

## Minutes

### **SUNSET ADVISORY COMMISSION**

Senate Finance Committee Room  
Room E1.036, Capitol Extension  
Austin, Texas

#### **Wednesday, January 12, 2011**

The Sunset Advisory Commission convened at 8:00 a.m. in an open meeting posted in accordance with the provisions of Government Code §551.041. The meeting was called to order by Chairman Hegar. Roll was called with the following members present: Chairman Hegar, Vice Chair Bonnen, Senator Whitmire, Senator Nichols, Senator Huffman, Mr. McMahan, Representative Cook, Representative Anchia, and Mr. Jefferson. A quorum was present. Senator Hinojosa, Representative Harper-Brown, and Representative Taylor joined the meeting shortly after roll call.

Chairman Hegar briefly went over the agenda, and then proceeded with Commission decisions for the Texas Forest Service, Texas Juvenile Probation Commission (TJPC), Texas Youth Commission (TYC), Texas Racing Commission, Equine Research Account Advisory Committee, and the Texas State Affordable Housing Corporation.

Before beginning decision proceedings for TJPC and TYC, Vice Chair Bonnen recognized the presence of Chairman Madden and his exceptional work in the Texas House on these agencies. Vice Chair Bonnen stated that due to Chairman Madden's extensive knowledge of TJPC and TYC, Chairman Madden will continue to lead the Texas House on these issues.

During decision proceedings for the Texas Racing Commission, Representative Cook raised a new issue to establish the Racing Commission Texas-bred Incentive Program Trust Account, directing the Texas Racing Commission to deposit all Texas-bred program funds collected into the account. Funds placed in this trust account would not be part of the Commission's budget, exempting them from potential agency-wide budget reduction. Acknowledging it was a policy issue, Representative Cook withdrew his motion.

The meeting stood at ease at 8:51 a.m. until 1 p.m.

The Sunset Advisory Commission reconvened at 1:00 p.m. Representative Harper-Brown made a clarification regarding her modification to Recommendation 2.2 of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments to Sunset staff. She clarified that it would be effective May 1, 2012.

The meeting continued with decision proceedings for the Texas Department of Transportation (TxDOT), continuation of the Public Utility Commission of Texas, Railroad Commission of Texas, Texas Commission on Environmental Quality (TCEQ), and On-site Wastewater Treatment Research Council.

During TxDOT decision proceedings, Mr. McMahn raised a motion requiring any off-premise outdoor advertising billboard that is permitted by the Department be valued for condemnation purposes using the identical method of valuation used for taxation purposes. Vice Chair Bonnen raised the question of the motion being a policy issue, which the Commission has tried to avoid in previous Commission decision proceedings, and stated the proposed motion should go through the legislative process in a separate bill on its own merit. The motion was pulled down due to no second.

During TCEQ decision proceedings, Senator Hinojosa raised a new issue that would limit the type of low-level radioactive waste that the facility licensed by TCEQ can accept to waste generated in states that are part of the Compact Commission and waste from other sources that statute expressly authorizes the licensee to accept and contribute \$25 million to Texas. He will work with Senator Seliger and Senator Duncan during the upcoming session to create better oversight for the Compact, to have more say as to what type of radioactive materials comes into the State, and make sure Texas does not become a worldwide dump for radioactive waste. Senator Hinojosa believes this is a very important public policy issue and the Legislature should have better oversight of this issue.

Upon conclusion of the decision proceedings, Sunset staff briefly discussed the *Implementation of 2009 Sunset Legislation Compliance Report*. The Sunset Act requires the Sunset Commission to review the ways in which agencies implement Sunset bill provisions in the session following their Sunset review. In 2009, the 81st Legislature passed 13 bills containing 196 changes recommended by the Sunset Commission. Sunset staff worked with each agency impacted by these provisions to follow up on their efforts to implement the required changes. Sunset staff found that 89 percent of the provisions had been implemented by the affected agency, leaving eight changes still in progress, eight changes partially implemented, and five not implemented. The report contains exception charts for the agencies that have not fully implemented all provisions.

A final vote of all Sunset Commission recommendations to the 82nd Legislature is required to fulfill Section 325.010 of the Sunset Act. A roll call vote was taken; with 12 ayes and 0 nays the motion to forward the recommendations onto the 82nd Legislature was adopted.

With no further business, the meeting stood adjourned at 4:41 p.m.