

BILL ANALYSIS

Senate Research Center
87R16878 SGM-D

C.S.S.B. 800
By: Nelson
Finance
3/30/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Since the 79th Legislature, the Texas State Library and Archives Commission Rider 4 has required the commission to prepare a study of all required agency reports, including an assessment by the entities receiving each report on the report's usefulness.

S.B. 800 streamlines agency reporting requirements by repealing obsolete reports, reducing frequency of some reports, and redirecting some reports to relevant recipients.

(Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 800 amends current law relating to certain required reports or information 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

SECTION 1. Amends Article 2.305(b), Code of Criminal Procedure, as follows:

(b) Requires an entity described by Subsection (a) (relating to whom the required report concerning human trafficking cases applies) that investigates the alleged commission of an offense under Chapter 20A (Trafficking of Persons), Penal Code, or the alleged commission of an offense under Chapter 43 (Public Indecency), Penal Code, which may involve human trafficking, to submit a monthly report on the offenses investigated in the previous month to the attorney general containing certain information.

SECTION 2. Amends Sections 403.0147(b) and (c), Government Code, as follows:

(b) Requires the Comptroller of Public Accounts of the State of Texas (comptroller), not later than December 31 of each even-numbered year, rather than of each year, to submit a report to the legislature that identifies certain information for each state agency.

(c) Requires a state agency to provide to the comptroller not later than September 30 of each even-numbered year, rather than of each year, information necessary for the comptroller to prepare the report required by Section 403.0147 (Report on State Programs Not Funded by Appropriations).

SECTION 3. Amends Section 404.094(a), Government Code, as follows:

(a) Requires the state auditor, if the state auditor finds that an agency has not complied with this subsection, to make an estimate of any resulting financial loss to the state, taking into consideration compliance costs that would have been additionally incurred by the agency, and report the amount on the state auditor's Internet website, rather than to the legislative audit committee, the governor, and the comptroller.

SECTION 4. Amends Section 531.02492(b), Government Code, to remove the Legislative Budget Board (LBB) from the list of entities that the Health and Human Services Commission (HHSC) is required to notify on or before the due date of the biennial report regarding the delivery of health and human services to children younger than six years of age that the report is available on HHSC's Internet website.

SECTION 5. Amends Section 531.0998, Government Code, by adding Subsection (g), to authorize consolidation of the report relating to veterans benefits with any other report relating to the same subject matter HHSC is required to submit under other law.

SECTION 6. Amends Section 531.108(e), Government Code, to require that HHSC's annual report on the results of computerized matching of HHSC information with information from neighboring states, if any, and information from the Texas Department of Criminal Justice be submitted not later than October 1 of each year. Makes a nonsubstantive change.

SECTION 7. Amends Section 2054.077(b), Government Code, to require the information security officer of a state agency to prepare or have prepared a report, including an executive summary of the findings of the biennial report, not later than June 1, rather than October 15, of each even-numbered year, assessing the extent to which certain computers and computer programs of the agency or of a contractor of the agency are vulnerable to unauthorized access or harm, including the extent to which the agency's or contractor's electronically stored information is vulnerable to alteration, damage, erasure, or inappropriate use.

SECTION 8. Amends Section 2054.515(b), Government Code, to require a state agency to report the results of the assessment under Subsection (a) (relating to an agency's information security assessment) to certain entities not later than December 1 of the year in which a state agency conducts the assessment under Subsection (a) or the 60th day after the date the agency completes the assessment, whichever occurs first.

SECTION 9. Amends Section 2054.516(a), Government Code, to require each state agency implementing an Internet website or mobile application that processes any sensitive personal or personally identifiable information or confidential information to submit a biennial data security plan to the Texas Department of Information Resources (DIR) not later than June 1, rather than October 15, of each even-numbered year to establish planned beta testing for the website or application.

SECTION 10. Amends Section 2054.5192(e), Government Code, to require the person who oversees contract management for a contracting state agency to, not later than August 31 of each year, report the contractor's completion of the required cybersecurity training program to DIR.

SECTION 11. Amends the heading to Section 2310.052, Government Code, to read as follows:

Sec. 2310.052. EVALUATION.

SECTION 12. Amends Section 103.013(f), Health and Safety Code, to require that, not later than November 1 of each even-numbered year, each state agency affected by the state plan for diabetes treatment, education, and training, other than a state agency represented on the Texas Diabetes Council (TDC), rather than each state agency affected by the state plan, report to TDC, the LBB, and the Governor's Office of Budget and Planning certain information.

SECTION 13. Amends Sections 533A.006(a) and (b), Health and Safety Code, as follows:

(a) Requires the executive commissioner of HHSC to submit a report to the Texas Medical Board (TMB) not later than 30 days after the last day of a month during which any allegation is received, rather than to report to TMB any allegation received, by HHSC that a physician employed by or under contract with HHSC in relation to services provided under Title 7 (Mental Health and Intellectual Disability) has committed an action that constitutes a ground for the denial or revocation of the physician's license under Section 164.051 (Grounds for Denial or Disciplinary Action), Occupations Code.

