

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 2396  
By: Nelson  
Health & Human Services  
4/16/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, no process 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 As a result, reports that are redundant, outdated, or no longer useful to policymakers remain in statute.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 amends current law relating to obsolete or redundant reporting requirements applicable to health and human services agencies.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 531, Government Code, by adding Section 531.0145, as follows:

Sec. 531.0145. OBSOLETE OR REDUNDANT REPORTING REQUIREMENTS. (a) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to, not later than December 1, 2009:

- (1) 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 is not necessary to accomplish the objectives of the statute that contains the reporting requirement; is redundant of other statutory reporting requirements; or is required under statute to be provided at a frequency for which data is not available;
- (2) 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, 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 the determination described by Subdivision (1); and the justification for the executive commissioner's determination for each reporting requirement;
- (3) publish a copy of the initial report in the Texas Register; and
- (4) post a copy of the initial report on the commission's Internet website.

(b) Requires the executive commissioner, not later than the 60th day after the date the executive commissioner issues the initial report under Subsection (a)(2), to hold a public hearing on the report.

(c) Prohibits the executive commissioner from including in the initial report issued under Subsection (a)(2) a reporting requirement that is required by federal law, or applies to another state agency in addition to a health and human services agency.

(d) Authorizes the governor, the lieutenant governor, 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, or any other person, not later than the 60th day after the date the executive commissioner issues the initial report under Subsection (a)(2), 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 provided as required under statute.

(e) Requires the executive commissioner, not later than May 1, 2010, and after considering the comments provided under Subsection (d), to:

(1) 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 the frequency at which the reporting requirement is to be fulfilled;

(2) provide to the governor, the lieutenant governor, 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, Texas State Library and Archives Commission, and the Sunset Advisory Commission a list of each statutory reporting requirement for which the executive commissioner made the determination described by Subdivision (1) and the justification for the executive commissioner's determination; and

(3) 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 the determination described by Subdivision (1).

(f) Requires the 82nd Legislature, for each reporting requirement included in the final report under Subsection (e)(1), to consider repealing the reporting requirement or amending a statute to decrease the frequency of the reporting requirement.

(g) Provides that a health and human services agency, on or after the date the executive commissioner issues the final report under Subsection (e)(1) and until August 31, 2011:

(1) is not required to comply with a reporting requirement that is included in the list of reporting requirements for which the executive commissioner made the determination under Subsection (e)(1) that the report is no longer required but is required to continue to gather the data required for the reporting requirement; and

(2) is required, for any reporting requirement for which the frequency is modified by the executive commissioner under the determination under Subsection (e)(1)(C), to comply with the frequency requirements established by the executive commissioner.

(h) Requires a health and human services agency, after September 1, 2011, to comply with a reporting requirement as provided by statute.

(i) Provides that this section expires September 1, 2012.

SECTION 2. Effective date: September 1, 2009