

## **BILL ANALYSIS**

Senate Research Center  
86R15507 JCG-D

C.S.S.B. 241  
By: Nelson  
Business & Commerce  
3/22/2019  
Committee Report (Substituted)

### **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 toward eliminating unnecessary agency reporting requirements so that our agencies can focus their resources on other priorities. (Original Author's/Sponsor's Statement of Intent)

C.S.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 21.0452(b), Education Code, to remove information regarding the percentage of teachers employed under a standard teaching certificate within one year of completing an educator preparation program from among certain information the State Board for Educator Certification is required to make available and to make nonsubstantive changes.

SECTION 1.02. Amends Section 51.402(b), Education Code, to delete existing text requiring the established rules and regulations of each institution of higher education to be reported to the Texas Higher Education Coordinating Board (THECB).

SECTION 1.03. Amends Section 51.680(c), Education Code, as follows:

(c) Provides that it is a policy of the state that each institution of higher education is required at all times, rather than at all times after August 31, 1988, to have a current copy of its intellectual property policies that meet the minimum standards set out in Subsection (a) (relating to requiring the commissioner of education (commissioner) to review the intellectual property policies of certain entities by a certain date for certain policies) posted, rather than that meet the minimum standards set out in Subsection (a) on file with THECB or posted on the institution's website on the Internet in a manner available to the public.

SECTION 1.04. 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.

SECTION 1.05. Amends Section 531.028(b), Government Code, as follows:

(b) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) to establish a federal money management system to coordinate and monitor the use of federal money that is received by health and human services agencies to ensure that the money is spent in the most efficient manner and to:

(1) establish priorities for use of federal money by all health and human services agencies, in coordination with the coordinated strategic plan established under Section 531.022 (Coordinated Strategic Plan for Health and Human Services), rather than the strategic plan established under Section 531.022 and the budget under Section 531.026 (Consolidated Budget Recommendation); and

(2)–(7) makes no changes to these subdivisions.

SECTION 1.06. Amends Sections 531.421(3) and (4), Government Code, to delete existing text in Subdivision (3) defining the Texas System of Care Consortium (consortium) and to redesignate Subdivision (4) as Subdivision (3).

SECTION 1.07. Amends Section 531.422(c), Government Code, to replace references to the consortium with references to HHSC and to make nonsubstantive changes.

SECTION 1.08. Amends Section 531.423, Government Code, as follows:

Sec. 531.423. New heading: SUMMARY REPORT BY COMMISSION. (a) Replaces references to the consortium with references to HHSC, replaces a reference to S.B. No. 491, Acts of the 78th Legislature, Regular Session, 2003, with a reference 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 includes Section 533.040(d) (relating to a continuum of care developed by certain agencies), 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 1.09. 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) (relating to certain requirements of the State Office of Administrative Hearings to report to the comptroller of public accounts of the State of Texas) and removes the subsection designation of Subsection (b).

SECTION 1.10. 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. Requires each state agency 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 1.11. 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 1.12. 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 1.13. Amends Sections 2054.133(c) and (f), Government Code, as follows:

(c) Requires each state agency to submit a copy of the agency's information security plan to DIR not later than June 1, rather than October 15, of each even-numbered year.

(f) Requires DIR, not later than November 15 of each even-numbered year, rather than January 13 of each odd-numbered year, to submit a written report to the governor, lieutenant governor, and each standing committee of the legislature with primary jurisdiction over matters related to DIR evaluating information security for this state's information resources.

SECTION 1.14. 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 1.15. Amends Section 2054.515(b), Government Code, to specify that a state agency is required to report the results of the agency security assessment to DIR and to the governor, lieutenant governor, and speaker of the house of representatives on request.

SECTION 1.16. 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 strategic plan for its operations.

SECTION 1.17. 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 1.18. 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 to these subsections.

SECTION 1.19. Amends Section 2166.003(b), Government Code, to remove Section 2166.104 (Summary of Requested Projects) from the list of certain laws that apply to a construction project undertaken by or for the Texas Department of Criminal justice for the imprisonment of individuals convicted of felonies other than state jail felonies and to make nonsubstantive changes.

SECTION 1.20. Amends Section 2166.102(c), Government Code, as follows:

(c) Creates Subdivision (3) from existing text and renumbers the following subdivisions accordingly, except that existing Subdivisions (8)–(9) are redesignated as Subdivisions (12)–(13). Requires the master facilities plan prepared by the Texas Facilities Commission (TFC) to contain:

(1) projections of the amount of administrative office space and client service space needed by state agencies, including the current amount of each state agency's administrative office space in Travis County and identification of

locations that currently exceed the space limitations prescribed by Section 2165.104(c) (relating to rules and exemptions for allocations of space);

(2) an examination of the TFC's efforts to colocate administrative office space;

(3) an examination of the use, age, condition, and economic life of state-owned buildings of TFC's inventory, including a listing of all improvements and repairs that have been made to the buildings with an itemized account of receipts and expenditures and an estimate of needed improvements and repairs;

(4) certain information in an analysis of projects that have been requested by state agencies in accordance with Subchapter (D) (Lease of Public Grounds);

(5) makes no further changes to this subdivision;

(6) deletes existing text including costs for telecommunications services in an examination of state-paid operation and maintenance costs for existing buildings owned or lease by the state;

(7)–(8) makes no further changes to these subdivisions;

(9) TFC's findings and recommendations under Section 2166.103 (Findings on Space Needs);

(10) a summary of TFC's findings under Section 2166.101 (Compilation of Construction and Maintenance Information) on the status of state-owned buildings and current information on construction costs;

(11) the comprehensive capital improvement and deferred maintenance plan and regular updates developed under Section 2166.108 (Comprehensive Capital Improvement and Deferred Maintenance Plan), including the aggregate project costs for each state agency; and

(12)–(13) makes no further changes to these subdivisions.

