S.B. No. 800

AN ACT

relating to certain required reports or information received or prepared by state agencies and other governmental entities.

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

SECTION 1.  Articles 2.305(b) and (d), Code of Criminal Procedure, are amended to read as follows:

(b)  An entity described by Subsection (a) that investigates the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general a report in the manner and form prescribed by the attorney general containing the following information:

(1)  the offense being investigated, including a brief description of the alleged prohibited conduct;

(2)  regarding each person suspected of committing the offense and each victim of the offense:

(A)  the person's:

(i)  age;

(ii)  gender; and

(iii)  race or ethnicity, as defined by Article 2.132; and

(B)  the case number associated with the offense and the person suspected of committing the offense;

(3)  the date, time, and location of the alleged offense;

(4)  the type of human trafficking involved, including:

(A)  forced labor or services, as defined by Section 20A.01, Penal Code;

(B)  causing the victim by force, fraud, or coercion to engage in prohibited conduct involving one or more sexual activities, including conduct described by Section 20A.02(a)(3), Penal Code; or

(C)  causing a child victim by any means to engage in, or become the victim of, prohibited conduct involving one or more sexual activities, including conduct described by Section 20A.02(a)(7), Penal Code;

(5)  if available, information regarding any victims' service organization or program to which the victim was referred as part of the investigation; and

(6)  the disposition of the investigation, if any, regardless of the manner of disposition.

(d)  The attorney general may [~~shall~~] enter into a contract with a university that provides for the university's assistance in the collection and analysis of information received under this article.

SECTION 2.  Section 71.0353, Government Code, is amended to read as follows:

Sec. 71.0353.  TRAFFICKING OF PERSONS INFORMATION. (a) As a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System, a district court or county court at law shall report the number of cases filed for the following offenses:

(1)  trafficking of persons under Section 20A.02, Penal Code;

(2)  prostitution under Section 43.02, Penal Code; and

(3)  compelling prostitution under Section 43.05, Penal Code.

(b)  A district or county court at law shall provide a copy of the report required under Subsection (a) to the attorney general.

SECTION 3.  Sections 402.034(g) and (h), Government Code, are amended to read as follows:

(g)  Not later than December 1 of each even-numbered year, [~~beginning with the year following the year the council submits a strategic plan to the legislature under Subsection (e)(2),~~] the council shall submit to the legislature a [~~an annual~~] report detailing the progress of the strategic plan's implementation. The [~~annual~~] report must include:

(1)  a description of the level of participation in the strategic plan by each agency represented on the council and how the implementation of the strategic plan serves to coordinate the programs and services described by Subsection (f)(1) and achieve the goals described by Subsection (f)(2)(B); and

(2)  an update of the inventory of programs and services described by Subsection (f)(1) and how each program or service furthers the goals of the strategic plan.

(h)  The office of the attorney general shall make available on the office's Internet website the strategic plan and the report [~~annual reports~~] required under Subsection (g).

SECTION 4.  Sections 403.0147(b) and (c), Government Code, are amended to read as follows:

(b)  Not later than December 31 of each even-numbered year, the comptroller shall submit a report to the legislature that identifies for each state agency:

(1)  each program the state agency is statutorily required to implement for which no appropriation was made for the preceding state fiscal year, along with a citation to the law imposing the requirement; and

(2)  the amount and source of money the state agency spent, if any, to implement any portion of the program described by Subdivision (1) during the preceding state fiscal year.

(c)  A state agency shall provide to the comptroller not later than September 30 of each even-numbered year information necessary for the comptroller to prepare the report required by this section. The comptroller may prescribe the form and content of the information a state agency must provide.

SECTION 5.  Section 404.094(a), Government Code, is amended to read as follows:

(a)  Fees, fines, penalties, taxes, charges, gifts, grants, donations, and other funds collected or received by a state agency under law shall be deposited in the treasury, credited to a special fund or funds, and subject to appropriation only for the purposes for which they are otherwise authorized to be expended or disbursed. A deposit shall be made at the earliest possible time that the treasury can accept those funds, but not later than the third business day after the date of receipt. However, if an agency determines that for seasonal or other extraordinary reasons deposits cannot be made by the third business day after the date of receipt, the agency shall provide written notice of the determination to the state auditor and comptroller with an explanation of the circumstances that require the delay. If the state auditor finds that an agency has not complied with this subsection, the state auditor shall make an estimate of any resulting financial loss to the state, taking into consideration compliance costs that would have been additionally incurred by the agency, and report the amount on the state auditor's Internet website [~~to the legislative audit committee, the governor, and the comptroller~~].

