



THE POLICY MAKING PROCESS IN TEXAS

No state, as a matter of public policy, should turn back the clock on progress by, in effect, legalizing and relitigating the same types of discriminatory laws and debates that took America centuries to overcome.

Dannel Malloy



What is a policy?

- ...rules, procedures, a plan or program of action to deal with a problem or an issue
- **public policy**: that policy designed to help citizens and to enhance public good... the response, or lack of response, of government decision makers to an issue
- Government creates policies and plans to deal with problems.
- The authority to create policy is granted by law and each branch of government is involved.





The Public Policy Approach

- **public policy approach**: a comprehensive method for studying the process through which issues come to the attention of government decision makers, and through which policies are formulated, adopted, implemented and evaluated
- not the same thing as **politics**: the process that determines who will occupy the roles of leadership in government and how the power of government will be exercised ... exists because individuals and groups have different interests and different views about public policy

The building of publicly funded stadiums has become a substitute for anything resembling an urban policy.

- Dave Zirin



The Public Policy Approach: An Example

- the study of capital punishment in Texas from a policy perspective
 - examines the legal, cultural and socioeconomic factors shaping the policy making environment
 - considers how and why violent crime became an issue of public concern and the process through which the state formulated and adopted a policy on capital punishment
 - examines the implementation of the death penalty, evaluates its effectiveness at reducing violent crimes and assesses its impact on the state





The Policy Making Process Environment

- ...the set of factors outside government that impacts the policy making process either directly or indirectly
- It is not one of the stages of the policy making process, but is the background in which the policy making process takes place.
- In the example of the death penalty, the most important environmental factors are the legal and constitutional settings, and public attitudes toward violent crime and the death penalty.

American-style democracy is no
guarantee of good policy.
- Evan Osnos



The Policy Making Process Environment

- The policy making process takes place within a context that determines
 - the **problems** that government addresses
 - the set of policy **alternatives** that decision makers are willing to consider
 - the **resources** for addressing problems that are available to the government



Texas House of Representatives



The Policy Making Process Environment

- What those problems, alternatives and resources are depends on the
 - **social** environment
 - **economic** environment
 - **political** environment
 - **governing** environment
 - **cultural** environment
- We'll look at some of these environments in the *People, Economy and Political Culture of Texas* presentations.



