



**Texas
Sunset
Advisory
Commission**

STAFF EVALUATION

Office of Interstate Oil Compact Commissioner for Texas
Office of Interstate Mining Compact Commissioner for Texas
Office of Southern Interstate Nuclear Compact Board Member for Texas
Texas Commission on Interstate Cooperation
Texas Commission on Uniform State Laws
Texas Committee on Purchases and Services of Blind and Severely Disabled Persons
Council for Social Work Certification

A Staff Report
to the
Sunset Advisory Commission



1982

SUNSET ADVISORY COMMISSION

STAFF REPORT

on the

TEXAS COMMISSION ON UNIFORM STATE LAWS

1982

FOREWORD

Over the past several years, there has been a sustained interest among the states in a new concept in legislative review popularly described as sunset. Since 1976, more than half the states have enacted legislation which embodies the primary element of sunset, the automatic termination of an agency unless continued by specific action of the legislature.

The acceptance of this concept has been aided by a general agreement that the normal pressures of the legislative process tend to prevent a systematic review of the efficiency and effectiveness with which governmental programs are carried out. The sunset process is, then, an attempt to institutionalize change and to provide a process by which a review and redefinition of state policy can be accomplished on a regular systematic basis.

The Texas Sunset Act (Article 5429K, V.A.C.S., as amended) was enacted by the 65th Legislature in 1977. Under the provisions of the Act, agencies are automatically terminated according to a specified timetable, unless specifically continued by the legislature.

To assist the legislature in making the determination of whether an agency should be continued and, if continued, whether modifications should be made to its operations and organizational structure, the Act establishes a ten-member Sunset Advisory Commission composed of eight legislative members and two public members. The commission is required to evaluate the performance of the agency in accordance with specific criteria set out in the Act and to recommend necessary changes resulting from the findings of the evaluation.

The process by which the commission arrives at its recommendations moves through three distinct phases beginning with a self-evaluation report made by the agency to the commission. The second phase involves the preparation of a report to the commission by its staff, evaluating the activities of the agency, and proposing suggested changes for commission consideration. The final phase involves public hearings on the need to continue or modify an agency and the development of commission recommendations and legislation, based on the agency self-evaluation, staff report, and public testimony.

The Sunset Commission's findings, recommendations, and proposed legislation are then required to be transmitted to the legislature when it convenes in regular session.

INTRODUCTION AND ORGANIZATION OF AGENCY REVIEWS

The Texas Sunset Act abolishes several agencies on September 1, 1983 unless each is re-established by the 68th Legislature.

The staff reviewed the activities of these agencies according to the criteria set out in the Sunset Act and has based its conclusions on the findings developed under these criteria.

Taken as a whole, these criteria direct the review of an agency to answer four primary questions:

1. Does the state need to perform the function or functions under review?
2. Could the public still be adequately served or protected if the functions were modified?
3. Is the current organizational structure the only practical way for the state to perform the function?
4. If the agency is continued and continues to perform the same functions, can changes be made which will improve the operations of the agency?

The report is structured to present the performance evaluation of each agency separately. The application of the across-the-board recommendations, developed by the commission to deal with common problems, is presented in a chart at the end of each report and is not dealt with in the text except in one instance. When the review develops a position which opposes the application of a particular recommendation, the rationale for the position is set forth in the text.

SUMMARY OF STAFF FINDINGS AND CONCLUSIONS

SUMMARY

Organization and Objectives

The Texas Commission on Uniform State Laws was established in 1941 and is currently active. The commission is composed of six members who are appointed by the governor to serve staggered six-year terms and any (one currently) resident life member of the National Conference of Commissioners on Uniform State Laws. Appointed commissioners must be recognized members of the State Bar of Texas. The life members of the national conference are elected by that body in recognition of long service in the cause of the uniformity of state legislation.

The commission's areas of responsibility include the following: 1) promotion of uniformity in state laws; 2) recommendations to the legislature regarding the uniform acts adopted by the national conference; and 3) promotion of uniform judicial interpretation of all uniform laws. For fiscal year 1982, the agency has no staff and a total appropriation of \$27,400 from the General Revenue Fund.

