

Amend CSHB 1959 (Senate committee printing) by adding the following appropriately numbered Article to the bill and renumbering existing Articles of the bill accordingly:

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

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 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 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, 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.