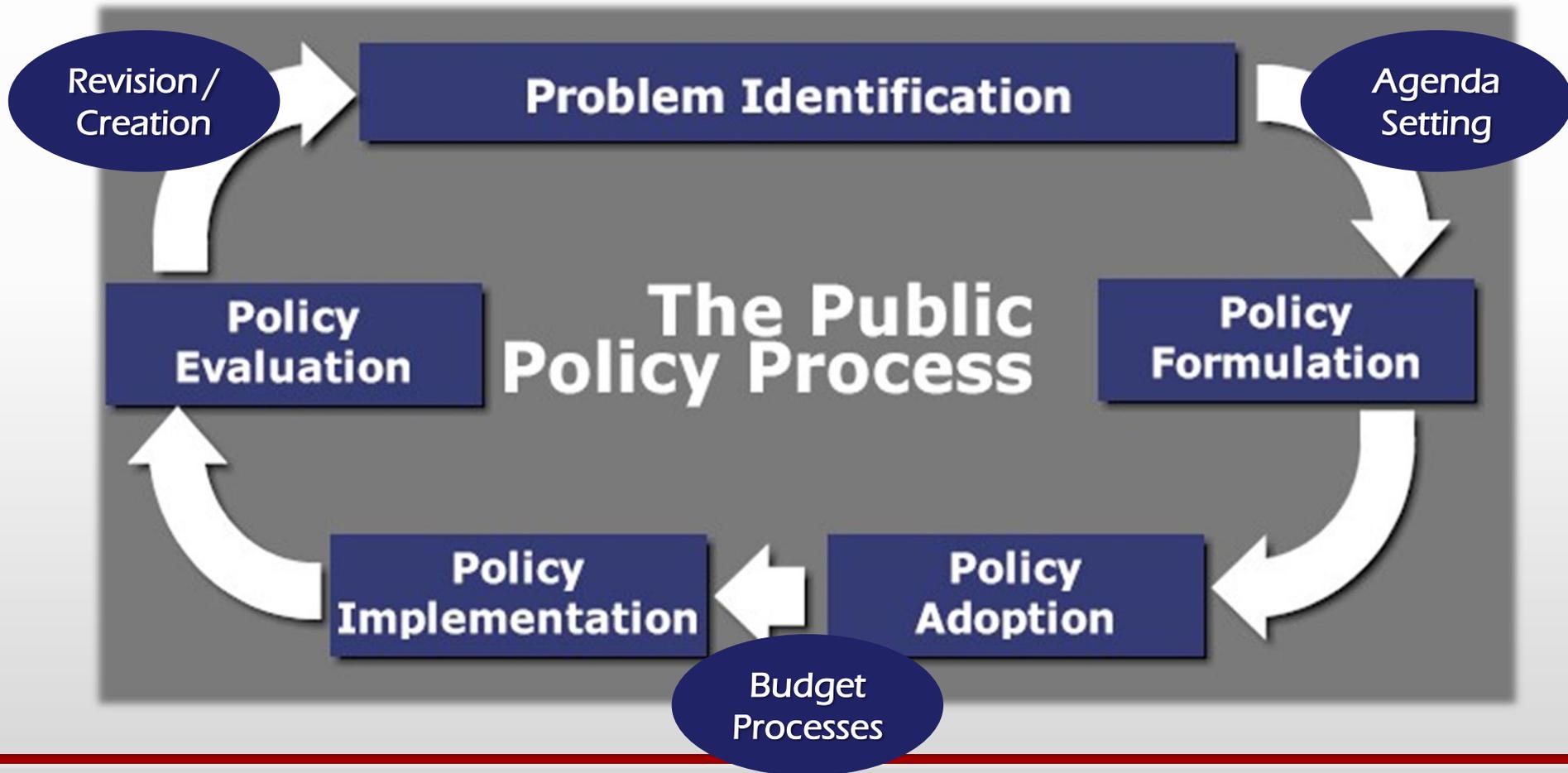


Policy Making Process Stages

- Good public policy is grounded in a sound policy making process.
 - problem recognition / identification
 - agenda setting / building
 - policy formulation
 - policy adoption
 - budget processes
 - policy implementation
 - policy evaluation
 - policy revision / creation



Policy Making Process Stages





Policy Making Process Stages: Problem Recognition / Identification

- ...people identify a problem or issue that disturbs or hurts them that government might be able to solve ... Either public opinion or elite opinion expresses dissatisfaction with a status quo policy.
- The first step in solving any problem is identifying and **accurately defining it**. Identifying the problem may appear to be simple. However, problem identification doesn't stop at simple definitions.
- Proper problem identification includes defining the **root cause** of the problem so you can apply the right tools to fix it.





Policy Making Process Stages: Agenda Setting

- ...process through which issues become matters of public concern and government action
- ...process through which issues become part of the **official policy agenda** ... government recognizes that a problem is worthy of its attention and intervention
- The issue must compete for space on the **agenda** (list of items being actively considered).





Policy Making Process Stages: Agenda Setting

- Key actors in agenda setting include think tanks, interest groups, media and government officials.
- Agenda building not only identifies problems for government action but also defines the nature of those problems and the eventual thrust of a policy solution.
- In recent years the Texas official policy agenda has included such items as educational finance, property tax reform, medical malpractice reform and welfare reform.





Policy Making Process Stages: Agenda Setting

How are policy agendas set?

- **concerned citizens**: ban together to become special interest groups
- **Political Action Committees** (PACs): raise money to affect politics ... often hire lobbyists (people paid to contact legislators to get their group's interests heard and addressed)
- **political party agendas**: related to the party platforms (set of goals party wants to accomplish) ... Since politicians are members of parties, platforms influence the official policy agenda.



Policy Making Process Stages: Agenda Setting

How are policy agendas set?

