

AN ACT

relating to reporting requirements of state agencies and school districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7.060, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding any other law, a school district shall submit only in electronic format all reports required to be submitted to the agency under this code. The agency shall prescribe the electronic format to be used by a school district submitting a report to the agency.

SECTION 2. Section 325.007, Government Code, is amended to read as follows:

Sec. 325.007. AGENCY REPORT TO COMMISSION. (a) Before September 1 of the odd-numbered year before the year in which a state agency subject to this chapter is abolished, the agency shall report to the commission:

(1) information regarding the application to the agency of the criteria in Section 325.011; and

(2) any other information that the agency considers appropriate or that is requested by the commission.

(b) The reports under Subsection (a) must be submitted in electronic format only. The commission shall prescribe the electronic format to be used.

1           SECTION 3. Section 325.011, Government Code, is amended to  
2 read as follows:

3           Sec. 325.011. CRITERIA FOR REVIEW. The commission and its  
4 staff shall consider the following criteria in determining whether  
5 a public need exists for the continuation of a state agency or its  
6 advisory committees or for the performance of the functions of the  
7 agency or its advisory committees:

8                   (1) the efficiency and effectiveness with which the  
9 agency or the advisory committee operates;

10                   (2)(A) an identification of the mission, goals, and  
11 objectives intended for the agency or advisory committee and of the  
12 problem or need that the agency or advisory committee was intended  
13 to address; and

14                           (B) the extent to which the mission, goals, and  
15 objectives have been achieved and the problem or need has been  
16 addressed;

17                   (3)(A) an identification of any activities of the  
18 agency in addition to those granted by statute and of the authority  
19 for those activities; and

20                           (B) the extent to which those activities are  
21 needed;

22                   (4) an assessment of authority of the agency relating  
23 to fees, inspections, enforcement, and penalties;

24                   (5) whether less restrictive or alternative methods of  
25 performing any function that the agency performs could adequately  
26 protect or provide service to the public;

27                   (6) the extent to which the jurisdiction of the agency

1 and the programs administered by the agency overlap or duplicate  
2 those of other agencies, the extent to which the agency coordinates  
3 with those agencies, and the extent to which the programs  
4 administered by the agency can be consolidated with the programs of  
5 other state agencies;

6 (7) the promptness and effectiveness with which the  
7 agency addresses complaints concerning entities or other persons  
8 affected by the agency, including an assessment of the agency's  
9 administrative hearings process;

10 (8) an assessment of the agency's rulemaking process  
11 and the extent to which the agency has encouraged participation by  
12 the public in making its rules and decisions and the extent to which  
13 the public participation has resulted in rules that benefit the  
14 public;

15 (9) the extent to which the agency has complied with:

16 (A) federal and state laws and applicable rules  
17 regarding equality of employment opportunity and the rights and  
18 privacy of individuals; and

19 (B) state law and applicable rules of any state  
20 agency regarding purchasing guidelines and programs for  
21 historically underutilized businesses;

22 (10) the extent to which the agency issues and  
23 enforces rules relating to potential conflicts of interest of its  
24 employees;

25 (11) the extent to which the agency complies with  
26 Chapters 551 and 552 and follows records management practices that  
27 enable the agency to respond efficiently to requests for public

1 information; [~~and~~]

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

4 (13) the extent to which the purpose and effectiveness  
5 of reporting requirements imposed on the agency justifies the  
6 continuation of the requirement.

7 SECTION 4. Subsection (a), Section 325.012, Government  
8 Code, is amended to read as follows:

9 (a) In its report on a state agency, the commission shall:

10 (1) make recommendations on the abolition,  
11 continuation, or reorganization of each affected state agency and  
12 its advisory committees and on the need for the performance of the  
13 functions of the agency and its advisory committees;

14 (2) make recommendations on the consolidation,  
15 transfer, or reorganization of programs within state agencies not  
16 under review when the programs duplicate functions performed in  
17 agencies under review; [~~and~~]

18 (3) make recommendations to improve the operations of  
19 the agency, its policy body, and its advisory committees, including  
20 management recommendations that do not require a change in the  
21 agency's enabling statute; and

22 (4) make recommendations on the continuation or  
23 abolition of each reporting requirement imposed on the agency by  
24 law.

25 SECTION 5. Subsections (c) and (d), Section 2052.0021,  
26 Government Code, are amended to read as follows:

27 (c) A state agency shall make each report required by law

1 available to members of the legislature only in an electronic  
2 format determined by the Texas Legislative Council. [~~The agency~~  
3 ~~shall promptly send a suitable printed copy of the report to a~~  
4 ~~member of the legislature at the request of the member.~~]

5 (d) At the time a report required by law is ready for  
6 distribution outside the state agency, the agency shall send  
7 [~~written~~] notice to each member of the legislature that the report  
8 is available. The agency shall send the notice [~~by mail or, if it is~~  
9 ~~acceptable to the member,~~] electronically. The notice must briefly  
10 describe the subject matter of the report and state[~~+~~

11 [~~(1)~~] the manner in which the member may obtain the  
12 report electronically[~~, and~~

13 [~~(2) that the agency will send a printed copy of the~~  
14 ~~report to the member at the request of the member].~~

15 SECTION 6. Subsection (e), Section 2052.0021, Government  
16 Code, is repealed.

17 SECTION 7. This Act takes effect September 1, 2011.

S.B. No. 1618

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1618 passed the Senate on April 18, 2011, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1618 passed the House on May 19, 2011, by the following vote: Yeas 148, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor