

BILL ANALYSIS

Senate Research Center
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S.B. 241
By: Nelson
Business & Commerce
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 241 streamlines agency reporting requirements by repealing obsolete or redundant reports and removing recipients who no longer need to receive reports.

During each interim, the Texas State Library and Archives Commission conducts a comprehensive review of reports required of all state agencies and institutions of higher education. The review focuses on whether or not recipients and preparers of the reports still find the information useful. This bill incorporates recommendations from agencies in the commission's report.

S.B. 241 is an important step to eliminating unnecessary agency reporting requirements so that our agencies can focus their resources on other priorities.

As proposed, S.B. 241 amends current law relating to certain required reports received or prepared by state agencies and other governmental entities.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

ARTICLE 1. REPORTS REQUIRED OF STATE AGENCIES

SECTION 1.01. Amends Section 51.751(b), Education Code, to delete existing text requiring the Educational Economic Policy Center to provide annual progress reports to the governor, Legislative Budget Board (LBB), and commissioner of education.

SECTION 1.02. Amends Section 51.883, Education Code, as follows:

(a) Changes a reference to the commissioner of state health services to the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) and makes nonsubstantive changes.

(b) Makes a conforming change.

SECTION 1.03. Amends Sections 531.421(3) and (4), Government Code, to delete existing text in Subdivision (3) defining the Texas Center of Care Consortium (consortium) and to redesignate Subdivision (4) as Subdivision (3).

SECTION 1.04. Amends Section 531.422(c), Government Code, to replace references to the consortium with references to HHSC and to make nonsubstantive changes.

SECTION 1.05. Amends Section 531.423, Government Code, to change references to the consortium to HHSC, change a reference to S.B. No. 491, Acts of the 78th Legislature, Regular Session, 2003, to Chapter 23 (relating to an assessment of school-based mental health and substance abuse programs) S.B. 491, Acts of the 78th Legislature, Regular Session, 2003, and to

include Section 533.040(d), Health and Safety Code, rather than S.B. No. 490, Acts of the 78th Legislature, Regular Session, 2003, as the section under which the continuum of care is required to be developed. Makes conforming and nonsubstantive changes.

SECTION 1.06. Amends Section 2003.108, Government Code, as follows:

Sec. 2003.108. New heading: PENDING CASE STATUS REVIEW. Deletes existing text of Subsections (a) and (c) and removes the subsection designation of Subsection (b).

SECTION 1.07. Amends Section 2054.075(b), Government Code, to provide that each state agency information resources manager is part of the agency's executive management and reports directly to the executive head or deputy executive head of the agency, rather than to a person with a title functionally equivalent to executive director or deputy executive director. Deletes existing text requiring each state agency to make such provision. Adds a requirement to include with its required report to the Texas Department of Information Resources (DIR) an organizational chart showing the structure of the personnel in an agency's executive management and to report on the extent and results of the agency's compliance with this subsection. Makes nonsubstantive changes.

SECTION 1.08. Amends Section 2054.100(a), Government Code, to delete existing text including DIR among the entities to which each state agency is required to send a copy of its biennial operating plan.

SECTION 1.09. Amends Section 2054.103, Government Code, to delete existing text including DIR among the entities to which each state agency is required to send a copy of its biennial operating plan and of any amendments to the plan.

SECTION 1.10. Amends Section 2054.304(b), Government Code, to delete existing text including DIR among the entities to which each state agency is required to send a copy of a project plan before the agency undertakes certain actions.

SECTION 1.11. Amends Section 2056.002(d), Government Code, to delete existing text including the Sunset Advisory Commission (Sunset) and DIR among the entities to which a state agency is required to send one copy of each plan.

SECTION 1.12. Amends Section 2102.009, Government Code, to delete existing text including Sunset among the agencies to which the internal auditor is required to submit an annual report before November 1 of each year.

SECTION 1.13. Amends Sections 2102.0091(a), (c), and (d), Government Code, as follows:

(a) Requires a state agency to file with the division of the Office of the Governor (governor's office) responsible for budget and policy, the state auditor, and the LBB a copy of each report submitted to the state agency's governing board or the administrator of the state agency if the state agency does not have a governing board by the agency's internal auditor. Deletes existing text including Sunset and the governor's Office of Budget, Planning, and Policy among the entities with which a state agency is required to file.