The review of the agency indicated that the commission's participation in the activities of the national conference effectively represented Texas' interests, but that adjustments to the commission's structure, administrative procedures, and efforts to promote uniform laws would improve the efficiency and effectiveness of its in-state activities.

The policy-making structure is generally appropriate for an agency of this type, but it could be improved through changes to the composition, member selection and grounds for removal. Designating two legislators, a judge and a legal educator from among the lawyer members, would improve the balance of the commission structure and providing for removal in the event of ineligibility, would eliminate an area of uncertainty.

The operations of the agency have generally been conducted in an efficient and effective manner. However, improvements could be made in processing expense vouchers if the commission had staff support. Also, the effectiveness of the commission could be improved if it prepared the biennial report on its activities required by statute and increased its efforts to provide information on uniform state laws through other established state agencies.

Other concerns identified by the review include the agency's failure to fully comply with Open Meetings Acts requirements and uncertainty of requirements relating to the filing of financial disclosure affidavits by commission members.

Need to Continue Functions

The review indicated that the function of developing uniformity in state laws is still necessary and that Texas should remain active in this area to preserve the benefits gained from past efforts and to be in a position to affect future proposals on uniform state laws.

Approaches for Sunset Commission Consideration

I. MAINTAIN THE COMMISSION WITH MODIFICATIONS

A. Policy-making structure

1. Statutory changes

- a. Amend the statute to modify the commission composition by requiring that, of the six attorneys who serve on the commission, one should be a state judge, one a legal educator, one a Texas senator, and one a member of the Texas House of Representatives.
- b. Amend the statute to provide that the senate and house members be appointed by the lieutenant governor and the speaker respectively.
- c. Amend the statute to provide for the removal of a commissioner who becomes ineligible to participate in national conference activities.

B. Agency operations

1. Statutory changes

- a. Amend the statute to designate the Texas Legislative Council as the agency to provide administrative support to the commission.
- b. Amend the statute to give the commission clear authority to expend funds for necessary travel and operational expenses.

2. Management improvements (non-statutory)

- a. The commission should develop and send to the legislature the biennial report required by statute.
- b. The commission should increase its efforts to cooperate with state agencies that can assist in informing legislators and judges of commission activities.

C. Recommendations for other sunset criteria

1. Open Records/Open Meetings (non-statutory)

- a. The commission should contact the Office of the Secretary of State and begin necessary procedures to comply with the Open Meetings Act.

2. Conflicts of Interest (non-statutory)

The commission should contact the Office of the Secretary of State to determine whether members are required to file financial disclosures and then take appropriate action.

II. ALTERNATIVES

The analysis of the major alternatives of merging the functions of the commission with those of another existing agency or changing the method of performing the function did not show any significant benefits to be gained. If action of this type were taken, Texas could not effectively participate in the National Conference on Uniform State Laws.

AGENCY EVALUATION

The review of the current operations of an agency is based on several criteria contained in the Sunset Act. The analysis made under these criteria is intended to give answers to the following basic questions:

1. Does the policy-making structure of the agency fairly reflect the interests served by the agency?
2. Does the agency operate efficiently?
3. Has the agency been effective in meeting its statutory requirements?
4. Do the agency's programs overlap or duplicate programs of other agencies to a degree that presents serious problems?
5. Is the agency carrying out only those programs authorized by the legislature?
6. If the agency is abolished, could the state reasonably expect federal intervention or a substantial loss of federal funds?

BACKGROUND

Historical Development

The National Conference of Commissioners on Uniform State Laws was created in 1892 after several years of discussion among lawyers, businessmen, and lawmakers about the desirability of consistent laws among the states. Two factors were crucial to the recognition of the need for uniform state laws: 1) a rapid increase in interstate commerce in the decades following the Civil War, and 2) the federalist form of government under which each state makes laws affecting its own population. As long as America had a primarily rural, agrarian-based economy, goods were produced and sold on a local basis, and the laws affecting commerce in one state rarely conflicted with such laws in another state. In the years following the Civil War, however, goods began to cross state lines with increasing frequency because of advances in telephone and telegraph communications, in railway transportation, and in energy development. These technological innovations made it possible for American industry to produce and sell products on a mass scale to a national market. As the nation's transformation from a rural economy to an urban one progressed, the diversity of laws among the states made the conduct of business increasingly complicated, and people in several states began to consider ways to simplify interstate transactions. As early as 1881, the Alabama State Bar recognized the legal tangles created by wide variations in state laws, and by 1889 the need for uniformity was being discussed by the American Bar Association and the New York State Legislature. It was at the initiative of these two entities that the first National Conference of Commissioners on Uniform State Laws met in 1892 at Saratoga, New York, with nine states represented. The states responded quickly to the national conference's initiative in developing uniform laws, and by 1912 all the states were sending representatives to the conference.

