

1-1 By: Price, et al. (Senate Sponsor - Nelson) H.B. No. 1781
1-2 (In the Senate - Received from the House April 11, 2011;
1-3 April 26, 2011, read first time and referred to Committee on
1-4 Government Organization; May 18, 2011, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 18, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1781 By: Hegar

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

1-10 relating to obsolete or redundant reporting requirements
1-11 applicable to state agencies.

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

1-13 SECTION 1. Chapter 2052, Government Code, is amended by
1-14 adding Subchapter E to read as follows:

1-15 SUBCHAPTER E. OBSOLETE OR REDUNDANT REPORTING REQUIREMENTS

1-16 Sec. 2052.401. DEFINITIONS. In this subchapter:

1-17 (1) "Executive director" means the executive head of a
1-18 state agency. The term includes an executive director,
1-19 commissioner, or executive commissioner as appropriate for the
1-20 state agency.

1-21 (2) "State agency" means:

1-22 (A) a board, commission, department, office, or
1-23 other agency in the executive branch of state government that was
1-24 created by the constitution or a statute of the state, including an
1-25 institution of higher education as defined by Section 61.003,
1-26 Education Code;

1-27 (B) the legislature or a legislative agency; and

1-28 (C) the supreme court, the court of criminal
1-29 appeals, a court of appeals, or a state judicial agency.

1-30 Sec. 2052.402. EXAMINATION OF REPORTING REQUIREMENTS. (a)
1-31 Not later than August 1, 2012, the executive director of each state
1-32 agency shall:

1-33 (1) examine the agency's reporting requirements
1-34 established by a state statute enacted before January 1, 2009, and
1-35 not amended since that date, and identify each reporting
1-36 requirement that the executive director determines:

1-37 (A) is not necessary to accomplish the objectives
1-38 of the statute that contains the reporting requirement;

1-39 (B) is redundant of other statutory reporting
1-40 requirements; or

1-41 (C) is required under statute to be provided at a
1-42 frequency for which data is not available; and

1-43 (2) provide to the governor, lieutenant governor,
1-44 speaker of the house of representatives, chair of the House
1-45 Committee on Government Efficiency and Reform, chair of the Senate
1-46 Committee on Government Organization, chair of each standing
1-47 committee of the senate and house of representatives with
1-48 jurisdiction over the agency, Texas State Library and Archives
1-49 Commission, and Legislative Budget Board an electronic report that
1-50 includes:

1-51 (A) each statutory reporting requirement for
1-52 which the executive director made a determination described by
1-53 Subdivision (1); and

1-54 (B) the justification for the executive
1-55 director's determination for each reporting requirement.

1-56 (b) The executive director may not include in the initial
1-57 report issued under Subsection (a)(2) a reporting requirement that
1-58 is required by federal law.

1-59 Sec. 2052.403. EXPIRATION. This subchapter expires
1-60 September 1, 2014.

1-61 SECTION 2. Section 325.011, Government Code, is amended to
1-62 read as follows:

1-63 Sec. 325.011. CRITERIA FOR REVIEW. The commission and its

2-1 staff shall consider the following criteria in determining whether
2-2 a public need exists for the continuation of a state agency or its
2-3 advisory committees or for the performance of the functions of the
2-4 agency or its advisory committees:

2-5 (1) the efficiency and effectiveness with which the
2-6 agency or the advisory committee operates;

2-7 (2)(A) an identification of the mission, goals, and
2-8 objectives intended for the agency or advisory committee and of the
2-9 problem or need that the agency or advisory committee was intended
2-10 to address; and

2-11 (B) the extent to which the mission, goals, and
2-12 objectives have been achieved and the problem or need has been
2-13 addressed;

2-14 (3)(A) an identification of any activities of the
2-15 agency in addition to those granted by statute and of the authority
2-16 for those activities; and

2-17 (B) the extent to which those activities are
2-18 needed;

2-19 (4) an assessment of authority of the agency relating
2-20 to fees, inspections, enforcement, and penalties;

2-21 (5) whether less restrictive or alternative methods of
2-22 performing any function that the agency performs could adequately
2-23 protect or provide service to the public;

2-24 (6) the extent to which the jurisdiction of the agency
2-25 and the programs administered by the agency overlap or duplicate
2-26 those of other agencies, the extent to which the agency coordinates
2-27 with those agencies, and the extent to which the programs
2-28 administered by the agency can be consolidated with the programs of
2-29 other state agencies;

2-30 (7) the promptness and effectiveness with which the
2-31 agency addresses complaints concerning entities or other persons
2-32 affected by the agency, including an assessment of the agency's
2-33 administrative hearings process;

2-34 (8) an assessment of the agency's rulemaking process
2-35 and the extent to which the agency has encouraged participation by
2-36 the public in making its rules and decisions and the extent to which
2-37 the public participation has resulted in rules that benefit the
2-38 public;

2-39 (9) the extent to which the agency has complied with:

2-40 (A) federal and state laws and applicable rules
2-41 regarding equality of employment opportunity and the rights and
2-42 privacy of individuals; and

2-43 (B) state law and applicable rules of any state
2-44 agency regarding purchasing guidelines and programs for
2-45 historically underutilized businesses;

2-46 (10) the extent to which the agency issues and
2-47 enforces rules relating to potential conflicts of interest of its
2-48 employees;

2-49 (11) the extent to which the agency complies with
2-50 Chapters 551 and 552 and follows records management practices that
2-51 enable the agency to respond efficiently to requests for public
2-52 information; ~~and~~

2-53 (12) the effect of federal intervention or loss of
2-54 federal funds if the agency is abolished; and

2-55 (13) the extent to which the purpose and effectiveness
2-56 of reporting requirements imposed on the agency justifies the
2-57 continuation of the requirement.

2-58 SECTION 3. Subsection (a), Section 325.012, Government
2-59 Code, is amended to read as follows:

2-60 (a) In its report on a state agency, the commission shall:

2-61 (1) make recommendations on the abolition,
2-62 continuation, or reorganization of each affected state agency and
2-63 its advisory committees and on the need for the performance of the
2-64 functions of the agency and its advisory committees;

2-65 (2) make recommendations on the consolidation,
2-66 transfer, or reorganization of programs within state agencies not
2-67 under review when the programs duplicate functions performed in
2-68 agencies under review; ~~and~~

2-69 (3) make recommendations to improve the operations of

3-1 the agency, its policy body, and its advisory committees, including
3-2 management recommendations that do not require a change in the
3-3 agency's enabling statute; and
3-4 (4) make recommendations on the continuation or
3-5 abolition of each reporting requirement imposed on the agency by
3-6 law.
3-7 SECTION 4. This Act takes effect September, 1, 2011.

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