SECTION 6.  Section 531.02492(b), Government Code, is amended to read as follows:

(b)  The commission shall electronically publish on the commission's Internet website a biennial report and, on or before the date the report is due, shall notify the governor, the lieutenant governor, the speaker of the house of representatives, the comptroller, [~~the Legislative Budget Board,~~] and the appropriate legislative committees that the report is available on the commission's Internet website. The report must address the efforts of the health and human services agencies to provide health and human services to children younger than six years of age. The report may contain recommendations by the commission to better coordinate state agency programs relating to the delivery of health and human services to children younger than six years of age and may propose joint agency collaborative programs.

SECTION 7.  Section 531.0998, Government Code, is amended by adding Subsection (g) to read as follows:

(g)  The report may be consolidated with any other report relating to the same subject matter the commission is required to submit under other law.

SECTION 8.  Section 531.108(e), Government Code, is amended to read as follows:

(e)  Not later than October 1 of each year, the [~~The~~] commission shall submit to the governor and Legislative Budget Board an annual report on the results of computerized matching of commission information with information from neighboring states, if any, and information from the Texas Department of Criminal Justice. The report may be consolidated with any other report relating to the same subject matter the commission is required to submit under other law.

SECTION 9.  Section 2054.077(b), Government Code, is amended to read as follows:

(b)  The information security officer of a state agency shall prepare or have prepared a report, including an executive summary of the findings of the biennial report, not later than June 1 [~~October 15~~] of each even-numbered year, assessing the extent to which a computer, a computer program, a computer network, a computer system, a printer, an interface to a computer system, including mobile and peripheral devices, computer software, or data processing of the agency or of a contractor of the agency is vulnerable to unauthorized access or harm, including the extent to which the agency's or contractor's electronically stored information is vulnerable to alteration, damage, erasure, or inappropriate use.

SECTION 10.  Section 2054.515(b), Government Code, is amended to read as follows:

(b)  Not later than December 1 of the year in which a state agency conducts the assessment under Subsection (a) or the 60th day after the date the agency completes the assessment, whichever occurs first, the agency shall report the results of the assessment to:

(1)  the department; and

(2)  on request, the governor, the lieutenant governor, and the speaker of the house of representatives.

SECTION 11.  Section 2054.516(a), Government Code, is amended to read as follows:

(a)  Each state agency implementing an Internet website or mobile application that processes any sensitive personal or personally identifiable information or confidential information must:

(1)  submit a biennial data security plan to the department not later than June 1 [~~October 15~~] of each even-numbered year to establish planned beta testing for the website or application; and

(2)  subject the website or application to a vulnerability and penetration test and address any vulnerability identified in the test.

SECTION 12.  Section 2054.5192(e), Government Code, is amended to read as follows:

(e)  A contractor required to complete a cybersecurity training program under this section shall verify completion of the program to the contracting state agency. The person who oversees contract management for the agency shall:

(1)  not later than August 31 of each year, report the contractor's completion to the department; and

(2)  periodically review agency contracts to ensure compliance with this section.

SECTION 13.  The heading to Section 2310.052, Government Code, is amended to read as follows:

Sec. 2310.052.  EVALUATION[~~; REPORT~~].

SECTION 14.  Section 103.013(f), Health and Safety Code, is amended to read as follows:

(f)  Not later than November 1 of each even-numbered year, each state agency affected by the state plan, other than a state agency represented on the council, shall report to the council, the Legislative Budget Board, and the Governor's Office of Budget and Planning:

(1)  information determined under Subsection (e); and

(2)  each deviation from the council's proposed plan, including an explanation for the deviation.

