

BILL ANALYSIS

C.S.S.B. 241
By: Nelson
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In recent years, the Texas State Library and Archives Commission (TSLAC) has conducted a comprehensive biennial review and issued a report evaluating the usefulness of reports prepared and submitted by a state agency to other state agencies by law. As part of that report, TSLAC recommends to the legislature the repeal or consolidation of statutory reporting requirements. C.S.S.B. 241 seeks to reduce the volume of reports while continuing to protect the public interest and ensure government accountability by acting on those TSLAC recommendations.

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. 241 repeals provisions of the Education Code, Government Code, Health and Safety Code, Human Resources Code, Transportation Code, and Water Code relating to the following requirements:

- the requirements for the following entities, respectively, to provide to the secretary of state a quarterly or annual report, as applicable, detailing certain projects that provide assistance to colonias:
 - a public institution of higher education;
 - the Department of Agriculture;
 - the Health and Human Services Commission (HHSC);
 - the Texas Department of Housing and Community Affairs (TDHCA);
 - the commissioner of state health services;
 - the Texas Transportation Commission;
 - the Texas Commission on Environmental Quality (TCEQ); and
 - the Texas Water Development Board (TWDB);
- the requirement for the family practice residence advisory committee to send copies of its annual assessment of the family practice residency training pilot programs to the comptroller of public accounts and the state auditor for review;
- the requirement for the TDHCA to prepare and submit a report detailing certain fees it received, an operating budget for its housing finance division, and an explanation of

certain projected increases or decreases in fees for the budget to the Legislative Budget Board (LBB), the Senate Committee on Finance, and the House Committee on Appropriations;

- the requirement for HHSC to submit biennially to the LBB and the governor a consolidated health and human services budget recommendation;
- the requirement for the Texas Facilities Commission (TFC) to report biennially to the governor certain information about building improvements and repairs and the condition of property under its control;
- the requirement for the TFC to conduct a study of its efforts to colocate administrative office space at least once each fiscal biennium and to include the findings of the study in its master facilities plan;
- the requirement for the TFC to complete a study on the amount of each state agency's administrative office space in Travis County to identify locations that exceed prescribed space limitations and to include those findings in its master facilities plan;
- the requirement for the TFC to summarize its findings on the status of state-owned buildings and current information on construction costs and include the summary in its master facilities plan;
- the requirement for the TFC to compile a list of and summarize certain requested state agency projects and to include that summary in its master facilities plan;
- the requirement for the TFC to include its comprehensive capital improvement and deferred maintenance plan and regular updates to the plan in its long-range plan for state agency space needs;
- the requirement for the pollution prevention advisory committee to report quarterly to TCEQ on its activities;
- the requirement for the Department of State Health Services (DSHS) to report to the Texas Medical Board certain allegations received by DSHS against physicians employed by or under contract with DSHS;
- the requirement for HHSC to submit to the governor and the LBB an annual report on the operation and success of the telephone collection program;
- the requirement for HHSC to send the comptroller a report not later than the first day of each month that lists the electronic benefits transfer (EBT) client accounts on which enforcement actions or other steps were taken by HHSC in response to the records of account transactions received from the EBT operator and the action taken;
- the requirement for HHSC to submit to the governor and the presiding officer of each house of the legislature an annual report on the Options for Independent Living program;
- the requirement for TCEQ to report to the LBB at the end of each fiscal quarter on the financial status of the petroleum storage tank remediation account;
- the requirement for the TWDB and the State Soil and Water Conservation Board jointly to conduct a study of the ways to improve or expand water conservation efforts and report to the legislature; and
- the requirement for TCEQ to provide certain information to Texas State University-San Marcos before making certain determinations relating to continued operation of an injection well in the Edwards Aquifer.

C.S.S.B. 241 amends the Education Code to remove the requirement for the State Board for Educator Certification to make available regarding each educator preparation program the percentage of teachers employed under a standard teaching certificate within one year of completing the program. The bill removes the requirement for the rules and regulations established by each public institution of higher education concerning faculty academic

workloads to be reported to the Texas Higher Education Coordinating Board. The bill removes the option for an institution of higher education to have a current copy of its intellectual property policies on file with the coordinating board as an alternative to posting those policies on the institution's website. The bill removes the requirement for the Educational Economic Policy Center to provide annual progress reports to the governor, the LBB, and the commissioner of education on the implementation of the public school accountability system.

C.S.S.B. 241 amends the Government Code to remove the requirements for the State Office of Administrative Hearings (SOAH) to provide to the comptroller a monthly status report on pending cases and a quarterly report on services performed by SOAH for the comptroller relating to tax hearings.

C.S.S.B. 241 requires each state agency to include an organizational chart showing the structure of the personnel in the agency's executive management with its report to the Department of Information Resources (DIR) on its compliance with the requirement that the agency cooperate with the agency's information resources manager. The bill removes DIR as a recipient of the following plans:

- each applicable state agency's biennial operating plan;
- each applicable state agency's approved biennial operating plan and any amendments to that plan;
- the project plan filed by an applicable state agency for certain information resources projects or contracts; and
- each applicable state agency's strategic plan for operation.

