the legislature.

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

No equivalent provision.

ARTICLE 4. CHANGE TO SUNSET ACT

No equivalent provision.

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

Sec. 325.0127. AGENCIES REVIEWED FOR THE 81ST LEGISLATURE. For a state agency that was reviewed by the commission in preparation for the work of the 81st Legislature in Regular Session and the abolition date of which was extended to 2011, the commission shall limit its review of the agency in preparation for the work of the 82nd Legislature in Regular Session to the appropriateness of recommendations made by the commission to the 81st



**House Bill 1959**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Legislature. In the commission's report to the 82nd Legislature, the commission may include any recommendations it considers appropriate. This section expires September 1, 2011.

ARTICLE 3. EFFECTIVE DATE

ARTICLE 5. Same as House version.

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

SECTION 5.01. Same as House version.