SECTION 1.21. Amends Sections 2166.103(b) and (c), Government Code, as follows:

(b) Deletes existing text requiring TFC to include certain findings and recommendations relating to counties' office space needs in TFC's master facilities plan required under Section 2166.102 (Long-Range Plan for State Agency Space Needs).

(c) Removes the report from the items for which TFC is authorized to collect appropriate information it consider necessary for preparing.

SECTION 1.22. Amends Section 2166.151, Government Code, by adding Subsection (c) to require a using agency, if a using agency requests three or more projects, to designate its priority rating for each projects. Requires the budget agencies, with TFC's cooperation, to develop detailed instructions to implement the priority system required by this subsection.

SECTION 1.23. Amends Section 2176.005(a), Government Code, to remove the legislative budget office from among the entities 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 1.24. 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 and makes a conforming change.

(b) Makes a conforming change to this subsection.

SECTION 1.25. Amends Section 242.005(c), Health and Safety Code, to require the Department of Aging and Disability Services (DADS) to submit the required report to the governor and the legislature not later than March 1, rather than October 1, of each year.

SECTION 1.26. Amends the heading to Subchapter E, Chapter 386, Health and Safety Code, to read as follows:

SUBCHAPTER E. EVALUATION OF UTILITY COMMISSION ENERGY  
EFFICIENCY PROGRAMS

SECTION 1.27. 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 by the Public Utility Commission of Texas of programs implemented by the State Energy Conservation Office (SECO).

SECTION 1.28. 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 1.29. Amends Section 533A.006(a), Health and Safety Code, to replace references to DADS with references to HHSC and to require the executive commissioner, rather than DADS, to report certain allegations it receives to the Texas Medical Board (TMB).

SECTION 1.30. Amends Section 533A.062(e), Health and Safety Code, to require HHSC to 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, rather than to submit the plan as part of the consolidated health and human services budget recommendation required under Section 531.026, Government Code.

SECTION 1.31. 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 of each investigation conducted with the assistance of the inspector general and to make nonsubstantive and conforming changes.

SECTION 1.32. 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 and to make nonsubstantive changes.

SECTION 1.33. Amends Section 574.014(a), Health and Safety Code, to replace a reference to the Department of State Health Services (DSHS) with a reference to HHSC.

SECTION 1.34. Amends Section 40.05275, Human Resources Code, as follows:

Sec. 40.05275. New heading: BUSINESS PLAN FOR CHILD PROTECTIVE SERVICES. (a) Requires DFPS to develop and implement a business plan, rather than an annual business plan, for the child protectives services program to prioritize DFPS's activities and resources to improve the program.

(b) and (c) Makes conforming changes to these subsections.

(d) Requires DFPS, not later than October 1 of each even-numbered year, rather than each year, to submit the business plan, rather than the annual business plan, developed under this section to the governor, lieutenant governor, speaker of the house of representatives, and the chairs of the standing committees of the senate and house of representatives having primary jurisdiction over child protection issues.

SECTION 1.35. Amends the heading to Section 40.0528, Human Resources Code, to read as follows:

Sec. 40.0528. GOALS FOR BUSINESS PLAN FOR CHILD PROTECTIVE SERVICES; REPORTING CASELOAD INFORMATION.

SECTION 1.36. Amends Section 40.0528(a), Human Resources Code, to require DFPS to consider certain goals in developing the business plan, rather than the annual business plan, required under Section 40.02575 for the child protective services program.

SECTION 1.37. 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 1.38. 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 1.39. Amends Section 413.0515, Labor Code, to replace references to the Texas State Board of Medical Examiners with references to TMB and to specify that the discovering agency report in a widely used electronic format certain acts or omissions to the applicable other agency and to make conforming changes.

SECTION 1.40. Amends Section 161.2111, Natural Resources Code, to require the Texas Veterans' Land Board (VLB), when VLB applies under Subchapter C (Board Approval of Issuance of State Security), Chapter 1231 (Bond Review Board), Government Code, for the Texas 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 1.41. 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 1.42. 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 Texas Office of Public Utility Counsel (OPUC) is required to submit a report on OPUC's activities from the preceding year and makes a nonsubstantive change.

SECTION 1.43. Amends Section 17.1245, Water Code, to remove the requirement for the Texas Water Development Board (TWDB) to submit to the legislature a written summary of the results of evaluations conducted under Subsection (a)(1) (relating to TWDB evaluating compliance of a utility's water conservation plan with TWDB's best management practices in passing on a certain application) not later than January 1 of each odd-numbered year and to make nonsubstantive changes throughout.

SECTION 1.44. 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 and to make 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 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), Education Code.

Repealer: Sections 487.060(b) (relating to the requirement that TDA report to SOS any projects funded by TDA that provide assistance to colonias) 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: Section 531.026 (Consolidated Budget Recommendation), Government Code.

Repealer: Section 2165.055 (Report About Improvements and Repairs), Government Code.

Repealer: Section 2165.1061(f) (relating to requiring TFC to conduct a certain study and include the findings of the study in TFC's master facilities plan) and (h) (relating to requiring TFC to include certain information in the study described by Subsection (f)), Government Code.

Repealer: Sections 2166.101(d) (relating to the requirement that TFC include certain information in its master facilities plan), Government Code.

Repealer: Section 2166.104 (Summary of Requested Projects), Government Code.

Repealer: Sections 2166.108(d) (relating to requiring TFC to include certain information in its comprehensive capital improvement and deferred maintenance plan), Government Code

Repealer: Section 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: Section 101A.158 (Annual Report), 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.