- **governors' election agendas:** When the government is divided (governor's office and legislature controlled by different parties) this may or may not be an actionable agenda, but divided government seldom happens in Texas.
- **crises or natural disasters:** need unanticipated responses or better responses
- **media attention on an issue:** Public polling and surveys by media can gain the attention of ambitious politicians.



Galveston, 2008,
after Hurricane Ike



Policy Making Process Stages: Agenda Setting

A problem can emerge onto the policy agenda in different ways.

- At the beginning of every Texas legislative session, the **governor** lists his or her legislative priorities.
- The **lieutenant governor**, who presides over the Texas Senate, and the **Speaker of the House** may also identify priorities, and move an issue onto the policy agenda.
- Another avenue for setting the policy agenda is through the **intergovernmental system** (relationships among national, state and local governments) and the **intragovernmental system** (relationships that involve the different branches of government).



Policy Making Process Stages: Agenda Setting

A problem can emerge onto the policy agenda in different ways.

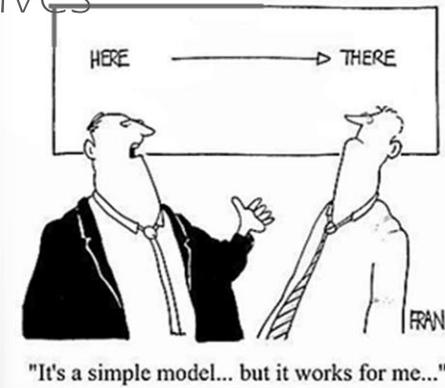
- Another way in which problems emerge onto the policy agenda is through the work of **interest groups** and their **lobbyists**. Lobbyists generally accomplish this work through elected officials and the bureaucracy by advocating for certain solutions to problems. Interest groups may also utilize the **media** or **grassroots activism** to further their cause.





Policy Making Process Stages: Policy Formulation

- ...the development of strategies for dealing with the problems on the official policy agenda ... involves
 - a lot of research
 - data gathering
 - investigation
 - discussions with experts, scientists, concerned citizens, etc
- At this point, policy makers must identify **alternatives for solving the problem**. The list of options should be exhaustive.





Policy Making Process Stages: Policy Formulation

models of policy formulation

- **rational comprehensive model:** an approach to policy formulation that assumes that policymakers establish goals, identify policy alternatives, estimate the cost and benefits of the alternatives and then select the policy alternative that produces the greatest benefit for the least cost
- **incremental model:** an approach to policy formulation that assumes that policymakers, working with imperfect information, continually adjust policies in pursuit of policy goals that are subject to periodic readjustment





Policy Making Process Stages: Policy Formulation

- Most political scientists believe that the rational comprehensive model is an unrealistic approach to policy formulation, while the incremental model more closely reflects the real world of public policy making.
- Keep in mind that the **decision to do nothing** is also a policy.



Opinion-based
policy making

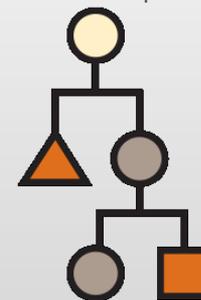


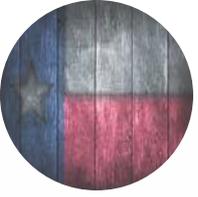
Evidence-based
policy making



Policy Making Process Stages: Policy Formulation

- The devil is in the details.
 - The plan or strategy of the policy needs to be general enough to let legislators and executives have some leeway in how it is adopted and implemented.
 - Yet it has to have specific goals to be met, specific strategies designed to deal with the issue and specific measures of the success or failure of the policy over time (targets to be met).