SECTION 15.  Sections 533A.006(a) and (b), Health and Safety Code, are amended to read as follows:

(a)  The executive commissioner shall submit a report to the Texas Medical Board not later than 30 days after the last day of a month during which any allegation is received by the commission that a physician employed by or under contract with the commission in relation to services provided under this title has committed an action that constitutes a ground for the denial or revocation of the physician's license under Section 164.051, Occupations Code. The report must be made in the manner provided by Section 154.051, Occupations Code.

(b)  The department shall provide to the Texas Medical Board a printed and electronic copy of any report or finding relating to an investigation of an allegation reported to that board.

SECTION 16.  Section 534.068(f), Health and Safety Code, is amended to read as follows:

(f)  The department shall annually submit to the governor[~~, Legislative Budget Board,~~] and Legislative Audit Committee a summary of the significant findings identified during the department's reviews of fiscal audit activities.

SECTION 17.  Section 578.008, Health and Safety Code, is amended to read as follows:

Sec. 578.008.  USE OF INFORMATION[~~; REPORT~~]. [~~(a)~~] The department shall use the information received under Sections 578.006 and 578.007 to analyze, audit, and monitor the use of electroconvulsive therapy, psychosurgery, pre-frontal sonic sound treatment, or any other convulsive or coma-producing therapy administered to treat mental illness.

[~~(b)  The department shall file annually with the governor and the presiding officer of each house of the legislature a written report summarizing by facility the information received under Sections 578.006 and 578.007. If the therapy is administered by a private physician on an outpatient basis, the report must include that information but may not identify the physician. The department may not directly or indirectly identify in a report issued under this section a patient who received the therapy.~~]

SECTION 18.  Section 22.0292(d), Human Resources Code, is amended to read as follows:

(d)  Not later than October 1 of each year, the [~~The~~] commission shall submit to the governor and the Legislative Budget Board an annual report on the operation and success of the information matching system required by this section. The report may be consolidated with any other report relating to the same subject matter the commission is required to submit under other law.

SECTION 19.  Section 101A.107, Human Resources Code, is amended to read as follows:

Sec. 101A.107.  REPORT ON UNIT COSTS. The department shall file with the Legislative Budget Board and the Governor's Office of Budget, Planning, and Policy a report that clearly identifies in a state fiscal year the unit cost of each service, other than services related to community service volunteering and subsidized employment services, provided by an area agency on aging. The report must be filed annually [~~twice each year~~] on or before the date specified by the Legislative Budget Board. The report must be in the form required by the Legislative Budget Board.

SECTION 20.  Section 161.079(g), Human Resources Code, is amended to read as follows:

(g)  The department shall analyze the data reported under Subsection (f) and collected from the form under Subsection (d) [~~and shall submit a report not later than December 1 of each even-numbered year to the governor and the Legislative Budget Board that summarizes the data analysis~~].

SECTION 21.  Section 1305.502(a), Insurance Code, is amended to read as follows:

(a)  Not later than December 1 of each even-numbered year, the [~~The~~] group shall develop and issue an [~~annual~~] informational report card that identifies and compares, on an objective basis, the quality, costs, health care provider availability, and other analogous factors of workers' compensation health care networks operating under the workers' compensation system of this state with each other and with medical care provided outside of networks.

SECTION 22.  The heading to Section 413.0515, Labor Code, is amended to read as follows:

Sec. 413.0515.  REPORTS OF [~~PHYSICIAN AND~~] CHIROPRACTOR VIOLATIONS.

SECTION 23.  Sections 504.053(c) and (d), Labor Code, are amended to read as follows:

(c)  If the political subdivision or pool provides medical benefits in the manner authorized under Subsection (b)(2), the following do not apply:

(1)  Sections 408.004 and 408.0041, unless use of a required medical examination or designated doctor is necessary to resolve an issue relating to the entitlement to or amount of income benefits under this title;

(2)  Subchapter B, Chapter 408, except for Section 408.021;

(3)  Chapter 413, except for Section 413.042; and

(4)  Chapter 1305, Insurance Code, except for Sections [~~1305.501,~~] 1305.502[~~,~~] and 1305.503.

