

## **BILL ANALYSIS**

Senate Research Center  
83R1559 CJC-D

S.B. 59  
By: Nelson  
Government Organization  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The purpose of this bill is to ensure that limited state resources are being committed to current state priorities rather than to reporting requirements that no longer serve their intended purpose or are redundant of other reporting requirements. Specifically this legislation streamlines agency reporting requirements by repealing obsolete reports, reducing the frequency of some reports, and redirecting some reports to relevant recipients.

As proposed, S.B. 59 amends current law relating to certain required reports and other documents prepared by state agencies and institutions of higher education.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency.]

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Transportation Commission is modified in SECTION 26 (Section 456.008, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 15.006, Agriculture Code, as follows:

Sec. 15.006. New heading: BIENNIAL REPORT. Requires the Texas Department of Agriculture and the Texas Department of Health (TDH) to jointly prepare a biennial report, rather than an annual report, concerning the special nutrition program and submit it to the governor, lieutenant governor, and speaker of the house of representatives.

SECTION 2. Amends Section 201.028, Agriculture Code, as follows:

Sec. 201.028. New heading: ANNUAL REPORT. Requires the Texas State Soil and Water Conservation Board (SWCB) to prepare and deliver to the governor, lieutenant governor, and speaker of the house of representatives not later than January 1, rather than not later than January 1 and July 1, of each year a report relating to the status of the budget areas of responsibility assigned to the SWCB.

SECTION 3. Amends Article 60.02(j), Code of Criminal Procedure, to delete existing text requiring the Department of Public Safety of the State of Texas (DPS) to report to the state auditor on DPS's progress in implementing the examining entity's recommendations.

SECTION 4. Amends Section 32.157(a), Education Code, to change a reference from the comprehensive annual report required under Section 39.332 (Comprehensive Annual Report), Education Code, to a comprehensive biennial report required under Section 39.332.

SECTION 5. Amends Section 39.027(e), Education Code, to change the reference to the comprehensive annual report under Section 39.332 to a comprehensive biennial report under Section 39.332.

SECTION 6. Amends the heading to Section 39.332, Education Code, to read as follows:

Sec. 39.332. COMPREHENSIVE BIENNIAL REPORT.

SECTION 7. Amends Section 39.332(a), Education Code, to require the Texas Education Agency to prepare, not later than December 1 of each even-numbered year, rather than annually, a comprehensive report covering the preceding school year and containing the information provided in Subsection (b) (relating to the contents of the report) and deliver it to certain legislative entities.

SECTION 8. Amends Section 54.633(j), Education Code, as follows:

(j) Deletes existing text requiring the Prepaid Higher Education Tuition Board to submit the report of an audit of the direct-support organization authorized under Section 54.633(e) to the state auditor. Authorizes the state auditor, to require the direct-support organization or independent certified public accountant to provide additional information relating to the operation of the direct-support organization.

SECTION 9. Amends Section 324.008(d), Government Code, to require the governing body of a state agency, as defined by Sections 2151.002(1) (relating to a state agency being a department, commission, board, office, or other agency in the executive branch of state government created by the state constitution or state statute) and (3) (relating to a state agency being a university system of an institution of higher education except a public junior college), rather than Sections 2151.002(2)(A) (relating to a state agency being a department, commission, board, office, or other agency in the executive branch of state government created by the state constitution or state statute) and (C) (relating to a state agency being a university system of an institution of higher education except a public junior college), to deliver to the Texas State Library and Archives Commission and the Legislative Reference Library a certified copy of the minutes and any corrections to the minutes of any meeting of the governing body immediately after transcription.

SECTION 10. Amends Section 431.034(a), Government Code, to delete existing text requiring the adjutant general to include in a report submitted to the governor and the legislature a complete and written statement accounting for all funds received and dispersed by the adjutant general's department during the preceding fiscal year that meets the reporting requirements applicable to financial reporting provided in the General Appropriations Act, and to make nonsubstantive changes.

SECTION 11. Amends Section 1231.086(b), Government Code, to delete existing text requiring the Texas Bond Review Board (BRB) to provide a report of the information received under Subchapter E (Security Transaction Reports) for the fiscal year ending August 31 of that year to the joint committee charged with monitoring the implementation of goals for participation by historically underutilized businesses, and to make a nonsubstantive change.

