

Memorandum



CITY OF DALLAS

DATE October 2, 2009

TO Members of the City Council Legislative Ad Hoc Committee: Vonciel Jones Hill, Chair; Jerry Allen; Dwaine Caraway; Linda Koop; Pauline Medrano; Ron Natinsky; David A. Neumann; Steve Salazar

SUBJECT Texas' Sunset Review Process and its Implication for the City

On Tuesday, October 6, 2009, you will be briefed on the Texas' Sunset Review Process and its Implication for the City. Attached are the briefing materials for you to review prior to Tuesday's discussion.

Please contact me if you have any questions.

A handwritten signature in black ink, appearing to read 'Mary K. Suhm'.

Mary K. Suhm
City Manager

Sunset Review Process

Background

The Sunset Advisory Commission was created to identify and eliminate waste, duplication, and inefficiency in government agencies. The 12-member Commission is a legislative body that reviews the policies and programs of more than 150 government agencies on a rotating 12-year schedule. The Commission questions the need for each agency, looks for potential duplication of other public services or programs, and considers new and innovative changes to improve each agency's operations and activities. The Commission seeks input both from the public through a series of hearings and from each agency under review through a self-evaluation process. Based on the information gathered in these processes, the Commission recommends actions on each agency to the Legislature. Legislation must be passed to continue each agency or it is automatically abolished.

Legislative History

During the first called session of the 81st Legislature, two pieces of legislation were passed. HB 1 was the enabling legislation for general obligation bonds for highway transportation projects approved by voters in the November 2007 election. SB 2 was the bill that rearranged the sunset review schedule and allowed for the continuation of six agencies that were due to expire in 2009.

Parliamentary procedures utilized to defeat Voter I.D. legislation during the last days of the Regular Session resulted in a substantial backlog of bills that otherwise would have passed. Legislation that would have continued the Texas Department of Transportation, Texas Racing Commission, Texas State Affordable Housing Corporation, Office of Public Insurance Counsel, Equine Research Account Advisory Committee and the Texas Department of Insurance failed to pass, making it necessary for Governor Perry to call the Legislature back. SB 2, passed during the special session, continued these agencies, extended their review until 2011, and limited the extent of their review to the appropriateness of recommendations made in preparation for the 2009 legislative session.

SB 2 also rearranged the sunset review schedule in order to balance the workload of the Sunset Review Commission. Below is a summary of the changes made to the sunset review schedule:

- Review date for these entities was moved from 2013 to 2011
 - State Soil and Water Conservation Board
 - Coastal Coordination Council
 - State Board of Examiners for Speech-Language Pathology and Audiology
 - State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments
 - Texas Commission on Environmental Quality
 - Texas Water Development Board
 - On-Site Wastewater Treatment Research Council
 - Railroad Commission of Texas
- Review date for these entities was moved from 2011 to 2013
 - Texas Emancipation Juneteenth Cultural and Historical Commission
 - Texas Lottery Commission

Texas Board of Criminal Justice and Texas Department of Criminal Justice (and Board of Pardons and Paroles)
Health and Human Services Commission
Tax Division, State Office of Administrative Hearings
Texas 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 Service
Department of Aging and Disability Services
Office of Firefighters' Pension Commissioner

- The Texas Forest Service was made subject to sunset review and scheduled for review in 2011.
- The Texas Education Agency review date was adjusted from 2012 to 2013 to bring it into compliance with the requirement that all agencies be reviewed in odd-numbered years in order to be done before a legislative session.

Complete List of Agencies Scheduled for Review in 2010-2011 Biennium

*Capital Metropolitan Transportation Authority
Coastal Coordination Council
*Electric Reliability Council of Texas
Electronic Government Program Management Office
Emergency Communications, Commission on State
Environmental Quality, Texas Commission on
*Equine Research Account Advisory Committee
Forest Service, Texas
Hearing Instruments, State Committee of Examiners in the Fitting and Dispensing of
Housing and Community Affairs, Texas Department of
*Housing Corporation, Texas State Affordable
Information Resources, Department of
Injured Employee Counsel, Office of
Insurance Counsel, Office of Public
*Insurance, Texas Department of
*Juvenile Probation Commission, Texas
On-site Wastewater Treatment Council
Public Finance Authority, Texas
Public Utility Commission of Texas
Public Utility Counsel, Office of
*Racing Commission, Texas
Railroad Commission, Texas
Soil and Water Conservation Board, State
Speech-Language Pathology and Audiology, State Board of Examiners for
*Transportation, Texas Department of
Water Development Board, Texas
Workers' Compensation, Division of
*Youth Commission, Texas

*Subject to a focused, limited scope, or special purpose review

Process

Below are questions typically asked by Sunset Review Commission staff in assessing an agency and developing recommendations to submit to the Legislature. In the self-evaluation report, agency staff is responsible for submitting detailed answers to these questions in order to represent sufficiently the nature and scope of work undertaken and accomplished by the agency.

- How effectively/efficiently does the agency carry out its function?
- How successful has the agency been in achieving its mission, goals, and objectives?
- Does the agency perform any duties not statutorily authorized? If so, are these duties necessary? What authority is required for such actions?
- What authority does the agency have regarding fees, enforcement, inspection and penalties?
- In what ways could the agency's functions/operation be less burdensome/restrictive and still adequately protect/serve the public?
- To what extent do the agency's programs/functions overlap with the jurisdiction of other agencies and how well does it coordinate with those other entities?
- Does the agency promptly and effectively address complaints?
- To what extent does the agency encourage and utilize public comment in making its rules and decisions?
- How has the agency complied with state and federal requirements regarding equal employment opportunities, privacy rights and purchasing guidelines for historically underutilized businesses?
- How effectively has the agency enforced rules for conflicts of interest of its employees?
- How effectively and efficiently does the agency comply with the Public Open Records Act and the Open Meeting Act?
- Would abolishing the agency result in federal intervention or loss of federal funds?

Timeline

September 21, 2009 – Deadline for agencies to submit self-evaluation report to Sunset Commission

September, 2009 – Sunset review schedule approved

September, 2009 to December, 2010 – Agency reviews, Sunset Commission public hearings, decision meetings

January, 2011 - Recommendations have been submitted to Texas Legislature and 82nd Regular Session convenes

Sunset Advisory Commission Members

Members appointed by the Speaker of the Texas House of Representatives

Carl Isett, Chair

Dan Flynn

Linda Harper-Brown

Lois Kolkhorst

Ruth Jones McClendon

Ike Sugg, Public Member

Members appointed by the Lieutenant Governor of Texas

Glenn Hegar, Jr., Vice Chair

Vacant

Robert F. Deuell, M.D.

Craig Estes

Juan "Chuy" Hinojosa

Charles McMahan, Public Member

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