

Self-Evaluation Report
Texas Film Industry
Loan Guarantee Program

Submitted to the



Sunset Advisory Commission

August 18, 2003

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Texas Film Industry Loan Guarantee Program Self-Evaluation Report

I. Key Functions, Powers, and Duties

Please provide the following information about the overall operations of the agency. More detailed information about individual programs will be requested in a later section.

A. Provide an overview of the agency's mission, key functions, powers, and duties. Specify which duties are statutory.

The Texas Film Industry Loan Guarantee Program was created by the Legislature in 1999 to stimulate the production of filmed entertainment in the State of Texas and to develop its film industry. The program's essential element is an indemnity-backed loan guarantee to Texas lenders making loans to qualified Texas film producers for eligible films made in Texas. The program is targeted to low-budget Texas films in the range of \$1-\$5 million with at least 80 percent of the production budget being dedicated for goods and services of Texas derivation.

Loans from Texas lenders may cover up to 60 percent of total costs for eligible film projects. The producer must be a Texas film producer as defined in the enabling statute (i.e. Texas entity or resident). The Texas film producer must secure the following as part of an application: 1) a distribution agreement for the film project; 2) a completion bond that covers the film; 3) an indemnity that is equal to the full amount of the loan guarantee with the Comptroller as beneficiary; and 4) a loan commitment from a Texas bank to finance the film. All duties are statutory.

B. Does the agency's enabling law correctly reflect the agency's mission, key functions, powers, and duties?

Yes.

C. Please explain why these functions are needed. Are any of these functions required by federal law?

According to the bill analysis to H. B. 1687 (76th Legislature), to enable Texas to provide a consistent financial infrastructure for the film industry and to develop the film industry in Texas. Functions are not required by federal law. By statute, the program is in the Comptroller's Office.

D. In general, how do other states carry out similar functions?

New Mexico is an example of a state program housed in its Economic Development Department that provides a 15% tax credit for direct production expenditures made in New Mexico. Also permits this state to use severance tax investment in New Mexico film projects as economic stimulus. The state also provides financial assistance clearinghouse information and other services to production companies making films in New Mexico.

E. Describe any major agency functions that are outsourced.

N/A

F. Discuss anticipated changes in federal law and outstanding court cases as they impact the agency's key functions.

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N/A

G. Please fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact the agency. Do not include general state statutes that apply to all agencies, such as the Public Information (Open Records) Act, the Open Meetings Act, or the Administrative Procedure and Texas Register Act. Provide the same information for Attorney General opinions from FY 1999 - 2003, or earlier significant Attorney General opinions, that affect the agency's operations.

Texas Film Industry Loan Guarantee Program Exhibit 1: Statutes/Attorney General Opinions	
Statutes	
Citation/Title	Authority/Impact on Agency (e.g., provides authority to license and regulate nursing home administrators")
Texas Government Code, Chapter 403, Subchapter N	Provides authority for the Comptroller to administer a program to guarantee a certain amount of one or more qualified Texas film production loans as a means to facilitate access to capital for the production of filmed entertainment in Texas.
Attorney General Opinions	
Attorney General Opinion No.	Impact on Agency
N/A	

H. Please fill in the following chart:

Texas Film Industry Loan Guarantee Program Exhibit 2: Agency Contacts				
	Name	Address	Telephone & Fax Numbers	E-mail Address
Agency Head	Carole Keeton Strayhorn, Texas Comptroller	111 East 17 th St., LBJ State Office Bldg. Austin 78711	512-463-4444	N/A
Agency's Sunset Liaison	Andrew Ruth, Director of Special Programs	111 East 17 th St., LBJ State Office Bldg. Austin 78711	512-936-2094 FAX 512-463-4208	andy.ruth@cpa.state.tx.us

II. History and Major Events

Provide a time line discussion of the agency's history, briefly describing the key events in the development of the agency, including:

- the date the agency was established;
- the original purpose and responsibilities of the agency;
- major changes in responsibilities or statutory authority;
- agency/policymaking body name and composition changes;
- the impact of state/federal legislation, mandates, and funding;
- the impact of significant state/federal litigation that specifically affects the agency's operations; and
- key organizational events, and areas of change and impact on the agency's organization (e.g., a major reorganization of the agency's divisions or program areas).

See **History and Major Events Examples** or [click here to link directly to the examples](#).