SECTION 12. Amends Section 2054.1015(d), Government Code, to require a state agency to notify the Texas Department of Information Resources (DIR) and the Legislative Budget Board (LBB), rather than DIR, LBB, and the state auditor's office, if the agency makes a substantive change to a planned procurement schedule for commodity items.

SECTION 13. Amends Section 2165.055, Government Code, to require the Texas Facilities Commission to submit to the governor a report on the improvement, condition, receipts, expenditures, and estimates of facilities under its control not later than December 1 of each even-numbered year, rather than biennially on December 1.

SECTION 14. Amends Section 2306.559(a), Government Code, to require the board of directors of the Texas State Affordable Housing Corporation (TSAHC) to submit a report of TSAHC's financial activity to the governor, lieutenant governor, speaker of the house of representatives, and comptroller, and to delete existing text requiring that the report be submitted to LBB.

SECTION 15. Amends Section 103.013, Health and Safety Code, by adding Subsection (g), as follows:

(g) Authorizes a state agency to electronically publish the report required under Subsection (f) (relating to requiring each state agency, not later than November 1 of each even-numbered year, to report to the Texas Diabetes Council, LBB, and the governor's office of budget and planning as to what resources are required for implementation of the plan and any deviations from the plan) on the agency's Internet website. Requires a state agency that electronically publishes a report under this subsection to notify each agency entitled to receive a copy of the report that the report is available on the agency's Internet website on or before the date the report is due.

SECTION 16. Amends Section 161.0211(b), Health and Safety Code, to change a reference from the Texas Natural Resources Conservation Commission to the Texas Commission on Environmental Quality.

SECTION 17. Amends Section 114.008(a), Human Resources Code, to require the agencies represented on the Texas Council on Autism and Pervasive Developmental Disorders (council) and the public members to report to the council any requirements identified by the agency or person to provide additional or improved services to persons with autism or other pervasive developmental disorders not later than November 1 of each even-numbered year, rather than November 1 of each year.

SECTION 18. Amends Section 32.021(a), Insurance Code, to delete existing text requiring the Texas Department of Insurance (TDI) to file an accounting of all funds received and disbursed by the TDI during the preceding fiscal year to the governor and the presiding officer of each house of the legislature and to make nonsubstantive changes.

SECTION 19. Amends the heading to Section 21.553, Labor Code, to read as follows:

Sec. 21.553. COOPERATION WITH COMPTROLLER AND UNIFORM STATEWIDE ACCOUNTING SYSTEM; REPORT.

SECTION 20. Amends Section 21.553(b), Labor Code, to require the Texas Workforce Commission civil rights division (commission) to report the results of an analysis of the information reported to the commission under this subchapter to LBB and the governor in addition to the legislature not later than January 1 of each odd-numbered year, rather than the fifth day of each regular session of the legislature.

SECTION 21. Amends Section 506.002(b), Labor Code, to require the workers' compensation division of the Office of the Attorney General to send a copy of each statement of amounts due from an agency or other instrumentality of state government that, with funds that are held outside the state treasury, reimburses the general revenue fund for workers' compensation payments made out of the general revenue fund to the comptroller of public accounts (comptroller), rather than to the comptroller and the state auditor.

SECTION 22. Amends the heading to Section 91.1135, Natural Resources Code, to read as follows:

Sec. 91.1135. OIL AND GAS REGULATION AND CLEANUP FUND ADVISORY COMMITTEE.

SECTION 23. Amends Sections 91.1135(a), (d), (e), (f), and (g), Natural Resources Code, as follows:

(a) Redefines "committee."

(d) Requires the Oil and Gas Regulation and Cleanup Fund Advisory Committee to receive information about rules proposed by the Railroad Commission of Texas relating to the oil and gas regulation and cleanup fund, rather than the oil-field cleanup fund, in addition to certain other requirements. Makes a conforming change.

(e)-(g) Makes a conforming change.

SECTION 24. Amends Section 141.079, Natural Resources Code, to require the commissioner of the General Land Office to report to the legislature, not later than January 1 of each odd-numbered year, rather than the during first 30 days of each regular session of the legislature, on the status of exploration, development, and production of geothermal energy and associated resources under the land governed by this subchapter.

