

BILL ANALYSIS

C.S.S.B. 526
By: Birdwell
Government Transparency & Operation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that certain state government advisory entities are inactive or provide duplicate services and are therefore no longer required for the missions they were initially created to fulfill. C.S.S.B. 526 seeks to address this obsolescence by abolishing these entities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 526 abolishes the residential mortgage fraud task force; the Advisory Oversight Community Outreach Committee; the rain harvesting and water recycling task force; the State Cogeneration Council and all rules adopted by the council; the information resources steering committee; the premarital education handbook advisory committee; the independent review organization advisory group for the Texas Department of Insurance; the Vehicle Protection Product Warrantor Advisory Board; the Alternative Fuels Council; the qualified agricultural land and qualified timber land property tax valuation manuals approval committees; and the Communities in Schools advisory committee.

C.S.S.B. 526 amends the Government Code to require the attorney general, if a person reports information to the attorney general regarding fraudulent activity the person determines or reasonably suspects has been committed or is about to be committed, to notify an appropriate law enforcement agency with jurisdiction to investigate the fraudulent activity. The bill authorizes the attorney general, a local, state, or federal law enforcement agency, a prosecuting attorney of the United States or of a county or judicial district of the state, and certain state agencies to share confidential information or information to which access is otherwise restricted by law with one or more such entities. The bill establishes that such shared confidential information remains confidential and that legal restrictions on access to the information apply.

C.S.S.B. 526 transfers the Alternative Fuels Council's role in the evaluation of an application for assistance with alternative fuel projects to the comptroller of public accounts. The bill establishes that, on the bill's effective date, a rule, form, policy, procedure, or decision of the council continues in effect as a rule, form, policy, procedure, or decision of the comptroller until superseded or repealed by an act of the comptroller. The bill authorizes the transfer of property converted to alternative fuel use with the proceeds of a loan provided under the alternative fuels program to another person.

C.S.S.B. 526 amends the Tax Code to require the rules developed by the comptroller under statutory provisions relating to the appraisal of qualified agricultural land and to the appraisal of qualified timber land, before taking effect, to be approved by the comptroller with the review and counsel of the Department of Agriculture and the review and counsel of the Texas A&M Forest Service, respectively.

C.S.S.B. 526 repeals the following provisions:

- Section 402.032, Government Code
- Section 411.0197, Government Code
- Section 2113.301(h), Government Code
- Section 2302.001(3), Government Code
- Section 2302.002, Government Code
- Section 2302.003, Government Code
- Section 2302.004, Government Code
- Section 2302.005, Government Code
- Section 2302.006, Government Code
- Section 2302.007, Government Code
- Section 2302.021(a), Government Code
- Section 2302.022, Government Code
- Section 2.014(d), Family Code
- Section 231.013, Family Code
- Section 4202.011, Insurance Code
- Subchapter C, Chapter 2306, Occupations Code
- Subchapter J, Chapter 113, Natural Resources Code
- Section 16, Chapter 1156 (H.B. 2879), Acts of the 77th Legislature, Regular Session, 2001

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 526 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Section 402.033, Government Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(See SECTION 3(2) below).

(b) If a person determines or reasonably suspects that fraudulent activity has been

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. RESIDENTIAL MORTGAGE FRAUD TASK FORCE.

(a) The residential mortgage fraud task force is abolished.

(b) Section 402.033, Government Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) If a person determines or reasonably suspects that fraudulent activity has been

committed or is about to be committed, the person shall report the information to an authorized governmental agency. If a person reports the information to the attorney general, the attorney general shall notify an appropriate law enforcement agency with jurisdiction to investigate the fraudulent activity [~~each agency with representation on the residential mortgage fraud task force under Section 402.032~~]. If a financial institution or person voluntarily or pursuant to this section reports fraudulent activity to an authorized governmental agency, the financial institution or person may not notify any person involved in the fraudulent activity that the fraudulent activity has been reported, and the authorized governmental agency who has any knowledge that such report was made shall not disclose to any person involved in the fraudulent activity that the fraudulent activity has been reported. Any financial institution or person that makes a voluntary report of any possible violation of law or regulation to an authorized governmental agency shall not be liable to any person under any law or regulation of the state or the United States for such report.

