

SENATE AMENDMENTS

2nd Printing

By: Price, Harper-Brown, Callegari, Frullo,
Thompson

H.B. No. 1781

A BILL TO BE ENTITLED

AN ACT

1
2 relating to obsolete or redundant reporting requirements
3 applicable to state agencies.

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

5 SECTION 1. Chapter 2052, Government Code, is amended by
6 adding Subchapter E to read as follows:

7 SUBCHAPTER E. OBSOLETE OR REDUNDANT REPORTING REQUIREMENTS

8 Sec. 2052.401. DEFINITIONS. In this subchapter:

9 (1) "Executive director" means the executive head of a
10 state agency. The term includes an executive director,
11 commissioner, or executive commissioner as appropriate for the
12 state agency.

13 (2) "State agency" means:

14 (A) a board, commission, department, office, or
15 other agency in the executive branch of state government that was
16 created by the constitution or a statute of the state, including an
17 institution of higher education as defined by Section 61.003,
18 Education Code;

19 (B) the legislature or a legislative agency; and

20 (C) the supreme court, the court of criminal
21 appeals, a court of appeals, or a state judicial agency.

22 Sec. 2052.402. EXAMINATION OF REPORTING REQUIREMENTS. (a)

23 Not later than August 1, 2012, the executive director of each state
24 agency shall:

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

5 (A) is not necessary to accomplish the objectives
6 of the statute that contains the reporting requirement;

7 (B) is redundant of other statutory reporting
8 requirements; or

9 (C) is required under statute to be provided at a
10 frequency for which data is not available; and

11 (2) provide to the governor, lieutenant governor,
12 speaker of the house of representatives, chair of the House
13 Committee on Government Efficiency and Reform, chair of the Senate
14 Committee on Government Organization, Texas State Library and
15 Archives Commission, and Legislative Budget Board an electronic
16 report that includes:

17 (A) each statutory reporting requirement for
18 which the executive director made a determination described by
19 Subdivision (1); and

20 (B) the justification for the executive
21 director's determination for each reporting requirement.

22 (b) The executive director may not include in the initial
23 report issued under Subsection (a)(2) a reporting requirement that
24 is required by federal law.

25 Sec. 2052.403. EXPIRATION. This subchapter expires
26 September 1, 2014.

27 SECTION 2. This Act takes effect September 1, 2011.

ADOPTED

MAY 24 2011

Atty. Gen.
Secretary of the Senate

By: Jane Nelson

H.B. No. 1781

Substitute the following for H.B. No. 1781:

By: [Signature]

C.S. H.B. No. 1781

A BILL TO BE ENTITLED

AN ACT

relating to obsolete or redundant reporting requirements applicable to state agencies.

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

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

SUBCHAPTER E. OBSOLETE OR REDUNDANT REPORTING REQUIREMENTS

Sec. 2052.401. DEFINITIONS. In this subchapter:

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

(2) "State agency" means:

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

(B) the legislature or a legislative agency; and

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

Sec. 2052.402. EXAMINATION OF REPORTING REQUIREMENTS. (a)

Not later than August 1, 2012, the executive director of each state agency shall:

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

5 (A) is not necessary to accomplish the objectives
6 of the statute that contains the reporting requirement;

7 (B) is redundant of other statutory reporting
8 requirements; or

9 (C) is required under statute to be provided at a
10 frequency for which data is not available; and

11 (2) provide to the governor, lieutenant governor,
12 speaker of the house of representatives, chair of the House
13 Committee on Government Efficiency and Reform, chair of the Senate
14 Committee on Government Organization, chair of each standing
15 committee of the senate and house of representatives with
16 jurisdiction over the agency, Texas State Library and Archives
17 Commission, and Legislative Budget Board an electronic report that
18 includes:

19 (A) each statutory reporting requirement for
20 which the executive director made a determination described by
21 Subdivision (1); and

22 (B) the justification for the executive
23 director's determination for each reporting requirement.

24 (b) The executive director may not include in the initial
25 report issued under Subsection (a)(2) a reporting requirement that
26 is required by federal law.

