

## **BILL ANALYSIS**

C.S.S.B. 800  
By: Nelson  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In recent years, the Texas State Library and Archives Commission (TSLAC) has conducted a comprehensive biennial review and issued a report evaluating the usefulness of reports prepared and submitted by a state agency to other state agencies by law. As part of that report, TSLAC recommends to the legislature the repeal or consolidation of statutory reporting requirements. C.S.S.B. 800 seeks to reduce the volume of reports while continuing to protect the public interest and ensure government accountability by acting on those TSLAC recommendations.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 800 repeals provisions of the Agriculture Code, Government Code, Health and Safety Code, Human Resources Code, Insurance Code, Labor Code, Occupations Code, and Transportation Code to remove the following requirements:

- the requirement for the Texas Water Development Board (TWDB) to prepare, in coordination with the State Soil and Water Conservation Board and the Texas Commission on Environmental Quality, a report of the repair and maintenance needs of certain failed dams;
- the requirement for state agencies to report annually to the state energy conservation office on efforts and progress to achieve fuel savings;
- a duplicative requirement for a state agency that uses or disburses federal money for flood research, planning, or mitigation projects to submit a related report on a quarterly basis to the TWDB;
- the requirement for the Texas Facilities Commission to report the findings and test results obtained under a contract for air monitoring related to asbestos abatement to the State Office of Risk Management;
- the requirement for the Texas Economic Development and Tourism Office to submit an annual report on defense economic readjustment zones to the governor, the legislature, and the Legislative Budget Board (LBB);
- the requirement for the Department of State Health Services (DSHS) to submit certain cost data received from state agencies regarding the implementation of the state health plan to the LBB and the governor's budget office on a biennial basis;

- the requirement for the Health and Human Services Commission (HHSC) to submit a biennial report to the legislature on the effectiveness of the resource guide provided to parents of newborn children;
- the requirement for HHSC to submit a proposed plan on long-term care for persons with an intellectual disability to the LBB and the governor on a biennial basis;
- the requirement for HHSC to report certain allegations of misconduct or malpractice by a physician employed by or under contract with HHSC to the Texas Medical Board (TMB);
- the requirement for the workers' compensation research and evaluation group to evaluate and report on the impact of certified workers' compensation health care networks on the cost and quality of medical care provided to injured employees;
- the requirement for the commissioner of insurance to submit a biennial report to the governor, lieutenant governor, and speaker of the house of representatives regarding the impact that legislation enacted during the regular session of the 79th Legislature reforming the state workers' compensation system has had on the affordability and availability of workers' compensation insurance for Texas employers;
- the requirement for the division of workers' compensation of the Texas Department of Insurance to report certain physician violations to the TMB;
- the requirement for the division of workers' compensation and the TMB to report to each other if either entity discovers an applicable violation by a physician;
- the requirement for the Texas Department of Licensing and Regulation to prepare and publish reports on the practice of midwifery in Texas;
- the requirement for the Executive Council of Physical Therapy and Occupational Therapy Examiners to prepare and file a report of its activities with the presiding officer of each house of the legislature, the governor, and the LBB on a biennial basis;
- the requirement for the Texas Department of Transportation (TxDOT) to file a report with the LBB each fiscal year detailing any privatized maintenance contracts awarded by TxDOT during the previous fiscal year; and
- the requirement for TxDOT to submit to the LBB and the Governor's Office of Budget, Planning, and Policy a biennial report on cash balances in the project subaccounts created in the state highway fund and expenditures made with money in those subaccounts.

C.S.S.B. 800 amends the Code of Criminal Procedure to require that the information concerning an alleged human trafficking case submitted to the attorney general by an applicable law enforcement entity or attorney's office in a county with a population of more than 50,000 or by the Department of Public Safety (DPS) be reported in the manner and form prescribed by the attorney general. The bill replaces the requirement for the attorney general to enter into a contract with a university that provides for the university's assistance in the collection and analysis of such information with an authorization for the attorney general to do so.

