

## **BILL ANALYSIS**

Senate Research Center  
78R17440 MRB-D

C.S.H.B. 2455  
By: Chisum (Nelson)  
Government Organization  
5/23/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

State agencies undergo a periodic review by the Sunset Advisory Commission. C.S.H.B. 2455 amends sunset provisions for: the Windham School District; the Texas Veterans Commission; the Texas Department of Insurance; the Office of Public Insurance Counsel; the Prescribed Burning Board; the Veterans' Land Board; the Equine Research Account Advisory Committee; the Texas Online Division and Electronic Government Program Office of the Department of Information Resources; the Texas Board of Chiropractic Examiners; the State Board of Examiners for Speech-Language Pathology and Audiology; the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments; the Executive Council of Physical Therapy and Occupational Therapy Examiners; the Texas Board of Physical Therapy Examiners; the Texas Board of Occupational Therapy Examiners; the Telecommunications Infrastructure Fund Board; the Texas Racing Commission; the Correctional Managed Health Care Committee; the On-site Wastewater Treatment Research Council; the Texas Food for Health Advisory Council; and the Dental Hygiene Advisory Committee.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

#### ARTICLE 1. ENTITIES GIVEN 2005 SUNSET DATE

SECTION 1.01. WINDHAM SCHOOL DISTRICT WITHIN TEXAS DEPARTMENT OF CRIMINAL JUSTICE. Amends Chapter 19, Education Code, by adding Section 19.0021, as follows:

Sec. 19.0021. SPECIAL PURPOSE REVIEW. (a) Requires the Sunset Advisory Commission (SAC) to conduct a special purpose review of the Windham School District.

(b) Sets forth requirements of the Texas Education Agency (TEA) to assist SAC in its review.

(c) Requires SAC, after consideration of the TEA report, to include in SAC's report to the 79th Legislature, Regular Session, 2005, recommendations relating to the Windham School District.

(d) Provides that this section expires September 1, 2005.

#### ARTICLE 2. ENTITIES GIVEN 2007 SUNSET DATE

SECTION 2.01. TEXAS VETERANS COMMISSION. Amends Section 434.02(a), Government Code, to provide that unless continued in existence as provided by Chapter 325, Government Code (Texas Sunset Act), the Texas Veterans Commission is abolished September 1, 2007, rather than 2005.

SECTION 2.02. TEXAS DEPARTMENT OF INSURANCE. Amends Section 31.004, Insurance Code, to provide that unless continued in existence as provided by Chapter 325, Government Code (Texas Sunset Act), the Texas Department of Insurance is abolished September 1, 2007, rather than 2005.

SECTION 2.03. OFFICE OF PUBLIC INSURANCE COUNSEL. Amends Section 7, Article 1.35A, Insurance Code, to provide that unless continued in existence as provided by Chapter 325, Government Code (Texas Sunset Act), the Office of Public Insurance Counsel is abolished September 1, 2007, rather than 2005.

SECTION 2.04. PRESCRIBED BURNING BOARD. Amends Section 153.044, Natural Resources Code, to provide that unless continued in existence as provided by Chapter 325, Government Code (Texas Sunset Act), the Prescribed Burning Board is abolished and this chapter expires September 1, 2007, rather than 2009.

SECTION 2.05. VETERANS' LAND BOARD. Amends Section 161.0111, Natural Resources Code, to provide that the Veterans' Land Board is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. Requires the board to be reviewed during the period in which state agencies abolished in 2007, rather than 2005, and every 12th year after 2007, rather than 2005, are reviewed.

### ARTICLE 3. ENTITIES GIVEN 2009 SUNSET DATE

SECTION 3.01. EQUINE RESEARCH ACCOUNT ADVISORY COMMITTEE. Amends Section 88.524(b), Education Code, to provide that unless continued in existence as provided by Chapter 325, Government Code (Texas Sunset Act), the Equine Research Account Advisory Committee is abolished September 1, 2009, rather than 2005.

SECTION 3.02. TEXAS ONLINE DIVISION OF THE DEPARTMENT OF INFORMATION RESOURCES. Amends Section 2054.2645, Government Code, to provide that unless continued in existence as provided by Chapter 325 (Texas Sunset Act), the Texas Online division is abolished September 1, 2009, rather than 2005.

SECTION 3.03. ELECTRONIC GOVERNMENT PROGRAM MANAGEMENT OFFICE OF THE DEPARTMENT OF INFORMATION RESOURCES. Amends Section 2055.003, Government Code, to provide that the Electronic Government Program Office of the Department of Information Resources is subject to Chapter 325 (Texas Sunset Act). Provides that the office is abolished September 1, 2009, rather than 2005, unless continued in existence as provided by that chapter.