The interest in commercial law, a major reason for the creation of the conference, has remained an object of emphasis throughout its history. The conference's most well-known accomplishment is the Uniform Commercial Code, which was promulgated in 1951 and has been adopted with amendments by all the states except Louisiana. In addition to its work in commercial law, the conference has promulgated acts on a variety of other subjects, including family and criminal law. In all, about 225 laws have been drafted and approved by the conference. Although some of these laws have become obsolete, 84 uniform acts are still

recommended for adoption by the states and 31 model or other acts are available for the states' use.

The goal and method of operation of the national conference has remained relatively stable throughout its history. Its constitution states its purpose: "to provide uniformity in state laws on all subjects where uniformity is deemed desirable and practicable." To achieve this objective, the conference holds annual 8-day meetings. At these annual meetings, the commissioners consider, section by section, tentative drafts of proposed acts which have been drafted by standing committees on subjects designated by the commission's scope and program committee.

Representatives from Texas have attended the national conference since 1909. In 1941 the Texas Commission on Uniform State Laws was created by statute to officially endorse Texas' participation in and influence on the work of the conference. In 1951 the enabling act was replaced with the conference's model act to provide for appointment of commissioners, and was amended again in 1977.

Current Programs and Objectives

The functions carried out by the Texas Commission on Uniform State Laws have remained relatively unchanged throughout its history. The commission consists of six appointed members. In addition to the appointed members, the Texas delegation includes one life member who has been elected to that status by the national conference, and one associate member who is an attorney employed by the Texas Legislative Council and appointed by the director of the council. The national conference charter authorizes the appointment of the associate member, who is allowed to participate in the work of the conference but may not vote. The commission's statutory responsibilities are to attend the annual national conference meeting, to promote uniformity in state laws where advisable and practicable, to report to the legislature at each regular session an account of commission transactions and recommendations for legislation, and to promote the uniform judicial interpretation of all uniform laws.

The commission operates without a staff, administrative duties being performed by the chairman. Funding for the agency's activities is provided through an item in the Texas Legislative Council's appropriation which pays Texas' dues to the national conference and the commissioners' travel expenses to the annual meeting. Dues are assessed from the states on the basis of population. Appropriations for 1982 and 1983 are \$19,400 for dues and \$8,000 for travel, totalling \$27,400 each year.

Texas commissioners traditionally have been active in national conference activities, both chairing and serving on conference committees. Presently, five of Texas' seven commissioners serve on drafting or standing committees of the conference.

REVIEW OF OPERATIONS

The evaluation of the operations of the agency is divided into general areas which deal with: 1) a review and analysis of the policy-making body to determine if it is structured so that it is fairly reflective of the interests served by the agency; and 2) a review and analysis of the activities of the agency to determine if there are areas where the efficiency and effectiveness can be improved both in terms of the overall administration of the agency and in the operation of specific agency programs.

Policy-Making Structure

In general, the structure of a policy-making body should have as basic statutory components, specifications regarding the composition of the body and the qualifications, method of selection, and grounds for removal of the members. These should provide executive and legislative control over the organization of the body and should ensure that the members are competent to perform required duties, that the composition represents a proper balance of interests impacted by the agency's activities, and that the viability of the body is maintained through an effective selection and removal process.

The Texas Commission on Uniform State Laws is composed of six members who are appointed by the governor to serve staggered six-year terms and any resident life member of the National Conference of Commissioners on Uniform State Laws. Currently, one life member resides in Texas, making the present Texas commission a seven-member body. Appointed members must be licensed to practice law in Texas. Life members of the national conference are elected by that body in recognition of long service in the cause of the uniformity of state legislation. Commissioners are subject to removal if they fail or refuse to serve as a member of the commission.