(d) An authorized governmental agency may share confidential information or information to which access is otherwise restricted by law with one or more other authorized governmental agencies. Except as provided by this subsection, confidential information that is shared under this subsection remains confidential and legal restrictions on access to the information apply.

(See SECTION 2(2) below.)

No equivalent provision.

No equivalent provision.

committed or is about to be committed, the person shall report the information to an authorized governmental agency. If a person reports the information to the attorney general, the attorney general shall notify an appropriate law enforcement agency with jurisdiction to investigate the fraudulent activity [~~each agency with representation on the residential mortgage fraud task force under Section 402.032~~]. If a financial institution or person voluntarily or pursuant to this section reports fraudulent activity to an authorized governmental agency, the financial institution or person may not notify any person involved in the fraudulent activity that the fraudulent activity has been reported, and the authorized governmental agency who has any knowledge that such report was made shall not disclose to any person involved in the fraudulent activity that the fraudulent activity has been reported. Any financial institution or person that makes a voluntary report of any possible violation of law or regulation to an authorized governmental agency shall not be liable to any person under any law or regulation of the state or the United States for such report.

(d) An authorized governmental agency may share confidential information or information to which access is otherwise restricted by law with one or more other authorized governmental agencies. Except as provided by this subsection, confidential information that is shared under this subsection remains confidential and legal restrictions on access to the information apply.

(c) Section 402.032, Government Code, is repealed.

SECTION 2. ADVISORY OVERSIGHT COMMUNITY OUTREACH COMMITTEE. (a) The Advisory Oversight Community Outreach Committee is abolished.

(b) Section 411.0197, Government Code, is repealed.

SECTION 3. RAIN HARVESTING AND WATER RECYCLING TASK FORCE. (a) The task force under Section 2113.301(h), Government Code, as repealed by this section, is abolished.

No equivalent provision.

SECTION 2. The following provisions are repealed:

(See SECTION 3(1) below.)

(1) Section 231.013, Family Code;

(2) Section 402.032, Government Code;

(3) Sections 195.002(d) and 195.008, Local Government Code; and

(4) Subchapter E, Chapter 110, Occupations Code.

SECTION 3. On the effective date of this Act, the following are abolished:

(1) the information resources steering committee;

(2) the residential mortgage fraud task force;

(3) the Electronic Recording Advisory Committee; and

(b) Section 2113.301(h), Government Code, is repealed.

SECTION 4. STATE COGENERATION COUNCIL. (a) The State Cogeneration Council is abolished. All rules adopted by the State Cogeneration Council are abolished.

(b) Section 2302.024, Government Code, is amended to read as follows:

Sec. 2302.024. AUTHORITY TO SELL POWER. A ~~[(a) After the council has approved the application to construct or operate a cogeneration facility, a]~~ cogenerating state agency may contract in the same manner as a qualifying facility for the sale to an electric utility of firm or nonfirm power produced by the state agency cogeneration facility that exceeds the agency's power requirements.

~~[(b) A cogenerating state agency may consult with the council about the price or other terms of a contract entered under this section.]~~

(c) The following provisions of the Government Code are repealed:

(1) Section 2302.001(3);

(2) Sections 2302.002, 2302.003, 2302.004, 2302.005, 2302.006, and 2302.007;

(3) Section 2302.021(a); and

(4) Section 2302.022.

SECTION 5. INFORMATION RESOURCES STEERING COMMITTEE.

(a) The information resources steering committee is abolished.

(b) Section 231.013, Family Code, is repealed.

(See SECTION 1(c) above.)

(See SECTION 5(a) above.)

(See SECTION 1(a) above.)

(4) the interagency advisory committee to the Council on Sex Offender Treatment.

No equivalent provision.

SECTION 6. PREMARITAL EDUCATION HANDBOOK ADVISORY COMMITTEE.

(a) The advisory committee under Section 2.014(d), Family Code, as repealed by this section, is abolished.

(b) Section 2.014(d), Family Code, is repealed.

No equivalent provision.

