

BILL ANALYSIS

Senate Research Center
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S.B. 1179
By: Nelson
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1179 eliminates obsolete and redundant reports required of Texas state agencies and institutions of higher education. This bill allows state resources to be focused on providing information that is current and relevant to the governor, the legislature, and the public.

Recommendations for reports included in this legislation were the result of an extensive review conducted during the interim by the State Library and Archives Commission.

As proposed, S.B. 1179 amends current law relating to the elimination of certain required reports prepared by state agencies and institutions of higher education.

[**Note:** While the statutory reference in this bill is to the Texas Department of Human Services (DHS), the following amendments affect the Health and Human Services Commission, as the successor agency to DHS.]

RULEMAKING AUTHORITY

Rulemaking authority previously granted to Texas Higher Education Coordinating Board is rescinded in SECTION 17 (Section 51.216, Education Code) of this bill.

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is rescinded in SECTION 17 (Section 531.0243, Government Code) of this bill.

Rulemaking authority previously granted to the Department of Human Services is rescinded in SECTION 17 (Section 31.0325, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 201.023(b), Agricultural Code, as follows:

(b) Deletes existing text requiring the State Soil and Water Conservation Board (SWCB) to file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report that accounts for all funds received and disbursed by SWCB during the preceding year. Deletes existing text requiring that the form of the annual report and the time for the report be prescribed in the General Appropriations Act.

SECTION 2. Amends Section 21.040, Education Code, to delete existing text requiring the State Board for Educator Certification to file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report, in the form and within the time provided by the General Appropriations Act, accounting for all funds received and disbursed by the board during the preceding fiscal year. Makes nonsubstantive changes.

SECTION 3. Amends Section 30A.054, Education Code, as follows:

Sec. 30A.054. REPORTS. Deletes existing Subsection (a) designation and text requiring the commissioner of education (commissioner) to prepare a report for each fiscal year

documenting activities of the state virtual school network in accordance with this chapter, and requiring the commissioner, not later than January 31 of each year, to file the report for the preceding fiscal year with the governor, the lieutenant governor, and the speaker of the house of representatives.

Deletes existing designation of Subsection (b). Deletes existing text requiring the report under Subsection (a), to the extent permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), to include the results of assessment instruments administered to students enrolled in electronic courses under this chapter. Makes nonsubstantive changes.

SECTION 4. Amends Section 411.0098(c), Government Code, to delete existing text requiring the Texas Department of Public Safety and the Texas Department of Transportation (TxDOT) to file not later than January 15 of each odd-numbered year with the presiding officer of each house of the legislature a report that describes the procedures established under this section and their implementation. Makes nonsubstantive changes.

SECTION 5. Amends Section 441.013(a), Government Code, to delete existing text requiring the Texas State Library and Archives Commission to make a biennial report to the governor that includes an itemized statement of the commission's expenditures and careful estimates of money necessary for carrying out this subchapter. Makes nonsubstantive changes.

SECTION 6. Amends the heading to Section 442.010, Government Code, to read as follows:

Sec. 442.010. AUDITS.

SECTION 7. Amends Section 447.009(b), Government Code, to delete existing text requiring a state agency or an institution of higher education to submit the plan described in Subsection (a)(1) (relating to a long-range plan for the delivery of reliable, cost-effective utility services for the state agency or institution) to the state energy conservation office upon request.

SECTION 8. Amends Section 501.007, Government Code, to delete existing text requiring the Texas Department of Criminal Justice to send a record of all transactions made under this section to the state auditor at least annually.

SECTION 9. Amends Section 508.036(b), Government Code, to delete existing text requiring the Board of Pardons and Paroles (BPP) to prepare annually a complete and detailed written report that meets the reporting requirements applicable to financial reporting provided in the General Appropriations Act and accounts for all funds received and disbursed by BPP during the preceding fiscal year. Makes a nonsubstantive change.

SECTION 10. Amends Section 751.005(b), Government Code, to delete existing text requiring the Office of State-Federal Relations to prepare annually a complete and detailed written report accounting for all funds received and disbursed by the office during the preceding fiscal year. Makes nonsubstantive changes.