Texas Film Industry Loan Guarantee Program

TEXAS TIMELINE

- 1999 The Legislature creates the Texas Film Industry Loan Guarantee Program (H.B. 1687, 76th Legislature, Regular Session). Codified as Texas Government Code, Chapter 403, Subchapter N. The purpose of the program is to stimulate production of filmed entertainment in the state. The program is in the Comptroller's Office.
- 1999 The Comptroller's Office names a program administrator, develops administrative rules, creates an application packet, including an application form and limited loan guarantee agreement, an Internet website with program highlights and major requirements. Program administrator meets with legislative sponsors and key industry stakeholders, including film producers, banks, insurers, and others.
- 2000 Program administrator makes first public presentation of the program at the South by Southwest Film Conference in Austin.

FEDERAL TIMELINE

N/A

III. Policymaking Structure

A. Please complete the following chart:

Texas Film Industry Loan Guarantee Program Exhibit 3: Policymaking Body					
Member Name	Term/ Appointment Dates/ Appointed by ____ (e.g., Governor, Lt. Governor, Speaker)	Qualification (e.g., public member, industry representative)	Address	Telephone & Fax Numbers	E-mail Address
N/A					

B. How is the chair of the policymaking body appointed?

N/A

C. Describe the primary role and responsibilities of the policymaking body.

N/A

D. List any special circumstances or unique features about the policymaking body or its responsibilities.

N/A

E. In general, how often does the policymaking body meet? How many times did it meet in FY 2002? in FY 2003?

N/A

F. What type of training do the agency's policymaking body members receive?

N/A

G. Does the agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, please describe these policies.

N/A

H. If the policymaking body uses subcommittees or advisory committees to carry out its duties, please fill in the following chart. See Exhibit 4 Example or [click here to link directly to the example](#).

Texas Film Industry Loan Guarantee Program Exhibit 4: Subcommittees and Advisory Committees			
Name of Subcommittee or Advisory Committee	Size/Composition/How are members appointed?	Purpose/Duties	Legal Basis for Committee
N/A			

I. How does the policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of the agency?

N/A

IV. Funding

A. Describe the agency's process for determining budgetary needs and priorities.

In FY00 and FY01, initial startup funding for one FTE was provided by the Comptroller's Office from the agency budget. There was no additional appropriation made to the Comptroller's Office to implement this program.

PLEASE FILL IN EACH OF THE CHARTS BELOW, USING EXACT DOLLAR AMOUNTS.

B. Show the agency's sources of revenue. Please include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency. See Exhibit 5 Example or [click here to link directly to the example](#).

Texas Film Industry Loan Guarantee Program Exhibit 5: Sources of Revenue — Fiscal Year 2002 (Actual)	
Source	Amount
N/A	
TOTAL	

C. If you receive funds from multiple federal programs, show the types of federal funding sources. See Exhibit 6 Example or [click here to link directly to the example](#).

Texas Film Industry Loan Guarantee Program Exhibit 6: Federal Funds — Fiscal Year 2002 (Actual)				
Type of Fund	State/Federal Match Ratio	State Share	Federal Share	Total Funding
N/A				
TOTAL				

D. If applicable, please provide detailed information on fees collected by the agency. See Exhibit 7 Example or [click here to link directly to the example](#).

Texas Film Industry Loan Guarantee Program Exhibit 7: Fee Revenue and Statutory Fee Levels — Fiscal Year 2002				
Description/ Program/ Statutory Citation	Current Fee/ Statutory maximum	Number of persons or entities paying fee	Fee Reven ue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
N/A				

E. Show the agency's expenditures by strategy. See Exhibit 8 Example or [click here to link directly to the example](#).

Texas Film Industry Loan Guarantee Program Exhibit 8: Expenditures by Strategy — Fiscal Year 2002 (Actual)	
Goal/Strategy	Amount
N/A	
GRAND TOTAL:	

F. Show the agency's expenditures and FTEs by program. See Exhibit 9 Example or [click here to link directly to the example](#).

Texas Film Industry Loan Guarantee Program Exhibit 9: Expenditures and FTEs by Program — Fiscal Year 2002 (Actual)					
Program	Budgeted FTEs, FY 2002	Actual FTEs as of August 31, 2002	Federal Funds Expended	State Funds Expended	Total Actual Expenditures
N/A					
TOTAL					

G. Show the agency's objects of expense for each category of expense listed for your agency in the General Appropriations Act FY 2004-2005. See Exhibit 10 Example or [click here to link directly to the example](#). Add columns and rows as necessary.