27 Sec. 2052.403. EXPIRATION. This subchapter expires

1 September 1, 2014.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (11) the extent to which the agency complies with
27 Chapters 551 and 552 and follows records management practices that

1 enable the agency to respond efficiently to requests for public
2 information; [~~and~~]

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

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

8 SECTION 3. Subsection (a), Section 325.012, Government
9 Code, is amended to read as follows:

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

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

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

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

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

26 SECTION 4. This Act takes effect September, 1, 2011.

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 24 2011

BY: Seliger

Atay Spaw
Secretary of the Senate

1 Amend HB 1781 by adding the appropriately numbered SECTIONS
2 to the bill and renumbering subsequent SECTIONS of the bill
3 accordingly:

4 SECTION . Subsection (c), Section 61.0815, Education
5 Code, is amended to read as follows:

6 (c) The ~~[attorney general and the]~~ president of each
7 institution of higher education shall collect all necessary data
8 for inclusion in the report required by this section.

9 SECTION 2. Subsection (a), Section 231.005, Family Code,
10 is amended to read as follows:

11 (a) The Title IV-D agency shall report to the legislature
12 each biennium on:

13 (1) the effectiveness of the agency's child support
14 enforcement activity in reducing the state's public assistance
15 obligations; and

16 (2) the use and effectiveness of all enforcement
17 tools authorized by state or federal law or otherwise available
18 to the agency~~[, and~~

19 ~~[(3) the progress and impact of the Title IV-D~~
20 ~~agency's efforts to use private contractors to perform Title IV-~~
21 ~~D program functions].~~

22 SECTION 3. Section 41.002, Government Code, is amended to
23 read as follows:

24 Sec. 41.002. NOTIFICATION OF ADDRESS. Each district and
25 county attorney shall notify the ~~[attorney general and]~~
26 comptroller of his post office address as soon as practicable
27 after his election and qualification.

28 SECTION 4. Subsections (a) and (c), Section 242.005,
29 Health and Safety Code, are amended to read as follows:

1 (a) The department [~~and the attorney general each~~] shall
2 prepare annually a full report of the operation and
3 administration of the department's [~~their respective~~]
4 responsibilities under this chapter, including recommendations
5 and suggestions considered advisable.

6 (c) The department [~~and the attorney general~~] shall submit
7 the required report [~~reports~~] to the governor and the
8 legislature not later than October 1 of each year.

9 SECTION 5. Subsection (c), Section 247.050, Health and
10 Safety Code, is amended to read as follows:

11 (c) The department [~~and the attorney general~~] shall file a
12 copy of the quarterly reports required by this section with the
13 substantive committees of each house of the legislature with
14 jurisdiction over regulation of assisted living facilities.

15 SECTION 6. Subsection (b), Section 311.016, Tax Code, as
16 amended by Chapters 977 (H.B. 1820) and 1094 (H.B. 2120), Acts
17 of the 79th Legislature, Regular Session, 2005, is reenacted and
18 amended to read as follows:

19 (b) The municipality or county shall send a copy of a
20 report made under this section to[+

21 [~~(1) the attorney general; and~~

22 [~~(2) the comptroller.~~

23 SECTION 7. The following provisions are repealed:

24 (1) Subsection (e), Section 236.002, Family Code;

25 (2) Section 402.034, Government Code;

26 (3) Section 481.168, Government Code;

27 (4) Section 2107.005, Government Code;

28 (5) Subsection (b), Section 247.050, Health and
29 Safety Code;

30 (6) Section 240.903, Local Government Code; and

31 (7) Section 395.082, Local Government Code.

1 SECTION 8. This Act takes effect immediately if it
2 receives a vote of two-thirds of all the members elected to each
3 house, as provided by Section 39, Article III, Texas
4 Constitution. If this Act does not receive the vote necessary
5 for immediate effect, this Act takes effect September 1, 2011.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 25, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1781 by Price (Relating to obsolete or redundant reporting requirements applicable to state agencies.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 2052 of the Government Code to create a new examination of statutory reporting requirements. Not later than August 1, 2012, the Executive Director of each state agency would be required to examine the agency's statutory reporting requirements and identify reports that are determined to be unnecessary, redundant, or required to be provided at a frequency for which data is not available. An electronic report would be created and provided to the Governor, Lieutenant Governor, the Speaker of the House of Representatives, chair of the House Committee on Government Efficiency and Reform, chair of the Senate Committee on Government Organization, chair of each standing committee of the Senate and House of Representatives with jurisdiction over the agency, Texas State Library and Archives Commission, and Legislative Budget Board. Reports submitted may not include reporting requirements that are required by federal law. This section would expire September 1, 2014. The bill would require the Sunset Commission to review and make recommendations on agency reporting requirements as part of the Sunset review process.

