

SUNSET ADVISORY COMMISSION

COMPLIANCE REPORT

Implementation of 2013 Sunset Legislation

JANUARY 2015



Sunset Advisory Commission

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Cover Photo: The Texas State Capitol was completed in 1888. With the Goddess of Liberty atop the dome, the Texas State Capitol Building is 19 feet taller than the U.S. Capitol Building in Washington, D.C. The photo shows the north facade of the Capitol. The gardens in the foreground sit atop a 667,000 square foot underground structure, the Capitol Extension, which houses many legislators’ offices and committee rooms. Photo Credit: Janet Wood

**IMPLEMENTATION OF
2013 SUNSET LEGISLATION**

**COMPLIANCE REPORT
JANUARY 2015**

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SUMMARY

SUMMARY

An important element of the Sunset process is a check on agencies' progress in implementing Sunset recommendations from the previous legislative session. The Legislature expects agencies to effectively implement both the management recommendations of the Sunset Commission, as well as the statutory provisions of an agency's Sunset bill. The Sunset Act requires the Commission to report the findings of the implementation review.

In 2013, the 83rd Legislature passed 17 of the 20 bills containing the Sunset Commission's recommendations. These bills contained a total of 158 provisions requiring action by the agencies involved. Sunset staff assessed each agency's efforts to implement the required changes. Overall, Sunset staff found that agencies made approximately 89 percent of these changes, with the remainder in progress. Key changes implemented as a part of the Sunset process include the following.

- Requiring the criminal justice agencies to better measure and manage the performance of their programs to help the Legislature align funding with programs that work — those that reduce recidivism and incarceration costs — rather than on incarceration costs alone.
- Increasing the state lottery's contribution to schools by eliminating the diversion of leftover unclaimed prize money and improving the agency's accountability and effectiveness by increasing the size of the Commission.
- Transferring rate-related regulation for water and sewer utilities from the Texas Commission on Environmental Quality (TCEQ) to the Public Utility Commission (PUC) to take advantage of PUC's rate setting experience and allow TCEQ to focus on its core mission.
- Refocusing the Texas Higher Education Coordinating Board on coordinating, and not regulating, the public higher education system by removing significant pieces of the agency's regulatory authority, including authority to consolidate or eliminate low-producing academic programs and to approve capital projects at institutions of higher education.
- Changing the culture of the Port of Houston Authority's governing board and improving its operating practices to restore accountability and regain the public's trust.
- Abolishing the Office of Fire Fighters' Pension Commissioner and requiring the Pension Review Board to oversee local firefighter pensions.

The chart, *Summary of 2013 Sunset Legislation Implementation*, shows that approximately 11 percent of the provisions have not yet been fully put into action. The chart on page 3, *2013 Sunset Legislation Implementation by Agency*, shows the progress of each agency in implementing its statutory changes. Detailed information on the status of each statutory provision that is in progress is provided for each agency in the charts beginning on page 5.

**Summary of
2013 Sunset Legislation Implementation**

Status of Provisions	Number	Percentage
Implemented	141	89%
In Progress	17	11%
Not Implemented	0	0%
Total	158	

The Sunset Commission did not conduct a compliance review for two of the agencies under Sunset review in 2013, as their Sunset legislation failed to pass into law during the 83rd Legislature. The Sunset bill on the Railroad Commission did not pass, though the Legislature continued the agency through separate legislation until 2017. The Ethics Commission Sunset bill made it through the legislative process, but the Governor vetoed the bill. As a constitutionally created agency, the Ethics Commission is not subject to abolishment and will be reviewed again on its regular schedule in 12 years.

Two other agencies under review in 2013 were continued under Sunset review for two years, and Sunset staff reviewed their compliance as part of separate special purpose reviews. The Texas Education Agency Sunset bill failed to pass, and the agency was continued under Sunset review until 2015. The Texas Facilities Commission (TFC) Sunset bill passed, but separate legislation required the agency to undergo a limited Sunset review prior to the 2015 session. Reports on these two agencies are available on Sunset's website and include compliance with changes adopted in 2013.

In addition to statutory changes, the Sunset Commission adopted 70 management recommendations for improvements to agency operations under review before the 2013 Session. The State Auditor's Office evaluated the implementation of 23 of these management recommendations. The Auditor's findings are contained in SAO Report No. 14-038, *A Report on the Self-reported Implementation of Sunset Advisory Commission Management Actions*, which is included in this report on page 19. Following up on the Auditor's report, Sunset found that one management recommendation for the Texas Higher Education Coordinating Board had not been implemented, as described on page 10 of this report.

Sunset staff also evaluated implementation of Sunset management directives for the Port of Houston Authority since the Authority is not typically subject to SAO oversight. Sunset found that four of the eight management directives to the Authority are still in progress, and one was not implemented. The chart on page 15 provides further information on these provisions.

In addition, the Legislature directed the Sunset Commission to evaluate the Texas State Soil and Water Conservation Board's compliance with Commission recommendations to the 82nd Legislature in 2011. This special-purpose review focused on the agency's implementation of recommendations regarding the Flood Control, Water Quality Management Plan, and Water Supply Enhancement programs as discussed later in this report. Sunset staff found the agency has fully implemented the Sunset Commission's recommendations from H.B. 1808, 82nd Legislature and no further action is necessary.

2013 Sunset Legislation Implementation by Agency*

Agency	Bill Number	Changes Required	Changes Implemented	In Progress	Not Implemented
Architectural Examiners, Texas Board of	H.B. 1717	4	4	0	0
Arts, Texas Commission on the	S.B. 202	No action required	0	0	0
Criminal Justice Agencies					
Criminal Justice, Texas Board and Department of		10	9	1	0
Correctional Managed Health Care Committee	S.B. 213	No action required	0	0	0
Pardons and Paroles, Board of		3	1	2	0
Windham School District within the Texas Department of Criminal Justice		3	2	1	0
Employee Charitable Campaign Policy Committee, State	S.B. 217	6	5	1	0
Engineers, Texas Board of Professional	S.B. 204	7	7	0	0
Fire Fighters' Pension Commissioner, Office of	S.B. 220	14	12	2	0
Higher Education Coordinating Board, Texas	S.B. 215	21	19	2	0
Housing and Community Affairs, Texas Department of	H.B. 3361	12	11	1	0
Information Resources, Department of and Comptroller Procurement and Support Services Division	H.B. 2472	19	17	2	0
Judicial Conduct, State Commission on	S.B. 209 S.J.R. 42	5	5	0	0
Lottery Commission, Texas	H.B. 2197	23	22	1	0
Pension Review Board, State	S.B. 200	3	3	0	0
Port of Houston Authority	H.B. 1642	11	9	2	0
Preservation Board, State	S.B. 201	4	4	0	0
Public Utility Commission of Texas	H.B. 1600	11	9	2	0
Self-Directed Semi-Independent Agency Project Act					
Texas Board of Public Accountancy					
Texas Board of Professional Engineers	H.B. 1685	2	2	0	0
Texas Board of Architectural Examiners					
Totals		158	141	17	0

* As of December 2014.