SECTION 11. Amends Section 22.005(d), Human Resources Code, to require the Texas Department of Human Services, at the end of each fiscal biennium, to return, rather than report to the comptroller of public accounts, the amount of the unencumbered balances in each of the department's operating funds that belongs to the children's assistance fund and the medical assistance fund to the appropriate special fund. Makes a conforming change.

SECTION 12. Amends Section 131.005, Human Resources Code, as follows:

Sec. 131.005. REPORTING AND ACCOUNTING SYSTEM. Deletes existing text requiring each health and human services agency that provides, purchases, or otherwise funds transportation services for clients, not later than August 31 of each year, to submit to the office a report relating to transportation services that complies with the standardized system. Makes a nonsubstantive change.

SECTION 13. Amends Section 131.006, Human Resources Code, as follows:

Sec. 131.006. IMPLEMENTATION OF STATEWIDE COORDINATION PLAN. Deletes existing text requiring the Health and Human Services Office of Community Transportation Services (office), in order to implement the statewide coordination plan created by the office under Section 131.003(a)(2) (relating to creating a statewide coordination plan regarding a system of transportation for clients of health and human services agencies that provides for coordinated, community-based services), not later than September 30 of each even-numbered year, to submit a report by electronic mail and by hand delivery to the governor, the secretary of state, the Legislative Budget Board (LBB), and the commissioner of health and human services relating to the results of the review conducted by the office under this section. Makes nonsubstantive changes.

SECTION 14. Amends Section 1660.055(b), Insurance Code, to delete existing text requiring the technical advisory committee on electronic data exchange to issue a final report to the commissioner containing the committee's recommendations for implementation by December 1, 2008.

SECTION 15. Amends Section 161.173(c), Natural Resources Code, to delete existing text requiring the Veterans Land Board to report to the governor, the senate committee on finance, and the house of representatives committee on appropriations on or before December 1, 2000, regarding the status of its investment in revenue bonds issued under Chapter 164 (Veterans' Financial Assistance Program) and all related debt service.

SECTION 16. Amends Section 201.053(b), Transportation Code, to delete existing text requiring the chair of the Texas Transportation Commission (TTC) to report to the governor on the state of affairs of TxDOT at least quarterly, report to the governor on efforts, including legislative requirements, to maximize the efficiency of TxDOT's operations through the use of private enterprise, and periodically review the TxDOT's organizational structure and submit recommendations for structural changes to the governor, TTC, and LBB. Makes nonsubstantive changes.

SECTION 17. Repealers:

- (1) Section 12.014 (Annual Report), Agriculture Code;
- (2) Section 12.029(c) (relating to filing, analyzing, and reporting certain policies established under this section), Agriculture Code;
- (3) Section 12.038(f) (relating to submitting a report containing specific information regarding each of the functions performed by the Office of Rural Affairs), Agriculture Code;
- (4) Section 131.005(b) (relating to filing a written report accounting for all funds received and disbursed by the chief apiary inspector), Agriculture Code;
- (5) Section 161.032 (Annual Report), Agriculture Code;
- (6) Section 5.09 (Annual Report), Alcoholic Beverage Code;
- (7) Section 7.055(b)(8) (relating to filing a written report accounting for all funds received and disbursed by the Texas Education Agency during the preceding fiscal year), Education Code;
- (8) Section 21.357(d) (relating to developing a study on establishing an incentive grant program for all classes of educators), Education Code;
- (9) Section 29.087(m) (relating to reporting to the legislature regarding the implementation of this section and making appropriate recommendations regarding the

continuation of the commissioner's authority to approve programs under this section), Education Code;

(10) Section 39.335 (Interim Report), Education Code;

(11) Section 44.042(d) (relating to conducting an analysis of purchases by school districts and reporting the results), Education Code;

(12) Section 51.216 (Crime Statistics Reports), Education Code;

(13) Sections 51.403(b) (relating to providing a report for the preceding fall and spring semesters indicating certain information for each instructor), (c) (requiring the report to compare student enrollments in each class on the last day of each semester with enrollments at the beginning of that semester), and (d) (relating to filing a small class report), Education Code;

(14) Section 51.404 (Submission of Reports), Education Code;

