

Background:

Sunset is the regular assessment of the continuing need for a state agency to exist. While legislative oversight is concerned with agency compliance with legislative policies, Sunset asks a more basic question: "*Do the agency's functions continue to be needed?*" The Sunset process works by setting a date in law on which an agency will be abolished unless legislation is passed to continue the agency's functions. This creates a unique opportunity for the Legislature to look closely at each agency and make fundamental changes to an agency's mission or operations if needed.

The Sunset process is guided by a 12-member body appointed by the Lieutenant Governor and the Speaker of the House of Representatives. Assisting the Commission is a staff whose reports provide an assessment of an agency's programs, giving the Legislature the information needed to draw conclusions about program necessity and workability. The result of the sunset review process is to continue the agency's functions (with or without modifications), transfer or consolidate functions with another agency, or allow the agency's functions to end and the agency to be abolished.

TCDD has submitted the Self-Evaluation report to Sunset Commission staff who have advised that they will begin the agency review of TCDD in May 2014. Additional information is enclosed summarizing the sunset review process and agencies under review during the current biennium.

Executive Committee

Agenda Item 7.

Expected Action:

The committee will receive an update from staff and may provide further guidance.

Council

Agenda Item 12.

Expected Action:

The Council will receive a report from the Committee and may discuss the TCDD sunset review further.

----- **Agency Sunset Reviews 2014 – 2015** -----
84th Legislature

The following agencies are scheduled for Sunset review during the 2014 – 2015 biennium. You may contact Sunset staff by using this feedback form, by writing directly to sunset@sunset.state.tx.us, or by calling (512) 463-1300.

21 Reviews

Administrative Hearings, State Office of
Aging and Disability Services, Department of
Assistive and Rehabilitative Services, Department of
Children With Special Needs, Interagency Task Force for
Developmental Disabilities, Texas Council for
Education Agency, Texas*
Special Review: TEA Contracts for Assessment Instruments
Facilities Commission, Texas*
Family and Protective Services, Department of
Health and Human Services Commission
Health Care Information Council, Texas
Health Services, Department of State
Health Services Authority, Texas
People with Disabilities, Governor's Committee on
Purchasing From People with Disabilities, Texas Council on
Soil and Water Conservation Board, State**
Special Review: Entry criteria for Self-Directed Semi-Independent Agencies
Tax Division, State Office of Administrative Hearings
University Interscholastic League
Workforce Commission, Texas
Workforce Investment Council, Texas

*Review limited to the appropriateness of recommendations made to the 83rd Legislature.

**Limited scope review.

Sunset Advisory Commission

Senate Members

Jane Nelson, Chair
Brian Birdwell
Dan Patrick
Juan "Chuy" Hinojosa
Charles Schwertner
Public Member

House Members

To be appointed, Vice Chair
Harold V. Dutton, Jr.
Four Price
To be appointed
To be appointed
Public Member

Sunset Review Timeframes

<i>September 2013</i>	Agencies submit Self-Evaluation Reports.
<i>October 2013 to January 2015</i>	Sunset Commission staff: <ul style="list-style-type: none"> • Conducts evaluations of each agency • Prepares staff reports and recommendations • Holds public hearings on each agency • Finalizes recommendations Sunset Board <ul style="list-style-type: none"> • Reviews and makes decisions about each agency under review
<i>February 2015</i>	Sunset Commission submits Report to 84 th Texas Legislature with recommendations on each of the agencies under review.
<i>January 2015 to May 2015</i>	84 th Texas Legislature considers Sunset bills on each agency under review.

Sunset in Texas

Sunset Review Questions

1. How efficiently and effectively does the agency and its advisory committees operate?
2. How successful has the agency been in achieving its mission, goals, and objectives?
3. Does the agency perform any duties that are not statutorily authorized? If so, what is the authority for those activities and are they necessary?
4. What authority does the agency have related to fees, inspections, enforcement, and penalties?
5. In what ways could the agency's functions/operations be less burdensome or restrictive and still adequately protect and serve the public?
6. How much do the agency's programs and jurisdiction duplicate those of other agencies and how well does the agency coordinate with those agencies?
7. Does the agency promptly and effectively address complaints?
8. To what extent does the agency encourage and use public participation when making rules and decisions?
9. How has the agency complied with state and federal requirements regarding equal employment opportunity, the rights and privacy of individuals, and purchasing guidelines for historically underutilized businesses?
10. How effectively does the agency enforce rules on potential conflicts of interest of its employees?
11. How effectively and efficiently does the agency comply with the Public Information Act and the Open Meetings Act?
12. Would abolishing the agency cause federal government intervention or loss of federal funds?
13. Do the agency's statutory reporting requirements effectively fulfill a useful purpose?