Texas Film Industry Loan Guarantee Program Exhibit 10: Objects of Expense by Program or Function -- Fiscal Year 2004			
Object-of-Expense Informational Listing	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)
N/A			
Total, FY 2004 Object-of-Expense Informational Listing			

Objects of Expense by Program or Function -- Fiscal Year 2005			
Object-of-Expense Informational Listing	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)	Strategy, Program, Division, or Function ____ (insert strategy, division or program name)
N/A			
Total, FY 2005 Object-of-Expense Informational Listing			

H. Please fill in the following chart. See Exhibit 11 Example or [click here to link directly to the example](#).

Texas Film Industry Loan Guarantee Program				
Exhibit 11: Purchases from HUBs				
FISCAL YEAR 2000				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	N/A	N/A	N/A	11.9%
Building Construction	N/A	N/A	N/A	26.1%
Special Trade	N/A	N/A	N/A	57.2%
Professional Services	N/A	N/A	N/A	20.0%
Other Services	N/A	N/A	N/A	33.0%
Commodities	N/A	N/A	N/A	12.6%
TOTAL	N/A	N/A	N/A	
FISCAL YEAR 2001				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	N/A	N/A	N/A	11.9%
Building Construction	N/A	N/A	N/A	26.1%
Special Trade	N/A	N/A	N/A	57.2%
Professional Services	N/A	N/A	N/A	20.0%
Other Services	N/A	N/A	N/A	33.0%
Commodities	N/A	N/A	N/A	12.6%
TOTAL	N/A	N/A	N/A	
FISCAL YEAR 2002				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	N/A	N/A	N/A	11.9%
Building Construction	N/A	N/A	N/A	26.1%
Special Trade	N/A	N/A	N/A	57.2%
Professional Services	N/A	N/A	N/A	20.0%
Other Services	N/A	N/A	N/A	33.0%
Commodities	N/A	N/A	N/A	12.6%
TOTAL	N/A	N/A	N/A	

I. Does the agency have a HUB policy? How does the agency address performance shortfalls related to the policy? Yes.

J. For agency with contracts valued at \$100,000 or more:

	Response / Agency Contact
Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available under contracts of \$100,000 or more? (Tex. Government Code, Sec. 2161.252; TAC 111.14)	Yes, the Comptroller's Office has a HUB subcontracting plan.

K. For agencies with biennial appropriations exceeding \$10 million:

	Response / Agency Contact
Do you have a HUB coordinator? (Tex. Government Code, Sec. 2161.062; TAC 111.126)	Yes, Ms. Cathy Navarro for the Comptroller's Office.
Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Tex. Government Code, Sec. 2161.066; TAC 111.127)	Yes. YTD the Comptroller's Office has invited 11 vendors to deliver a 20-minute presentation to our Purchasing Staff and HUB Program Administrator at the Comptroller's Office.
Has you agency developed a mentor-protege program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Tex. Government Code, Sec. 2161.065; TAC 111.128)	Yes. The Comptroller's Office currently has one relationship, effective 1-16-03: Floyd Thomas LLC (protégé) and BMC Software (mentor).

V. Organization

A. Please fill in the chart below. If applicable, list field or regional offices. See Exhibit 12 Example or [click here to link directly to the example.](#)

Texas Film Industry Loan Guarantee Program Exhibit 12: FTEs by Location — Fiscal Year 2002			
Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs, FY 2002	Number of Actual FTEs as of August 31, 2002
N/A		None	None
TOTAL			

B. What was the agency's FTE cap for fiscal years 2002 - 2005?

N/A

C. How many temporary or contract employees did the agency have as of August 31, 2002?

N/A

D. Please fill in the chart below. See Exhibit 13 Example or [click here to link directly to the example.](#)

Texas Film Industry Loan Guarantee Program Exhibit 13: Equal Employment Opportunity Statistics							
FISCAL YEAR 2000							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	N/A		5%		8%		26%
Professional	N/A		7%		7%		44%
Technical	N/A		13%		14%		41%
Protective Services	N/A		13%		18%		15%
Para-Professionals	N/A		25%		30%		55%
Administrative Support	N/A		16%		17%		84%
Skilled Craft	N/A		11%		20%		8%
	N/A						