C.S.S.B. 800 amends the Government Code to require a district or county court at law to provide a copy of its monthly report on the number of cases filed for the offenses of trafficking of persons, prostitution, and compelling prostitution to the attorney general.

C.S.S.B. 800 changes the frequency with which the following reports must be submitted from annually to biennially with a report due in each even-numbered year:

- the report from the human trafficking prevention coordinating council to the legislature detailing the progress of implementing the council's five-year strategic plan for preventing human trafficking in Texas;
- the report from the comptroller of public accounts to the legislature regarding state programs that are not funded by appropriations; and
- the report from each applicable state agency to the comptroller of the information necessary to prepare that legislative report regarding state programs that are not funded by appropriations.

C.S.S.B. 800 replaces the requirement for the state auditor, on finding that a state agency has not complied with requirements regarding the deposit of funds in the state treasury, to report the amount of the estimated financial loss to the state to the legislative audit committee, the governor, and the comptroller with a requirement for the state auditor to report this amount on the state auditor's website.

C.S.S.B. 800 removes the LBB from the entities HHSC must notify that the biennial report on health and human services agencies' efforts to provide health and human services to Texas children younger than six years of age is available on the HHSC website.

C.S.S.B. 800 authorizes the annual report to the legislature, the governor, and the LBB relating to the use of the Public Assistance Reporting Information System in identifying and obtaining U.S. Department of Veterans Affairs benefits for veterans receiving Medicaid and other public benefit programs to be consolidated with any other report relating to the same subject matter that HHSC is required to submit under other law.

C.S.S.B. 800 imposes a deadline of October 1 for HHSC to submit the 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 for purposes of preventing public assistance benefit fraud.

C.S.S.B. 800 changes the deadline by which a state agency's information security officer must prepare or have prepared a biennial report assessing the extent to which certain resources of the agency or of a contractor of the agency are vulnerable to unauthorized access, harm, alteration, damage, erasure, or inappropriate use from October 15 of each even-numbered year to June 1 of each even-numbered year. The bill makes the same deadline change with respect to the submission of a biennial data security plan to the Department of Information Resources (DIR) by each state agency implementing a website or mobile application that processes any sensitive personal or personally identifiable information or confidential information.

C.S.S.B. 800 changes the deadline for a state agency to report the results of the agency's information security assessment of the agency's information resources systems, network systems, digital data storage systems, digital data security measures, and information resources vulnerabilities to DIR in a year in which the agency conducts the assessment from December 1 of that year to December 1 of that year or the 60th day after the date the agency completes the assessment, whichever occurs first.

C.S.S.B. 800 bill imposes a deadline of August 31 of each year for a person who oversees contract management for an applicable state agency to report contractors' completion of requisite cybersecurity training to DIR.

C.S.S.B. 800 amends the Health and Safety Code to exempt a state agency that is represented on the Texas Diabetes Council from the requirement for each state agency affected by the state plan for diabetes treatment, education, and training to report certain information regarding implementation of the plan to the council, the LBB, and the Governor's Office of Budget and Planning.

C.S.S.B. 800 revises the requirement for the executive commissioner of HHSC to report to the TMB any allegation received by HHSC that a physician employed by or under contract with HHSC in relation to services provided for persons with mental illness or an intellectual disability has committed an action that constitutes a ground for the denial or revocation of the physician's license by requiring the executive commissioner to submit a report not later than 30 days after the last day of a month during which any such allegation is received by HHSC. The bill requires that copies of reports or findings relating to an investigation of such an allegation be provided to TMB in both printed and electronic format.

C.S.S.B. 800 removes the LBB from the required recipients of the DSHS annual report summarizing the significant findings identified during DSHS reviews of fiscal audit activities of local mental health authorities.

C.S.S.B. 800 removes a requirement for DSHS to file annually with the governor and the presiding officer of each house of the legislature a written report summarizing the information received from the registration of electroconvulsive therapy equipment and from quarterly reports relating to the administration of electroconvulsive therapy, psychosurgery, pre-frontal sonic sound treatment, or any other convulsive or coma-producing therapy administered to treat mental illness.

