

1-1 By: Seliger S.B. No. 1618  
1-2 (In the Senate - Filed March 11, 2011; March 23, 2011, read  
1-3 first time and referred to Committee on Government Organization;  
1-4 April 13, 2011, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 13, 2011,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1618 By: Hegar

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

1-10 relating to reporting requirements of state agencies and school  
1-11 districts.

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

1-13 SECTION 1. Section 7.060, Education Code, is amended by  
1-14 adding Subsection (c) to read as follows:

1-15 (c) Notwithstanding any other law, a school district shall  
1-16 submit only in electronic format all reports required to be  
1-17 submitted to the agency under this code. The agency shall prescribe  
1-18 the electronic format to be used by a school district submitting a  
1-19 report to the agency.

1-20 SECTION 2. Section 325.007, Government Code, is amended to  
1-21 read as follows:

1-22 Sec. 325.007. AGENCY REPORT TO COMMISSION. (a) Before  
1-23 September 1 of the odd-numbered year before the year in which a  
1-24 state agency subject to this chapter is abolished, the agency shall  
1-25 report to the commission:

1-26 (1) information regarding the application to the  
1-27 agency of the criteria in Section 325.011; and

1-28 (2) any other information that the agency considers  
1-29 appropriate or that is requested by the commission.

1-30 (b) The reports under Subsection (a) must be submitted in  
1-31 electronic format only. The commission shall prescribe the  
1-32 electronic format to be used.

1-33 SECTION 3. Section 325.011, Government Code, is amended to  
1-34 read as follows:

1-35 Sec. 325.011. CRITERIA FOR REVIEW. The commission and its  
1-36 staff shall consider the following criteria in determining whether  
1-37 a public need exists for the continuation of a state agency or its  
1-38 advisory committees or for the performance of the functions of the  
1-39 agency or its advisory committees:

1-40 (1) the efficiency and effectiveness with which the  
1-41 agency or the advisory committee operates;

1-42 (2)(A) an identification of the mission, goals, and  
1-43 objectives intended for the agency or advisory committee and of the  
1-44 problem or need that the agency or advisory committee was intended  
1-45 to address; and

1-46 (B) the extent to which the mission, goals, and  
1-47 objectives have been achieved and the problem or need has been  
1-48 addressed;

1-49 (3)(A) an identification of any activities of the  
1-50 agency in addition to those granted by statute and of the authority  
1-51 for those activities; and

1-52 (B) the extent to which those activities are  
1-53 needed;

1-54 (4) an assessment of authority of the agency relating  
1-55 to fees, inspections, enforcement, and penalties;

1-56 (5) whether less restrictive or alternative methods of  
1-57 performing any function that the agency performs could adequately  
1-58 protect or provide service to the public;

1-59 (6) the extent to which the jurisdiction of the agency  
1-60 and the programs administered by the agency overlap or duplicate  
1-61 those of other agencies, the extent to which the agency coordinates  
1-62 with those agencies, and the extent to which the programs  
1-63 administered by the agency can be consolidated with the programs of

2-1 other state agencies;  
 2-2 (7) the promptness and effectiveness with which the  
 2-3 agency addresses complaints concerning entities or other persons  
 2-4 affected by the agency, including an assessment of the agency's  
 2-5 administrative hearings process;  
 2-6 (8) an assessment of the agency's rulemaking process  
 2-7 and the extent to which the agency has encouraged participation by  
 2-8 the public in making its rules and decisions and the extent to which  
 2-9 the public participation has resulted in rules that benefit the  
 2-10 public;  
 2-11 (9) the extent to which the agency has complied with:  
 2-12 (A) federal and state laws and applicable rules  
 2-13 regarding equality of employment opportunity and the rights and  
 2-14 privacy of individuals; and  
 2-15 (B) state law and applicable rules of any state  
 2-16 agency regarding purchasing guidelines and programs for  
 2-17 historically underutilized businesses;  
 2-18 (10) the extent to which the agency issues and  
 2-19 enforces rules relating to potential conflicts of interest of its  
 2-20 employees;  
 2-21 (11) the extent to which the agency complies with  
 2-22 Chapters 551 and 552 and follows records management practices that  
 2-23 enable the agency to respond efficiently to requests for public  
 2-24 information; ~~and~~  
 2-25 (12) the effect of federal intervention or loss of  
 2-26 federal funds if the agency is abolished; and  
 2-27 (13) the extent to which the purpose and effectiveness  
 2-28 of reporting requirements imposed on the agency justifies the  
 2-29 continuation of the requirement.  
 2-30 SECTION 4. Subsection (a), Section 325.012, Government  
 2-31 Code, is amended to read as follows:  
 2-32 (a) In its report on a state agency, the commission shall:  
 2-33 (1) make recommendations on the abolition,  
 2-34 continuation, or reorganization of each affected state agency and  
 2-35 its advisory committees and on the need for the performance of the  
 2-36 functions of the agency and its advisory committees;  
 2-37 (2) make recommendations on the consolidation,  
 2-38 transfer, or reorganization of programs within state agencies not  
 2-39 under review when the programs duplicate functions performed in  
 2-40 agencies under review; ~~and~~  
 2-41 (3) make recommendations to improve the operations of  
 2-42 the agency, its policy body, and its advisory committees, including  
 2-43 management recommendations that do not require a change in the  
 2-44 agency's enabling statute; and  
 2-45 (4) make recommendations on the continuation or  
 2-46 abolition of each reporting requirement imposed on the agency by  
 2-47 law.  
 2-48 SECTION 5. Subsections (c) and (d), Section 2052.0021,  
 2-49 Government Code, are amended to read as follows:  
 2-50 (c) A state agency shall make each report required by law  
 2-51 available to members of the legislature only in an electronic  
 2-52 format determined by the Texas Legislative Council. ~~[The agency~~  
 2-53 ~~shall promptly send a suitable printed copy of the report to a~~  
 2-54 ~~member of the legislature at the request of the member.]~~  
 2-55 (d) At the time a report required by law is ready for  
 2-56 distribution outside the state agency, the agency shall send  
 2-57 ~~[written]~~ notice to each member of the legislature that the report  
 2-58 is available. The agency shall send the notice ~~[by mail or, if it is~~  
 2-59 ~~acceptable to the member,]~~ electronically. The notice must briefly  
 2-60 describe the subject matter of the report and state~~[+~~  
 2-61 ~~[(1)]~~ the manner in which the member may obtain the  
 2-62 report electronically~~[, and~~  
 2-63 ~~[(2)] that the agency will send a printed copy of the~~  
 2-64 ~~report to the member at the request of the member].~~  
 2-65 SECTION 6. Subsection (e), Section 2052.0021, Government  
 2-66 Code, is repealed.  
 2-67 SECTION 7. This Act takes effect September 1, 2011.

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