

1-1 By: Nelson S.B. No. 2396
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 17, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 17, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2396 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to obsolete or redundant reporting requirements
1-11 applicable to health and human services agencies.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 531, Government Code, is
1-14 amended by adding Section 531.0145 to read as follows:

1-15 Sec. 531.0145. OBSOLETE OR REDUNDANT REPORTING
1-16 REQUIREMENTS. (a) Not later than December 1, 2009, the executive
1-17 commissioner shall:

1-18 (1) examine the health and human services agency
1-19 reporting requirements established by a state statute enacted
1-20 before January 1, 2007, and not amended since that date, and
1-21 identify each reporting requirement that:

1-22 (A) is not necessary to accomplish the objectives
1-23 of the statute that contains the reporting requirement;

1-24 (B) is redundant of other statutory reporting
1-25 requirements; or

1-26 (C) is required under statute to be provided at a
1-27 frequency for which data is not available;

1-28 (2) provide to the governor, the lieutenant governor,
1-29 the speaker of the house of representatives, the chairs of the
1-30 Senate Health and Human Services Committee, House Human Services
1-31 Committee, and House Public Health Committee, or those committees'
1-32 successors, the state auditor's office, the Legislative Budget
1-33 Board, the Texas State Library and Archives Commission, and the
1-34 Sunset Advisory Commission an initial report that includes:

1-35 (A) each statutory reporting requirement for
1-36 which the executive commissioner made the determination described
1-37 by Subdivision (1); and

1-38 (B) the justification for the executive
1-39 commissioner's determination for each reporting requirement;

1-40 (3) publish a copy of the initial report in the Texas
1-41 Register; and

1-42 (4) post a copy of the initial report on the
1-43 commissioner's Internet website.

1-44 (b) Not later than the 60th day after the date the executive
1-45 commissioner issues the initial report under Subsection (a)(2), the
1-46 executive commissioner shall hold a public hearing on the report.

1-47 (c) The executive commissioner may not include in the
1-48 initial report issued under Subsection (a)(2) a reporting
1-49 requirement that:

1-50 (1) is required by federal law; or

1-51 (2) applies to another state agency in addition to a
1-52 health and human services agency.

1-53 (d) Not later than the 60th day after the date the executive
1-54 commissioner issues the initial report under Subsection (a)(2), the
1-55 governor, the lieutenant governor, the speaker of the house of
1-56 representatives, the chairs of the Senate Health and Human Services
1-57 Committee, House Human Services Committee, and House Public Health
1-58 Committee, or those committees' successors, or any other person may
1-59 submit to the executive commissioner any comments on the reporting
1-60 requirements identified by the executive commissioner, including
1-61 comments indicating the person believes a specific reporting
1-62 requirement is necessary and should continue to be provided as
1-63 required under statute.

2-1 (e) Not later than May 1, 2010, and after considering the
2-2 comments provided under Subsection (d), the executive commissioner
2-3 shall:

2-4 (1) issue a final report listing the reporting
2-5 requirements the executive commissioner determines:

2-6 (A) are not necessary to accomplish the
2-7 objectives of the statute that contains the reporting requirement;

2-8 (B) are redundant of other statutory reporting
2-9 requirements; or

2-10 (C) are required under statute to be provided at
2-11 a frequency for which data is not available and the frequency at
2-12 which the reporting requirement is to be fulfilled;

2-13 (2) provide to the governor, the lieutenant governor,
2-14 the speaker of the house of representatives, the chairs of the
2-15 Senate Health and Human Services Committee, House Human Services
2-16 Committee, and House Public Health Committee, or those committees'
2-17 successors, the state auditor's office, the Legislative Budget
2-18 Board, the Texas State Library and Archives Commission, and the
2-19 Sunset Advisory Commission a list of each statutory reporting
2-20 requirement for which the executive commissioner made the
2-21 determination described by Subdivision (1) and the justification
2-22 for the executive commissioner's determination; and

2-23 (3) publish in the Texas Register and post on the
2-24 commission's Internet website a list of each statutory reporting
2-25 requirement for which the executive commissioner made the
2-26 determination described by Subdivision (1).

2-27 (f) For each reporting requirement included in the final
2-28 report under Subsection (e)(1), the 82nd Legislature shall consider
2-29 repealing the reporting requirement or amending a statute to
2-30 decrease the frequency of the reporting requirement.

2-31 (g) On or after the date the executive commissioner issues
2-32 the final report under Subsection (e)(1) and until August 31, 2011,
2-33 a health and human services agency:

2-34 (1) is not required to comply with a reporting
2-35 requirement that is included in the list of reporting requirements
2-36 for which the executive commissioner made the determination under
2-37 Subsection (e)(1) that the report is no longer required, but shall
2-38 continue to gather the data required for the reporting requirement;
2-39 and

2-40 (2) shall, for any reporting requirement for which the
2-41 frequency is modified by the executive commissioner under the
2-42 determination under Subsection (e)(1)(C), comply with the
2-43 frequency requirements established by the executive commissioner.

2-44 (h) After September 1, 2011, a health and human services
2-45 agency shall comply with a reporting requirement as provided by
2-46 statute.

2-47 (i) This section expires September 1, 2012.

2-48 SECTION 2. This Act takes effect September 1, 2009.

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