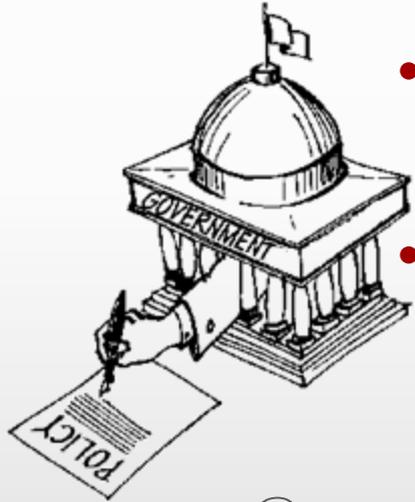
Policy Making Process Stages: Policy Adoption

- ...the official decision of a government body to accept a particular policy and put it into effect
- The formal selection of policies occurs through various means: a vote, the creation of a new law, an executive decision or action, a judicial decree, etc.
- Policy adoption often involves campaigning and persuasion.
- Formulated policies have to be adopted by relevant institutions of government in order to be put into effect

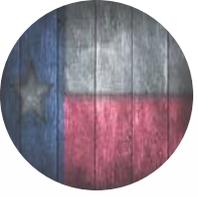


Policy Making Process Stages: Policy Adoption

- Adoption can be affected by the same factors that influence agenda setting.



- Policies that address crises can often be immediately adopted.
- Typically, though, policy adoption is affected by interest groups, the media (especially favorable or unfavorable media bias) and so on.
- Once the relevant government bodies adopt a policy, it moves into the next phase of the policy process.



Policy Making Process Stages: Budget Processes

- ...finding funds (resource allocation) to pay for the policy's implementation
- Every two years, the legislature must decide through the **appropriations process** how much money to spend on each policy. Generally, a policy must first be **authorized** (adopted) before money can be appropriated for it in the budget.
- Every policy change directly impacts the budget.
- Of course, the legislature can simply adopt the new policy and not make any changes to the budget but a policy without adequate resources is bound to fail.



Policy Making Process Stages: Policy Implementation

- ...stage of the policy process in which policies are carried out ... involves both government officials and individuals, as well as groups outside the government
- ...the actual administration or application of the policy



- This is where a lot of good policy goes wrong. How a program, policy, law is administered largely determines success or failure of the policy in solving an issue.



Policy Making Process Stages: Policy Implementation

- State agencies (the bureaucracy) and the executive branch take the lead in implementing state policies.
- Locally, county board decisions are implemented by county departments.
- Implementation could include adopting rules and regulations, providing services and products, public education campaigns, adjudication of disputes, etc.





Policy Making Process Stages: Policy Implementation Example

The implementation of the state's capital punishment statute varies from county to county. Many small counties rarely, if ever, send anyone to death row because they can't afford the expense of conducting a capital murder trial, which can tie up a courtroom for weeks.

Total Number of Texas Death Row Offenders Sentenced, by County

6 largest counties, 2017		6 smallest counties, 2017	
Harris	294	McMullen	0
Dallas	107	Kent	0
Tarrant	74	Borden	0
Bexar	76	Kenedy	0
Travis	20	King	0
Collin	15	Loving	0



Policy Making Process Stages: Policy Evaluation

- ...the assessment of policy, involving questions of equity, efficiency, effectiveness and political feasibility
- ...evaluate for goal attainment, shortcomings, problems, costs and benefits, indirect and unintended effects, etc
- example: In the imposition of the death penalty statute in the state, is it being imposed in an even-handed fashion, without regard to the gender, race, ethnicity or financial status of the criminal and victim?
- Policy evaluations sometimes highlight the distinction between **policy outputs** (actual government policies) and **policy outcomes** (the situations that arise as a result of the impact of a policy in operation).



Policy Making Process Stages: Policy Evaluation

Types of Policy Evaluations

- **empirical analysis:** a method of study that relies on experience and scientific observation
 - Empirical research on capital punishment in Texas finds that Texas juries are no more likely to sentence convicted murderers to death than are juries in other states.
- **normative analysis:** a method of study that is based on certain values



- A normative analysis of the death penalty might consider the morality of the policy and the fairness of its implementation.



Policy Making Process Stages: Policy Evaluation

- **Multiple actors** are involved in evaluation.
 - state agencies and governor's office
 - State legislature can review the implementation of all programs in hearings.
 - State judiciary are involved if suits allege a policy or program is unconstitutional or unfairly administered.
 - public and media
 - special interest groups, think tanks, academia
 - National agencies have reporting requirements on some programs and their achievement targets.