(15) Section 51.504 (Determination of Critical Needs), Education Code;

(16) Section 51.859 (Annual Reports), Education Code;

(17) Section 51.917(e) (relating to submitting, approving, and monitoring a program or short course), Education Code;

(18) Section 56.206(c) (relating to reporting certain information for each student using a state credit for tuition or tuition and mandatory fees), Education Code;

(19) Section 61.051(r) (relating to conducting a review of all doctoral programs offered at institutions of higher education), Education Code;

(20) Section 61.069 (Board Report), Education Code;

(21) Section 61.0815 (Report on Higher Education Employees Serving as Expert Witnesses in Certain Suits), Education Code;

(22) Section 61.087(c) (relating to all scholarships or grants offered by out-of-state institutions for which the reporting institution offered a matching scholarship or grant and all scholarships or grants offered or awarded by the reporting institution and the methods used to encourage Texas high school graduates to attend that institution), Education Code;

(23) Section 61.806(f) (relating to submitting an annual report relating to the academic performance and college plans of the program participants, and a list of the names of eligible program participants), Education Code;

(24) Sections 61.823(e) (relating to developing the field of study curriculum for not fewer than 10 degree designated programs and reporting progress) and (f) (relating to developing the field of study curriculum for not fewer than five designated degree programs and reporting progress), Education Code;

(25) Section 86.52(m) (relating to filing a written report accounting for all funds received and disbursed by the real estate research center during the preceding year), Education Code;

(26) Sections 130.0033(d) (relating to preparing and delivering a report on the effects of the reduced tuition on enrollment, facilities, scheduling, and costs) and (e) (relating to preparing and submitting a report compiling the results of the pilot project at the public junior colleges participating in the pilot project), Education Code;

- (27) Section 130.152 (Criteria for Programs for the Disadvantaged), Education Code;
- (28) Section 143.006 (Progress Reports), Education Code;
- (29) Section 236.002(e) (relating to reporting the results of the State Council on Competitive Government's efforts), Family Code;
- (30) Section 320.003 (List of Unfunded Mandates), Government Code;
- (31) Section 320.004 (Review of Unfunded Mandates), Government Code;
- (32) Sections 411.0075(b) (relating to preparing and maintaining a written policy statement to assure implementation of a program of equal employment opportunity), (c) (requiring that a policy statement cover an annual period, be updated at least annually, and be filed with the governor's office), and (d) (relating to delivering a biennial report to the legislature), Government Code;
- (33) Section 411.0097(d) (relating to developing short-range and long-range plans, including recommendations to increase bilateral relations with Mexico and expedite trade), Government Code, as added by Chapter 693 (S.B. 293), Acts of the 79th Legislature, Regular Session, 2005;
- (34) Section 411.013(d) (relating to filing a written report accounting for all funds received and disbursed by the Public Safety Commission during the preceding fiscal year), Government Code;
- (35) Sections 413.005(e) (relating to preparing and maintaining a written policy statement to assure implementation of a program of equal employment opportunity), (f) (requiring that a prepared policy statement cover an annual period, be updated annually and reviewed by the Commission on Human Rights for compliance, and be filed with the governor's office), and (g) (relating to delivering a biennial report to the legislature based on the information received), Government Code;
- (36) Section 413.013 (Criminal Justice Plan; Biennial Report), Government Code;
- (37) Section 413.015 (Capacity and Population Projections), Government Code;
- (38) Sections 413.016(b) (relating to submitting an annual report that includes certain information), (c) (requiring that the report include the number of persons under the supervision or custody of the Texas Department of Criminal Justice at the end of a fiscal year), (d) (relating to reviewing the information in the annual report), and (e) (relating to providing in computer format certain required data), Government Code;
- (39) Section 413.022(b) (relating to submitting as part of the required biennial plan specific findings as to the success of each program or service in reducing recidivism of inmates and accomplishing other performance objectives of the administered programs and services), Government Code;
- (40) Section 419.008(e) (relating to reporting to the governor the legislature at each regular session on the Texas Commission on Fire Protection's activities), Government Code;
- (41) Section 419.010 (Fiscal Report), Government Code;
- (42) Section 434.013(b) (relating to making a report to include a complete and detailed accounting for all money received and disbursed by the Texas Veterans Commission during the preceding year), Government Code;