(b) Requires HHSC to provide to TMB a printed and electronic copy, rather than a copy, of any report or finding relating to an investigation of an allegation reported to TMB.

SECTION 14. Amends Section 534.068(f), Health and Safety Code, to remove the LBB from the list of certain entities to which the Department of State Health Services (DSHS) is required to annually submit a summary of the significant findings identified during DSHS's reviews of fiscal audit activities.

SECTION 15. Amends Section 578.008, Health and Safety Code, as follows:

Sec. 578.008. New heading: USE OF INFORMATION. Deletes existing Subsection (b) requiring DSHS to file annually with the governor and the presiding officer of each house of the legislature a written report summarizing by facility the information received under Sections 578.006 (Registration of Equipment) and 578.007 (Reports), requiring that the report, if the therapy is administered by a private physician on an outpatient basis, include that information but prohibiting it from identifying the physician, and prohibiting DSHS from directly or indirectly identifying in a report issued under this section a patient who received the therapy. Makes a nonsubstantive change.

SECTION 16. Amends Section 22.0292(d), Human Resources Code, to require HHSC to submit to the governor and the LBB an annual report on the operation and success of the information matching system required by Section 22.0292 (Information Matching System Relating to Immigrants and Foreign Visitors) not later than October 1 of each year.

SECTION 17. Amends Section 101A.107, Human Resources Code, as follows:

Sec. 101A.107. REPORT ON UNIT COSTS. Requires HHSC to file with the LBB and the Governor's Office of Budget, Planning, and Policy a report that clearly identifies in a state fiscal year the unit cost of each service, rather than a report that clearly identifies the unit cost of each service, other than services related to community service volunteering and subsidized employment services, provided by an area agency on aging. Requires that the report be filed annually, rather than twice each year, on or before the date specified by the LBB.

SECTION 18. Amends Section 161.079(g), Human Resources Code, to delete existing text requiring HHSC to submit a report not later than December 1 of each even-numbered year to the governor and the LBB that summarizes the data analysis relating to informal caregivers.

SECTION 19. Amends the heading to Section 413.0515, Labor Code, to read as follows:

Sec. 413.0515. REPORTS OF CHIROPRACTOR VIOLATIONS.

SECTION 20. Amends Section 1001.023(b), Transportation Code, to remove the LBB from the list of certain entities to which the chair of the board of the Texas Department of Motor Vehicles (TxDMV) is required to submit recommendations for structural changes.

SECTION 21. (1) Repealer: Section 201.0227(d-1) (relating to the preparation of a report of the repair and maintenance needs of all dams that meet certain conditions), Agriculture Code.

(2) Repealer: Section 447.010(j) (relating to a state agency's report to the state energy conservation office on the agency's efforts and progress on certain fuel savings provisions), Government Code.

(3) Repealer: Chapter 2061 (Flood Research, Planning, and Mitigation Reporting), Government Code.

(4) Repealer: Section 2165.303(b) (relating to the Texas Facilities Commission's report on the findings and test results obtained under a contract for air monitoring), Government Code.

(5) Repealer: Section 2310.052(b) (relating to the report by the Economic Development and Tourism Office on the effectiveness of the readjustment zone program, the use of state and local incentives, and legislation, as appropriate), Government Code.

(6) Repealer: Section 104.026(c) (relating to the requirement that DSHS submit certain cost data information to the LBB and the governor's budget office not later than November 1 of each even-numbered year), Health and Safety Code.

(7) Repealer: Section 161.502(d) (relating to requiring HHSC to submit a report on the effectiveness of the resource guide for parents of newborn children whose mothers are recipients of assistance of the Medical Assistance Program), Health and Safety Code.

(8) Repealer: Section 533A.062(e) (relating to the requirement that HHSC submit the proposed plan on long-term care for persons with an intellectual disability to the LBB and the governor not later than October 15 of each even-numbered year), Health and Safety Code.

(9) Repealer: Section 22.015 (Reporting of Physician Misconduct or Malpractice), Human Resources Code.

(10) Repealer: Section 408.030 (Reports of Physician Violations), Labor Code.

(11) Repealer: Section 413.0515(a) (relating to the requirement that the discovering agency report in a widely used electronic format an act or omission by a physician constituting certain crimes to the other agency), Labor Code.

(12) Repealer: Section 203.154(a) (relating to the requirement that the Texas Department of Licensing and Regulation prepare and publish reports on the practice of midwifery in Texas), Occupations Code.

(13) Repealer: Section 452.159 (Biennial Report), Occupations Code.

(14) Repealer: Section 223.042(f) (relating to the requirement that the Texas Department of Transportation file a report with the LBB on September 1 of each fiscal year detailing certain maintenance contracts awarded during the previous fiscal year), Transportation Code.

(15) Repealer: Section 228.012(c) (relating to the requirement that the Texas Department of Transportation, not later than January 1 of each odd-numbered year, submit to the LBB and the Governor's Office of Budget, Planning, and Policy a report on cash balances and expenditures of certain project subaccounts), Transportation Code.

SECTION 22. Effective date: September 1, 2021.