

## **BILL ANALYSIS**

C.S.S.B. 2396  
By: Nelson  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

No process currently exists to evaluate the ongoing usefulness and effectiveness of reports required by health and human services agencies. As a result, reports that are redundant, outdated, or no longer useful to policymakers remain in statute.

C.S.S.B. 2396 requires the executive commissioner of the Health and Human Services Commission to examine the health and human services agency reporting requirements established by certain statutes.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 2396 amends the Government Code to add a temporary provision, set to expire September 1, 2012, requiring the executive commissioner of the Health and Human Services Commission, not later than December 1, 2009, to examine the health and human services agency reporting requirements established by a state statute enacted before January 1, 2007, and not amended since that date, and identify each reporting requirement that the executive commissioner determines is not necessary to accomplish the objectives of the statute that contains the reporting requirements, is redundant of other statutory reporting requirements, or is required under statute to be provided at a frequency for which data is not available; provide to the governor, the lieutenant governor, the speaker of the house of representatives, the chairs of the Senate Health and Human Services Committee, House Human Services Committee, and House Public Health Committee, or those committees' successors, the state auditor's office, the Legislative Budget Board, the Texas State Library and Archives Commission, and the Sunset Advisory Commission an initial report that includes each statutory reporting requirement for which the executive commissioner made a determination and the justification for the executive commissioner's determination for each reporting requirement; publish a copy of the initial report in the Texas Register; and post a copy of the initial report on the commission's Internet website.

C.S.S.B. 2396 requires the executive commissioner, not later than the 60th day after the date the executive commissioner issues the initial report, to hold a public hearing on the report. The bill prohibits the executive commissioner from including in the initial report a reporting requirement that is required by federal law or applies to another state agency in addition to a health and human services agency. The bill authorizes the individuals and entities to which the initial report is submitted and any other person to submit to the executive commissioner any comments on the reporting requirements identified by the executive commissioner, including comments indicating the person believes a specific reporting requirement is necessary and should continue to be required under statute.

C.S.S.B. 2396 requires the executive commissioner, not later than May 1, 2010, and after considering comments provided to issue a final report listing the reporting requirements the executive commissioner determines are not necessary to accomplish the objectives of the statute that contains the reporting requirement, are redundant of other statutory reporting requirements, or are required under statute to be provided at a frequency for which data is not available and recommending the frequency at which the reporting requirement could be fulfilled, to provide the final report to the same individuals and entities that received the initial report and, for each statutory reporting requirement, the justification for the executive commissioner's determination, and to publish in the Texas Register and post on the commission's Internet website a list of each statutory reporting requirement for which the executive commissioner made a determination.

C.S.S.B. 2396 establishes that it is the intent of the 81st Legislature that the 82nd Legislature consider repealing the reporting requirement or amending a statute to decrease the frequency of the reporting requirement.

### **EFFECTIVE DATE**

September 1, 2009.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.S.B. 2396 differs from the original by making nonsubstantive clarifying changes not in the original. The substitute differs from the original by requiring the executive commissioner of the Health and Human Services Commission as part of the final report to recommend the frequency at which a reporting requirement could be fulfilled for a reporting requirement for which data is not available for the report to be made at the frequency required by statute, rather than requiring the executive commissioner to determine the frequency at which the requirement is to be fulfilled.

C.S.S.B. 2396 differs from the original by establishing that it is the intent of the 81st Legislature that the 82nd Legislature consider repealing each reporting requirement determined to be obsolete or redundant by the executive commissioner's report or amending a statute to decrease the frequency of the reporting requirement, rather than requiring the 82nd Legislature to take such action.

C.S.S.B. 2396 omits a provision included in the original that exempts a health and human services agency, on or after the date the executive commissioner issues the final report on obsolete and redundant reporting requirements and until August 31, 2011, from complying with a reporting requirement included in the report but requiring the agency to continue to gather the data required for the reporting requirement. The substitute omits a provision included in the original requiring a health and human services agency, on or after the date the executive commissioner issues the final report and until August 31, 2011, to comply with any modified frequency requirements established by the executive commissioner in the final report. The substitute omits a provision included in the original requiring a health and human services agency to comply with a reporting requirement after September 1, 2011.