- (43) Section 441.013(c) (relating to preparing a written report accounting for all funds received and disbursed by the Texas State Library and Archives Commission during the preceding fiscal year), Government Code;
- (44) Section 441.154(n) (relating to reporting to the governor and the legislature all donations, grants, agreements, and special accounts), Government Code;
- (45) Section 442.005(d) (relating to compiling and furnishing to the State Purchasing and General Services Commission a list of the names and addresses of individuals and organizations that are interested in the preservation of historic structures), Government Code;
- (46) Section 442.010(b) (relating to preparing annually a written report accounting for all funds received and disbursed by the Texas Historical Commission during the preceding fiscal year), Government Code;
- (47) Section 443.0051(c) (relating to preparing a written report accounting for all funds received and disbursed by the State Preservation Board during the preceding fiscal year), Government Code;
- (48) Section 443.0135(e) (relating to submitting a written report regarding the relationship of established prohibitions and the preservation of certain buildings and property), Government Code;
- (49) Section 444.025(h) (relating to preparing a written report accounting for all funds received and disbursed by the Texas Commission on the Arts during the preceding fiscal year), Government Code;
- (50) Section 448.011 (Annual Report), Government Code;
- (51) Section 481.011 (Fiscal Report), Government Code;
- (52) Section 481.168 (Annual Report of Tax Incentive Laws and Economic Development Laws of Other States), Government Code;
- (53) Section 492.011 (Annual Fiscal Report), Government Code;
- (54) Section 511.015(b) (relating to filing a written report accounting for all funds received and disbursed by the Commission on Jail Standards during the preceding fiscal year), Government Code;
- (55) Section 531.0243 (Reports on Delivery of Service), Government Code;
- (56) Section 531.0273(b) (relating to filing the coordinated information resources strategic plan), Government Code;
- (57) Section 531.029 (Annual Funds Report), Government Code;
- (58) Section 531.110(f) (relating to reporting the results of the electronic data matching program), Government Code;
- (59) Section 531.204 (Report), Government Code;
- (60) Section 552.274(b) (relating to issuing a report that describes certain procedures for charging and collecting fees for providing copies of public information and providing the attorney general certain information), Government Code, as amended by Chapters 329 (S.B. 727) and 716 (S.B. 452), Acts of the 79th Legislature, Regular Session, 2005;

- (61) Section 751.005(d) (requiring that the annual report meet the reporting requirements applicable to financial reporting provided in the General Appropriations Act), Government Code;
- (62) Section 752.006 (Spending Plan for Federal Funds), Government Code;
- (63) Section 782.014 (Annual Report), Government Code;
- (64) Section 801.203(b) (relating to filing a written report accounting for all funds received and disbursed by the State Pension Review Board during the preceding fiscal year), Government Code;
- (65) Section 1231.086(a) (relating to sending a report of certain received information), Government Code;
- (66) Section 1232.069 (Annual Financial Report), Government Code;
- (67) Section 2054.034(b) (relating to preparing annually a written report accounting for all funds received and disbursed by the Department of Information Resources during the preceding fiscal year), Government Code;
- (68) Section 2112.005 (Reports), Government Code;
- (69) Section 2152.062 (Financial Statement), Government Code;
- (70) Section 2152.063 (Payment Statement), Government Code;
- (71) Sections 2161.121(d) (relating to sending a report on the previous six-month period to the joint committee charged with monitoring the implementation of the historically underutilized business goals) and (e) (relating to sending a report on the preceding fiscal year to the presiding officer of each house of the legislature and the joint committee), Government Code;
- (72) Section 2171.101(d) (relating to filing an annual report with the legislature containing certain information), Government Code;
- (73) Section 2203.001 (Reporting Use of State Vehicle; Penalties), Government Code;
- (74) Section 2205.016 (Annual Report), Government Code;
- (75) Section 2306.759 (Reporting Duties), Government Code;
- (76) Section 11.017(a) (relating to filing annually a written report accounting for all funds received and disbursed by the Texas Board of Health during the preceding year), Health and Safety Code;
- (77) Section 62.104(e) (relating to reporting to the committees of both houses of the legislature with jurisdiction over the child health plan), Health and Safety Code;
- (78) Section 93.006 (Report to Legislature), Health and Safety Code;
- (79) Section 103.018 (Annual Report), Health and Safety Code;
- (80) Section 165.034 (Report to Governor and Legislature), Health and Safety Code;
- (81) Section 427.006 (Pilot Project), Health and Safety Code;
- (82) Section 532.017 (Annual Reports), Health and Safety Code;