Policy Making Process Stages: Policy Evaluation

Clearly some public policies fail, and they fail for a variety of reasons.

Cause of government failure	Brief explanation of the problem caused	Examples of government failure to consider
• Political self interest	Government influenced by influential political lobbying	Farm support policies, the drinks industry, lax enforcement of anti-trust laws
• Poor value for money	Low productivity / high waste makes spending less effective	tax money to bail out large corporations, '96 Welfare Reform
• Policy short-termism	Governments often look for a "quick fix" solution	Road widening to reduce congestion, bailouts
• Regulatory capture	When Govt agency operates in favour of producers	Self-regulation on alcohol prices, powerful energy lobby
• Conflicting objectives	One policy objective might conflict with another	least cost vs renewable energy policies, greater state funding of vs local control over education
• Bureaucracy & red tape	Costs of enforcement may hurt enterprise & incentives	Costs of meeting health and safety and environmental laws
• Unintended consequences	Policies have unanticipated or unintended side-effects	Smoking ban – increased use of outdoor patio heaters



Policy Making Process Stages: Revision / Creation

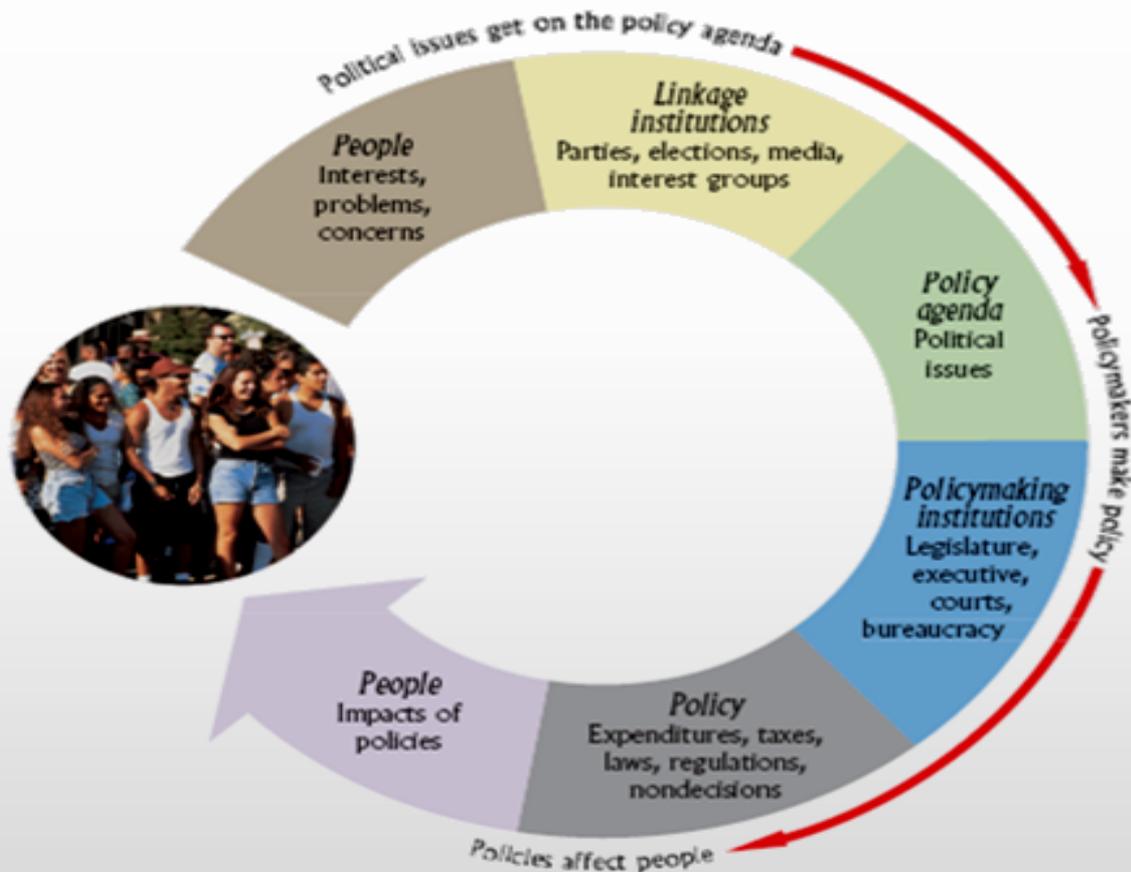
- ...based on evaluation results
 - continue policy
 - revise policy to address poor/inadequate performance
 - eliminate policy
 - create new policy in second attempt to solve original problem/issue