**BILL PROVISIONS
IN PROGRESS**

BILL PROVISIONS

In Progress

Texas Department of Criminal Justice — S.B. 213

Senate Bill 213, as adopted by the 83rd Legislature, related to the continuation and functions of the Texas Department of Criminal Justice (TDCJ), Correctional Managed Health Care Committee, Windham School District, and Board of Pardons and Paroles. The legislation continued TDCJ for eight years, until 2021, and included a total of 10 changes requiring action by TDCJ. The following chart summarizes one provision that is still in progress and provides the current status.

Bill Provision	Implementation	
	Status	Comments
1. Requires TDCJ to adopt a standardized assessment tool to fully assess the risk and needs of each offender based on criminogenic factors. Requires TDCJ to specify a timeline for the testing, adoption, and implementation of the assessment tool, which must provide for the use of the assessment tool no later than January 1, 2016.	In Progress	TDCJ has specified a timeline and is on schedule for the full implementation of the standardized assessment tool prior to January 1, 2016. TDCJ finalized the standardized assessment tool in July 2014 and will complete training on the use of the tool by January 1, 2015. TDCJ will begin monitoring the use of the tool in early 2015 to identify and prioritize any needed technical assistance.

Board of Pardons and Paroles — S.B. 213

Senate Bill 213, as adopted by the 83rd Legislature, included three changes requiring action by the Board of Pardons and Paroles (Parole Board). The following chart summarizes two provisions that are still in progress.

Bill Provision	Implementation	
	Status	Comments
1. Requires parole panels, when approving or denying an inmate’s release from incarceration, to produce a clear and understandable written statement that explains the decision and the reasons for the decision only to the extent that those reasons relate specifically to the inmate. These requirements apply only to a decision of a parole panel made on or after November 1, 2013.	In Progress	The Parole Board did not implement changes to written statements used to notify an inmate of a parole panel’s release decision by November 1, 2013, as required by S.B. 213. In October 2014, the Parole Board’s presiding officer issued a board directive that written statements only contain those reasons that specifically apply to the offender. However, changes to TDCJ databases used to prepare the written statements are necessary to help bring the Parole Board into full compliance. The Parole Board just recently submitted its request for changes to TDCJ in late November 2014, but these changes have not been completed.
2. Requires the Parole Board to establish and maintain a range of recommended parole approval rates for each parole guideline score no later than January 1, 2014, and to conduct an annual review of the voting patterns of each regional office and individual parole panel member.	In Progress	The Parole Board did not take any formal action to establish a range of recommended parole approval rates by January 1, 2014 as required by S.B. 213. The Parole Board indicates it has informally reinstated the use of the recommended parole approval rates from 2001, which the Parole Board formally discontinued use of in 2011. The Parole Board also indicates it will need to contract with a consultant to develop new recommended parole approval rates for each parole guideline level and has requested \$300,000 for the 2016–2017 biennium to pursue modification, updates, and improvements to the parole guidelines. The Parole Board states that its <i>Parole Guidelines Annual Report</i> will contain a review of voting patterns of each regional office and individual parole panel member, but the expected publication date of the report is not until the first quarter of 2015.

Windham School District — S.B. 213

Senate Bill 213, as adopted by the 83rd Legislature, related to the continuation and functions of the Texas Department of Criminal Justice (TDCJ), Correctional Managed Health Care Committee, Windham School District, and Board of Pardons and Paroles. The legislation requires Windham to be reviewed in conjunction with future Sunset reviews of TDCJ, with the next review occurring in 2021, and included a total of three changes requiring action by Windham. The following chart summarizes one provision that is still in progress and provides the current status.

Bill Provision	Implementation	
	Status	Comments
1. Requires Windham to collect performance-based program data and conduct biennial program evaluations to measure whether its programs (academic, vocational training, and life skills) reduce recidivism and meet the district's other statutory goals, and to make changes to the programs when needed. Authorizes Windham to enter into an MOU with TDCJ, Department of Public Safety and Texas Workforce Commission to obtain and share necessary data.	In Progress	Windham has entered into verbal agreements with and received data from TDCJ, Department of Public Safety and Texas Workforce Commission to conduct a biennial program evaluation of the 2010 school year and 2011 school year cohorts. Windham is in the process of completing a report to the 84th Legislature that evaluates the effectiveness of Windham's programs and outlines changes in programming based on these findings. The estimated publication date for the report is January 30, 2015.

State Employee Charitable Campaign — S.B. 217

Senate Bill 217, as adopted by the 83rd Legislature, relating to the State Employee Charitable Campaign (SECC) and providing for its next Sunset review in four years, included a total of six changes. The following chart summarizes one provision that is still in progress and provides the current status.

Bill Provision	Implementation	
	Status	Comments
<p>1. Establishes the State Policy Committee’s role in leading and overseeing SECC. Requires the State Policy Committee to develop a strategic plan for and make improvements to the campaign as needed.</p>	<p>In Progress</p>	<p>Four members of the State Policy Committee have formed a long range planning committee to develop a strategic plan for and make SECC more effective. The committee met on September 25th to discuss the strategic plan and is considering a facilitated strategy session in February 2015 with key SECC stakeholders to gather feedback and help draft larger goals and strategies for SECC moving forward. Afterwards, the committee will work to finalize a strategic planning document, but does not have an estimated completion date at this time.</p> <p>The committee met again on November 20th to review an online giving tool and is scheduled to present this information to the full State Policy Committee on January 16, 2015 for possible action.</p>

Office of Fire Fighters' Pension Commissioner — S.B. 220

Senate Bill 220, as adopted by the 83rd Legislature, abolished the Office of Fire Fighters' Pension Commissioner and transferred its technical assistance and training functions to the State Pension Review Board, and its pension administration functions to the Texas Emergency Services Retirement System. The legislation included a total of 14 changes requiring action. The following chart summarizes two provisions that are still in progress and provides the status of each.

