

By: Nelson

S.B. No. 59

A BILL TO BE ENTITLED

AN ACT

relating to certain required reports and other documents prepared by state agencies and institutions of higher education.

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

SECTION 1. Section 15.006, Agriculture Code, is amended to read as follows:

Sec. 15.006. BIENNIAL [~~ANNUAL~~] REPORT. The department and the Texas Department of Health shall jointly prepare a biennial [~~an annual~~] report concerning the special nutrition program and submit a copy of the report to the governor, lieutenant governor, and speaker of the house of representatives. The report must include information on the condition of the program, persons served, amount of food coupons redeemed, and funds received and expended.

SECTION 2. Section 201.028, Agriculture Code, is amended to read as follows:

Sec. 201.028. ANNUAL [~~SEMIANNUAL~~] REPORT. Not later than January 1 [~~and July 1~~] of each year, the state board shall prepare and deliver to the governor, the lieutenant governor, and the speaker of the house of representatives a report relating to the status of the budget areas of responsibility assigned to the board, including outreach programs, grants made and received, federal funding applied for and received, special projects, and oversight of water conservation district activities.

SECTION 3. Article 60.02(j), Code of Criminal Procedure, is

1 amended to read as follows:

2 (j) At least once during each five-year period the council
3 shall coordinate an examination of the records and operations of
4 the criminal justice information system to ensure the accuracy and
5 completeness of information in the system and to ensure the
6 promptness of information reporting. The state auditor, or other
7 appropriate entity selected by the council, shall conduct the
8 examination with the cooperation of the council, the Department of
9 Public Safety, and the Texas Department of Criminal Justice. The
10 Department of Public Safety, the council, and the Texas Department
11 of Criminal Justice may examine the records of the agencies
12 required to report information to the Department of Public Safety
13 or the Texas Department of Criminal Justice. The examining entity
14 shall submit to the legislature and the council a report that
15 summarizes the findings of each examination and contains
16 recommendations for improving the system. Not later than the first
17 anniversary after the date the examining entity submits its report,
18 the Department of Public Safety shall report to the Legislative
19 Budget Board, the governor, [~~the state auditor,~~] and the council on
20 the department's progress in implementing the examining entity's
21 recommendations, including for each recommendation not implemented
22 the reason for not implementing the recommendation. The Department
23 of Public Safety shall submit a similar report each year following
24 the submission of the first report until each of the examining
25 entity's recommendations is implemented.

26 SECTION 4. Section 32.157(a), Education Code, is amended to
27 read as follows:

1 (a) After the expiration of the project, the agency may
2 review the project based on the annual reports the agency receives
3 from the board of trustees of participating school districts. The
4 agency may include the review of the project in the comprehensive
5 biennial [~~annual~~] report required under Section 39.332 that covers
6 the 2012-2013 school year.

7 SECTION 5. Section 39.027(e), Education Code, is amended to
8 read as follows:

9 (e) The commissioner shall develop an assessment system
10 that shall be used for evaluating the academic progress, including
11 reading proficiency in English, of all students of limited English
12 proficiency, as defined by Section 29.052. A student who is exempt
13 from the administration of an assessment instrument under
14 Subsection (a)(1) or (2) who achieves reading proficiency in
15 English as determined by the assessment system developed under this
16 subsection shall be administered the assessment instruments
17 described by Sections 39.023(a) and (c). The performance under the
18 assessment system developed under this subsection of students to
19 whom Subsection (a)(1) or (2) applies shall be included in the
20 indicator systems under Section 39.301, as applicable, the
21 performance report under Section 39.306, and the comprehensive
22 biennial [~~annual~~] report under Section 39.332. This information
23 shall be provided in a manner that is disaggregated by the bilingual
24 education or special language program, if any, in which the student
25 is enrolled.

26 SECTION 6. The heading to Section 39.332, Education Code,
27 is amended to read as follows:

1 Sec. 39.332. COMPREHENSIVE BIENNIAL [~~ANNUAL~~] REPORT.

2 SECTION 7. Section 39.332(a), Education Code, is amended to
3 read as follows:

4 (a) Not later than December 1 of each even-numbered year,
5 the agency shall prepare and deliver to the governor, the
6 lieutenant governor, the speaker of the house of representatives,
7 each member of the legislature, the Legislative Budget Board, and
8 the clerks of the standing committees of the senate and house of
9 representatives with primary jurisdiction over the public school
10 system a comprehensive report covering the preceding school year
11 and containing the information described by Subsection (b).