Dynamics of the Policy Process: Policy Cycle

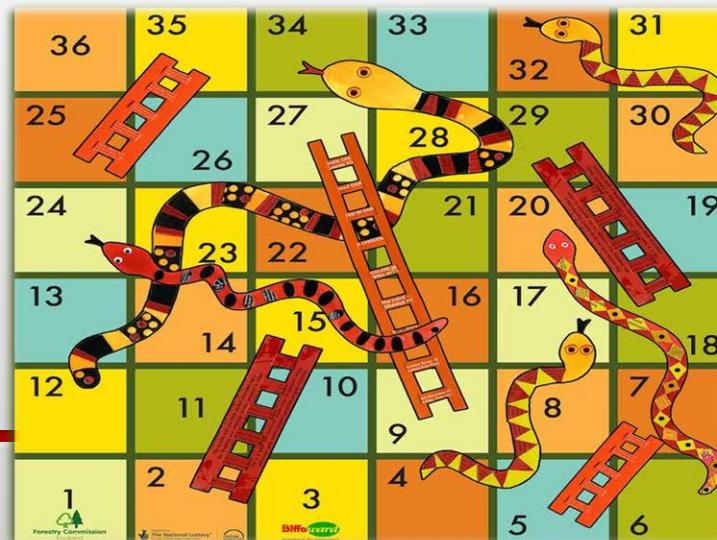
- ...the passage of an issue through the policy process from problem recognition through policy revision
- No clear lines of demarcation can be drawn between the eight stages of the policy process.
- Not every issue completes the entire policy cycle.





Dynamics of the Policy Process: Issue Network

- ...describes a group of political actors concerned with some aspect of public policy
- The policy making process involves a broad range of political actors, including government officials, the institutions of government, individual policy activists, political parties, the news media and interest groups.





The Policy Making Process

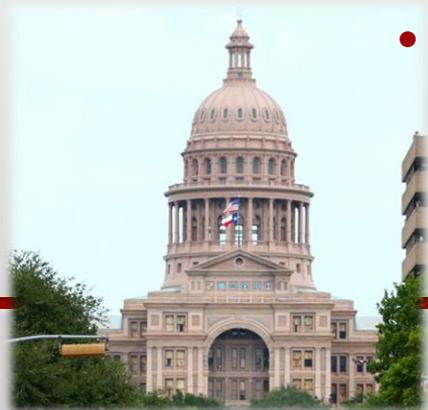
Policy making is a **cyclical process**. It begins in the agenda setting stage with recognition and definition of a significant public problem and an organized call to government action. In response, the legislative and bureaucratic machinery of government may formulate, adopt and implement a strategy for addressing the problem. Analysis of policy effectiveness in turn often reveals shortcomings in formulation or implementation or new problems to add to the policy agenda.

[Legislative Reference Library of Texas Public Policy Resources](#)



Why do we study Texas government?

- Texas government is profoundly important to the lives of Texas residents, regardless of their ages, backgrounds and careers.
- State and local government in Texas provides a broad range of essential government services, including law enforcement, fire protection, education, highways, mass transportation, welfare, job training, parks, airports, water and sewage treatment, libraries and public hospitals.
- State and local governments affect the lives of Texans much more than the national government.