Bill Provision	Implementation	
	Status	Comments
1. Requires the Texas Emergency Services Retirement System (system) board to report to the State leadership, Legislative Budget Board, and State Pension Review Board if the system's fund experiences significant changes to its actuarial valuation or contributions or benefits, or if its actuarial valuation is incorrect. The report must cover the effect of alternative contribution and benefit structures on the actuarial valuation.	In Progress	<p>As a result of the fund's latest actuarial valuation, issued December 15, 2014, the board has decided that significant changes have occurred that require the implementation of this provision, including a significant improvement in the fund's unfunded liabilities. The board has not set a date yet for when it will submit this report.</p> <p>Also, the board amended its rules to require volunteer fire departments participating in the pension fund to contribute an extra amount, in addition to normal contributions, if the system cannot amortize its unfunded liabilities within 30 years. This extra amount, set by the board every even numbered year to coincide with the fund's actuarial evaluation, can be no more than 15 percent of the normal contributions. However, the board will not be requiring these extra contributions at this time because of improvement in the system's soundness.</p>
2. Requires the TESRS board to conduct actuarial audits and experience studies at least every five years but not required to be conducted concurrently.	In Progress	The system's board plans to perform these reviews and will discuss them at its February 27, 2015 board meeting.

Texas Higher Education Coordinating Board — S.B. 215

Senate Bill 215, as adopted by the 83rd Legislature, continued the Texas Higher Education Coordinating Board (Coordinating Board) for 12 years. The legislation included a total of 21 changes requiring action. The following chart summarizes two provisions that are still in progress and provides the status of each.

Bill Provision	Implementation	
	Status	Comments
1. Requires the Coordinating Board to periodically re-evaluate the ongoing need for all existing data requests it imposes on higher education institutions through rule or policy.	In Progress	Although the Coordinating Board requires all new data requests and changes to existing data requests to be reviewed and approved by the agency’s Data Collection Committee, the agency will not convene a negotiated rulemaking committee to re-evaluate the ongoing need for all existing data requests imposed by the board on higher education institutions until 2017.
2. Requires the Coordinating Board to strengthen its internal controls for allocating financial aid funding. Requires the board to publish allocation methodologies for all trustee funds (rather than just financial aid funds) and consult with stakeholders when adopting allocation methodologies in rule.	In Progress	The Coordinating Board has complied with the provision to strengthen internal controls for all but one financial aid program, the Texas Educational Opportunity Grant (TEOG). The negotiated rulemaking committee established for TEOG could not reach a consensus, so agency staff developed rules relating to the program’s allocation methodology which was considered by a subcommittee of the board on December 10, 2014. Staff anticipate that the full board will adopt the rules at the January 2015 meeting.

In addition to the provisions in S.B. 215, the Sunset Commission also issued 10 management recommendations. The board has not implemented one of these recommendations, as explained in the chart below.

Management Action	Implementation	
	Status	Comments
1. Direct the Commissioner of Higher Education to ensure that a single high-level executive manages and coordinates the agency’s day-to-day operations.	Not Implemented	The Commissioner of Higher Education has not appointed a high-level executive to manage and coordinate the agency’s day-to-day operations. Instead of making staff changes, the Coordinating Board has improved cooperation and communication between the operational and academic sides of the agency, which does not comply with the Sunset Commission’s management action.

Texas Department of Housing and Community Affairs — H.B. 3361

House Bill 3361, as adopted by the 83rd Legislature, continued the Texas Department of Housing and Community Affairs for 12 years. The legislation included a total of 12 changes requiring action. The following chart summarizes one provision that is still in progress and provides its status.

Bill Provision	Implementation	
	Status	Comments
1. Eliminates manufactured housing branch and rebuilder licenses from statute.	In Progress	The agency's manufactured housing division published the rules in the Texas Register in late October 2014 and expects the rules to be effective in January 2015.

Department of Information Resources
Comptroller Procurement and Support Services Division
H.B. 2472

House Bill 2472, as adopted by the 83rd Legislature, continued the Department of Information Resources (DIR) and retains statewide procurement functions at the Comptroller's Procurement and Support Services Division (Division) for eight years, until 2021. The legislation included a total of 19 changes requiring action. The following chart summarizes two provisions that are still in progress and provides the status of each.

Bill Provision	Implementation	
	Status	Comments
1. Requires DIR and the Division to establish a procurement coordination committee to identify areas of overlap in their procurement functions; mutually beneficial contracting and procurement methodologies; opportunities for collaboration on procurement functions; and opportunities for consolidation of administrative or other functions to improve customer service and reduce costs. Also requires the committee to develop standardized methods to collect and analyze procurement spending data; benchmark and quantitatively measure cost savings and administrative efficiencies resulting from collaboration and cooperative purchasing; and strategies for coordination relating to procurement functions. Authorizes the committee to appoint advisory members. Requires the committee to report to the Sunset Commission on its required activities by September 1, 2015 and September 1, 2017. Requires the Comptroller and DIR to include a similar report as part of their 2019 Self-Evaluation Reports required under the Sunset Act prior to their 2021 Sunset dates.	In Progress	While DIR and the Division have formed the committee and begun work on identifying opportunities for collaboration as specified by the bill, ongoing effort and reporting to the Sunset Commission will be required until 2019.
2. Requires DIR to develop a consistent and clear method of measuring the costs and progress of IT consolidation initiatives. Requires DIR to work with any entity involved in a consolidation to develop an agreed on methodology for evaluating actual costs and cost savings. Also requires DIR to evaluate the progress of its information resources consolidation projects compared to initially projected timelines for implementation. Requires DIR to annually report this information to entities involved in the consolidation, the DIR Board, the Legislative Budget Board, and on DIR's website.	In Progress	While DIR has developed a method of measuring the progress of its data center consolidation effort, the agency has not yet finalized a methodology for measuring costs. DIR has created a draft cost methodology and is working with its data center state agency customers to reach a consensus and finalize this methodology. The agency anticipates completion by January 2015.

Texas Lottery Commission — H.B. 2197

House Bill 2197, as adopted by the 83rd Legislature, continues the Texas Lottery Commission (Commission) for 12 years. The legislation included a total of 23 changes requiring action. The following chart summarizes one provision that is still in progress and provides its status.