SECTION 25. Amends Section 651.162, Occupations Code, as follows:

Sec. 651.162. New heading: BIENNIAL REPORT. Requires the Texas Funeral Service Commission (TFSC) to file biennially, rather than annually, with the governor a written description of the activities of TFSC during the preceding fiscal year. Deletes existing Subsection (b) designation.

SECTION 26. Amends Section 456.008(a), Transportation Code, as follows:

(a) Requires the Texas Transportation Commission (TTC) by rule to prepare and issue to the legislature a report on public transportation providers, rather than the performance of public transportation providers, in this state that received state or federal funding during the previous 12-month period. Requires that a report under this section detail the performance of the transportation providers during the preceding state fiscal year and include monthly data, for each transportation provider, on industry utilized standards that best reflect ridership, mileage, revenue by source, and service effectiveness. Deletes existing text requiring TTC to issue a report under this section at least once each state fiscal year.

SECTION 27. Amends Section 12.203, Utilities Code, as follows:

Sec. 12.203. New heading: BIENNIAL REPORT. Requires the Public Utility Commission of Texas (PUC) to, not later than December 1 of each year preceding the convening of each regular session of the legislature, prepare a written report that includes suggestions regarding modification and improvement of PUC's statutory authority and for the improvement of utility regulation in general that PUC considers appropriate for protecting and furthering the interest of the public. Deletes existing Subsection (a) requiring PUC to prepare annually a complete and detailed written report accounting for all funds received and disbursed by PUC during the preceding fiscal year. Deletes existing text requiring that the report meet the reporting requirements applicable to financial reporting in the General Appropriations Act. Deletes existing Subsection (b) designation. Makes a conforming and nonsubstantive change.

SECTION 28. Amends Section 1(c), Chapter 413 (H.B. 1966), Acts of the 81st Legislature, Regular Session, 2009, as follows:

(c) Requires the Health and Human Services Commission (HHSC) to submit an annual report to the governor and LBB regarding the e-prescribing implementation plan developed under this section. Requires that the report include projected expenditures and cost savings anticipated for the plan during the state fiscal year the total expenditures associated with and cost savings realized from the plan to date. Provides that this subsection expires January 1, 2015. Deletes existing text requiring HHSC, not later than December 1, 2009, to submit an initial report detailing the e-prescribing implementation plan developed under this section.

SECTION 29. Repealer: Section 22.004(e) (relating to a report submitted to the legislature by the executive director of the Teacher Retirement System of Texas describing the status of each district's group health coverage program), Education Code;

Repealer: Section 61.0761(d) (relating to a report describing progress in implementing the college readiness and success strategic action plan), Education Code;

Repealer: Section 74.004(d) (relating to the liability of a county, public hospital, or hospital district to the medical branch for the treatment of eligible residents of the county or service area), Education Code;

Repealer: Section 825.518 (Annual Report), Government Code;

Repealer: Section 2306.560(d) (relating to transfers of funds, personnel, or in-kind contributions from the Texas Department of Housing and Community Affairs), Government Code;

Repealer: Section 221.012(b) (relating to the annual filing of a complete and detailed written report accounting for all funds received and disbursed by the Texas Juvenile Justice Department during the preceding fiscal year), Human Resources Code;

Repealer: Section 1575.170(c) (relating to the submission to the comptroller and LBB of a report regarding cost savings by the board of trustees of the Teacher Retirement System of Texas), Insurance Code;

Repealer: Section 205.019(b) (relating to the sending of a copy of statement of amounts due from a branch, department, or other instrumentality by the Texas Workforce Commission), Labor Code;

Repealer: Section 6.156(b) (relating to a detailed quarterly report by the Texas Water Development Board (TWDB) filed with the governor and presiding officer of each house accounting for all funds received and disbursed by TWDB), Water Code;

Repealer: Section 46, Chapter 1130 (H.B. 2086), Acts of the 81st Legislature, Regular Session, 2009 (relating to the preparation of an annual criminal justice policy statement by LBB); and

Repealer: Section 1(d), Chapter 413 (H.B. 1966), Acts of the 81st Legislature, Regular Session, 2009 (relating to the submission of a final report to the governor and LBB regarding the e-prescribing implementation plan).

SECTION 30. Effective date: September 1, 2013.