(d)  If the political subdivision or pool provides medical benefits in the manner authorized under Subsection (b)(2), the following standards apply:

(1)  the political subdivision or pool must ensure that workers' compensation medical benefits are reasonably available to all injured workers of the political subdivision or the injured workers of the members of the pool within a designed service area;

(2)  the political subdivision or pool must ensure that all necessary health care services are provided in a manner that will ensure the availability of and accessibility to adequate health care providers, specialty care, and facilities;

(3)  the political subdivision or pool must have an internal review process for resolving complaints relating to the manner of providing medical benefits, including an appeal to the governing body or its designee and appeal to an independent review organization;

(4)  the political subdivision or pool must establish reasonable procedures for the transition of injured workers to contract providers and for the continuity of treatment, including notice of impending termination of providers and a current list of contract providers;

(5)  the political subdivision or pool shall provide for emergency care if an injured worker cannot reasonably reach a contract provider and the care is for medical screening or other evaluation that is necessary to determine whether a medical emergency condition exists, necessary emergency care services including treatment and stabilization, and services originating in a hospital emergency facility following treatment or stabilization of an emergency medical condition;

(6)  prospective or concurrent review of the medical necessity and appropriateness of health care services must comply with Article 21.58A, Insurance Code;

(7)  the political subdivision or pool shall continue to report data to the appropriate agency as required by Title 5 of this code and Chapter 1305, Insurance Code; and

(8)  a political subdivision or pool is subject to the requirements under Sections [~~1305.501,~~] 1305.502[~~,~~] and 1305.503, Insurance Code.

SECTION 24.  Section 1001.023(b), Transportation Code, is amended to read as follows:

(b)  The chair shall:

(1)  preside over board meetings, make rulings on motions and points of order, and determine the order of business;

(2)  represent the department in dealing with the governor;

(3)  report to the governor on the state of affairs of the department at least quarterly;

(4)  report to the board the governor's suggestions for department operations;

(5)  report to the governor on efforts, including legislative requirements, to maximize the efficiency of department operations through the use of private enterprise;

(6)  periodically review the department's organizational structure and submit recommendations for structural changes to the governor and[~~,~~] the board[~~, and the Legislative Budget Board~~];

(7)  designate at least one employee of the department as a civil rights officer of the department and receive regular reports from the officer or officers on the department's efforts to comply with civil rights legislation and administrative rules;

(8)  create subcommittees, appoint board members to subcommittees, and receive the reports of subcommittees to the board as a whole;

(9)  appoint a member of the board to act in the absence of the chair and vice chair; and

(10)  serve as the departmental liaison with the governor and the Office of State-Federal Relations to maximize federal funding for transportation.

SECTION 25.  The following provisions are repealed:

(1)  Section 201.0227(d-1), Agriculture Code;

(2)  Section 447.010(j), Government Code;

(3)  Chapter 2061, Government Code;

(4)  Section 2165.303(b), Government Code;

(5)  Section 2310.052(b), Government Code;

(6)  Section 104.026(c), Health and Safety Code;

(7)  Section 161.502(d), Health and Safety Code;

(8)  Section 533A.062(e), Health and Safety Code;

(9)  Section 22.015, Human Resources Code;

(10)  Section 1305.501, Insurance Code;

(11)  Section 2053.012, Insurance Code;

(12)  Sections 405.0025(b) and (c), Labor Code;

(13)  Section 408.030, Labor Code;

(14)  Section 413.0515(a), Labor Code;

(15)  Section 203.154(a), Occupations Code;

(16)  Section 452.159, Occupations Code;

(17)  Section 223.042(f), Transportation Code; and

(18)  Section 228.012(c), Transportation Code.

SECTION 26.  This Act takes effect September 1, 2021.

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I hereby certify that S.B. No. 800 passed the Senate on April 9, 2021, by the following vote:  Yeas 31, Nays 0; May 27, 2021, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 28, 2021, House granted request of the Senate; May 29, 2021, Senate adopted Conference Committee Report by the following vote:  Yeas 31, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 800 passed the House, with amendments, on May 25, 2021, by the following vote:  Yeas 145, Nays 1, one present not voting; May 28, 2021, House granted request of the Senate for appointment of Conference Committee; May 30, 2021, House adopted Conference Committee Report by the following vote:  Yeas 145, Nays 0, one present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_            Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor