

BILL ANALYSIS

Senate Research Center

S.B. 1618
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Government Organization
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State agencies are required by law to report to the legislature on a variety of subjects and issues. Requiring state agencies to print copies of each report and deliver them to each legislative office is arcane and wasteful of state resources. Generally, once a report is mandated, its relevance is never reviewed to determine the necessity of continuing the requirement.

S.B. 1618 requires all state agencies to submit all reports required by the legislature in electronic format. It also requires that school districts submit electronically any reports required by the Texas Education Agency. Additionally, it requires the Sunset Advisory Commission to review the reporting requirements imposed on each state agency as that agency is under review to determine if they should be continued.

As proposed, S.B. 1618 amends current law relating to electronic reporting by certain state entities and to the review of continual report requirements.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 7.060, Education Code, by adding Subsection (c), as follows:

(c) Requires a school district, notwithstanding other law, to submit reports to the Texas Education Agency (TEA) under this code in electronic format only, except that TEA is authorized to require that a school district provide a printed copy of a report to TEA. Requires TEA to prescribe the electronic format to be used by the school district.

SECTION 2. Amends Section 325.007, Government Code, as follows:

Sec. 325.007. AGENCY REPORT TO COMMISSION. (a) Creates this subsection from existing text. Makes no further changes to this subsection.

(b) Requires a state agency to submit reports under this chapter to the Sunset Advisory Commission (Sunset) in an electronic format only, except that Sunset is authorized to require that a state agency provide a printed copy of a report to Sunset. Requires Sunset to prescribe the electronic format to be used by the state agency.

SECTION 3. Amends Section 325.010(b), Government Code, as follows:

(b) Requires Sunset to include in the report:

(1) its findings regarding the criteria prescribed by Section 325.011(a), rather than Section 325.011;

- (2) its findings regarding legislative reporting requirements imposed on the agency prescribed by Section 325.011(b);
- (3) its recommendations based on the matters prescribed by Section 325.012 (Recommendations); and
- (4) other information Sunset considers necessary for a complete review of the agency.

Makes a nonsubstantive change.

SECTION 4. Amends Section 325.011, Government Code, as follows:

Sec. 325.011. CRITERIA FOR REVIEW. (a) Creates this subsection from existing text. Makes no further changes to this subsection.

(b) Requires Sunset and its staff to review all reporting requirements imposed on the state agency by law to determine whether the purpose and effectiveness of each reporting requirement justifies the continuation of the requirement. Provides that a reporting requirement that is not continued in existence by specific recommendation in a report under Section 325.012 is void.

SECTION 5. Amends Section 325.012(a), Government Code, to require Sunset, in its report on a state agency, to make certain recommendations, including recommendations for the continuation or abolition of each reporting requirement imposed on the agency by law.

SECTION 6. Amends Chapter 2052, Government Code, by adding Subchapter E, as follows:

SUBCHAPTER E. DISTRIBUTION OF REPORTS

Sec. 2052.351. DEFINITION. Defines "state agency," in this subchapter.

Sec. 2052.352. DISTRIBUTION OF REPORTS. (a) Requires that a state agency report required by law be made available in accordance with this subchapter.

(b) Requires a state agency, notwithstanding other law and except as provided by this section, to make each agency report required by law available in electronic format only. Requires the agency to determine the electronic format to be used by the agency. Authorizes the agency, at the discretion of the agency's presiding officer, to provide a printed copy of a report to a person required by law to receive the report.

(c) Requires the agency, at the time a report required by law is ready for distribution outside the state agency, to send written notice to a person required to receive the report that the report is available. Requires the agency to send the notice by mail or electronically. Requires that the notice briefly describe the subject matter of the report and state the manner in which the person is authorized to obtain the report electronically.

Sec. 2052.353. REPORTS TO LEGISLATORS AND SUNSET ADVISORY COMMISSION. Provides that this subchapter does not affect the duty of a state agency or other person to report to members of the legislature in the manner provided under Section 306.007 (Minutes and Reports Electronically Available to Legislature) or 2052.0021 (Distribution of Reports to Legislators) or to report to Sunset in the manner provided under Section 325.007 (Agency Report to Commission). Provides that if any provision of this subchapter conflicts with Section 306.007, 325.007, or 2052.0021, that section controls.

SECTION 7. (a) Makes application of the changes in law made by Section 7.060(c), Education Code, and Section 325.007(b), and Subchapter E, Chapter 2052, Government Code, as added by this Act, only to the filing of a report on or after the effective date of this Act, prospective.

(b) Makes application of the changes in law made by Section 325.010(b), and Section 325.012(a), Government Code, as amended by this Act, and Section 325.011(b), Government Code, as added by this Act, only to Sunset reports and recommendations issued on or after the effective date of this Act, prospective.

SECTION 8. Effective date: September 1, 2011.