- (83) Section 533.0354(d) (relating to studying the implementation of disease management practices and reporting progress), Health and Safety Code;
- (84) Section 533.049(b) (relating to reporting whether the Texas Department of Mental Health and Mental Retardation has received a proposal by a private service provider to operate a state school), Health and Safety Code;
- (85) Section 533.050(b) (relating to reporting whether the Texas Department of Mental Health and Mental Retardation has received a proposal by a private service provider to operate a state mental hospital), Health and Safety Code;
- (86) Section 691.008(c) (relating to filing a written report accounting for all funds received and disbursed by the Anatomical Board of the State of Texas during the preceding year), Health and Safety Code;
- (87) Section 1001.031 (Annual Report), Health and Safety Code;
- (88) Sections 21.011(b) (relating to filing a written report accounting for all funds received and disbursed by the Department of Human Services during the preceding fiscal year) and (c) (requiring that the report include fees for professional services or consultative services and prohibiting inclusion of certain fees), Human Resources Code;
- (89) Section 31.0325(d) (Electronic Imaging Program), Human Resources Code;
- (90) Section 32.0246(e) (relating to submitting a report concerning the effectiveness of the pilot program), Human Resources Code;
- (91) Section 32.055(d) (relating to reporting to the legislature on the implementation of the system), Human Resources Code;
- (92) Section 33.0022 (Fraud Prevention in Food Stamp Program), Human Resources Code;
- (93) Section 40.0325(c) (relating to report certain findings and recommendations to the governor, lieutenant governor, and speaker of the house of representatives), Human Resources Code;
- (94) Section 40.0565 (Report), Human Resources Code;
- (95) Section 61.033 (Annual Financial Report), Human Resources Code;
- (96) Section 73.022(f) (relating to filing a written report accounting for all funds received and disbursed by the Interagency Council on Early Childhood Intervention Services during the preceding year in accordance with the General Appropriations Act), Human Resources Code;
- (97) Section 81.006(d) (relating to filing a written report accounting for all funds received and disbursed by the Texas Commission for the Deaf and Hard of Hearing during the preceding year), Human Resources Code;
- (98) Section 91.019 (Report; Posting of Report and Performance Data), Human Resources Code;
- (99) Section 91.053(c) (relating to a system of necessary staffing patterns, personnel administration, and employee compensation), Human Resources Code;
- (100) Sections 101.008(a) (relating to preparing and submitting a biennial budget and request for an appropriation) and (c) (relating to filing a written report accounting for all funds received and disbursed by the Texas Board on Aging during the preceding year), Human Resources Code;

