

By: Nelson

S.B. No. 800

A BILL TO BE ENTITLED

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. Article 2.305(b), Code of Criminal Procedure, is 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 a monthly report on the offenses investigated in the previous month to 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

1 offense;

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

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

5 (B) causing the victim by force, fraud, or
6 coercion to engage in prohibited conduct involving one or more
7 sexual activities, including conduct described by Section
8 20A.02(a)(3), Penal Code; or

9 (C) causing a child victim by any means to engage
10 in, or become the victim of, prohibited conduct involving one or
11 more sexual activities, including conduct described by Section
12 20A.02(a)(7), Penal Code;

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

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

18 SECTION 2. Sections 403.0147(b) and (c), Government Code,
19 are amended to read as follows:

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

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

27 (2) the amount and source of money the state agency

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

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

8 SECTION 3. Section 404.094(a), Government Code, is amended
9 to read as follows:

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

1 website [~~to the legislative audit committee, the governor, and the~~
2 ~~comptroller~~].

3 SECTION 4. Section 531.02492(b), Government Code, is
4 amended to read as follows:

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

18 SECTION 5. Section 531.0998, Government Code, is amended by
19 adding Subsection (g) to read as follows:

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

23 SECTION 6. Section 531.108(e), Government Code, is amended
24 to read as follows:

25 (e) Not later than October 1 of each year, the [~~The~~]
26 commission shall submit to the governor and Legislative Budget
27 Board an annual report on the results of computerized matching of

1 commission information with information from neighboring states,
2 if any, and information from the Texas Department of Criminal
3 Justice. The report may be consolidated with any other report
4 relating to the same subject matter the commission is required to
5 submit under other law.

6 SECTION 7. Section 2054.077(b), Government Code, is amended
7 to read as follows:

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

20 SECTION 8. Section 2054.515(b), Government Code, is amended
21 to read as follows:

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

27 (1) the department; and

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

3 SECTION 9. Section 2054.516(a), Government Code, is amended
4 to read as follows:

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

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

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

16 SECTION 10. Section 2054.5192(e), Government Code, is
17 amended to read as follows:

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

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

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

26 SECTION 11. The heading to Section 2310.052, Government
27 Code, is amended to read as follows:

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

2 SECTION 12. Section 103.013(f), Health and Safety Code, is
3 amended to read as follows:

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

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

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

12 SECTION 13. Sections 533A.006(a) and (b), Health and Safety
13 Code, are amended to read as follows:

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

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

26 SECTION 14. Section 534.068(f), Health and Safety Code, is
27 amended to read as follows:

1 (f) The department shall annually submit to the governor[~~7~~
2 ~~Legislative Budget Board,~~] and Legislative Audit Committee a
3 summary of the significant findings identified during the
4 department's reviews of fiscal audit activities.

5 SECTION 15. Section 578.008, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 578.008. USE OF INFORMATION[~~7~~ ~~REPORT~~]. [~~(a)~~] The
8 department shall use the information received under Sections
9 578.006 and 578.007 to analyze, audit, and monitor the use of
10 electroconvulsive therapy, psychosurgery, pre-frontal sonic sound
11 treatment, or any other convulsive or coma-producing therapy
12 administered to treat mental illness.

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

21 SECTION 16. Section 22.0292(d), Human Resources Code, is
22 amended to read as follows:

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

1 subject matter the commission is required to submit under other
2 law.

3 SECTION 17. Section 101A.107, Human Resources Code, is
4 amended to read as follows:

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

14 SECTION 18. Section 161.079(g), Human Resources Code, is
15 amended to read as follows:

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

21 SECTION 19. The heading to Section 413.0515, Labor Code, is
22 amended to read as follows:

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

25 SECTION 20. Section 1001.023(b), Transportation Code, is
26 amended to read as follows:

27 (b) The chair shall:

- 1 (1) preside over board meetings, make rulings on
2 motions and points of order, and determine the order of business;
- 3 (2) represent the department in dealing with the
4 governor;
- 5 (3) report to the governor on the state of affairs of
6 the department at least quarterly;
- 7 (4) report to the board the governor's suggestions for
8 department operations;
- 9 (5) report to the governor on efforts, including
10 legislative requirements, to maximize the efficiency of department
11 operations through the use of private enterprise;
- 12 (6) periodically review the department's
13 organizational structure and submit recommendations for structural
14 changes to the governor and[~~r~~] the board[~~, and the Legislative~~
15 ~~Budget Board~~];
- 16 (7) designate at least one employee of the department
17 as a civil rights officer of the department and receive regular
18 reports from the officer or officers on the department's efforts to
19 comply with civil rights legislation and administrative rules;
- 20 (8) create subcommittees, appoint board members to
21 subcommittees, and receive the reports of subcommittees to the
22 board as a whole;
- 23 (9) appoint a member of the board to act in the absence
24 of the chair and vice chair; and
- 25 (10) serve as the departmental liaison with the
26 governor and the Office of State-Federal Relations to maximize
27 federal funding for transportation.

1 SECTION 21. The following provisions are repealed:

- 2 (1) Section 201.0227(d-1), Agriculture Code;
- 3 (2) Section 447.010(j), Government Code;
- 4 (3) Chapter 2061, Government Code;
- 5 (4) Section 2165.303(b), Government Code;
- 6 (5) Section 2310.052(b), Government Code;
- 7 (6) Section 104.026(c), Health and Safety Code;
- 8 (7) Section 161.502(d), Health and Safety Code;
- 9 (8) Section 533A.062(e), Health and Safety Code;
- 10 (9) Section 22.015, Human Resources Code;
- 11 (10) Section 408.030, Labor Code;
- 12 (11) Section 413.0515(a), Labor Code;
- 13 (12) Section 203.154(a), Occupations Code;
- 14 (13) Section 452.159, Occupations Code;
- 15 (14) Section 223.042(f), Transportation Code; and
- 16 (15) Section 228.012(c), Transportation Code.

17 SECTION 22. This Act takes effect September 1, 2021.