SECTION 7. INDEPENDENT REVIEW ORGANIZATION ADVISORY GROUP.

(a) The advisory group under Section 4202.011, Insurance Code, as repealed by this section, is abolished.

(b) Section 4202.011, Insurance Code, is repealed.

No equivalent provision.

SECTION 8. VEHICLE PROTECTION PRODUCT WARRANTOR ADVISORY BOARD.

(a) The Vehicle Protection Product Warrantor Advisory Board is abolished.

(b) Subchapter C, Chapter 2306, Occupations Code, is repealed.

No equivalent provision.

SECTION 9. ALTERNATIVE FUELS COUNCIL.

(a) The Alternative Fuels Council is abolished.

(b) On the effective date of this Act, a rule, form, policy, procedure, or decision of the Alternative Fuels Council continues in effect as a rule, form, policy, procedure, or decision of the comptroller of public accounts until superseded or repealed by an act of the comptroller.

(c) A vehicle or other property to which Section 113.290, Natural Resources Code, as repealed by this section, applied may be transferred to another person.

(d) Section 1232.106, Government Code, is amended to read as follows:

Sec. 1232.106. EVALUATION OF APPLICATION FOR ASSISTANCE WITH ALTERNATIVE FUEL PROJECTS. (a) The comptroller [~~Alternative Fuels Council~~] shall evaluate an application by an eligible entity for the financing under Section 1232.104 of the acquisition, construction, or improvement of alternative fuels infrastructure and shall determine whether the proposed project will increase energy or cost savings to the applicant.

(b) The authority may not issue an

obligation under Section 1232.104 unless the comptroller [~~Alternative Fuels Council~~] certifies that the proposed project will increase energy or cost savings to the applicant.

(c) The comptroller [~~Alternative Fuels Council~~] by rule may adopt procedures and standards for the evaluation of an application for the financing of a proposed project under Section 1232.104.

(e) Subchapter J, Chapter 113, Natural Resources Code, is repealed.

No equivalent provision.

SECTION 10. QUALIFIED AGRICULTURAL LAND AND QUALIFIED TIMBER LAND PROPERTY TAX VALUATION MANUALS APPROVAL COMMITTEES. (a) The committees under Sections 23.52(d) and 23.73(b), Tax Code, before amendment by this section, are abolished.

(b) Section 23.52(d), Tax Code, is amended to read as follows:

(d) The comptroller by rule shall develop and distribute to each appraisal office appraisal manuals setting forth this method of appraising qualified open-space land, and each appraisal office shall use the appraisal manuals in appraising qualified open-space land. The comptroller by rule shall develop and the appraisal office shall enforce procedures to verify that land meets the conditions contained in Subdivision (1) of Section 23.51 [~~of this code~~]. The rules, before taking effect, must be approved by the comptroller with the review and counsel of the Department of Agriculture [~~a majority vote of a committee comprised of the following officials or their designees: the governor, the comptroller, the attorney general, the agriculture commissioner, and the Commissioner of the General Land Office~~].

(c) Section 23.73(b), Tax Code, is amended to read as follows:

(b) The comptroller by rule shall develop and distribute to each appraisal office appraisal manuals setting forth this method of appraising qualified timber land, and each appraisal office shall use the appraisal manuals in appraising qualified timber land. The comptroller by rule shall develop and the appraisal office shall enforce procedures to verify that land meets the conditions contained in Section 23.72 [~~of this code~~].

The rules, before taking effect, must be approved by the comptroller with the review and counsel of the Texas A&M Forest Service ~~[majority vote of a committee comprised of the following officials or their designees: the governor, the comptroller, the attorney general, the agriculture commissioner, and the Commissioner of the General Land Office].~~

No equivalent provision.

SECTION 11. COMMUNITIES IN SCHOOLS ADVISORY COMMITTEE. (a) The Communities in Schools advisory committee is abolished.

(b) Section 16, Chapter 1156 (H.B. 2879), Acts of the 77th Legislature, Regular Session, 2001, is repealed.

SECTION 4. This Act takes effect September 1, 2017.

SECTION 12. Substantially the same as engrossed.