

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 372
By: Seliger
State Affairs
3/29/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 372 proposes to streamline the reporting duties of the Office of the Attorney General.

Section 242.005, Health and Safety Code, directs the Texas Department of Aging and Disability Services (DADS) and the attorney general to submit an annual report to the governor and legislature regarding convalescent and nursing homes. This bill amends Sections 242.005(a) and (c) by removing the requirement that the attorney general prepare and submit a duplicate report.

Section 247.050, Health and Safety Code, directs DADS and the attorney general to each submit a quarterly report to legislative committees on the attorney general's caseload involving unlicensed assisted living facilities. The bill removes the obligation of the attorney general to prepare a redundant report and removes the obligation of the attorney general to submit the report to the legislative committees.

Section 61.0815(c), Education Code, directs the attorney general and institutions of higher education to collect data for a report prepared by the Texas Higher Education Coordinating Board (THECB) regarding compensated service by state university faculty and staff who serve as consulting or testifying expert witnesses in lawsuits where the state is a party. This bill removes the requirement that the attorney general collect data for THECB's report.

Section 231.005(a)(3) requires the Child Support Division of the Office of the Attorney General (Title IV-D agency) to submit a biennial report to the legislature regarding the "progress and impact of the Title IV-D agency's efforts to use private contractors to perform Title IV-D program functions." This bill removes the now redundant requirement to include information concerning the use of private contractors from the biennial report.

Section 143.056(h), Local Government Code, requires local police and fire departments to file a statement with the attorney general describing any criminal investigation relating to the indefinite suspension of a police officer or firefighter. This bill relieves those local departments from reporting this information to the attorney general.

Section 236.002(e) was a one-time report filed in October 1998 regarding the attorney general's *Child Support Division Kinds Can't Wait Report*. The reporting requirement is now obsolete. This bill eliminates the report.

Section 402.034, Government Code, requires the attorney general to undertake and maintain a prescription drug public awareness campaign. This bill eliminates the mandatory requirement to continue the public awareness campaign.

Section 481.168, Government Code, requires the attorney general, comptroller of public accounts, Workforce Investment Council, and the former Department of Economic Development to conduct a survey of other states' economic development laws and report the findings to the governor, lieutenant governor, and the speaker of the house of representatives. The annual reporting requirement was repealed during the 78th Legislature, Regular Session. This bill eliminates this obsolete report.

Section 2107.005, Government Code, directs state agencies to file an annual debt report with the attorney general. The information reflected in these reports is redundant information that is

already collected by the comptroller of public accounts. This bill eliminates this unnecessary report.

Section 240.903, Local Government Code, directs the attorney general to prepare a report for county judges listing certain county land use powers and duties. This bill eliminates this unnecessary report.

Section 395.082, Local Government Code, requires a political subdivision that imposes an impact fee to submit a written certification verifying compliance to the attorney general. This bill eliminates this report.

C.S.S.B. 372 amends current law relating to certain reports, communications, publications, and other documents involving the attorney general.

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 61.0815(c), Education Code, to require the president of each institution of higher education, rather than the attorney general and the president of each institution of higher education, to collect all necessary data for inclusion in the report required by this section.

SECTION 2. Amends Section 231.005(a), Family Code, to delete existing text requiring a Title IV-D agency to report to the legislature each biennium on the progress and impact of the Title IV-D agency's efforts to use private contractors to perform Title IV-D program functions.

SECTION 3. Amends Section 41.002, Government Code, to require each district and county attorney to notify the comptroller of public accounts (comptroller), rather than the attorney general and comptroller, of his post office address as soon as practicable after his election and qualification.

SECTION 4. Amends Sections 242.005(a) and (c), Health and Safety Code, as follows:

(a) Requires the Texas Department of Aging and Disability Services (DADS), rather than DADS and the attorney general each, to prepare annually a full report of the operation and administration of DADS's responsibilities, rather than DADS's and the attorney general's respective responsibilities, under this chapter, including recommendations and suggestions considered advisable.

(c) Makes conforming changes.

SECTION 5. Amends Section 247.050(c), Health and Safety Code, to require DADS, rather than DADS and the attorney general, to file a copy of the quarterly reports required by this section with the substantive committees of each house of the legislature with jurisdiction over regulation of assisted living facilities.

SECTION 6. Reenacts Section 311.016(b), Tax Code, as amended by Chapters 977 (H.B. 1820) and 1094 (H.B. 2120), Acts of the 79th Legislature, Regular Session, 2005, and amends it to require the municipality or county to send a copy of a report made under this section to the comptroller, rather than to the attorney general and the comptroller.

SECTION 7. Repealer: Section 236.002(e) (relating to the requirement that the State Council on Competitive Government and the Title IV-D agency report not later than October 1, 1998, to the presiding officer of each house of the legislature the results of the council's efforts under this section), Family Code.

Repealer: Section 402.034 (Public Awareness Campaign Concerning Certain Prescription Drug Solicitations), Government Code.

Repealer: Section 481.168 (Annual Report of Tax Incentive Laws and Economic Development Laws of Other States), Government Code.

Repealer: Section 2107.005 (Reports to Attorney General), Government Code.

Repealer: Section 247.050(b) (relating to the requirement that the attorney general prepare a quarterly report showing certain figures on unlicensed assisted living facilities), Health and Safety Code.

Repealer: Section 240.903 (Preparation by Attorney General of List of County Authority), Local Government Code.

Repealer: Section 395.082 (Certification of Compliance Required), Local Government Code.

SECTION 8. Effective date: upon passage or September 1, 2011.