The review indicated that the commission's structure could be improved by making adjustments in the composition, the selection process and the grounds for removal. Although the current commission is composed of members who possess expertise in various significant areas of law, no statutory requirement exists to assure that future commissions will have a membership which provides an appropriate combination of skill and representation of those groups involved in the achievement of uniform laws. Three groups which are not reflected in the statutory composition but are integrally involved in the development, adoption and

interpretation of uniform laws, are legislators, judges, and legal educators. In order to provide a more appropriate commission composition, the statute should be amended to require that of the six attorneys who serve on the commission, one should be a state judge, one a legal educator, one a member of the Texas Senate, and one a member of the Texas House of Representatives. Because of their familiarity with the abilities of the legislative members, the respective presiding officers of the legislative houses should make the senate and house appointments. The governor should continue to appoint the remaining four members. Since national rules require that all commissioners be licensed attorneys, it would not be effective to appoint public members as they would not be allowed to participate at the national conference. However, it is felt that the inclusion of the two elected public officials would afford a greater measure of public influence on the commission's work.

An additional concern is related to the removal of commission members and arises from an inconsistency between requirements imposed on commissioners by the constitution and by-laws of the national conference and those imposed by the Texas statute. Article 26 of the national by-laws requires the executive committee of the national conference to terminate the membership of any commissioner who is absent and not excused from two consecutive annual meetings. With Texas commissioners serving six-year terms of office, the possibility exists for a commissioner to be ineligible to attend the national conference while being a current member of the Texas commission. Currently, no statutory ground for removal expressly addresses this situation. Since such ineligibility would substantially reduce that member's effectiveness to the commission, there should be clear statutory authority to remove a commission member who becomes ineligible to attend the national conference functions.

Summary and Recommendations - Policy-making Structure

The policy-making structure is generally appropriate for an agency of this type, but it could be improved through changes to the composition, member selection and grounds for removal. Designating two legislators, a judge and a legal educator from among the lawyer members, would improve the balance of the commission structure and providing for removal in the event of ineligibility, would eliminate an area of uncertainty that currently exists. The reasons for each of these improvements are briefly discussed below.

Currently, no statutory composition requirements currently exist to ensure the representation of three groups directly involved in the uniform law process - legislators, judges, and legal educators. The statute should be amended to provide these groups representation. The inclusion of legislative members would also afford a measure of public representation. To facilitate the selection of the legislative members included in the recommended commission structure, the legislative appointments should be made by the presiding officer of the appropriate legislative house. In the area of removal, a potential exists that a commissioner could become ineligible to participate in national conference activities, yet would remain a member of the Texas commission, and clear statutory authority should exist to remove any Texas commissioner who becomes ineligible to participate in national conference functions.

The following recommended changes to the commission's statute or practices were developed to address the above concerns.

- 1. The statute should be amended to modify the commission composition by requiring that, of the six attorneys who serve on the commission, one should be a state judge, one a legal educator, one a member of the Texas Senate, and one, a member of the Texas House of Representatives.*
- 2. The statute should be amended so that the senate and house members are appointed by the lieutenant governor and the speaker respectively.*
- 3. The statute should be amended to provide for the removal of a commissioner who becomes ineligible to participate in national conference activities.*

Overall Administration

The evaluation of the overall agency administration focused on determining whether the operating policies and procedures of the agency provide a framework which is adequate for the internal management of personnel and cash resources and which satisfies reporting and management requirements placed on the agency and enforced through other state agencies.

The review of the commission's administrative structure indicated that there were improvements which should be made in the overall agency administration.

Currently, the administrative activities of the commission consist primarily of travel voucher preparation and minimal clerical work. Both of these activities are presently being provided by the chairman. The review indicated that the commission has experienced minor difficulties in completing travel vouchers in a form acceptable to the Comptroller of Public Accounts. A recent report by the State Auditor's Office recognized the need for regular administrative support when it found that five of nine vouchers expensed during an audit period contained apparent errors. To provide the commission with adequate administrative support, the Texas Legislative Council, which currently processes the voucher for payment of membership dues, could assume the administrative responsibility for processing the travel vouchers of the commission.