Bill Provision	Implementation	
	Status	Comments
1. Requires the Commission to amend its current bingo penalty schedule to include a full range of sanctions to ensure that sanctions imposed are appropriate to the violation.	In Progress	The agency plans to propose rules to amend the existing schedule at its Commission meeting in February 2015.

Port of Houston Authority — H.B. 1642

House Bill 1642, as adopted by the 83rd Legislature, made numerous changes to the operations and management of the Port of Houston Authority (Authority). The legislation included a total of 11 changes requiring action. The following chart summarizes two provisions that are still in progress and provides the status of each.

Bill Provision	Implementation	
	Status	Comments
1. Requires the Authority to develop and implement a policy to guide and encourage more meaningful stakeholder involvement efforts.	In Progress	The Authority has developed a draft policy and has implemented a number of required elements, such as adding Port Commission meeting minutes and audio to its website. The Authority recently engaged an outside consultant to develop a more comprehensive public engagement strategic plan, and estimates final adoption during the first quarter of 2015.
2. Requires the Authority to create a comprehensive strategic planning process, including long-range strategies and shorter-range implementation plans tied to financial and capital planning.	In Progress	The Authority has completed many elements of this requirement, but has not yet finalized an updated long-range strategic plan. The Port Commission adopted a strategic planning policy, conducted planning and budget workshops, and has approved mid- and short-range capital plans and budgets as required. The Authority recently engaged an outside consultant to conduct an organizational assessment and assist with long-range strategic planning, and estimates adoption of an updated long-range plan in the first quarter of 2015.

Port of Houston Authority (continued)

In addition to the provisions in H.B. 1642, the Sunset Commission also issued eight management actions to the Port of Houston Authority. Four of these directives are still in progress and one has not been implemented, as explained in the chart below.

Management Action	Implementation	
	Status	Comments
1. The Authority should take steps to better manage and align its organizational approach to procurements.	In Progress	<p>The Authority has made significant progress, including establishing a centralized procurement office and completing updates to procurement policies and manuals, but the efforts are not yet complete. The Authority has not yet finalized implementation of a new system to better track and manage the procurement process and related information. The Authority has contracted with a vendor to upgrade the procurement system and estimates implementation in June 2015.</p> <p>Also, the Authority has not yet moved procurement responsibilities related to the small business program to the new procurement office as directed, but will continue to evaluate organizational placement of these duties as the office becomes more established.</p>
2. The Authority should eliminate or better manage ongoing professional services contracts.	Not Implemented	<p>The Authority has not implemented the directive to eliminate the duties of the Special Counsel function. While the Authority eliminated the formal title of this position, the Authority continues to contract for the same general legal and open meetings advice for Commission members that could be handled by the Authority's General Counsel. The Authority has taken action on other elements of this directive to reduce involvement of the Litigation Counsel and more actively manage the Authority's lobby function.</p>
3. The Authority should take steps to improve the evaluation and award of contracts.	In Progress	<p>The Authority has implemented all but one of the directives to improve the fairness and consistency of the Authority's contract evaluation and award process. The Port Commission adopted a vendor protest procedure in October 2012 and a procurement policy in January 2014, and Authority staff completed a procurement manual improving the evaluation process as directed.</p> <p>However, the January 2014 procurement policy currently in effect does not implement a key provision to follow best practices in contract oversight. Sunset recommended ensuring the Commission maintains an objective role by limiting its action to accepting or rejecting a staff</p>

Port of Houston Authority (continued)

Management Action	Implementation	
	Status	Comments
		recommended vendor in a procurement award, and clearly removing the potential for the Commission to involve itself in the evaluation process. The policy does not reflect this provision. The Commission’s Governance Committee recently recommended changing the policy to comply with the Sunset directive. The Authority anticipates adopting a revised policy in December 2014.
4. The Authority should take aggressive steps to implement a coordinated and comprehensive safety program.	In Progress	The Authority has made significant progress to develop and implement a much improved, active, and best-practice based safety program. Just one element, a formalized return-to-work policy, is not yet complete. The Authority has drafted a policy and expects final adoption in the first quarter of 2015.
5. Direct the Port Commission, acting as the Pilot Board, to take a more active role in oversight of the Houston Pilots.	In Progress	The Authority has taken steps to implement many elements of the directive, including tracking continuing education and incident investigation information on pilot renewal applications; expanding criminal background checks; monitoring fatigue mitigation activities; and improving information and complaints procedures available to the public. However, the Pilot Board has not yet adopted updated rules as required. The Authority plans to release draft rules for public comment by January 2015, with final adoption expected in the first quarter of 2015.

Public Utility Commission of Texas — H.B. 1600

House Bill 1600, as adopted by the 83rd Legislature, continued the Public Utility Commission (PUC) for 10 years. The legislation included a total of 11 changes requiring action. The following chart summarizes two provisions that are still in progress and provides the status of each.

Bill Provision	Implementation	
	Status	Comments
1. Transfers rate-related regulation of water and sewer utilities from the Texas Commission on Environmental Quality to PUC and revises ratemaking from its current one-size-fits-all design to better accommodate different size utilities. Statute requires the transfer to occur by September 1, 2014, finalization of a memorandum of understanding between PUC and the Texas Commission on Environmental Quality by August 1, 2014, and rule adoption by September 1, 2015.	In Progress	PUC has opened rulemaking projects on new ratemaking processes, with completion of these projects planned for September 1, 2015 as required by statute. Other dates required in statute have been met.
2. Requires PUC to make a comparative analysis of its existing statutory ratemaking authority and its new water and wastewater authority to determine opportunities for standardization. Requires PUC to report to the Legislature any recommendations to standardize ratemaking requirements in time for consideration in the 84th legislative session.	In Progress	The report comparing ratemaking authority at the PUC is currently in production. The PUC intends to submit this report to the Legislature concurrently with the Scope of Competition reports that are due to the Legislature in January 2015.

STATE AUDITOR'S OFFICE
REPORT ON IMPLEMENTATION
OF SUNSET ADVISORY COMMISSION
MANAGEMENT ACTIONS



John Keel, CPA
State Auditor

A Report on
**The Self-reported Implementation of
Sunset Advisory Commission
Management Actions**

July 15, 2014

Members of the Legislative Audit Committee:

The State Auditor's Office has obtained the following entities' self-reported implementation status for 23 non-statutory recommendations (management actions) in the *Sunset Advisory Commission Report to the 83rd Legislature*:

- Texas Board of Architectural Examiners.
- Texas Commission on the Arts.
- State Employee Charitable Campaign.
- Texas Ethics Commission.
- Texas Higher Education Coordinating Board.
- Texas Lottery Commission.
- State Preservation Board.
- Railroad Commission.

