

1-1 By: Nelson S.B. No. 800
 1-2 (In the Senate - Filed February 24, 2021; March 11, 2021,
 1-3 read first time and referred to Committee on Finance;
 1-4 April 1, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 15, Nays 0; April 1, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Nelson	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Buckingham	X			
1-12 Campbell	X			
1-13 Creighton	X			
1-14 Hancock	X			
1-15 Huffman	X			
1-16 Kolthorst	X			
1-17 Nichols	X			
1-18 Perry	X			
1-19 Schwertner	X			
1-20 Taylor	X			
1-21 West	X			
1-22 Whitmire	X			

1-24 COMMITTEE SUBSTITUTE FOR S.B. No. 800 By: Nelson

1-25 A BILL TO BE ENTITLED
 1-26 AN ACT

1-27 relating to certain required reports or information received or
 1-28 prepared by state agencies and other governmental entities.
 1-29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-30 SECTION 1. Article 2.305(b), Code of Criminal Procedure, is
 1-31 amended to read as follows:
 1-32 (b) An entity described by Subsection (a) that investigates
 1-33 the alleged commission of an offense under Chapter 20A, Penal Code,
 1-34 or the alleged commission of an offense under Chapter 43, Penal
 1-35 Code, which may involve human trafficking, shall submit a monthly
 1-36 report on the offenses investigated in the previous month to the
 1-37 attorney general containing the following information:
 1-38 (1) the offense being investigated, including a brief
 1-39 description of the alleged prohibited conduct;
 1-40 (2) regarding each person suspected of committing the
 1-41 offense and each victim of the offense:
 1-42 (A) the person's:
 1-43 (i) age;
 1-44 (ii) gender; and
 1-45 (iii) race or ethnicity, as defined by
 1-46 Article 2.132; and
 1-47 (B) the case number associated with the offense
 1-48 and the person suspected of committing the offense;
 1-49 (3) the date, time, and location of the alleged
 1-50 offense;
 1-51 (4) the type of human trafficking involved, including:
 1-52 (A) forced labor or services, as defined by
 1-53 Section 20A.01, Penal Code;
 1-54 (B) causing the victim by force, fraud, or
 1-55 coercion to engage in prohibited conduct involving one or more
 1-56 sexual activities, including conduct described by Section
 1-57 20A.02(a)(3), Penal Code; or
 1-58 (C) causing a child victim by any means to engage
 1-59 in, or become the victim of, prohibited conduct involving one or
 1-60 more sexual activities, including conduct described by Section

2-1 20A.02(a)(7), Penal Code;

2-2 (5) if available, information regarding any victims'
2-3 service organization or program to which the victim was referred as
2-4 part of the investigation; and

2-5 (6) the disposition of the investigation, if any,
2-6 regardless of the manner of disposition.

2-7 SECTION 2. Sections 403.0147(b) and (c), Government Code,
2-8 are amended to read as follows:

2-9 (b) Not later than December 31 of each even-numbered year,
2-10 the comptroller shall submit a report to the legislature that
2-11 identifies for each state agency:

2-12 (1) each program the state agency is statutorily
2-13 required to implement for which no appropriation was made for the
2-14 preceding state fiscal year, along with a citation to the law
2-15 imposing the requirement; and

2-16 (2) the amount and source of money the state agency
2-17 spent, if any, to implement any portion of the program described by
2-18 Subdivision (1) during the preceding state fiscal year.

2-19 (c) A state agency shall provide to the comptroller not
2-20 later than September 30 of each even-numbered year information
2-21 necessary for the comptroller to prepare the report required by
2-22 this section. The comptroller may prescribe the form and content of
2-23 the information a state agency must provide.