(c)-(d) Makes conforming changes.

SECTION 1.14. Amends Section 2176.005(a), Government Code, to remove the legislative budget office as an entity to which a report of the progress of a state agency in Travis County in achieving the objectives for and the revisions of mail operations established under Section 2176.004 (Commission Procedures for Improvement of Mail Operations) is required to be sent.

SECTION 1.15. Amends Sections 2205.039(a) and (b), Government Code, as follows:

(a) Deletes existing text including the LBB among the agencies that are required to prescribe certain procedures relating to state-owned aircraft. Makes a conforming change.

(b) Makes a conforming change.

SECTION 1.16. Amends the heading of Subchapter E, Chapter 386, Health and Safety Code, to read as follows:

SUBCHAPTER E. EVALUATION OF UTILITY COMMISSION ENERGY
EFFICIENCY PROGRAMS

SECTION 1.17. Amends Section 386.205, Health and Safety Code, as follows:

Sec. 386.205. New heading: EVALUATION OF UTILITY COMMISSION ENERGY EFFICIENCY PROGRAMS. Deletes existing text relating to evaluation of programs implemented by the State Energy Conservation Office (SECO).

SECTION 1.18. Amends Section 388.006, Health and Safety Code, to delete existing text requiring SECO annually to provide the Texas Natural Resource Conservation Commission (TNRCC) with an evaluation of certain energy efficiency programs.

SECTION 1.19. Amends Section 533A.006(a), Health and Safety Code, to change references to the Department of Aging and Disability Services (DADS) to HHSC and to require the executive commissioner of HHSC (executive commissioner), rather than DADS, to report certain allegations it receives to the Texas Medical Board (TMB).

SECTION 1.20. Amends Sections 555.102(c) and (d), Health and Safety Code, to delete existing text including the commissioner of DADS, the commissioner of the Department of Family and Protective Services (DFPS), and the Aging and Disability Services Council among the entities to which the inspector general is required to deliver the summary report. Makes nonsubstantive and conforming changes.

SECTION 1.21. Amends Section 555.103(c), Health and Safety Code, to delete existing text including the commissioner of DADS, the commissioner of DFPS, the Aging and Disability Services Council, and the Family and Protective Services Council among the entities to which the inspector general is required to submit annual status reports. Makes nonsubstantive changes.

SECTION 1.22. Amends Section 574.014(a), Health and Safety Code, to change a reference to the Department of State Health Services (DSHS) to HHSC.

SECTION 1.23. Amends Section 114.008(a), Human Resources Code, to delete existing text including the executive commissioner of HHSC among the individuals to whom the Texas Council on Autism and Pervasive Developmental Disorders is required to submit a report not later than November 1 of each even-numbered year.

SECTION 1.24. Amends Section 412.053(b), Labor Code, to require that certain information be reported not later than the 60th day after, rather than before, the last day of each fiscal year.

SECTION 1.25. Amends Section 413.0515, Labor Code, to change references to the Texas State Board of Medical Examiners to TMB and to include the specification for the discovering agency to report in a widely used electronic format certain acts or omissions to the division of workers' compensation of DIR. Makes conforming changes.

SECTION 1.26. Amends Section 161.2111, Natural Resources Code, to require the Veterans' Land Board (VLB), when the VLB applies under Subchapter C (Board Approval of Issuance of State Security), Chapter 1231 (Bond Review Board), Government Code, for the Bond Review Board's (BRB) approval of a bond issuance, or on the request of BRB, with respect to purchases made under this chapter, to file with BRB a report on the performance of loans made by VLB in connection with the purchases. Deletes existing text requiring VLB to file annually with BRB a report on the performance of loans made by VLB in connection with the purchases.

