

SUBJECT: Reducing the number of reports sent to the Attorney General's Office

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 6 ayes — Talton, Wong, A. Allen, Blake, Menendez, Rodriguez

0 nays

1 absent — Bailey

WITNESSES: None

BACKGROUND: Government Code, ch. 2111, requires state agencies, except institutions of higher education, to report annually to the Attorney General's Office (OAG) on technological applications developed by the agency during the preceding year that have potential commercial applications, are proprietary, or could be protected under intellectual property laws.

Tax Code, ch. 311, authorizes cities to create reinvestment zones. Each city that does so must submit an annual report with certain financial information on the zone to each unit that levies property taxes on real property in the zone and send copies to the OAG and the comptroller.

Sec. 4.087(c) of art. 8280-115, Vernon's Civil Statutes requires the State Auditor's Office to conduct an audit of the Nueces River Authority and provide a copy of the report to the governor, the lieutenant governor, the speaker, the comptroller, the attorney general, and the Texas Commission on Environmental Quality.

Local Government Code, sec. 143.056(h) and sec. 143.1017(h), allow the head of a local police or fire department indefinitely to suspend an officer or fire fighter who has committed certain acts after the 180-day statute of limitations under certain circumstances. To indefinitely suspend an officer after that, the department head must have filed a statement with the OAG within 180 days of the date the act was committed.

DIGEST: CSHB 1820 would eliminate the requirement for state agencies automatically to send certain reports to the OAG. State agency reports on technological innovations in the previous year would be submitted to the

lieutenant governor and the speaker of the House of Representatives, rather than to the OAG. An agency would not be required make these reports annually nor to report an innovation that previously had been reported to the OAG.

The bill also would remove the requirement that a city send to the OAG a copy of its annual reinvestment zone report and that the State Auditor's Office send to the OAG a copy of the Nueces River Authority audit report.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

In a report to the 78th Legislature, the Legislative Budget Board (LBB) recommended eliminating seldom-used, duplicative, and unnecessary reporting requirements. The report determined that many state agencies are required to produce reports that no longer serve a purpose, as well as to collect and store these and other agency reports. Reducing the production and storage of reports would save labor, printing, and storage costs, resulting in more money for other state needs.

Following the LBB recommendation, the OAG conducted an internal review of reports collected by the agency and found three reports that could be eliminated for lack of purpose. CSHB 1820 would eliminate the requirement that a copy of these reports be provided to the OAG. In none of these cases does the statute direct the OAG to use these reports, and the OAG has no authority to enforce the statutes involved. Eliminating the requirement that the OAG receive these reports would be the first step toward implementing the LBB's recommendation.

The bill would not eliminate these reports, copies of which still would be sent to other agencies and recipients, because the OAG review examined only whether it had a need for the reports and not whether the reports had outlived their usefulness.

Requiring agencies to submit technological innovation reports only when they had something to report would limit the number of unnecessary reports and ensure that the appropriate people had the information to make decisions. According to the OAG, no state agency ever has reported any technological innovation under this chapter. Instead, state agencies have submitted the required report noting that they had nothing to report.

Changing the recipient from the OAG to the lieutenant governor and the speaker also would ensure that the appropriate people had the information because the OAG has no clear need of it.

The report to the OAG by local police and fire department heads should remain to ensure that investigations of police and fire fighters do not drag on indefinitely. Without this provision, the department head would not be required to notify anyone if an investigation continued past the 180-day statute of limitations that could result in a person indefinitely being suspended. This report creates a public record of these prolonged investigations and guarantees that police officers and fire fighters can not be indefinitely suspended at any time without some prior notice.

OPPONENTS
SAY:

The committee substitute would not eliminate the requirement that local fire and police departments notify the OAG if they intend to order an indefinite suspension of an officer or fire fighter after the statute of limitations. The OAG generally has no authority over police departments and fire fighters and cannot do anything with this report except store it. There is no reason to continue this reporting requirement.

NOTES:

Rep. Otto intends to offer a floor amendment to correct a drafting error in the citation.

The bill as introduced would have eliminated the requirement that local fire and police departments notify the OAG if they intend to order an indefinite suspension of an officer or fire fighter after the statute of limitations. The committee substitute retains the requirement for this report. The substitute also removed a provision that would have repealed report requirements on technological innovations and inserted new provisions requiring reporting to the lieutenant governor and speaker only when the agency had an innovation to report.

The companion bill, SB 1664 by Eltife, has been referred to the Senate Government Organization Committee.