The entities reported that:

- They had fully or substantially implemented 16 (69 percent) of the 23 management actions.
- The implementation of 5 (22 percent) of the 23 management actions was incomplete or ongoing.
- Two (9 percent) of the 23 management actions had not been implemented.

Objective, Scope, and Methodology

Texas Government Code, Section 325.012 (d), provides for the State Auditor's Office's examination of the non-statutory recommendations (management actions) that the Sunset Advisory Commission (Commission) makes.

The objective of this project was to report on the implementation status of the 23 management actions included in the *Sunset Advisory Commission Report to the 83rd Legislature*.

The project scope included eight entities to which the Commission directed management actions in its report to the 83rd Legislature.

This project relied on self-reported information the entities provided. The information in this report was not subject to the tests and confirmations that would be performed in an audit.

The following members of the State Auditor's staff performed the project:

- Stacey Williams, CGAP (Project Manager)
- Anne Hoel, CIA, CGAP
- Charles P. Dunlap, Jr., CPA (Quality Control Reviewer)
- Brianna C. Lehman, CPA (Audit Manager)

Definitions of Implementation Status

Fully Implemented: Successful development and use of a process, system, or policy to implement a management action.

Substantially Implemented: Successful development but inconsistent use of a process, system, or policy to implement a management action.

Incomplete/Ongoing: Ongoing development of a process, system, or policy to address a management action.

Not Implemented: Lack of a formal process, system, or policy to address a management action.

SAO Report No. 14-038

Robert E. Johnson Building
1501 North Congress Avenue
Austin, Texas 78701

P.O. Box 12067
Austin, Texas 78711-2067

Phone: (512) 936-9500
Fax: (512) 936-9400
Internet: www.sao.state.tx.us

Members of the Legislative Audit Committee
July 15, 2014
Page 2

The table in the attachment to this letter summarizes the self-reported implementation status of the management actions at the entities included in this report.

We appreciate the entities' cooperation with this report. If you have any questions, please contact Brianna Lehman, Audit Manager, or me at (512) 936-9500.

Sincerely,

John Keel, CPA
State Auditor

Attachment

cc: The Honorable Rick Perry, Governor
Boards, commissions, and executive management of the following entities:
Texas Board of Architectural Examiners
Texas Commission on the Arts
State Employee Charitable Campaign
Texas Ethics Commission
Texas Higher Education Coordinating Board
Texas Lottery Commission
State Preservation Board
Railroad Commission
Sunset Advisory Commission



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Attachment

Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions

Table 1 presents information on the entities' self-reported status of implementation of non-statutory recommendations (management actions) in the *Sunset Advisory Commission Report to the 83rd Legislature*.

Table 1

Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions		
Management Action	Self-reported Implementation Status	Entity Comments
Texas Board of Architectural Examiners (TBAE)		
Direct the Board to measure the effects its customer service and outreach efforts have on licensing and enforcement.	Incomplete/Ongoing	<p>TBAE Managers of the Communications, Registration, and Investigations departments held meetings to create measures to recommend to the Executive Director in order to implement this Management Action. The team agreed upon three measures to implement the requirement. The measures set a formula to determine the ratio of a specific input measure (the number of cases opened or the number of applicant fees paid) to the number of communication impressions made in order to determine the effect a communication has upon registration and enforcement. It is important to note that the measures can only track correlations, not causation. After consideration, the Executive Director adopted the measures as a means to gauge the effect of communications upon agency functions.</p> <p>Separately, for at least the past five years the agency also has tracked the impact of outreach efforts through its biennial Customer Service Survey. The survey includes questions regarding respondents' reaction to the substance and means of agency outreach and communications efforts.</p> <p>Implementation of the measures will be completed with some programming by internal IT staff, as part of a thorough overhaul of the agency's database (ongoing as of now). Upon completion of programming, the agency will refine the measure definitions to reflect any alteration necessary for programming, develop policies and procedures, and train staff to capture and maintain data in a systematic manner to ensure data integrity, audit records, and change management. It is anticipated that the measures will be fully implemented September 1, 2014.</p> <p>Communications Manager is primarily responsible for the implementation of the measure.</p>

Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions		
Management Action	Self-reported Implementation Status	Entity Comments
Texas Commission on the Arts (TCA)		
The Commission should amend its grant guidelines to incorporate reporting requirements for subgrantors and to better link on-site monitoring visits to risk.	Fully Implemented as of: May 4, 2014 - Grant Guidelines September 2013 - Site Visits	TCA amended its grant guidelines for subgranting to reflect the recommendations by the Sunset Commission. TCA's Deputy Director administers the subgranting program. TCA changed its policy of on-site monitoring at the beginning of the new fiscal year to reflect the recommendations of the Sunset Commission. Currently, the agency determines on-site monitoring as a result of a thorough risk assessment. TCA's Deputy Director oversees the on-site monitoring.
The Commission should develop and track additional performance measures to evaluate the impact of its grants.	Fully Implemented as of June 4, 2014	TCA has come to an agreement with the LBB and Office of the Governor regarding new performance measures as recommended by the Sunset Commission. The new measures have now been entered into ABEST, and TCA has fully implemented the Sunset recommendation, effective June 4, 2014. TCA's Deputy Director and Director of Programs and Technology are responsible for collecting and reporting performance measures.
State Employee Charitable Campaign (SECC)		
Direct the State Policy Committee to evaluate and streamline SECC's current processes, organization, and structure.	Incomplete/Ongoing	The SECC State Policy Committee has appointed a subcommittee to work on a Long Range Plan. This subcommittee is developing a policy on how to change procedures to make the SECC more efficient and effective. The subcommittee regularly reports to the full committee on the status of the project. The subcommittee has identified that the cost of making the campaign more efficient as a major obstacle to moving forward.
Texas Ethics Commission		
Direct the agency to strengthen systems to verify the completeness and accuracy of disclosure information.	Incomplete/Ongoing	With the funding appropriated by the 83rd Legislature, the Texas Ethics Commission has been working on a new electronic filing system that will replace the current electronic filing system for campaign finance, lobby, and personal financial statement filings. This is a two-year project, some parts of which began before the 83rd Legislative Session convened. The campaign finance application phase will be completed in January 2015. The new system will be a web-based reporting system that will be easily accessible to all filers (those who file with the Commission and those who file at the local level) and that will be accessible to users of personal computers, MAC computers, and modern mobile devices. The new electronic filing system will be an intuitive interview-style system that will provide extensive and instant feedback for clearly wrong entries to help reduce filing errors. This will assist filers in accurately completing reports, which will result in more accurate information for the public. The new electronic filing system will contain comprehensive management tools including a robust database that will allow the Commission to verify the completeness and accuracy of disclosure information. The Commission contracted for the project in August 2013 to begin in September 2013. The Commission has been working closely with the vendor providing oversight, resources, and expertise and will continue this until completion of the project. The campaign finance application phase of the new electronic filing

Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions		
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		<p>system will be implemented in January 2015. To ensure a successful implementation, in Fall 2014 the Commission will begin a pilot testing program. During this phase, special attention will be given to suggestions on ways to improve the system in an effort to achieve the greatest success possible.</p> <p>The lobby and personal financial statement filing application phases are scheduled to be completed by August 2015.</p> <p>The Commission employee responsible for the implementation of the project is the Commission's Executive Director.</p>
Texas Higher Education Coordinating Board (THECB)		
Direct the Coordinating Board to restructure and reduce its number of advisory committees.	Fully Implemented as of December 2, 2013	Proposed rules to repeal inactive and unnecessary advisory committees were adopted by the Board in October 2013 and became effective on December 2, 2013.
Direct the Coordinating Board to revamp its statutorily required strategic plan to be specific to the agency's goals and functions.	Fully Implemented as of May 29, 2014	This recommendation is fully implemented with the submittal of the 2015-2019 Agency Strategic Plan. The plan aligns with the agency's goals and objectives (rather than Closing the Gaps) and includes involvement and feedback from constituents, including staff and board members.
Direct the Commissioner of Higher Education to ensure that a single high-level executive manages and coordinates the agency's day-to-day operations.	Fully Implemented as of 2009	The THECB disagreed with the Sunset Advisory Commission that the agency didn't have a high-level executive who manages and coordinates the agency's day-to-day operations. Since 2009, and further clarified in December 2011, the job description for the Deputy Commissioner for Finance and Administration/Chief Operating Officer reads that this position "is responsible for the overall management of the THECB's daily business operations and budget." In addition, the Deputy Commissioner "assumes responsibility for the agency in the absence of the Commissioner of Higher Education." These responsibilities are consistent with Sunset's recommendation.
Direct the Coordinating Board to redesign its websites to better meet the needs of its stakeholders and ensure centralized control over the sites' content and organization.	Incomplete/Ongoing	Due to the fact that the legislature did not appropriate funds for this recommendation, minimal progress has been made. The agency is in the process of reviewing all external sites for possible consolidation or elimination and for possible integration into social media. Funding limitations continue to inhibit this effort.
Require the Coordinating Board to include information about the B-On-Time Loan Program's progress in its annual financial aid report.	Incomplete/Ongoing	<p>A separate section will be added in the annual financial aid report for FY2014 data (to be published by July of 2015) to include information about the B-On-Time program's progress.</p> <p>Administrative rules have been proposed for consideration at the July, 2014 Board meeting to include the following provisions of SB 215:</p> <p>THECB will collaborate with institutions and other entities to adopt measures to (1) improve student participation in the Texas B-On-Time Student Loan Program, including strategies to better inform students about the program, (2) improve the rate of student satisfaction of the requirements for loan forgiveness, (3) educate students regarding the requirements for loan forgiveness, (4) ensure that BOT borrowers understand the repayment requirements, and (5) implement default prevention strategies, including in-person or online loan repayment and default prevention counseling to borrowers.</p>

Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions		
Management Action	Self-reported Implementation Status	Entity Comments
		<p>Institutions having a BOT default rate that exceeds the statewide average default rate for BOT loans and institutions having a BOT loan forgiveness rate that is less than 50% of the statewide average for BOT forgiveness must provide in-person or online default prevention counseling to borrowers. (These items will be on the agenda for discussion at the June 3, 2014 meeting of the Financial Aid Advisory Committee.)</p> <p>THECB, in consultation with all eligible institutions, will prepare materials designed to inform prospective students, their parents, and high school counselors about the program and eligibility for a Texas BOT loan.</p> <p>Section 21.134 of BOT rules, adopted through the negotiated rulemaking process, requires reallocation of BOT funds for students attending private institutions that are unused on February 20 or the first working day thereafter. We will recommend that this provision be incorporated into negotiated rules for BOT loans to students attending public institutions. Reallocation of unused funds should result in increased usage of available funds.</p> <p><u>Additional Measures</u></p> <p>In June, 2011 THECB staff began mailing letters each semester to prior year BOT recipients who have remaining eligibility, reminding them to request a BOT loan if they need financial assistance.</p> <p>Staff ensure that BOT loans are available for inclusion on the ELM and Great Lakes preferred lender products, if requested by institutions.</p> <p>Staff are considering requesting that the Texas School Counselors Association (TSCA) post an article on the program in its e-newsletter. Efforts to promote the program must be strategic because usage has increased during the past couple of years. This will be an agenda item at the June 3, 2014 meeting of the Financial Aid Advisory Committee.</p> <p>At the request of legislators, Texas Guaranteed (TG) developed a suite of resources that includes information on BOT eligibility and forgiveness requirements, including a GPA calculator, a loan counseling module, a loan counseling workbook, and a guide to repayment (http://www.tgslc.org/b-on-time/.) THECB staff will work with TG staff to strengthen these resources and will post a link to the TG site on the THECB's BOT information web page.</p> <p>Loan program staff send semi-annual letters to BOT borrowers reiterating the loan forgiveness requirements, emphasizing the importance of keeping track of their progress toward meeting those requirements. The letters are mailed in June and December of each year. This procedure has been in place since 2009 (or perhaps earlier).</p>
The Coordinating Board's Office of Internal Auditor should prioritize its core functions over other duties that divert its focus or impair its ability to independently evaluate the agency's operations.	Fully Implemented as of September 1, 2013	Internal Audit and Compliance Monitoring have separate Annual Plans and areas of focus. Internal Audit focuses on evaluating risk management, governance, and control of internal processes. This focus is consistent with the recommendation of the Sunset Advisory Commission.

Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions		
Management Action	Self-reported Implementation Status	Entity Comments
Texas Lottery Commission		
The Commission should reassess the full cost of bingo regulation and seek to adjust license fees and its legislative appropriations request accordingly.	Fully Implemented as of August 30, 2012	<p>The Texas Lottery Commission's FY 2014-15 Legislative Appropriations Request dated August 30, 2012 included two Rider requests consistent with Recommendation 4.6 of the agency's Sunset Report as follows:</p> <p>New Rider 702, Appropriation to Reimburse the Lottery Dedicated Fund for the Cost of Bingo Indirect Costs. This new Rider requested to transfer Bingo receipts to the General Revenue Lottery Dedicated Account to fund the cost of indirect support provided to the Bingo program from Lottery proceeds.</p> <p>(Note: This Rider seeking reimbursement of the Lottery Dedicated Fund for the Cost of Bingo Indirect Costs was not appropriated by the 83rd Legislature.)</p> <p>New Rider 705, Appropriation, Contingent Upon Revenue. This Rider was contingent upon approval of Exceptional Item 2 related to staffing increases for the Bingo division.</p> <p>(Note: This Rider seeking a Contingency Appropriation for Exceptional Item 2 related to Bingo staffing was approved by the 83rd Legislature and is further described below.)</p> <p>Exceptional Item 2 was incorporated in the Commission's FY 2014-15 LAR requesting 14 additional FTEs for the Bingo program. The appropriation increase included a provision noting that it was contingent upon the Commission covering the additional costs by assessing fees sufficient to generate revenues in excess in Bingo revenues estimated in the Biennial Revenue Estimate. Based on the Commission's fee structure, it was determined that fee increases to Bingo Operators and Lessors would be required to support the Exceptional Item.</p> <p>Senate Bill 1 from 83rd Legislative Session includes Rider 14. Contingent Revenue that increases funding for 14 FTEs in each fiscal year contingent upon the Commission generating \$1,563,912 to meet the biennial revenue targets outlined in Rider 14 to cover the direct appropriations of \$1,224,876 and other direct and indirect costs, estimated to be \$339,036 for the FY 2014-15 biennium.</p> <p>Following passage of Rider 14, the Commission adopted a rule on 7/11/2013 that imposed a new fee for bingo worker registration applications and increases the fees for licenses to conduct bingo and lessor licenses to lease bingo premises. On 7/15/2013 the Commission provided copies of Commission minutes and other information supporting the estimated revenues to be generated for the 2014-2015 biennium under the revised fee structure to the Comptroller of Public Accounts and requested a finding of fact. On 11/8/2013, the Comptroller issued a finding of fact and approved direct appropriations of \$612,438 in fiscal year 2014 and \$612,438 in fiscal year 2015 for the additional FTEs.</p>

Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions		
Management Action	Self-reported Implementation Status	Entity Comments
State Preservation Board (SPB)		
The Board should resume oversight of SPB at a level typical of other agencies, such as annually reviewing and approving SPB's annual operating budget and work plan.	Fully Implemented as of June 11, 2012	The State Preservation Board convened on June 11, 2012. At that time, the Board adopted a policy defining the division of powers and duties between the Board members and Agency staff. The policy lists the powers and duties of the Board, including approval of the agency strategic plan, Legislative Appropriations Request, annual budget, and work plan. At the September 20, 2013 meeting, the Board approved and adopted the Agency's Fiscal Year 2014 Operating Budget.
Direct SPB to create a comprehensive five-year capital improvement plan across all properties it manages and an annual project schedule.	Substantially Implemented Expected Implementation Date: July 2014	Over the past five years the SPB has developed and refined a Capitol Renewal Schedule. The schedule is a comprehensive internal agency document that identifies priority capital projects that are needed for the Capitol, Capitol Extension, Capitol Visitors Center, Capitol Grounds and the Bullock Texas State History Museum. The Museum was included in this document starting in FY 2014. Title of Responsible Party: Director of Facilities
Direct SPB to create and maintain an agency operating budget that includes all areas of expenditure and funding.	Fully Implemented as of September 20, 2013	The State Preservation Board convened on September 20, 2013. At that time, the Board approved and adopted the Agency's Fiscal Year 2014 Operating Budget. The budget was summarized by strategy for general revenue appropriations and by trust and enterprise funds.

Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions		
Management Action	Self-reported Implementation Status	Entity Comments
SPB should conduct a regular, comprehensive assessment of the agency's enterprise functions to evaluate potential for optimizing revenue.	Fully Implemented as of September 1, 2012	<p>The State Preservation Board continually reviews opportunities to enhance and optimize revenues across all divisions of the agency. This includes parking garages and meters; gift stores; scheduled events at the Capitol; telecommunications leases; food service; Museum ticket pricing; Museum special events; and Museum programming.</p> <p>Specifically, over the past two years the SPB has identified ways to maximize its parking asset by contracting to fill parking spots in the Visitor Parking Garage and the Museum garage, expanded the hours during the week when parking metered spaces must be paid for, implemented smart meters to boost revenue, and increased fees for leasing parking meters.</p> <p>Other efforts include the review and modification of the Museum rate structure for exhibits, films, membership, and special event rentals. The SPB evaluated pricing structures at comparable Austin-area venues to ensure it is competitive in the marketplace. The SPB also receives revenues from the rental of space in the Capitol and contracts with telecommunication providers to lease space for equipment used for phone and data transmission.</p> <p>Additionally, the Retail division continues to explore product development for unique items, primarily with wood that has been harvested from trees felled on the Capitol grounds. The Retail division is developing a Capitol heritage wood line of products that includes boxes, bowls, bookends and pens. The SPB recently requested proposals from manufacturers and design firms for its Capitol ornament to ensure the best product is produced for the best price. A consultant has been hired to review the retail operations and make suggestions for improvements with the goal of enhancing revenues.</p> <p>The SPB will continue to evaluate and pursue opportunities to optimize revenues through all available avenues.</p>
Direct the Board to adopt a policy that clearly defines the roles and responsibilities of the museum director and the executive director in the management of the Museum.	Fully Implemented as of June 11, 2012	The State Preservation Board convened on June 11, 2012. At that time, the Board adopted a policy allowing the Executive Director to delegate to other staff duties that are not specifically required by rule or statute to be performed by the Executive Director.
Direct the agency to develop a separate strategic plan and annual report for the Museum by January 2013, and continue to provide the Museum Fund Annual Report.	Substantially Implemented October 1, 2012 - Annual Report Implemented	<p>The Museum released an Annual Report for Fiscal Year 2012. Strategic Plan information for the Museum is included in the SPB Strategic Plan. The Museum also continues to provide the Museum Fund Annual Report.</p> <p>Title of Responsible Party: Museum Director</p>
Direct the Board to develop a policy on the use of the Museum Fund that governs the Fund's balances by January 2013.	Fully Implemented as of June 11, 2012	The State Preservation Board convened on June 11, 2012. At that time, the Board Established a policy on the use of funds in the Bob Bullock Texas State History Museum Fund. The policy defines the requirements for approval and notification of fund transfers and limitations on transfers.

Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions		
Management Action	Self-reported Implementation Status	Entity Comments
<p>The Board should modify its proposed rules governing its relationships with its affiliated nonprofit organizations to specifically address the following standards and ensure adherence to accepted best practices. The rules should include the following components.</p> <ul style="list-style-type: none"> • Prohibit SPB employees from directly spending or controlling affiliated nonprofits' funds, and clarify funds raised by the agency's affiliated nonprofit organizations be used only for Board-directed priorities and legitimate operating expenses of the nonprofit organization. • Prohibit SPB employees from accepting a salary supplement, bonus, or other direct benefit from affiliated nonprofit organizations. Affiliated nonprofits may provide financial or other benefits to the Board for discretionary award to employees, but the Board would make the final decision on awarding its employees, not the affiliated nonprofit. • Require the nonprofits to adopt criteria and guidelines for seeking corporate sponsorships to ensure any sponsorship serves the public interest and are aligned with SPB's mission. • Require, at a minimum, that affiliated nonprofit organizations provide SPB with an annual report and an annual audit. • Require SPB and its affiliated nonprofits to review their relationships at regular intervals, 	<p>Fully Implemented as of July 1, 2012</p>	<p>Two rules were adopted to be effective July 1, 2012. These rules are:</p> <p>Texas Administrative Code Title 13, Part 7, Chapter 111</p> <p>Rule §111.32 Standards of Conduct between State Preservation Board Employees and Private Donors</p> <p>Rule §111.33 Relationship with Affiliated Non-Profit Organizations</p> <p>In addition, a Memorandum of Understanding (MOU) between the Texas State Preservation Board and the Texas State History Museum Foundation on Behalf of the Bob Bullock Texas State History Museum was entered into effective December 31, 2011.</p> <p>The rules and the MOU address how the Foundation will distribute funds to the Museum, and include a prohibition against SPB employee compensation and requirements for an annual report and an annual audit.</p>

Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions		
Management Action	Self-reported Implementation Status	Entity Comments
including consideration of the purpose and continued need for the affiliated nonprofit organization, and any changes needed.		
Railroad Commission		
Direct the Commission to review its recusal policy, and revise as necessary to ensure Commissioner's awareness of, and compliance with, its requirements.	Fully Implemented as of May 28, 2001	The Commission adopted section 1.10, title 16 of the Texas Administrative Code, effective May 28, 2001, requiring its members to observe certain standards of conduct in a contested case hearing. In Opinion No. JC-0418, issued on October 3, 2001, the Attorney General of Texas held that the portion of the rule that establishes standards for recusal in a contested case was invalid because it encroached upon authority properly granted by the legislature to the Texas Ethics Commission. The Attorney General determined that Section 572.058 of the Government Code sets out the sole statutory requirements for recusal by a member of the Railroad Commission and because the Texas Ethics Commission is the proper body to construe, administer, or enforce this statutory directive, the Railroad Commission may not describe by rule what standards are applicable thereto. The Railroad Commission nevertheless seeks to ensure that its members are aware of and adhere closely to the recusal requirements set forth in section 572.058 of the Government Code.
Direct the Commission to develop a fee schedule for increased charges associated with re-filing previously withdrawn applications for forced pooling or field spacing exceptions.	Not Implemented	Commission rules and procedures require an applicant who withdraws an application for a spacing exception and then re-files the application to pay an additional filing fee, as if the application was an entirely new filing. The Commission does not currently charge a fee for a MIPA application, or re-application, as such a fee would require statutory authorization.
Direct the Commission to study the use and development of telecommunication technology designed to increase the transparency of, and public's participation in, agency hearing processes and better protect the rights of mineral owners and land owners in the state of Texas.	Not Implemented	The Commission currently webcasts all Commission conferences at which final decisions are made on spacing exception applications and MIPA applications. Commission staff has investigated the possibility of authorizing parties to testify by video conferencing in its evidentiary hearings and concluded that due process concerns preclude it from doing so over the objection of any party to the proceeding. A party potentially adversely affected by testimony in a hearing is generally entitled to the opportunity to directly observe each witnesses' demeanor and to assure that the witness is not being coached. There are also serious obstacles regarding demonstrative exhibits and assuring that remote participants and those at a hearing are reviewing and testifying from identical exhibits.

**TEXAS STATE SOIL AND WATER
CONSERVATION BOARD
SPECIAL PURPOSE REVIEW**

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

Special Purpose Review

The Texas State Soil and Water Conservation Board (State Board) works directly with owners and operators of agricultural land to develop and implement conservation plans involving land treatment measures for erosion control, water quantity, and water quality purposes. The State Board underwent Sunset review in time for the 2011 legislative session.

The State Board's Sunset bill, House Bill 1808, directed the Sunset Advisory Commission to conduct a special-purpose review of the State Board as part of the Commission's review of agencies for the 84th Legislature. The Legislature limited this review to evaluation of the State Board's implementation of the Sunset Commission's recommendations regarding the Flood Control, Water Quality Management Plan, and Water Supply Enhancement programs.

In Fall 2012, the Sunset Commission evaluated the State Board's progress in implementing the statutory provisions contained in H.B. 1808. Two provisions of the bill were still in progress at that time. This current review builds on that earlier compliance effort to see if implementation of flood control, water quality management, and water supply enhancement recommendations had changed in any way and if new legislation had affected those requirements. Sunset staff also looked to see if the State Board had fully implemented the two remaining provisions related to the Water Supply Enhancement Program.

Sunset staff found the State Board has fully implemented the Sunset Commission's recommendations in H.B. 1808. No further action is necessary at this time.