SECTION 1.27. Amends Section 162.003(e), Natural Resources Code, to require VLB, when it applies under Subchapter C, Chapter 1231, Government Code, for BRB approval of a bond issuance, or on the request of BRB, with respect to loans made under the program, to file with BRB a report on the performance of the loans. Deletes existing text requiring VLB to file annually with BRB a report on the performance of loans.

SECTION 1.28. Amends Section 13.063, Utilities Code, as follows:

Sec. 13.063. New heading: ANNUAL REPORT. Deletes existing text including Sunset among the entities to which the Office of Public Utility Counsel (OPUC) is required to submit a report on OPUC's activities from the preceding year.

SECTION 1.29. Amends Sections 27.0516(k) and (m), Water Code, to delete existing text including the report provided by Texas State University--San Marcos under Subsection (1)(2) (relating to the university's reports of findings to TCEQ), among studies, information, and reports TCEQ uses to make a determination that continued operation of an injection well as described in the notice of intent does not pose an unreasonable risk to the fresh water portion of the Edwards Aquifer or other fresh water associated with the continued operation of the well. Makes conforming changes.

ARTICLE 2. CONFORMING AMENDMENTS REGARDING COLONIAS PROJECTS ADMINISTERED BY STATE AGENCIES

SECTION 2.01. Amends the heading to Section 51.0052, Education Code, to read as follows:

Sec. 51.0052. APPLICATION REQUIREMENT FOR COLONIAS PROJECTS.

SECTION 2.02. Amends Section 51.0052(d), Education Code, as follows:

(d) Requires an institution of higher education, regarding any projects funded by the institution of higher education that provide assistance to colonias, to require an applicant for the funds to submit to the institution a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. Makes a nonsubstantive change.

SECTION 2.03. Amends the heading to Section 487.060, Government Code, to read as follows:

Sec. 487.060. APPLICATION REQUIREMENT FOR COLONIAS PROJECTS.

SECTION 2.04. Amends Section 487.060(d), Government Code, as follows:

(d) Requires the Texas Department of Agriculture (TDA), regarding any projects funded by TDA that serve colonias by providing water or wastewater services, paved roads, or other assistance, to require an applicant for the funds to submit to TDA a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. Makes a nonsubstantive change.

SECTION 2.05. Amends the heading to Section 531.0141, Government Code, to read as follows:

Sec. 531.0141. APPLICATION REQUIREMENT FOR COLONIAS PROJECTS.

SECTION 2.06. Amends Section 531.0141(d), Government Code, as follows:

(d) Requires HHSC, regarding any projects funded by HHSC that provide assistance to colonias, to require an applicant for the funds to submit to HHSC a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. Makes a nonsubstantive change.

SECTION 2.07. Amends the heading to Section 2306.083, Government Code, to read as follows:

Sec. 2306.083. APPLICATION REQUIREMENT FOR COLONIAS PROJECTS.

SECTION 2.08. Amends Section 2306.083(d), Government Code, as follows:

(d) Requires the Texas Department of Housing and Community Affairs (TDHCA), regarding any projects funded by TDHCA that provide assistance to colonias, to require an applicant for the funds to submit to TDHCA a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. Makes a nonsubstantive change.

SECTION 2.09. Amends the heading to Section 1001.033, Health and Safety Code, to read as follows:

Sec. 1001.033. APPLICATION REQUIREMENT FOR COLONIAS PROJECTS.

SECTION 2.10. Amends Section 1001.033(d), Government Code, as follows:

(d) Requires HHSC, regarding any projects funded by HHSC that provide assistance to colonias, to require an applicant for the funds to submit to HHSC a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. Makes a nonsubstantive change.

SECTION 2.11. Amends the heading to Section 201.116, Transportation Code, to read as follows:

Sec. 201.116. APPLICATION REQUIREMENT FOR COLONIAS PROJECTS.

SECTION 2.12. Amends Section 201.116(d), Transportation Code, as follows:

(d) Requires the Texas Transportation Commission (TTC), regarding any projects funded by TTC that serve colonias by providing paved roads or other assistance, to require an applicant for the funds to submit to TTC a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. Makes a nonsubstantive change.

SECTION 2.13. Amends the heading to Section 5.1781, Water Code, to read as follows:

Sec. 5.1781. APPLICATION REQUIREMENT FOR COLONIAS PROJECTS.