- (101) Section 111.021(b) (relating to filing a written report accounting for all funds received and disbursed by the Texas Rehabilitation Commission during the preceding year), Human Resources Code;
- (102) Section 117.031 (Annual Report), Human Resources Code;
- (103) Section 141.024 (Annual Reports), Human Resources Code;
- (104) Section 141.086(i) (relating to conducting an annual audit of the operating costs for a fiscal year of a constructed facility and submitting a report on the results), Human Resources Code;
- (105) Section 161.031 (Annual Report), Human Resources Code;
- (106) Section 402.070 (Annual Report), Labor Code;
- (107) Section 409.012(f) (relating to reporting certain actions to improve access to and the effectiveness of vocational rehabilitation programs for injured employees), Labor Code;
- (108) Section 31.059(c) (relating to reporting and paying in kind funds which are due to the state), Natural Resources Code;
- (109) Section 31.060 (Financial Report), Natural Resources Code;
- (110) Section 32.024 (Financial Report Required), Natural Resources Code;
- (111) Section 34.0191 (Financial Report Required), Natural Resources Code;
- (112) Section 81.055(a) (authorizing the legislature to study the desirability of requiring an owner, operator, or manager of a pipeline system to obtain liability insurance coverage, a bond, or other evidence of financial responsibility in order to protect the public from the costs resulting from a discharge from the pipeline system and to report its findings), Natural Resources Code;
- (113) Section 161.027 (Annual Accounting), Natural Resources Code;
- (114) Section 161.131(b) (relating to filing a written report containing certain information for the previous year for all businesses and for minority-owned businesses classified by minority group), Natural Resources Code;
- (115) Section 161.132(b) (relating to filing a written report containing certain information for the previous year for all businesses and for women-owned businesses classified by minority group), Natural Resources Code;
- (116) Section 153.055 (Annual Report), Occupations Code;
- (117) Section 202.159 (Annual Report Regarding Funds), Occupations Code;
- (118) Sections 203.154(a) (relating to filing a written report accounting for all funds received and distributed by the midwifery board during the preceding fiscal year) and (b) (requiring that the report be in the form and reported in the time provided by the General Appropriations Act), Occupations Code;
- (119) Section 205.105 (Annual Report), Occupations Code;
- (120) Section 206.102 (Annual Report), Occupations Code;

- (121) Section 301.160(j) (relating to issuing an annual report regarding any pilot programs developed or approved and a status report on those programs), Occupations Code;
- (122) Section 301.165 (Annual Report), Occupations Code;
- (123) Section 351.164 (Annual Report), Occupations Code;
- (124) Section 451.107 (Annual Report), Occupations Code;
- (125) Section 452.159(a) (relating to filing a written report accounting for all funds received and disbursed by the Executive Council of Physical Therapy and Occupational Therapy Examiners during the preceding fiscal year), Occupations Code;
- (126) Section 453.109 (Annual Report), Occupations Code;
- (127) Section 501.159 (Annual Report), Occupations Code;
- (128) Section 502.160 (Use of Technology), Occupations Code;
- (129) Section 505.208 (Annual Report Regarding Funds), Occupations Code;
- (130) Section 554.013 (Annual Report), Occupations Code;
- (131) Section 605.156 (Annual Report), Occupations Code;
- (132) Section 651.161 (Register), Occupations Code;
- (133) Sections 651.162(a) (relating to filing a written report accounting for all funds received and disbursed by the Texas Funeral Service Commission during the preceding fiscal year) and (c) (relating to filing a report on the Texas Funeral Service Commission's compliance), Occupations Code;
- (134) Section 701.158 (Annual Report Regarding Funds), Occupations Code;
- (135) Section 901.164 (Annual Fiscal Report), Occupations Code;
- (136) Section 1701.158 (Annual Report), Occupations Code;
- (137) Section 12.021 (Annual Accounting Report), Parks and Wildlife Code;
- (138) Section 201.107 (Financial Reports of the Department), Transportation Code;
- (139) Section 201.403(c) (relating to reporting progress in the recruitment and hiring of women and minority applicants), Transportation Code;
- (140) Section 13.063(a) (relating to preparing a written report accounting for all funds received and disbursed by the Office of Public Utility Counsel during the preceding fiscal year), Utilities Code;
- (141) Section 39.902(b) (relating to reporting on the status of a certain educational program), Utilities Code;
- (142) Section 163.002 (Report on Problems), Utilities Code;
- (143) Section 5.178(d) (relating to filing a written report accounting for all funds received and disbursed by the Texas Natural Resource Conservation Commission during the preceding year), Water Code;

(144) Section 26.561(a) (relating to preparing a report describing its implementation of this subchapter and providing copies of the report), Water Code;

(145) Section 2.17 (Annual Accounting), Texas Racing Act (Article 179e, V.T.C.S.); and

(146) Sections 2.19(c) (relating to preparing and maintaining a written policy statement to assure implementation of a program of equal employment opportunity), (d) (requiring that a prepared policy statement cover an annual period, be updated annually and reviewed for compliance, and be filed with the governor's office), and (e) (relating to delivering a biennial report based on the received information), Texas Racing Act (Article 179e, V.T.C.S.).

SECTION 18. Effective date: upon passage or September 1, 2011.