Generally, it is desirable to have express statutory authority for an agency to expend funds. The current statute is silent as to this commission's authority relating to expenditures. To clarify the commission's authorization relating to funding and expenditures, the statute should be amended to give the commission clear statutory authority to pay necessary travel and operational expenses.

Evaluation of Agency Programs

The substantive operations of the Texas Commission on Uniform State Laws can be separated into two basic activities: 1) the participation of the Texas delegation in the activities of the national conference, and 2) the commission's activity within the state to encourage legislative adoption of uniform laws and uniform judicial interpretation of those laws.

Regarding the commission's activities at the national conference, the Texas delegation, through its consistent participation and demonstrated leadership, has represented the interests of Texas in an effective manner. The commission's efforts within the state to promote uniformity of state laws could be improved by eliminating two factors which have hampered the effectiveness of the commission.

The current statute requires that a biennial report describing the activities of the commission be filed with the legislature each regular session. The review indicates that the commission does not file these reports. Uniformity in state laws is directly dependent upon state legislators' and judges' awareness of the need for uniformity and the existence of uniform acts adopted by the national conference. The development and distribution of a report to the legislature is one important way to promote this awareness. To improve the effectiveness of the commission's activities within the state, the commission should develop and distribute the

required legislative report. Assistance in its preparation could be provided by the Texas Legislative Council.

Commission activities to inform legislators and judges of the availability and the need for adoption and consistent interpretation of uniform state laws have been limited to the independent efforts of the commissioners, who have substantial professional obligations. Having no staff, the commission is unable to delegate these functions to full-time state employees. However, existing state agencies which have established lines of communication with state legislators and judges could provide an effective means to channel information to the legislature and the judiciary. Although the chairman has in the past used this approach, a well-developed plan to cooperate with state agencies such as the State Bar of Texas and the Texas Judicial Council could greatly improve the commission's ability to achieve the necessary awareness of its activities, without substantially increasing the commissioner's workload. Therefore, the commission should increase its efforts to cooperate with state agencies that can assist in providing information to state legislators and state judges.

Summary and Recommendations - Evaluation of Programs

The operations of the agency have generally been conducted in an efficient and effective manner. However, improvements could be made in processing expense vouchers if the commission had staff support. Also, the effectiveness of the commission could be improved if it prepared the biennial report on its activities required by statute and increased its efforts to provide information on uniform state laws through other established state agencies. The reasons for each of these improvements are briefly discussed below.

The commission has no staff and has experienced minor difficulties in the limited administrative duties necessary to support its activities, especially in completing and filing travel vouchers. To provide necessary administrative support, the Texas Legislative Council could be designated by statute to perform these administrative services. Also, the commission does not currently have clear authority to pay necessary travel and operating expenses and the statute should be amended to allow this.

Two factors have limited the effectiveness of the commission. First, the commission does not develop or send to the legislature a

statutorily required report thus reducing its ability to inform the legislature and judiciary of its activities. Second, the commission, having no staff, is unable to devote the time necessary to fully inform legislators and judges of its activities. To improve its effectiveness in this area, the commission should develop and file the required biennial report to the legislature and should cooperate more fully with state agencies that already routinely communicate with legislators and judges.

The following recommended changes to the commission's statute or practices were developed to address the above concerns.

- 1. The statute should be amended to authorize the Legislative Council to provide administrative support to the commission.*
- 2. The statute should be amended to give the commission clear authority to pay necessary travel and operational expenses.*
- 3. The commission should modify its practices to develop and send to the legislature the biennial report required by statute.*
- 4. The commission should modify its practices to increase its efforts to cooperate with state agencies that can assist in informing legislators and judges of commission activities.*

OTHER SUNSET CRITERIA

The review of the agency's efforts to comply with overall state policies concerning the manner in which the public is able to participate in the decisions of the agency and whether the agency is fair and impartial in dealing with its employees and the general public is based on criteria contained in the Sunset Act.

The analysis made under these criteria is intended to give answers to the following questions:

1. Does the agency have and use reasonable procedures to inform the public of its activities?
2. Has the agency complied with applicable requirements of both state and federal law concerning equal employment and the rights and privacy of individuals?
3. Has the agency and its officers complied with the regulations regarding conflict of interest?
4. Has the agency complied with the provisions of the Open Meetings and Open Records Act?