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Service/Maintenance			19%		32%		27%
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FISCAL YEAR 2001							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	N/A		5%		8%		26%
Professional	N/A		7%		7%		44%
Technical	N/A		13%		14%		41%
Protective Services	N/A		13%		18%		15%
Para-Professionals	N/A		25%		30%		55%
Administrative Support	N/A		16%		17%		84%
Skilled Craft	N/A		11%		20%		8%
Service/Maintenance	N/A		19%		32%		27%
FISCAL YEAR 2002							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	N/A		5%		8%		26%
Professional	N/A		7%		7%		44%
Technical	N/A		13%		14%		41%
Protective Services	N/A		13%		18%		15%
Para-Professionals	N/A		25%		30%		55%
Administrative Support	N/A		16%		17%		84%
Skilled Craft	N/A		11%		20%		8%
Service/Maintenance	N/A		19%		32%		27%

E. Does the agency have an equal employment opportunity policy? How does the agency address performance shortfalls related to the policy?

The Comptroller's Office is an equal opportunity employer and is committed to promoting equal opportunity in the workplace. This policy ensures that all facets of employment (recruitment, selection, assignment, training, promotion, and compensation) are based solely on individual experience, education, qualifications, ability, and performance.

All employees and applicants receive an equal opportunity for employment, advancement, and other benefits of employment without regard to race, color, national origin, gender, age, religion, veteran status, or physical or

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mental disability. In all circumstances, employees and applicants must be able to perform the essential job functions, with or without reasonable accommodation.

Note: In accordance with the Texas Labor Code, Section 21.556, and consistent with agency policy, Equal Employment Opportunity and Sexual Harassment training is mandatory for all Comptroller employees once each Biennium.

Our policy also addresses the 2nd question concerning the steps we take if/when we receive a complaint (which would indicate a performance shortfall) relative to the EEO policy:

Any employee who becomes aware of or who believes that he or she has been subjected to sexual harassment or discrimination is urged to contact the DRO and the employee's management so that corrective and preventive actions can be identified and taken promptly. It is not necessary to file a grievance to complain of sexual harassment or discrimination and in no case will an employee be required to report the matter to the individual who is perceived to have engaged in such conduct. An employee who makes a complaint in good faith will not be retaliated against for providing information to the DRO or to management.

Dispute Resolution Officer

The DRO is an employee of the Human Resources Division and is independent from the employee's chain of command. The DRO is an objective resource available to answer or research questions concerning agency personnel policies and procedures and is also responsible for investigating claims of discrimination and sexual harassment. The DRO may formally or informally mediate employee disputes. Comptroller employees do not need the permission of a supervisor to discuss matters with the DRO. Such discussions are kept confidential to the extent allowed by law.

Disciplinary Action

Any employee, supervisor, manager, or director who engages in conduct involving sexual harassment or discrimination is subject to immediate disciplinary action, up to, and including termination from employment. Employees, supervisors, managers, or directors who do not follow proper procedures in reporting sexual harassment or discrimination complaints or who interfere in the investigation of a sexual harassment or discrimination complaint are subject to disciplinary action, up to, and including termination from employment. The DRO would also research and respond to any charge/complaint received from an external party relative to alleged discrimination in the employment process.

VI. Guide to Agency Programs

Please complete this section for each agency program (or each agency function, activity, or service if more appropriate). Copy and paste the question boxes as many times as needed to discuss each program, activity, or function. Please contact Sunset staff with any questions about applying this section to your agency.

A. Please complete the following chart.

Texas Film Industry Loan Guarantee Program Exhibit 14: Program or Function Information — Fiscal Year 2002	
Name of Program or Function	Texas Film Industry Loan Guarantee Program
Location/Division	N/A
Contact Name	Andrew Ruth, Comptroller's Office (936-2094)
Number of Budgeted FTEs, FY 2002	-0-
Number of Actual FTEs as of August 31, 2002	-0-

B. What are the key services of this function or program? Describe the major activities involved in providing all services.

The program's essential element is an indemnity-backed loan guarantee to Texas lenders making loans to qualified Texas film producers for eligible films made in Texas. The program is targeted to low-budget Texas films in the range of \$1-\$5 million with at least 80 percent of the production budget being dedicated for goods and services of Texas derivation.