2-24 SECTION 3. Section 404.094(a), Government Code, is amended
2-25 to read as follows:

2-26 (a) Fees, fines, penalties, taxes, charges, gifts, grants,
2-27 donations, and other funds collected or received by a state agency
2-28 under law shall be deposited in the treasury, credited to a special
2-29 fund or funds, and subject to appropriation only for the purposes
2-30 for which they are otherwise authorized to be expended or
2-31 disbursed. A deposit shall be made at the earliest possible time
2-32 that the treasury can accept those funds, but not later than the
2-33 third business day after the date of receipt. However, if an agency
2-34 determines that for seasonal or other extraordinary reasons
2-35 deposits cannot be made by the third business day after the date of
2-36 receipt, the agency shall provide written notice of the
2-37 determination to the state auditor and comptroller with an
2-38 explanation of the circumstances that require the delay. If the
2-39 state auditor finds that an agency has not complied with this
2-40 subsection, the state auditor shall make an estimate of any
2-41 resulting financial loss to the state, taking into consideration
2-42 compliance costs that would have been additionally incurred by the
2-43 agency, and report the amount on the state auditor's Internet
2-44 website [to the legislative audit committee, the governor, and the
2-45 comptroller].

2-46 SECTION 4. Section 531.02492(b), Government Code, is
2-47 amended to read as follows:

2-48 (b) The commission shall electronically publish on the
2-49 commission's Internet website a biennial report and, on or before
2-50 the date the report is due, shall notify the governor, the
2-51 lieutenant governor, the speaker of the house of representatives,
2-52 the comptroller, ~~[the Legislative Budget Board,~~ and the
2-53 appropriate legislative committees that the report is available on
2-54 the commission's Internet website. The report must address the
2-55 efforts of the health and human services agencies to provide health
2-56 and human services to children younger than six years of age. The
2-57 report may contain recommendations by the commission to better
2-58 coordinate state agency programs relating to the delivery of health
2-59 and human services to children younger than six years of age and may
2-60 propose joint agency collaborative programs.

2-61 SECTION 5. Section 531.0998, Government Code, is amended by
2-62 adding Subsection (g) to read as follows:

2-63 (g) The report may be consolidated with any other report
2-64 relating to the same subject matter the commission is required to
2-65 submit under other law.

2-66 SECTION 6. Section 531.108(e), Government Code, is amended
2-67 to read as follows:

2-68 (e) Not later than October 1 of each year, the [The]
2-69 commission shall submit to the governor and Legislative Budget

3-1 Board an annual report on the results of computerized matching of
3-2 commission information with information from neighboring states,
3-3 if any, and information from the Texas Department of Criminal
3-4 Justice. The report may be consolidated with any other report
3-5 relating to the same subject matter the commission is required to
3-6 submit under other law.

3-7 SECTION 7. Section 2054.077(b), Government Code, is amended
3-8 to read as follows:

3-9 (b) The information security officer of a state agency shall
3-10 prepare or have prepared a report, including an executive summary
3-11 of the findings of the biennial report, not later than June 1
3-12 [~~October 15~~] of each even-numbered year, assessing the extent to
3-13 which a computer, a computer program, a computer network, a
3-14 computer system, a printer, an interface to a computer system,
3-15 including mobile and peripheral devices, computer software, or data
3-16 processing of the agency or of a contractor of the agency is
3-17 vulnerable to unauthorized access or harm, including the extent to
3-18 which the agency's or contractor's electronically stored
3-19 information is vulnerable to alteration, damage, erasure, or
3-20 inappropriate use.

3-21 SECTION 8. Section 2054.515(b), Government Code, is amended
3-22 to read as follows:

3-23 (b) Not later than December 1 of the year in which a state
3-24 agency conducts the assessment under Subsection (a) or the 60th day
3-25 after the date the agency completes the assessment, whichever
3-26 occurs first, the agency shall report the results of the assessment
3-27 to:

- 3-28 (1) the department; and
3-29 (2) on request, the governor, the lieutenant governor,
3-30 and the speaker of the house of representatives.

3-31 SECTION 9. Section 2054.516(a), Government Code, is amended
3-32 to read as follows:

3-33 (a) Each state agency implementing an Internet website or
3-34 mobile application that processes any sensitive personal or
3-35 personally identifiable information or confidential information
3-36 must:

3-37 (1) submit a biennial data security plan to the
3-38 department not later than June 1 [~~October 15~~] of each even-numbered
3-39 year to establish planned beta testing for the website or
3-40 application; and

3-41 (2) subject the website or application to a
3-42 vulnerability and penetration test and address any vulnerability
3-43 identified in the test.