EVALUATION OF OTHER SUNSET CRITERIA

The material presented in this section evaluates the agency's efforts to comply with the general state policies developed to ensure: 1) the awareness and understanding necessary to have effective participation by all persons affected by the activities of the agency; and 2) that agency personnel are fair and impartial in their dealings with persons affected by the agency and that the agency deals with its employees in a fair and impartial manner.

Open Meetings/Open Records

Review of the agency's compliance with the Open Records Act indicated that the commission has never had a formal request for information and in general considers all of its records public information. Therefore, agency activities show general compliance with the Act. One concern was identified, however, regarding the agency's compliance with the Open Meetings Act. The commissioners currently meet on a formal basis only at the annual national conference. No notices of these meetings have been filed with the Texas Register, and the provisions of the Open Meetings Act require the filing of notice for commission meetings. It is suggested that the commission contact the Office of the Secretary of State and begin necessary procedures to comply with the Open Meetings Act.

EEOC/Privacy

A review was made to determine the extent to which the agency has complied with applicable provisions of both the state and federal statutes concerning equal employment and the rights and privacy of individual employees. In general, these requirements affect agencies that employ staff and adopt rules concerning agency activities. Since the commission on Uniform State Laws has no staff and has adopted no rules, the agency is not at present affected by the requirements.

Public Participation

The review of agency activities designed to encourage public participation, indicated that there is little direct public participation in the activities of the Texas commission. However, it should be noted that there are two ways in which the public is allowed an influence in the overall process of development and adoption of uniform state laws. First, in the national conference proceedings, the committee which determines the subjects on which uniform laws will be drafted receives suggestions from the public. Members of professions or groups who would

be affected by a proposed law are often consulted in the drafting process. Second, at the state level, public input is received during the legislative committee process as a uniform law is being considered by the legislature.

Conflicts of Interest

In determining whether the commissioners have complied with statutory standards of conduct and conflict-of-interest provisions, it was noted that commission members have not filed financial disclosure forms. Because it is unclear whether the agency is governed by the state's general statute dealing with conflict of interest, it is suggested that the chairman of the commission contact the Office of the Secretary of State to determine whether financial disclosures are required and comply with the direction provided by that office.

Summary and Recommendations - Other Sunset Criteria

The review of the areas of open meetings/open records; EEOC/Privacy; public participation; and conflicts of interest shows that the commission has generally complied with the requirements governing these areas. However, there are two areas where improvements should be made. The commission does not post meetings in accordance with the Open Meetings Act and should do so. Additionally, the commission has not determined if its members should file financial disclosure statements and therefore may be in violation of statutory requirements.

The following recommended changes to the commission's statute or practices were developed to address these concerns.

1. ***Open Records/Open Meetings (non-statutory)***
 - a. *The commission should contact the Office of the Secretary of the State and begin necessary procedures to comply with the Open Meetings Act.*
2. ***Conflicts of Interest (non-statutory)***
 - a. *The commission should contact the Office of the Secretary of State to determine whether members are required to file financial disclosure and then take appropriate action.*

**NEED TO CONTINUE AGENCY FUNCTIONS
AND
ALTERNATIVES**

The analysis of the need to continue the functions of the agency and whether there are practical alternatives to either the functions or the organizational structure are based on criteria contained in the Sunset Act.

The analysis of need is directed toward the answers to the following questions:

1. Do the conditions which require state action still exist and are they serious enough to call for continued action on the part of the state?
2. Is the current organizational structure the only way to perform the functions?

The analysis of alternatives is directed toward the answers to the following questions:

1. Are there other suitable ways to perform the functions which are less restrictive or which can deliver the same type of service?
2. Are there other practical organizational approaches available through consolidation or reorganization?

NEED

The analysis of need and alternatives is divided into: 1) a general discussion of whether there is a continuing need for the functions performed and the organizational setting used to perform the function; and 2) specific discussion of practical alternatives to the present method of performing the function or the present organizational structure.

Functions

In determining whether uniformity of state laws is still a useful function for the state to pursue it was noted during the review that Texas has already adopted 21 uniform state laws and therefore would have a continuing interest in changes to these laws which may be proposed in the future by the National Conference on Uniform State Laws. Also, new areas of uniform law have been developed and proposed which deal with the regulation of condominiums and child custody, both of which are of interest to Texas.