SECTION 3.04. TEXAS BOARD OF CHIROPRACTIC EXAMINERS. Amends Section 201.004, Occupations Code, to provide that unless continued in existence as provided by Chapter 325, Government Code (Texas Sunset Act), the Texas Board of Chiropractic Examiners is abolished and this chapter expires September 1, 2009, rather than 2005.

SECTION 3.05. STATE BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY. Amends Section 401.002, Occupations Code, to provide that unless continued in existence as provided by Chapter 325, Government Code (Texas Sunset Act), the State Board of Examiners for Speech-Language Pathology and Audiology is abolished and this chapter expires September 1, 2009, rather than 2005.

SECTION 3.06. STATE COMMITTEE OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS. Amends Section 402.002, Occupations Code, to provide that unless continued in existence as provided by Chapter 325, Government Code (Texas

Sunset Act), the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments is abolished and this chapter expires September 1, 2009, rather than 2005.

SECTION 3.07. EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY EXAMINERS. Amends Section 452.002, Occupations Code, to provide that unless continued in existence as provided by Chapter 325, Government Code (Texas Sunset Act), the Executive Council of Physical Therapy and Occupational Therapy Examiners is abolished and this chapter and Chapters 453 and 454 expire September 1, 2009, rather than 2005.

SECTION 3.08. TEXAS BOARD OF PHYSICAL THERAPY EXAMINERS. Amends Section 453.002, Occupations Code, to provide that unless continued in existence as provided by Chapter 325, Government Code (Texas Sunset Act), the Texas Board of Physical Therapy Examiners is abolished and this chapter expires September 1, 2009, rather than 2005.

SECTION 3.09. TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS. Amends Section 454.003, Occupations Code, to provide that unless continued in existence as provided by Chapter 325, Government Code (Texas Sunset Act), the Texas Board of Occupational Therapy Examiners is abolished and this chapter expires September 1, 2009, rather than 2005.

SECTION 3.10. TELECOMMUNICATIONS INFRASTRUCTURE FUND BOARD. Amends Section 57.051, Utilities Code, to provide that unless continued in existence as provided by Chapter 325, Government Code (Texas Sunset Act), the Telecommunications Infrastructure Fund Board is abolished and this subchapter expires September 1, 2009, rather than 2005.

SECTION 3.11. TEXAS RACING COMMISSION. Amends Section 18.01(a), Texas Racing Act (Article 179e, V.T.C.S.) to provide that unless continued in existence as provided by Chapter 325, Government Code (Texas Sunset Act), and except as provided by Subsections (b) and (c) of this section, the Texas Racing Commission is abolished and this Act expires September 1, 2009, rather than 2005.

#### ARTICLE 4. ENTITIES GIVEN 2011 SUNSET DATE

SECTION 4.01. CORRECTIONAL MANAGED HEALTH CARE COMMITTEE. Amends Section 501.132, Government Code, to provide that unless continued in existence as provided by Chapter 325, Government Code (Texas Sunset Act), the Correctional Managed Health Care Committee is abolished and this subchapter expires September 1, 2011, rather than 2005.

#### ARTICLE 5. ENTITIES GIVEN 2013 SUNSET DATE

SECTION 5.01. ON-SITE WASTEWATER TREATMENT RESEARCH COUNCIL. Amends Section 367.003(a), Health and Safety Code, to provide that unless continued in existence as provided by Chapter 325, Government Code, the On-site Wastewater Treatment Research Council is abolished and this chapter expires September 1, 2013, rather than 2005.

#### ARTICLE 6. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW

SECTION 6.01. REPEALER. Repealers: Section 50A.003, Agriculture Code (Texas Food for Health Advisory Council); Section 262.057, Occupations Code (Dental Hygiene Advisory Committee); Section 8, Article 2654-3g, V.T.C.S. (Texas Environmental Education Partnership Fund); and Section 1.12, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993 (Edwards Aquifer Authority).

#### ARTICLE 7. CONFIDENTIALITY OF SUNSET RECORDS

SECTION 7.01. CONFIDENTIALITY. Amends Chapter 325, Government Code, by adding

Section 325.0195, as follows:

Sec. 325.0195. RECORDS PROTECTED FROM DISCLOSURE. (a) Provides that a working paper, including all documentary or other information, prepared or maintained by SAC staff performing its duties used under this chapter or other law to conduct an evaluation and prepare a report is excepted from the public disclosure requirements of Section 552.021.

(b) Provides that a record held by another entity that is considered to be confidential by law and that SAC receives in connection with the performance of SAC's functions under this chapter or another law remains confidential and is excepted from the public disclosure requirements of Section 552.021.

#### ARTICLE 8. EFFECTIVE DATE

SECTION 8.01. EFFECTIVE DATE. Effective date: September 1, 2003.