SECTION 2.14. Amends Section 5.1781(d), Water Code, as follows:

(d) Requires TCEQ, regarding any projects funded by TCEQ that provide assistance to colonias, to require an applicant for the funds to submit to TCEQ a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. Makes a nonsubstantive change.

SECTION 2.15. Amends the heading to Section 6.1565, Water Code, to read as follows:

Sec. 6.1565. APPLICATION REQUIREMENT FOR COLONIAS PROJECTS.

SECTION 2.16. Amends Section 6.1565(d), Water Code, as follows:

(d) Requires the Texas Water Development Board (TWDB), regarding any projects funded by TWDB that serve colonias by providing water or wastewater services or other assistance, to require an applicant for the funds to submit to TWDB a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. Makes a nonsubstantive change.

ARTICLE 3. REPEALER AND EFFECTIVE DATE

SECTION 3.01. Repealer: Sections 51.0052(b) (relating to the requirement that an institution of higher education report to the secretary of state (SOS) any projects funded by the institution that provide assistance to colonias) and (c) (relating to the requirement that the report contain certain information), Education Code.

Repealer: Section 61.506(g) (relating to the requirement that the Family Practice Residency Advisory Committee send copies of its annual assessment of the pilot programs to the comptroller and the state auditor for review), Education Code.

Repealer: Sections 487.060(b) (relating to the requirement that TDA report to SOS certain information) and (c) (relating to the requirement that the annual report contain certain information), Government Code.

Repealer: Sections 531.0141(b) (relating to the requirement that HHSC report to SOS any projects funded by HHSC that provide assistance to colonias) and (c) (relating to the requirement that the report contain certain information), Government Code.

Repealer: Sections 2206.101(d) (relating to the requirement that the comptroller submit a report containing certain information relating to eminent domain to certain individuals), Government Code.

Repealer: Section 2306.070 (Budget) [Chapter 2306 (Texas Department of Housing and Community Affairs)], Government Code.

Repealer: Sections 2306.083(b) (relating to the requirement that the governing board of TDHCA report quarterly to SOS any projects funded by TDHCA that provide assistance to colonias) and (c) (relating to the requirement that the quarterly report contain certain information), Government Code.

Repealer: Section 361.0215(d) (relating to the requirement that the Pollution Prevention Advisory Committee report quarterly to TCEQ on certain matters), Health and Safety Code.

Repealer: Section 533.006 (Reporting of Allegations Against Physician), Health and Safety Code.

Repealer: Sections 1001.033 (b) (relating to the requirement that HHSC report quarterly to SOS any projects funded by DSHS that provide assistance to colonias) and (c) (relating to the requirement that the report contain certain information), Health and Safety Code.

Repealer: Section 22.0252(b) (relating to the requirement that HHSC submit an annual report to certain agencies on the operation and success of the telephone collection program), Human Resources Code.

Repealer: Sections 201.116(b) (relating to the requirement that TTC report quarterly to SOS any projects funded by the Texas Department of Transportation that serve colonias by providing paved roads or other assistance) and (c) (relating to the requirement that the report contain certain information), Transportation Code.

Repealer: Sections 5.1781(b) (relating to the requirement that TCEQ report quarterly to SOS any projects funded by TCEQ that provide assistance to colonias) and (c) (relating to the requirement that the report contain certain information), Water Code.

Repealer: Sections 6.1565(b) (relating to the requirement that TWDB report quarterly to SOS any projects funded by TWDB that serve colonias by providing water or wastewater services or other assistance) and (c) (relating to the requirement that the report contain certain information), Water Code.

Repealer: Section 26.3574(x) (relating to the requirement that TNRCC report to the LBB at the end of each fiscal quarter on the status of the petroleum storage tank remediation account), Water Code.

Repealer: Section 27.0516(1) (relating to the requirement that TCEQ provide certain data to Texas State University--San Marcos and that Texas State University--San Marcos report to TCEQ its analysis of the data), Water Code.

SECTION 3.02. Effective date: September 1, 2019.