The review indicated that the function of developing uniformity in state laws is still necessary and that Texas should remain active in this area to preserve the benefits gained from past efforts and to be in a position to affect future proposals on uniform state laws.

Agency

In reviewing whether it is necessary for the state to have a separate organizational structure for carrying out the function of participating in the development of uniform state laws, it was concluded that the current structure is the most effective one available to the state for its participation.

If Texas is to effectively participate in the National Conference on Uniform State Laws, the current commission structure is necessary.

ALTERNATIVE APPROACHES FOR COMMISSION CONSIDERATION

Agency Reorganization

While agencies like the Texas Legislative Council, the State Bar of Texas, or the Attorney General do perform similar functions relating to legal research and have employees who are experienced in dealing with and drafting laws, the consolidation of the commission with these agencies would eliminate the structure necessary for Texas' effective participation in the development of uniform laws at the national level, thus preventing effective state participation.

Change in Method of Regulation or Service Delivery

The single purpose of the commission is to participate in the development of uniform laws so that the interests of the state are recognized, and there is no useful modification available which can strengthen this purpose.

Summary of Need and Alternatives

The review indicated that there is a continuing need for uniformity in certain state laws and that Texas should continue to be active in preserving past benefits in this area and should be in a position to affect future proposals on uniform state laws.

The analysis of the major alternatives of merging the functions of the commission with those of another existing agency or changing the method of performing the functions did not show any significant benefits to be gained. If action of this type were taken, Texas could not effectively participate in the National Conference on Uniform State Laws.

ACROSS-THE-BOARD RECOMMENDATIONS

COMMISSION ON UNIFORM STATE LAWS

Applied	Modified	Not Applied	Across-the-Board Recommendations
			A. ADMINISTRATION
	X		1. Require public membership on boards and commissions.
X			2. Require specific provisions relating to conflicts of interest.
X			3. A person registered as a lobbyist under Article 6252-9c, V.A.C.S., may not act as general counsel to the board or serve as a member of the board.
X			4. Appointment to the board shall be made without regard to race, creed, sex, religion, or national origin of the appointee.
		X	5. Per diem to be set by legislative appropriation.
X			6. Specification of grounds for removal of a board member.
	X		7. Board members shall attend at least one-half of the agency board meetings or it may be grounds for removal from the board.
X			8. The agency shall comply with the Open Meetings Act, and the Administrative Procedure and Texas Register Act.
		X	9. Review of rules by appropriate standing committees.
X			10. The board shall make annual written reports to the governor and the legislature accounting for all receipts and disbursements made under its statute.
		X	11. Require the board to establish skill oriented career ladders.
		X	12. Require a system of merit pay based on documented employee performance.
X			13. The state auditor shall audit the financial transactions of the board during each fiscal period.
X			14. Provide for notification and information to the public concerning board activities.
X			15. Require the legislative review of agency expenditures through the appropriation process.

Commission on Uniform State Laws
(Continued)

Applied	Modified	Not Applied	Across-the-Board Recommendations
			B. LICENSING
		X	1. Require standard time frames for licensees who are delinquent in renewal of licenses.
		X	2. A person taking an examination shall be notified of the results of the examination within a reasonable time of the testing date.
		X	3. Provide an analysis, on request, to individuals failing the examination.
		X	4. (a) Authorize agencies to set fees.
		X	(b) Authorize agencies to set fees up to a certain limit.
		X	5. Require licensing disqualifications to be: 1) easily determined, and 2) currently existing conditions.
		X	6. (a) Provide for licensing by endorsement rather than reciprocity.
		X	(b) Provide for licensing by reciprocity rather than endorsement.
		X	7. Authorize the staggered renewal of licenses.
			C. ENFORCEMENT
		X	1. Authorize agencies to use a full range of penalties.
		X	2. Require files to be maintained on complaints.
		X	3. Require that all parties to formal complaints be periodically informed in writing as to the status of the complaint.
		X	4. Specification of board hearing requirements.
			D. PRACTICE
		X	1. Revise restrictive rules or statutes to allow advertising and competitive bidding practices which are not deceptive or misleading.
		X	2. The board shall adopt a system of voluntary continuing education.