The bill eliminates several reports that are either completed by or submitted to the Office of the Attorney General and other state agencies.

The bill would take effect September 1, 2011.

This analysis assumes that the requirements of the bill could be accomplished with existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 301 Office of the Governor, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 529 Health and Human Services Commission, 781 Higher Education Coordinating Board, 116 Sunset Advisory Commission

LBB Staff: JOB, KM, JI, PM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 17, 2011

TO: Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1781 by Price (Relating to obsolete or redundant reporting requirements applicable to state agencies.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 2052 of the Government Code to create a new examination of statutory reporting requirements. Not later than August 1, 2012, the Executive Director of each state agency would be required to examine the agency's statutory reporting requirements and identify reports that are determined to be unnecessary, redundant, or required to be provided at a frequency for which data is not available. An electronic report would be created and provided to the Governor, Lieutenant Governor, the Speaker of the House of Representatives, chair of the House Committee on Government Efficiency and Reform, chair of the Senate Committee on Government Organization, chair of each standing committee of the Senate and House of Representatives with jurisdiction over the agency, Texas State Library and Archives Commission, and Legislative Budget Board. Reports submitted may not include reporting requirements that are required by federal law. This section would expire September 1, 2014.

Section 2 of the bill would require the Sunset Commission to review and make recommendations on agency reporting requirements as part of the Sunset review process.

The bill would take effect September 1, 2011.

This analysis assumes that the requirements of the bill could be accomplished with existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission

LBB Staff: JOB, KM, JI, PM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 2, 2011

TO: Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1781 by Price (Relating to obsolete or redundant reporting requirements applicable to state agencies.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 2052 of the Government Code to create a new examination of statutory reporting requirements. Not later than August 1, 2012, the Executive Director of each state agency would be required to examine the agency's statutory reporting requirements and identify reports that are determined to be unnecessary, redundant, or required to be provided at a frequency for which data is not available. An electronic report would be created and provided to the Governor, Lieutenant Governor, the Speaker of the House of Representatives, chair of the House Committee on Government Efficiency and Reform, chair of the Senate Committee on Government Organization, Texas State Library and Archives Commission, and Legislative Budget Board. Reports submitted may not include reporting requirements that are required by federal law.

This analysis assumes that the requirements of the bill could be accomplished with existing resources. The bill would take effect September 1, 2011 and would expire September 1, 2014.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KM, JI, PM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 23, 2011

TO: Honorable Bill Callegari, Chair, House Committee on Government Efficiency & Reform

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1781 by Price (Relating to obsolete or redundant reporting requirements applicable to state agencies.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 2052 of the Government Code to create a new examination of statutory reporting requirements. Not later than August 1, 2012, the Executive Director of each state agency would be required to examine the agency's statutory reporting requirements and identify reports that are determined to be unnecessary, redundant, or required to be provided at a frequency for which data is not available. An electronic report would be created and provided to the Governor, Lieutenant Governor, the Speaker of the House of Representatives, chair of the House Committee on Government Efficiency and Reform, chair of the Senate Committee on Government Organization, Texas State Library and Archives Commission, and Legislative Budget Board. Reports submitted may not include reporting requirements that are required by federal law.

This analysis assumes that the requirements of the bill could be accomplished with existing resources. The bill would take effect September 1, 2011 and would expire September 1, 2014.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KM, JI, PM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 16, 2011

TO: Honorable Bill Callegari, Chair, House Committee on Government Efficiency & Reform

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1781 by Price (Relating to obsolete or redundant reporting requirements applicable to state agencies.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 2052 of the Government Code to create a new examination of reporting requirements. Not later than August 1, 2012, the Executive Director of each state agency would be required to examine the agency's statutory reporting requirements and identify reports that are determined to be unnecessary, redundant, or required to be provided at a frequency for which data is not available. An electronic report would be created and provided to the Governor, Lieutenant Governor, the Speaker of the House of Representatives, and each member of the Senate and House of Representatives. Reports submitted may not include reporting requirements that are required by federal law or that also apply to another state agency.

This analysis assumes that the requirements of the bill could be accomplished with existing resources. The bill would take effect September 1, 2011 and would expire September 1, 2014.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 458 Alcoholic Beverage Commission, 477 Commission on State Emergency Communications, 529 Health and Human Services Commission, 808 Historical Commission, 813 Commission on the Arts

LBB Staff: JOB, KM, JI, PM