C.S.S.B. 241 changes the date by which each applicable state agency is required to submit a copy of its information security plan to DIR from October 15 of each even-numbered year to June 1 of each even-numbered year. The bill changes the date by which DIR is required to submit a written report evaluating information security for the state's information resources from January 13 of each odd-numbered year to November 15 of each even-numbered year and replaces the legislature as a whole as a recipient of that report with each standing committee of the legislature with primary jurisdiction over matters related to DIR. The bill conditions the requirement for a state agency that conducts an information security assessment to report the results of that study to the governor, the lieutenant governor, and the speaker of the house of representatives on such an entity requesting the results.

C.S.S.B. 241 removes the Sunset Advisory Commission as a recipient of the following plans and reports:

- each applicable state agency's strategic plan for operation;
- the annual report from an applicable state agency's internal auditor under the Texas Internal Auditing Act; and
- a copy of each audit report submitted to an applicable state agency by the agency's internal auditor.

C.S.S.B. 241 revises the required contents of the TFC master facilities plan and removes the requirement for the TFC to include its findings and recommendations regarding the counties in which more than 50,000 square feet of usable office space is needed for state purposes in that plan.

C.S.S.B. 241 requires the TFC or an instrumentality of the state that occupies and uses a state-owned or state-leased building, if requesting three or more building construction projects financed wholly or partly by a specific appropriation, a bond issue, or federal money, to designate its priority rating for each project. The bill requires the budget agencies, with TFC

cooperation, to develop detailed instructions to implement the priority system.

C.S.S.B. 241 removes the legislative budget office as a recipient of a report a state agency in Travis County must periodically send regarding its mail operations. The bill transfers from the LBB to the Texas Department of Transportation certain duties relating to prescribing a travel log under the State Aircraft Pooling Act.

C.S.S.B. 241 amends the Health and Safety Code to change from October 1 to March 1 the deadline for HHSC to submit its annual report regarding the operation and administration of its responsibilities in licensing convalescent and nursing facilities and related institutions to the governor and legislature.

C.S.S.B. 241 removes the quantification, by county, of reductions of energy demand, peak loads, and associated emissions of air contaminants achieved from programs implemented by the State Energy Conservation Office (SECO) from the required contents of the annual report from the Public Utility Commission of Texas to TCEQ regarding energy efficiency programs. The bill removes TCEQ as a recipient of the annual evaluation from SECO of the effectiveness of state and political subdivision energy efficiency programs.

C.S.S.B. 241 requires HHSC to submit its proposed plan on long-term care for persons with an intellectual disability to the LBB and the governor not later than October 15 of each even-numbered year.

C.S.S.B. 241 removes the commissioner of the Department of Family and Protective Services (DFPS) as a recipient of the summary report delivered by the HHSC office of inspector general for each investigation of a state supported living center conducted with the office's assistance and as a recipient of that office's annual status report. The bill removes DFPS from the entities to which information compiled by the office in connection with such an investigation may be disclosed.

C.S.S.B. 241 amends the Human Resources Code to make the annual DFPS business plan for child protective services a biennial plan to be submitted to the appropriate entities not later than October 1 of each even-numbered year. The bill removes the executive commissioner of HHSC as a recipient of the biennial report delivered by the Texas Council on Autism and Pervasive Developmental Disorders summarizing requirements the council identifies and recommendations for providing additional or improved services to persons with autism or other pervasive developmental disorders.

C.S.S.B. 241 amends the Labor Code to change the deadline from a certain date before the end of the fiscal year to a certain date after the end of the fiscal year for an applicable state agency's annual report of certain information to the executive director of the State Office of Risk Management. The bill requires a widely used electronic format to be used in a report from the applicable discovering agency of an act or omission by a physician or chiropractor that may constitute a felony, misdemeanor, or certain other offenses or statutory violations.

C.S.S.B. 241 amends the Natural Resources Code to remove the requirement that the Veterans' Land Board (VLB) annually report to the Bond Review Board on the performance of certain loans and to require the VLB to file the report instead when the VLB applies for approval of a bond issuance or when the Bond Review Board requests such a report.

C.S.S.B. 241 amends the Utilities Code to remove the Sunset Advisory Commission as a recipient of the annual report submitted by the Office of Public Utility Counsel on its activities during the preceding year.

C.S.S.B. 241 amends the Water Code to remove the requirement for the Texas Water Development Board, not later than January 1 of each odd-numbered year, to submit to the

legislature a written summary of the results of evaluations of a retail public utility's required water conservation plan for compliance with best management practices.

C.S.S.B. 241 amends the Transportation Code to make conforming changes.

C.S.S.B. 241 repeals the following provisions:

- Sections 51.0052(b) and (c) and 61.506(g), Education Code
- Sections 487.060(b) and (c), 531.0141(b) and (c), 531.026, 2165.055, 2165.1061(f) and (h), 2166.101(d), 2166.104, 2166.108(d), 2206.101(d), 2306.070, and 2306.083(b) and (c), Government Code
- Sections 361.0215(d), 533.006, and 1001.033(b) and (c), Health and Safety Code
- Sections 22.0252(b), 22.028(c), and 101A.158, Human Resources Code
- Sections 201.116(b) and (c), Transportation Code
- Sections 5.1781(b) and (c), 6.1565(b) and (c), 16.022, 26.3574(x), and 27.0516(l), Water Code

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 241 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes the repeal of the following:

- Section 22.028(c), Human Resources Code, which requires HHSC to send a monthly report to the comptroller regarding certain EBT client accounts; and
- Section 16.022, Water Code, which requires the TWDB and State Soil and Water Conservation Board jointly to conduct a certain water conservation study and report to the legislature.