3-44 SECTION 10. Section 2054.5192(e), Government Code, is
3-45 amended to read as follows:

3-46 (e) A contractor required to complete a cybersecurity
3-47 training program under this section shall verify completion of the
3-48 program to the contracting state agency. The person who oversees
3-49 contract management for the agency shall:

3-50 (1) not later than August 31 of each year, report the
3-51 contractor's completion to the department; and

3-52 (2) periodically review agency contracts to ensure
3-53 compliance with this section.

3-54 SECTION 11. The heading to Section 2310.052, Government
3-55 Code, is amended to read as follows:

3-56 Sec. 2310.052. EVALUATION[~~, REPORT~~].

3-57 SECTION 12. Section 103.013(f), Health and Safety Code, is
3-58 amended to read as follows:

3-59 (f) Not later than November 1 of each even-numbered year,
3-60 each state agency affected by the state plan, other than a state
3-61 agency represented on the council, shall report to the council, the
3-62 Legislative Budget Board, and the Governor's Office of Budget and
3-63 Planning:

- 3-64 (1) information determined under Subsection (e); and
3-65 (2) each deviation from the council's proposed plan,
3-66 including an explanation for the deviation.

3-67 SECTION 13. Sections 533A.006(a) and (b), Health and Safety
3-68 Code, are amended to read as follows:

3-69 (a) The executive commissioner shall submit a report to the

4-1 Texas Medical Board not later than 30 days after the last day of a
 4-2 month during which any allegation is received by the commission
 4-3 that a physician employed by or under contract with the commission
 4-4 in relation to services provided under this title has committed an
 4-5 action that constitutes a ground for the denial or revocation of the
 4-6 physician's license under Section 164.051, Occupations Code. The
 4-7 report must be made in the manner provided by Section 154.051,
 4-8 Occupations Code.

4-9 (b) The department shall provide to the Texas Medical Board
 4-10 a printed and electronic copy of any report or finding relating to
 4-11 an investigation of an allegation reported to that board.

4-12 SECTION 14. Section 534.068(f), Health and Safety Code, is
 4-13 amended to read as follows:

4-14 (f) The department shall annually submit to the governor[~~7~~
 4-15 ~~Legislative Budget Board,~~] and Legislative Audit Committee a
 4-16 summary of the significant findings identified during the
 4-17 department's reviews of fiscal audit activities.

4-18 SECTION 15. Section 578.008, Health and Safety Code, is
 4-19 amended to read as follows:

4-20 Sec. 578.008. USE OF INFORMATION[~~7~~, ~~REPORT~~]. [~~(a)~~] The
 4-21 department shall use the information received under Sections
 4-22 578.006 and 578.007 to analyze, audit, and monitor the use of
 4-23 electroconvulsive therapy, psychosurgery, pre-frontal sonic sound
 4-24 treatment, or any other convulsive or coma-producing therapy
 4-25 administered to treat mental illness.

4-26 [~~(b)~~ ~~The department shall file annually with the governor~~
 4-27 ~~and the presiding officer of each house of the legislature a written~~
 4-28 ~~report summarizing by facility the information received under~~
 4-29 ~~Sections 578.006 and 578.007. If the therapy is administered by a~~
 4-30 ~~private physician on an outpatient basis, the report must include~~
 4-31 ~~that information but may not identify the physician. The~~
 4-32 ~~department may not directly or indirectly identify in a report~~
 4-33 ~~issued under this section a patient who received the therapy.]~~

4-34 SECTION 16. Section 22.0292(d), Human Resources Code, is
 4-35 amended to read as follows:

4-36 (d) Not later than October 1 of each year, the [~~The~~]
 4-37 commission shall submit to the governor and the Legislative Budget
 4-38 Board an annual report on the operation and success of the
 4-39 information matching system required by this section. The report
 4-40 may be consolidated with any other report relating to the same
 4-41 subject matter the commission is required to submit under other
 4-42 law.

