

By: Seliger

S.B. No. 1618

A BILL TO BE ENTITLED

AN ACT

1
2 relating to electronic reporting by certain state entities and to
3 the review of continual report requirements.

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

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

7 (c) Notwithstanding other law, a school district shall
8 submit reports to the agency under this code in electronic format
9 only, except that the agency may require that a school district
10 provide a printed copy of a report to the agency. The agency shall
11 prescribe the electronic format to be used by the school district.

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

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

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

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

22 (b) A state agency shall submit reports under this chapter
23 to the commission in an electronic format only, except that the
24 commission may require that a state agency provide a printed copy of

1 a report to the commission. The commission shall prescribe the
2 electronic format to be used by the state agency.

3 SECTION 3. Subsection (b), Section 325.010, Government
4 Code, is amended to read as follows:

5 (b) In the report the commission shall include:

6 (1) its findings regarding the criteria prescribed by
7 Section 325.011(a) [~~325.011~~];

8 (2) its findings regarding legislative reporting
9 requirements imposed on the agency prescribed by Section
10 325.011(b);

11 (3) its recommendations based on the matters
12 prescribed by Section 325.012; and

13 (4) [~~(3)~~] other information the commission considers
14 necessary for a complete review of the agency.

15 SECTION 4. Section 325.011, Government Code, is amended to
16 read as follows:

17 Sec. 325.011. CRITERIA FOR REVIEW. (a) The commission and
18 its staff shall consider the following criteria in determining
19 whether a public need exists for the continuation of a state agency
20 or its advisory committees or for the performance of the functions
21 of the agency or its advisory committees:

22 (1) the efficiency and effectiveness with which the
23 agency or the advisory committee operates;

24 (2)(A) an identification of the mission, goals, and
25 objectives intended for the agency or advisory committee and of the
26 problem or need that the agency or advisory committee was intended
27 to address; and

1 (B) the extent to which the mission, goals, and
2 objectives have been achieved and the problem or need has been
3 addressed;

4 (3)(A) an identification of any activities of the
5 agency in addition to those granted by statute and of the authority
6 for those activities; and

7 (B) the extent to which those activities are
8 needed;

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

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

14 (6) the extent to which the jurisdiction of the agency
15 and the programs administered by the agency overlap or duplicate
16 those of other agencies, the extent to which the agency coordinates
17 with those agencies, and the extent to which the programs
18 administered by the agency can be consolidated with the programs of
19 other state agencies;

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

24 (8) an assessment of the agency's rulemaking process
25 and the extent to which the agency has encouraged participation by
26 the public in making its rules and decisions and the extent to which
27 the public participation has resulted in rules that benefit the

1 public;

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

3 (A) federal and state laws and applicable rules
4 regarding equality of employment opportunity and the rights and
5 privacy of individuals; and

6 (B) state law and applicable rules of any state
7 agency regarding purchasing guidelines and programs for
8 historically underutilized businesses;

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

12 (11) the extent to which the agency complies with
13 Chapters 551 and 552 and follows records management practices that
14 enable the agency to respond efficiently to requests for public
15 information; and

16 (12) the effect of federal intervention or loss of
17 federal funds if the agency is abolished.

18 (b) The commission and its staff shall review all reporting
19 requirements imposed on the state agency by law to determine
20 whether the purpose and effectiveness of each reporting requirement
21 justifies the continuation of the requirement. A reporting
22 requirement that is not continued in existence by specific
23 recommendation in a report under Section 325.012 is void.

24 SECTION 5. Subsection (a), Section 325.012, Government
25 Code, is amended to read as follows:

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

27 (1) make recommendations on the abolition,

1 continuation, or reorganization of each affected state agency and
2 its advisory committees and on the need for the performance of the
3 functions of the agency and its advisory committees;

4 (2) make recommendations on the consolidation,
5 transfer, or reorganization of programs within state agencies not
6 under review when the programs duplicate functions performed in
7 agencies under review; ~~and~~

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

12 (4) make recommendations for the continuation or
13 abolition of each reporting requirement imposed on the agency by
14 law.

15 SECTION 6. Chapter 2052, Government Code, is amended by
16 adding Subchapter E to read as follows:

17 SUBCHAPTER E. DISTRIBUTION OF REPORTS

18 Sec. 2052.351. DEFINITION. In this subchapter, "state
19 agency" has the meaning assigned by Section 2052.002.

20 Sec. 2052.352. DISTRIBUTION OF REPORTS. (a) A state
21 agency report required by law must be made available in accordance
22 with this subchapter.

23 (b) Notwithstanding other law and except as provided by this
24 section, a state agency shall make each agency report required by
25 law available in electronic format only. The agency shall
26 determine the electronic format to be used by the agency. The
27 agency may, at the discretion of the agency's presiding officer,

1 provide a printed copy of a report to a person required by law to
2 receive the report.

3 (c) At the time a report required by law is ready for
4 distribution outside the state agency, the agency shall send
5 written notice to a person required to receive the report that the
6 report is available. The agency shall send the notice by mail or
7 electronically. The notice must briefly describe the subject
8 matter of the report and state the manner in which the person may
9 obtain the report electronically.

10 Sec. 2052.353. REPORTS TO LEGISLATORS AND SUNSET ADVISORY
11 COMMISSION. This subchapter does not affect the duty of a state
12 agency or other person to report to members of the legislature in
13 the manner provided under Section 306.007 or 2052.0021 or to report
14 to the Sunset Advisory Commission in the manner provided under
15 Section 325.007. If any provision of this subchapter conflicts
16 with Section 306.007, 325.007, or 2052.0021, that section controls.

17 SECTION 7. (a) The changes in law made by Subsection (c),
18 Section 7.060, Education Code, and Subsection (b), Section 325.007,
19 and Subchapter E, Chapter 2052, Government Code, as added by this
20 Act, apply only to the filing of a report on or after the effective
21 date of this Act. The filing of a report before the effective date
22 of this Act is governed by the law in effect immediately before that
23 date, and that law is continued in effect for that purpose.

24 (b) The changes in law made by Subsection (b), Section
25 325.010, and Subsection (a), Section 325.012, Government Code, as
26 amended by this Act, and Subsection (b), Section 325.011,
27 Government Code, as added by this Act, apply only to Sunset Advisory

1 Commission reports and recommendations issued on or after the
2 effective date of this Act. Reports and recommendations issued
3 before the effective date of this Act are governed by the law in
4 effect immediately before that date, and that law is continued in
5 effect for that purpose.

6 SECTION 8. This Act takes effect September 1, 2011.