C. When and for what purpose was the program or function created? Describe any statutory or other requirements for this program or function.

The Texas Film Industry Loan Guarantee Program was created by the Legislature in 1999 (H.B. 1687, 76th Legislature, Regular Session) to stimulate the production of filmed entertainment in the State of Texas and to develop its film industry.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program or function will no longer be needed?

Because there has been no specific appropriation for this program, the state's guarantee to a bank must be backed solely by an indemnity (typically an insurance policy) required from the film producer as a condition for loan guarantee approval. Indemnity is to ensure that the state will not have any financial liability. The guarantee is payable solely from the indemnity. The financial institutions contacted have requested that the state provide an unconditional guarantee (and prompt payment) if the indemnity fails to pay. Without a direct state guarantee, some banks have said, the state program adds no real economic value to the loan package.

The enabling statute is silent on when the program's mission could be deemed accomplished.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

Targeted to film productions with budgets of from \$1 million to \$5 million. At least 80 percent of the production budget must be dedicated for goods and services of Texas derivation. The producer must be a Texas film producer as defined in the enabling statute (i.e. Texas entity or resident). The Texas film producer must secure the following as part of an application: 1) a distribution agreement for the film project; 2) a completion bond that covers the film; 3) an indemnity that is equal to the full amount of the loan guarantee with the Comptroller as beneficiary; and 4) a loan commitment from a Texas bank to finance the film.

F. Describe how the program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

Without an appropriation, the program is effectively inactive.

G. If the program or function works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency.

N/A

H. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

No specific state appropriation to this program; no other funding source.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

No. See H, above.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

None known.

K. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

L. Please provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

Texas Film Industry Loan Guarantee Program (Regulatory Program Name) Exhibit 15: Complaints <u>Against</u> Regulated Entities or Persons – Fiscal Years 2001 and 2002		
	FY 2001	FY 2002
Number of complaints received		
Number of complaints resolved		
Number of complaints dropped/found to be without merit		
Number of sanctions		
Number of complaints pending from prior years		
Average time period for resolution of a complaint		
Number of entities inspected or audited by the agency		
Total number of entities or persons regulated by the agency		

VII. Agency Performance Evaluation

A. What are the agency's most significant accomplishments?

In 1999, the Comptroller's Office named a program administrator, developed administrative rules, created an application packet, including an application form and limited loan guarantee agreement, a program website with program highlights and major requirements. Program administrator met with legislative sponsors and key industry stakeholders, including film producers, banks, insurers, and others. Program administrator also made the first public presentation of the program at the South by Southwest Film Conference in Austin.

B. Describe the internal process used to evaluate agency performance, including how often performance is formally evaluated and how the resulting information is used by the policymaking body, management, the public, and customers.

N/A

C. What are the agency's biggest opportunities for improvement?

N/A

D. How does the agency ensure its functions do not duplicate those of other entities?

N/A

E. Are there any other entities that could perform any of the agency's functions?

Possibly the Texas Film Commission or the Texas Economic Development and Tourism Office in the Governor's Office.

F. What process does the agency use to determine customer satisfaction and how does the agency use this information?

N/A

G. Describe the agency's process for handling complaints against the agency, including the maintenance of complaint files and procedures for keeping parties informed about the process. If the agency has a division or office, such as an ombudsman, for tracking and resolving complaints from the public or other entities, please provide a description.

N/A

H. Please fill in the following chart. The chart headings may be changed if needed to better reflect the agency's practices.

Texas Film Industry Loan Guarantee Program		
Exhibit 16: Complaints <u>Against the Agency</u> – Fiscal Years 2001 and 2002		
	FY 2001	FY 2002
Number of complaints received	N/A	N/A
Number of complaints resolved	N/A	N/A
Number of complaints dropped/found to be without merit	N/A	N/A
Number of complaints pending from prior years	N/A	N/A
Average time period for resolution of a complaint	N/A	N/A

I. What process does the agency use to respond to requests under the Public Information (Open Records) Act?

See the explanation on the Comptroller's Office website, Window on State Government, at <http://www.window.state.tx.us/pia.html>

In brief, the Comptroller's Office responds to both written and verbal requests for information, including responding walk-in citizens who seek information. Written requests actually trigger the timeline/cost estimate requirements under the PIA. Requests can be accepted at any physical site (which includes field offices and we have PIA signs at each office). Public information and confidential information to which a person has a special right of access (for example, a taxpayer seeking a copy of his own confidential filings) are usually filled quickly and can be filled at the division level. Each division has a public information act specialist who refers written requests to the deputy general counsel for Open Government for review/handling. Requests that come in to Open Gov't and some other areas are sent directly to her for review/handling/assignment, such as written requests that come in through open.records@cpa.state.tx.us. People also e-mail the deputy general counsel for Open Government directly or send requests by facsimile. One of our areas of increase is for requests that require programming time. Also, many requestors seek information via FTP site, CD, e-mail attachment, etc.

The Comptroller's Office has an open records tracking system that all open records specialists in the agency use, so we have very detailed and specific information concerning all open records requests and how they are handled, dates received, closed, notations concerning documents and letters sent out, resolutions, etc. Information off that tracking system is used for part of our performance reports and also for a monthly performance report to the TBPC. The tracking system we currently use went into use in March, 2000. The old tracking system that we maintain for historical purposes shows that we started tracking open records requests online in 1992 on a system we developed at this agency (and that was later copied by other agencies).

J. Please fill in the following chart with updated information and be sure to include the most recent e-mail address if possible.

Texas Film Industry Loan Guarantee Program			
Exhibit 17: Contacts			
INTEREST GROUPS			
(groups affected by agency actions or that represent others served by or affected by agency actions)			
Group or Association Name/ Contact Person	Address	Telephone & Fax Numbers	E-mail Address
Unknown.			
INTERAGENCY, STATE, OR NATIONAL ASSOCIATIONS			
(that serve as an information clearinghouse or regularly interact with the agency)			
Group or Association Name/ Contact Person	Address	Telephone & Fax Numbers	E-mail Address
None			
LIAISONS AT OTHER STATE AGENCIES			
(with which the agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)			
Agency Name/Relationship/ Contact Person	Address	Telephone & Fax Numbers	E-mail Address
None			

VIII. 78th Legislative Session Chart

Fill in the chart below or attach information if it is already available in an agency-developed format. In addition to summarizing the key provisions, please provide the intent of the legislation. For example, if a bill establishes a new regulatory program, please explain why the new program is necessary (e.g., to address specific health and safety concerns, or to meet federal mandates). For bills that did not pass, please briefly explain the issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). See Exhibit 18 Example or [click here to link directly to the example](#).

Texas Film Industry Loan Guarantee Program		
Exhibit 18: 78th Legislative Session Chart		
Legislation Enacted - 78th Legislative Session		
Bill Number	Author	Summary of Key Provisions/Intent
N/A		
Legislation Not Passed - 78th Legislative Session		
Bill Number	Author	Summary of Key Provisions/Intent/Reason the Bill did not Pass
N/A		

IX. Policy Issues

The purpose of this section is to briefly describe any potential policy issues that would help the agency operate better and improve service delivery. This section is intended to give the Sunset Commission a basic understanding of the issues so staff can collect more information during our detailed research on the agency. Some questions to ask in preparing this section may include: (1) How can the agency do a better job in meeting the needs of clients or in achieving agency goals? (2) What barriers exist that limit the agency's ability to get the job done?

Emphasis should be given to major policy issues and issues appropriate for resolution through changes in state law. Issues related to funding or actions by other governmental entities (federal, local, quasi-governmental, etc.) may be included, but the Sunset Commission has no authority in the appropriations process or with other units of government. If these types of issues are included, the focus should be on solutions which can be enacted in state law. Focus should also be given to areas where the agency can improve its interaction with other state agencies.

The policy issues presented should not be limited to issues the agency supports, and inclusion of issues in this document will not be interpreted as an endorsement by the agency.

This section contains three components:

1. **Brief Description of Issue.** Often, the issue is best presented as a question, e.g., "Should the agency be required to . . . ?"
2. **Discussion.** Include enough background information to give context for the issue. Information helpful in building context includes:
 - What is the general scope of the issue?
 - What is the agency's authority (statutory or other) related to the issue?
 - What is the current practice or situation related to the issue?
 - Any previous legislative action related to the issue?
3. **Possible Solutions and Impact.** Provide specific recommendations to solve the problem. Keep in mind each issue may have multiple and/or competing solutions. Feel free to include a more detailed discussion of each proposed solution. This section should also include the impact of the proposed solution, including:
 - Will the proposed change impact any entities or interest groups?
 - How will the performance of the agency be impacted by the proposed change?
 - What are the benefits of the recommended change?
 - What are the possible drawbacks of the recommended change?
 - What is the fiscal impact of the proposed change?