4-43 SECTION 17. Section 101A.107, Human Resources Code, is
 4-44 amended to read as follows:

4-45 Sec. 101A.107. REPORT ON UNIT COSTS. The department shall
 4-46 file with the Legislative Budget Board and the Governor's Office of
 4-47 Budget, Planning, and Policy a report that clearly identifies in a
 4-48 state fiscal year the unit cost of each service, other than services
 4-49 related to community service volunteering and subsidized
 4-50 employment services, provided by an area agency on aging. The
 4-51 report must be filed annually [~~twice each year~~] on or before the
 4-52 date specified by the Legislative Budget Board. The report must be
 4-53 in the form required by the Legislative Budget Board.

4-54 SECTION 18. Section 161.079(g), Human Resources Code, is
 4-55 amended to read as follows:

4-56 (g) The department shall analyze the data reported under
 4-57 Subsection (f) and collected from the form under Subsection (d)
 4-58 [~~and shall submit a report not later than December 1 of each~~
 4-59 ~~even-numbered year to the governor and the Legislative Budget Board~~
 4-60 ~~that summarizes the data analysis].~~

4-61 SECTION 19. The heading to Section 413.0515, Labor Code, is
 4-62 amended to read as follows:

4-63 Sec. 413.0515. REPORTS OF [~~PHYSICIAN AND~~] CHIROPRACTOR
 4-64 VIOLATIONS.

4-65 SECTION 20. Section 1001.023(b), Transportation Code, is
 4-66 amended to read as follows:

4-67 (b) The chair shall:

4-68 (1) preside over board meetings, make rulings on
 4-69 motions and points of order, and determine the order of business;

- 5-1 (2) represent the department in dealing with the
5-2 governor;
5-3 (3) report to the governor on the state of affairs of
5-4 the department at least quarterly;
5-5 (4) report to the board the governor's suggestions for
5-6 department operations;
5-7 (5) report to the governor on efforts, including
5-8 legislative requirements, to maximize the efficiency of department
5-9 operations through the use of private enterprise;
5-10 (6) periodically review the department's
5-11 organizational structure and submit recommendations for structural
5-12 changes to the governor and ~~the board~~ ~~and the Legislative~~
5-13 ~~Budget Board~~];
5-14 (7) designate at least one employee of the department
5-15 as a civil rights officer of the department and receive regular
5-16 reports from the officer or officers on the department's efforts to
5-17 comply with civil rights legislation and administrative rules;
5-18 (8) create subcommittees, appoint board members to
5-19 subcommittees, and receive the reports of subcommittees to the
5-20 board as a whole;
5-21 (9) appoint a member of the board to act in the absence
5-22 of the chair and vice chair; and
5-23 (10) serve as the departmental liaison with the
5-24 governor and the Office of State-Federal Relations to maximize
5-25 federal funding for transportation.

5-26 SECTION 21. The following provisions are repealed:

- 5-27 (1) Section 201.0227(d-1), Agriculture Code;
5-28 (2) Section 447.010(j), Government Code;
5-29 (3) Chapter 2061, Government Code;
5-30 (4) Section 2165.303(b), Government Code;
5-31 (5) Section 2310.052(b), Government Code;
5-32 (6) Section 104.026(c), Health and Safety Code;
5-33 (7) Section 161.502(d), Health and Safety Code;
5-34 (8) Section 533A.062(e), Health and Safety Code;
5-35 (9) Section 22.015, Human Resources Code;
5-36 (10) Section 408.030, Labor Code;
5-37 (11) Section 413.0515(a), Labor Code;
5-38 (12) Section 203.154(a), Occupations Code;
5-39 (13) Section 452.159, Occupations Code;
5-40 (14) Section 223.042(f), Transportation Code; and
5-41 (15) Section 228.012(c), Transportation Code.

5-42 SECTION 22. This Act takes effect September 1, 2021.

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