C.S.S.B. 800 amends the Human Resources Code to impose an October 1 deadline for HHSC to submit its annual report to the governor and the LBB on the operation and success of the information matching system used to prevent immigrants and foreign visitors from unlawfully receiving public assistance benefits.

C.S.S.B. 800 changes the frequency with which HHSC must file with the LBB and the Governor's Office of Budget, Planning, and Policy a report that clearly identifies the unit cost of each service provided by an area agency on aging, other than services related to community service volunteering and subsidized employment services, from twice each year to annually. The bill specifies that the report must identify those costs for the applicable state fiscal year.

C.S.S.B. 800 removes the requirement for HHSC to submit a biennial report to the governor and the LBB summarizing the analysis of certain data regarding informal caregiver services.

C.S.S.B. 800 amends the Insurance Code to change from annually to biennially the frequency with which the workers' compensation research and evaluation group must develop and issue an informational report card that identifies and compares the quality, costs, health care provider availability, and other analogous factors of workers' compensation health care networks operating under the workers' compensation system with each other and with medical care provided outside of networks. The bill requires that the report card be developed and issued not later than December 1 of each even-numbered year.

C.S.S.B. 800 amends the Transportation Code to remove the LBB from the required recipients of recommendations for structural changes submitted by the Texas Department of Motor Vehicles after conducting a periodic review of its organizational structure.

C.S.S.B. 800 amends the Labor Code to make conforming changes.

C.S.S.B. 800 repeals the following provisions:

- Section 201.0227(d-1), Agriculture Code;
- Section 447.010(j), Government Code;
- Chapter 2061, Government Code;
- Section 2165.303(b), Government Code;
- Section 2310.052(b), Government Code;
- Section 104.026(c), Health and Safety Code;
- Section 161.502(d), Health and Safety Code;
- Section 533A.062(e), Health and Safety Code;
- Section 22.015, Human Resources Code;
- Section 1305.501, Insurance Code;
- Section 2053.012, Insurance Code;
- Sections 405.0025(b) and (c), Labor Code;
- Section 408.030, Labor Code;
- Section 413.0515(a), Labor Code;
- Section 203.154(a), Occupations Code;

- Section 452.159, Occupations Code;
- Section 223.042(f), Transportation Code; and
- Section 228.012(c), Transportation Code.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 800 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The engrossed required that DPS, or an applicable law enforcement entity or attorney's office in a county with a population of more than 50,000, submit the requisite information concerning alleged human trafficking cases to the attorney general in the form of a monthly report that includes offenses investigated in the previous month. The substitute omits this monthly reporting requirement and instead requires that the information be reported in the manner and form prescribed by the attorney general. The substitute includes a provision not in the engrossed replacing the statutory requirement for the attorney general to enter into a contract with a university that provides for the university's assistance in the collection and analysis of the information received from those reports with an authorization for the attorney general to do so.

The substitute includes provisions that were not in the engrossed to do the following:

- require a district or county court at law to provide a copy of its monthly report on the number of cases filed for the offenses of trafficking of persons, prostitution, and compelling prostitution to the attorney general;
- change the frequency with which the human trafficking prevention coordinating council must submit a report to the legislature detailing the progress of the implementation of the council's five-year strategic plan for preventing human trafficking in Texas from annually to biennially; and
- change the frequency with which the workers' compensation research and evaluation group must develop and issue a certain informational report card from annually to biennially and impose a deadline for the report cards to be developed and issued.

The substitute repeals the following provisions that were not repealed by the engrossed:

- Section 2503.012, Insurance Code, which requires the commissioner of insurance to submit a biennial report on the impact that legislation enacted during the regular session of the 79th Legislature reforming the state's workers' compensation system has had on the affordability and availability of workers' compensation insurance for Texas employers; and
- Section 1305.501, Insurance Code, and Sections 405.0025(b) and (c), Labor Code, which require the workers' compensation research and evaluation group to evaluate and report on the impact of certified workers' compensation health care networks on the cost and quality of medical care provided to injured employees.