12 SECTION 8. Section 54.633(j), Education Code, is amended to
13 read as follows:

14 (j) The board may contract with an independent certified
15 public accountant to annually audit the direct-support
16 organization under rules adopted by the board. The board shall
17 submit the audit to the comptroller, governor, lieutenant governor,
18 speaker of the house of representatives, Legislative Budget Board,
19 Legislative Audit Committee, [~~state auditor~~] and Texas Higher
20 Education Coordinating Board. The comptroller [~~or state auditor~~]
21 may require the direct-support organization or independent
22 certified public accountant to provide additional information
23 relating to the operation of the organization.

24 SECTION 9. Section 324.008(d), Government Code, is amended
25 to read as follows:

26 (d) The governing body of a state agency, as defined by
27 Sections 2151.002(1) and (3) [~~2151.002(2)(A) and (C)~~], shall

1 deliver to the library and the Texas State Library and Archives
2 Commission immediately after transcription a certified copy of the
3 minutes of any meeting of the governing body. Any changes or
4 corrections to the minutes shall also be delivered to the library
5 and the Texas State Library and Archives Commission.

6 SECTION 10. Section 431.034(a), Government Code, is amended
7 to read as follows:

8 (a) The adjutant general annually shall report to the
9 governor. The report shall be delivered to the legislature. The
10 report must include:

11 (1) [~~a complete and detailed written statement~~
12 ~~accounting for all funds received and disbursed by the department~~
13 ~~during the preceding fiscal year that meets the reporting~~
14 ~~requirements applicable to financial reporting provided in the~~
15 ~~General Appropriations Act,~~

16 [~~(2)~~] an account, to the extent of the adjutant
17 general's knowledge, of all arms, ammunition, and other military
18 property owned by or in possession of the state, the source from
19 which it was received, to whom it is issued, and its present
20 condition;

21 (2) [~~(3)~~] a statement of the number, condition, and
22 organization of the Texas National Guard and reserve militia;

23 (3) [~~(4)~~] suggestions that the adjutant general
24 considers important to the military interests and conditions of the
25 state and the perfection of its military organization;

26 (4) [~~(5)~~] a list and description of all Texas National
27 Guard missions that are in progress at the time the report is

1 prepared; and

2 (5) [~~6~~] a statement of department plans to obtain
3 and maintain future Texas National Guard missions, including
4 proposed missions that are consistent with the United States
5 Department of Defense's war-fighting strategies, including
6 strategies used in the war on terrorism.

7 SECTION 11. Section 1231.086(b), Government Code, is
8 amended to read as follows:

9 (b) On November 15 of each year, the board shall send to the
10 lieutenant governor, the speaker of the house, and each member of
11 the legislature[~~, and the joint committee~~] a report of the
12 information received under this subchapter for the fiscal year
13 ending August 31 of that year.

14 SECTION 12. Section 2054.1015(d), Government Code, is
15 amended to read as follows:

16 (d) A state agency shall notify the department and[~~7~~] the
17 Legislative Budget Board[~~, and the state auditor's office~~] if the
18 agency makes a substantive change to a planned procurement schedule
19 for commodity items.

20 SECTION 13. Section 2165.055, Government Code, is amended
21 to read as follows:

22 Sec. 2165.055. REPORT ABOUT IMPROVEMENTS AND REPAIRS. Not
23 later than December 1 of each even-numbered year, the [~~The~~]
24 commission [~~biennially on December 1st~~] shall report to the
25 governor:

26 (1) all improvements and repairs that have been made,
27 with an itemized account of receipts and expenditures; and

1 (2) the condition of all property under its control,
2 with an estimate of needed improvements and repairs.

3 SECTION 14. Section 2306.559(a), Government Code, is
4 amended to read as follows:

5 (a) The corporation shall file an annual report of the
6 financial activity of the corporation with the department. The
7 corporation's board of directors shall submit the report to the
8 governor, lieutenant governor, speaker of the house of
9 representatives, and comptroller [~~, and Legislative Budget Board~~].

10 SECTION 15. Section 103.013, Health and Safety Code, is
11 amended by adding Subsection (g) to read as follows:

12 (g) The report required under Subsection (f) may be
13 electronically published on a state agency's Internet website. A
14 state agency that electronically publishes a report under this
15 subsection shall notify each agency entitled to receive a copy of
16 the report that the report is available on the agency's Internet
17 website on or before the date the report is due.

18 SECTION 16. Section 161.0211(b), Health and Safety Code, is
19 amended to read as follows:

20 (b) The department may conduct those investigations to
21 determine the nature and extent of the disease or environmental
22 exposure believed to be harmful to the public health. Any findings
23 or determinations from such investigations that relate to
24 environmental exposures believed to be harmful to the public shall
25 be reported in writing to the Texas [~~Natural Resource Conservation~~]
26 Commission on Environmental Quality, and the two agencies shall
27 coordinate corrective measures as appropriate. The department

1 shall use generally accepted methods of epidemiology or toxicology
2 in the conduct of an investigation.

3 SECTION 17. Section 114.008(a), Human Resources Code, is
4 amended to read as follows:

5 (a) The agencies represented on the council and the public
6 members shall report to the council any requirements identified by
7 the agency or person to provide additional or improved services to
8 persons with autism or other pervasive developmental
9 disorders. Not later than November 1 of each even-numbered year,
10 the council shall prepare and deliver to the executive commissioner
11 of the Health and Human Services Commission, the governor, the
12 lieutenant governor, and the speaker of the house of
13 representatives a report summarizing the recommendations.

14 SECTION 18. Section 32.021(a), Insurance Code, is amended
15 to read as follows:

16 (a) The department shall file annually with the governor and
17 the presiding officer of each house of the legislature a complete
18 and detailed written report that includes:

19 (1) ~~[an accounting of all funds received and disbursed~~
20 ~~by the department during the preceding fiscal year,~~

21 ~~[(2)]~~ a description of the commissioner's official
22 acts;

23 (2) ~~[(3)]~~ a description of the condition of companies
24 doing business in this state; and

25 (3) ~~[(4)]~~ other information that exhibits the affairs
26 of the department.

27 SECTION 19. The heading to Section 21.553, Labor Code, is

1 amended to read as follows:

2 Sec. 21.553. COOPERATION WITH COMPTROLLER AND UNIFORM
3 STATEWIDE ACCOUNTING SYSTEM; REPORT [~~TO LEGISLATURE~~].

4 SECTION 20. Section 21.553(b), Labor Code, is amended to
5 read as follows:

6 (b) The commission shall conduct an analysis of the
7 information reported to the commission under this subchapter and
8 report the results of that analysis to the legislature, the
9 Legislative Budget Board, and the governor not later than January 1
10 of each odd-numbered year [~~the fifth day of each regular session of~~
11 ~~the legislature~~]. The report required under this subsection must
12 be written in plain language.

13 SECTION 21. Section 506.002(b), Labor Code, is amended to
14 read as follows:

15 (b) The workers' compensation division of the office of the
16 attorney general shall send to the comptroller [~~and the state~~
17 ~~auditor~~] a copy of each statement of amounts due from an agency or
18 other instrumentality of state government that, with funds that are
19 held outside the state treasury, reimburses the general revenue
20 fund for workers' compensation payments made out of the general
21 revenue fund.

22 SECTION 22. The heading to Section 91.1135, Natural
23 Resources Code, is amended to read as follows:

24 Sec. 91.1135. OIL AND GAS REGULATION AND [~~OIL-FIELD~~]
25 CLEANUP FUND ADVISORY COMMITTEE.

26 SECTION 23. Sections 91.1135(a), (d), (e), (f), and (g),
27 Natural Resources Code, are amended to read as follows:

1 (a) In this section, "committee" means the Oil and Gas
2 Regulation and [Oil-Field] Cleanup Fund Advisory Committee.

3 (d) The committee shall:

4 (1) meet at least quarterly with the commission;

5 (2) receive information about rules proposed by the
6 commission relating to the oil and gas regulation and [oil-field]
7 cleanup fund;

8 (3) review recommendations for legislation proposed
9 by the commission; and

10 (4) monitor the effectiveness of the oil and gas
11 regulation and [oil-field] cleanup fund.

12 (e) The commission shall provide quarterly reports to the
13 committee and the Legislative Budget Board that include:

14 (1) the following information with respect to the
15 period since the last report was provided as well as cumulatively:

16 (A) the amount of money deposited in the oil and
17 gas regulation and [oil-field] cleanup fund;

18 (B) the amount of money spent from the fund;

19 (C) the balance of the fund;

20 (D) the number of wells plugged with money from
21 the fund;

22 (E) the number of sites remediated with money
23 from the fund; and

24 (F) the number of wells abandoned; and

25 (2) any additional information or data requested in
26 writing by the committee.

27 (f) The committee may:

1 (1) submit to the commission comments of the committee
2 regarding proposed rules relating to the oil and gas regulation and
3 ~~[oil-field]~~ cleanup fund; and

4 (2) request reports and other information from the
5 commission as necessary to implement this section.

6 (g) Not later than November 15 of each even-numbered year,
7 the committee shall report to the governor, lieutenant governor,
8 and speaker of the house of representatives on the committee's
9 activities. The report must include:

10 (1) an analysis of any problems with the
11 administration of the oil and gas regulation and ~~[oil-field]~~
12 cleanup fund; and

13 (2) recommendations for any legislation needed to
14 address any problems identified with the administration of the fund
15 or otherwise needed to further the purposes of the fund.

16 SECTION 24. Section 141.079, Natural Resources Code, is
17 amended to read as follows:

18 Sec. 141.079. REPORT TO LEGISLATURE. Not later than
19 January 1 of each odd-numbered year ~~[During the first 30 days of~~
20 ~~each regular session of the legislature]~~, the commissioner shall
21 report to the legislature on the status of the exploration,
22 development, and production of geothermal energy and associated
23 resources under the land governed by this subchapter.

24 SECTION 25. Section 651.162, Occupations Code, is amended
25 to read as follows:

26 Sec. 651.162. BIENNIAL REPORT ~~[ANNUAL REPORTS]~~.

27 ~~[(b)]~~ The commission shall file biennially ~~[annually]~~ with

1 the governor a written description of the activities of the
2 commission during the preceding fiscal year.

3 SECTION 26. Section 456.008(a), Transportation Code, is
4 amended to read as follows:

5 (a) Not later than January 1 of each year, the ~~[The]~~
6 commission by rule shall prepare and issue to the legislature a
7 report on ~~[the performance of]~~ public transportation providers in
8 this state that received state or federal funding during the
9 previous 12-month period. A ~~[The commission shall issue a]~~ report
10 under this section must:

11 (1) detail the performance of the transportation
12 providers during the preceding state fiscal year; and

13 (2) include, as to each transportation provider,
14 monthly data on industry utilized standards that best reflect
15 ridership, mileage, revenue by source, and service effectiveness
16 ~~[at least once each state fiscal year].~~

17 SECTION 27. Section 12.203, Utilities Code, is amended to
18 read as follows:

19 Sec. 12.203. BIENNIAL ~~[ANNUAL]~~ REPORT. Not later than
20 December 1 of each ~~[(a) The commission shall prepare annually a~~
21 ~~complete and detailed written report accounting for all funds~~
22 ~~received and disbursed by the commission during the preceding~~
23 ~~fiscal year. The annual report must meet the reporting~~
24 ~~requirements applicable to financial reporting in the General~~
25 ~~Appropriations Act.~~

26 ~~[(b) In the annual report issued in the]~~ year preceding the
27 convening of each regular session of the legislature, the

1 commission shall prepare a written report that includes ~~[make]~~
2 suggestions regarding modification and improvement of the
3 commission's statutory authority and for the improvement of utility
4 regulation in general that the commission considers appropriate for
5 protecting and furthering the interest of the public.

6 SECTION 28. Section 1(c), Chapter 413 (H.B. 1966), Acts of
7 the 81st Legislature, Regular Session, 2009, is amended to read as
8 follows:

9 (c) Not later than December 1 of each year ~~[, 2009]~~, the
10 Health and Human Services Commission shall submit an annual
11 ~~[initial]~~ report to the governor and the Legislative Budget Board
12 regarding ~~[detailing]~~ the e-prescribing implementation plan
13 developed under this section. The report must include the
14 projected expenditures and cost savings anticipated for the plan
15 during the state fiscal year and the total expenditures associated
16 with and cost savings realized from the plan to date. This
17 subsection expires January 1, 2015.

18 SECTION 29. The following provisions are repealed:

- 19 (1) Section 22.004(e), Education Code;
- 20 (2) Section 61.0761(d), Education Code;
- 21 (3) Section 74.004(d), Education Code;
- 22 (4) Section 825.518, Government Code;
- 23 (5) Section 2306.560(d), Government Code;
- 24 (6) Section 221.012(b), Human Resources Code;
- 25 (7) Section 1575.170(c), Insurance Code;
- 26 (8) Section 205.019(b), Labor Code;
- 27 (9) Section 6.156(b), Water Code;

1 (10) Section 46, Chapter 1130 (H.B. 2086), Acts of the
2 81st Legislature, Regular Session, 2009; and

3 (11) Section 1(d), Chapter 413 (H.B. 1966), Acts of
4 the 81st Legislature, Regular Session, 2009.

5 SECTION 30. This Act takes effect September 1, 2013.