Please complete this section for each policy issue. Copy and paste boxes A through C as many times as needed to discuss each issue. See Policy Issue Example or [click here to link directly to the example](#).

A. Brief Description of Issue**B. Discussion****C. Possible Solutions and Impact****X. Comments**

Please provide any additional information needed to gain a preliminary understanding of the agency.

As indicated, starting in 1999, the Comptroller's Office staff worked diligently with various film industry stakeholders to begin implementation of the Program within the guidelines of the law. As noted above, because there has been no specific appropriation for this program, the state's guarantee to a bank must be backed solely by an indemnity (typically an insurance policy) obtained by the film producer (issued to the Comptroller as beneficiary) as a condition for loan guarantee approval. The indemnity is to ensure that the state will not have any financial liability. The guarantee is payable solely from the indemnity. The financial institutions contacted by the Comptroller's program administrator in initial discussions asked that the state provide an unconditional guarantee (and prompt payment) if the indemnity failed to pay. Without a direct state guarantee, some banks have said, the state program adds no real economic value to the loan package. Accordingly, no loan applications were processed or approved. Because there has been no specific appropriation for this program, it is effectively inactive. The Comptroller's Office stands ready to implement this legislation in accordance with the will of the Legislature.

ATTACHMENTS

Please submit the following supplemental data or documents with the hard copy of the Self-Evaluation Report. Please label each attachment with its number (e.g., Attachment 1).

Attachments Relating to Key Functions, Powers, and Duties

1. A **copy** of the agency's enabling statute. If the enabling statute is too burdensome to attach, explain and list the citation of the statute. **See Attachment 1.**
2. A **copy** of each annual report published by the agency from FY 1998 – 2002. **N/A.**
3. A **copy** of each internal or external newsletter published by the agency from FY 2001 - 2002. **N/A.**
4. A **list** of publications and brochures describing the agency. **N/A.**
5. A **list** of studies that the agency is required to do by legislation or riders adopted in the 78th Legislative Session. **N/A.**

Attachments Relating to Policymaking Structure

6. Biographical information (e.g, education, employment, affiliations, honors) or resumes of all policymaking body members. See Attachment 6 Example or [click here to link directly to the example.](#) **N/A.**
7. A **copy** of the agency's most recent rules, or an explanation that the rules are too burdensome to attach. **See Attachment 2.**

Attachments Relating to Funding

8. A **copy** of the agency's Legislative Appropriations Request for FY 2004-2005, including information illustrating the new building blocks used during the 78th Legislature's appropriations hearings. **N/A.**
9. A **copy** of your agency's plan to reduce FY 2003 spending by an amount equal to at least seven percent of your FY 2003 general revenue appropriation in all programs, as requested by the Governor, the Lieutenant Governor, and the Speaker of the House in January 2003. **N/A.**
10. A **copy** of each annual financial report from FY 2000 - 2002. **N/A.**
11. A **copy** of each operating budget from FY 2000 - 2002. **N/A.**

Attachments Relating to Organization

12. An organizational chart of the agency that includes major divisions and programs, and that shows the number of FTEs in each division or program. N/A.
13. If applicable, a map to illustrate the regional boundaries, headquarters location, and field or regional office locations. N/A.

Attachments Relating to Agency Performance Evaluation

14. A **copy** of each quarterly performance report completed by the agency in FY 2000 - 2002. N/A.
15. A **copy** of any recent studies on the agency or any of its functions conducted by outside management consultants or academic institutions. N/A.
16. A **copy** of the agency's current internal audit plan. N/A.
17. A **list** of internal audit reports from FY 1998 - 2002 completed by or in progress at the agency. N/A.
18. A **list** of State Auditor reports from FY 1998 - 2002 that relate to the agency or any of its functions. N/A.
19. A **list** of legislative or interagency studies relating to the agency that are being performed during the current interim. N/A.
20. A **list** of studies from other states, the federal government, or national groups/associations that relate to or affect the agency or agencies with similar duties or functions. N/A.