

BILL ANALYSIS

Senate Research Center

S.B. 800
By: Nelson
Finance
6/2/2021
Enrolled

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)

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 Articles 2.305(b) and (d), Code of Criminal Procedure, as follows:

(b) Requires an entity described by Subsection (a) (relating to the applicability of provisions regarding the required report concerning human trafficking cases to certain entities) 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 to the attorney general a report in the manner and form prescribed by the attorney general containing certain information.

(d) Authorizes, rather than requires, the attorney general to enter into a contract with a university that provides for the university's assistance in the collection and analysis of information received under Article 2.305 (Report Required Concerning Human Trafficking Cases).

SECTION 2. Amends Section 71.0353, Government Code, as follows:

Sec. 71.0353. TRAFFICKING OF PERSONS INFORMATION. (a) Creates this subsection from existing text and makes no further changes.

(b) Requires a district or county court at law to provide a copy of the report required under Subsection (a) (relating to an official monthly report on the amount of cases filed for certain offenses) to the attorney general.

SECTION 3. Amends Sections 402.034(g) and (h), Government Code, as follows:

(g) Requires the human trafficking prevention coordinating council (council), not later than December 1 of each even-numbered year, rather than annually, to submit to the

legislature a report detailing the progress of the strategic plan's implementation. Makes conforming changes.

(h) Makes a conforming change to this subsection.

SECTION 4. 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 5. 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 6. Amends Section 531.02492(b), Government Code, to delete existing text including the Legislative Budget Board (LBB) among certain entities 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 7. 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 8. 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 to the governor and the LBB not later than October 1 of each year. Makes a nonsubstantive change.

SECTION 9. 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 devices, networks, or 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 10. 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 11. 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 12. 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 13. Amends the heading to Section 2310.052, Government Code, to read as follows:

Sec. 2310.052. EVALUATION.

SECTION 14. 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 15. 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 16. Amends Section 534.068(f), Health and Safety Code, to delete existing text including the LBB among 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 17. 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 18. Amends Section 22.0292(d), Human Resources Code, to require the annual report HHSC submits to the governor and the LBB on the operation and success of the information matching system required by Section 22.0292 (Information Matching System Relating to Immigrants and Foreign Visitors) to be submitted not later than October 1 of each year.

SECTION 19. 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 20. 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 21. Amends Section 1305.502(a), Insurance Code, as follows:

(a) Requires the workers' compensation research and evaluation group (group), not later than December 1 of each even-numbered year, rather than annually, to develop and issue an informational report card that identifies and compares, on an objective basis, the quality, costs, health care provider availability, and other analogous factors of workers' compensation health care networks operating under the workers' compensation system of this state with each other and with medical care provided outside of networks.

SECTION 22. Amends the heading to Section 413.0515, Labor Code, to read as follows:

Sec. 413.0515. REPORTS OF CHIROPRACTOR VIOLATIONS.

SECTION 23. Amends Section 504.053(c) and (d), Labor Code, as follows:

(c) Provides that if the political subdivision or pool provides medical benefits in the manner authorized under Subsection (b)(2) (relating to providing medical benefits to injured employees by directly contracting with health care providers or contracting through a health benefits pool), the following do not apply:

(1)-(3) makes no changes to these subdivisions; and

(4) Chapter 1305 (Workers' Compensation Health Care Networks), Insurance Code, except for Sections 1305.502 (Consumer Report Cards) and 1305.503 (Confidentiality Requirements), rather than except for Sections 1305.501 (Evaluation of Networks), 1305.502, and 1305.503.

(d) Makes conforming changes to this subsection.

SECTION 24. Amends Section 1001.023(b), Transportation Code, to delete existing text including the LBB among 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 25. (1) Repealer: Section 201.0227(d-1) (relating to requiring the Texas Water Development Board to prepare 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 requiring a state agency to 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 requiring the Texas Facilities Commission to report on the findings and test results obtained under a contract for air monitoring), Government Code.

(5) Repealer: Section 2310.052(b) (relating to requiring the Texas Economic Development and Tourism Office to submit a report on the effectiveness of the readjustment zone program, the use and effect of state and local incentives, and suggested legislation), Government Code.

(6) Repealer: Section 104.026(c) (relating to the requiring DSHS to submit certain cost data for the state health plan 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 not later than December 1 of each even-numbered year on the effectiveness of the resource guide for parents of newborn children whose mothers are recipients of medical assistance), Health and Safety Code.

(8) Repealer: Section 533A.062(e) (relating to requiring 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), Health and Safety Code.

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

(10) Repealer: Section 1305.501 (Evaluation of Networks), Insurance Code.

(11) Repealer: Section 2053.012 (Report on Legislative Reforms Required), Insurance Code.

(12) Repealer: Sections 405.0025 (b) (relating to requiring the workers' compensation research group to evaluate and report on the impact of certain workers' compensation health care networks) and (c) (relating to minimum requirements for the report required under Subsection (b)), Labor Code.

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

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

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

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

(17) Repealer: Section 223.042(f) (relating to requiring the Texas Department of Transportation to 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.

(18) Repealer: Section 228.012(c) (relating to requiring the Texas Department of Transportation, not later than January 1 of each odd-numbered year, to 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 26. Effective date: September 1, 2021.