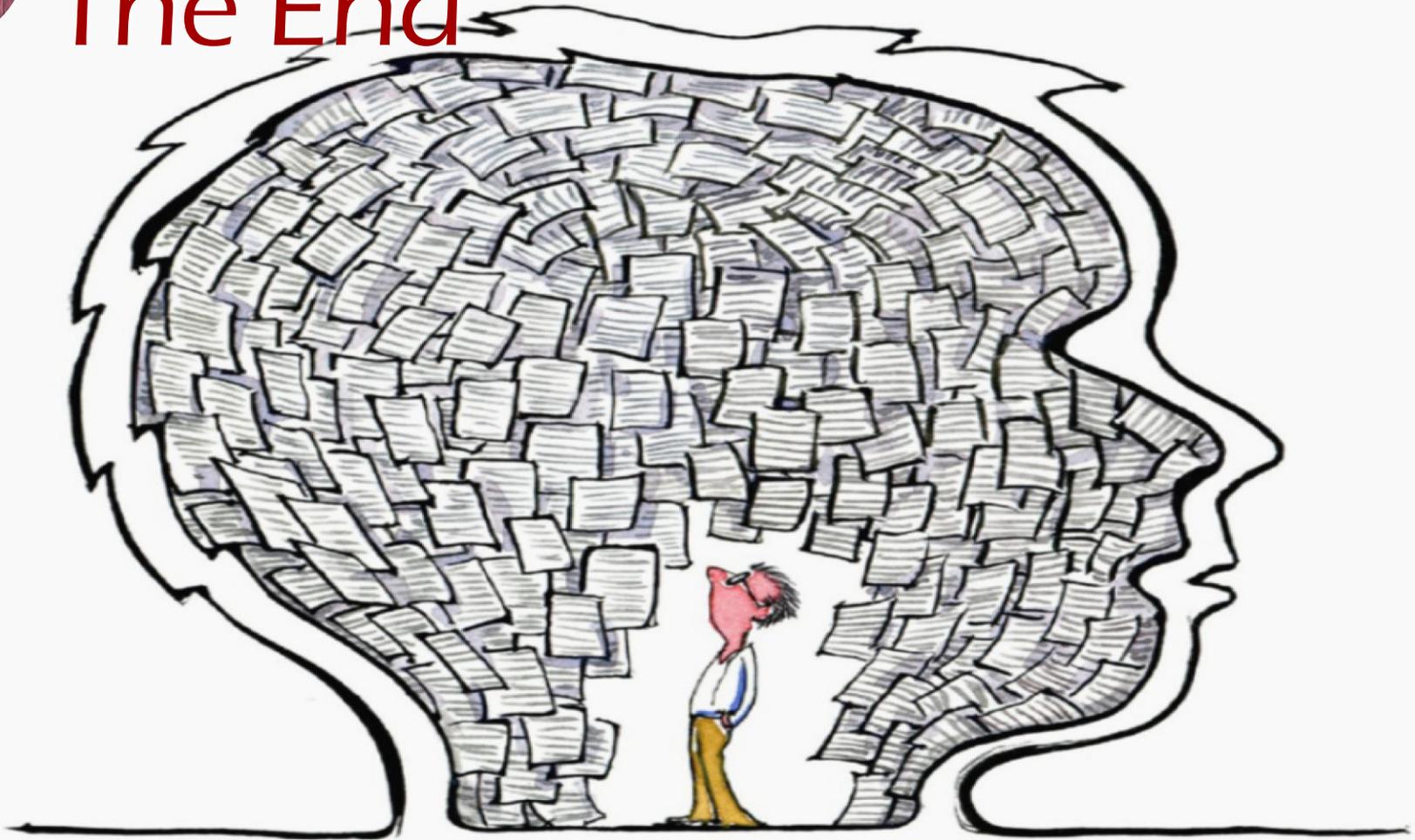
Why do we study Texas government?

- Laws and regulations adopted by the state and local governments affect all Texans.
- Students benefit from courses in Texas government because they can learn not just how state and local governments affect their lives but also how they in turn can influence public policy in the state.





The End



What good is knowledge
without action?