
Introduction

Purpose – To eliminate or reduce the frequency of reports required by state law to be submitted by a state agency or institution of higher education to another state agency or office, without compromise to need of the Governor and the Texas Legislature to be made aware of the activities and financial status of state government.

The 2009 Report lists the evaluations of the reports that have been reviewed.

About The 2007 Report

This report was the successor to a report issued over the past several biennia by the State Comptroller of Public Accounts. The comptroller's report was never required by statute, but was an outgrowth of the ongoing performance reviews conducted by that office. Those reviews are now carried out by the Legislative Budget Board. The 79th Legislature required the Texas State Library and Archives Commission, by a rider to the General Appropriations Act, to assume the task of compiling the report.

The report of the state comptroller merely listed required reports without an evaluation of their utility to the conduct of government. The rider transferring the duty to the commission required that the report contain an assessment by each agency that received a report of its usefulness to that agency.

The report issued by the state comptroller issued in April 2004 for the 2004-2005 Biennium was the starting point for this report.

About the 2009 Required State Reports Project

Work Group – A core work group, consisting of representatives from those state agencies or offices that receive the greatest number of reports from other agencies – Office of the Governor, Office of the Lieutenant Governor, Office of the Speaker of the House, Legislative Budget Board, State Auditor, Comptroller of Public Accounts, Texas Workforce Commission, Health and Human Services Commission, and Texas Higher Education Coordinating Board evaluated reports received. Other agencies that receive reports were canvassed to judge the usefulness of the reports they receive.

Methodology – The work group and others studied and evaluated each required report according to the following criteria:

- (1) Is the report useful to the receiving agency? If not, state law could be amended to remove that agency from the list of recipients. If all receiving agencies find that the report of not useful, the requirement for the report could be repealed.
- (2) If the report is useful, could it be combined with another useful report?
- (3) If the report is useful, could the frequency of its submission be reduced? For example, if the report is required semi-annually, could the law be amended to require that it be submitted annually?
- (4) Is the report obsolete or redundant? If so, state law requiring the report could be repealed.

Recommendations in the 2009 Report

While an assessment remains pending for some reports listed in this report, the commission recommends the repeal of some 318 listed reports as the result of meetings and conversations with both preparing and receiving agencies during the development of this report. Dr. Heskett is drafting a bill for the Legislative Budget Board to make these changes during the 81st Legislative session.

The reports recommended for repeal fall into the following categories:

Funds Received and Disbursed Reports – These reports, required of many agencies, date to early statehood, before the days of not only computers, but also of typewriters, back to a time when ledger books were added to as needed in longhand. These reports have been superseded by the Annual Financial Report, required of all state agencies and institutions of higher education.

Equal Employment Opportunity Policies – These policies appear in the enabling legislation of most state agencies. They were formerly filed with the Texas Commission on Human Rights, which was abolished in 1993 and its functions transferred to the newly formed civil rights division of the Texas Workforce Commission. The existing statutes regarding these policies remain a mishmash of contradictions, requiring the Texas Workforce Commission to report on the policies filed by some agencies, but not on all, with no reasonable distinction made between those that are reported upon and those that are not. The Texas State Library and Archives Commission recommends the repeal of equal employment opportunity policy requirements in the enabling legislation of individual agencies and the consolidation of the requirement, free of the current ambiguities, in an appropriate section of the Labor Code.

Reports That Have Expired By their Own Terms – There are report requirements in state law, many of which were enacted in the 1990s, that expired on a date given in the same section of law that required the report. While these reports are no longer filed, the commission believes that it is good public policy that state law be uncluttered by unneeded or moribund statutes and, thus, recommends their repeal.

Reports Whose Due Date Has Expired – Some statutes require the filing of a report by a state agency by a certain date, since passed, but without provision that the requirement for the report expired. Again, the commission recommends that it is good public policy that provisions in law of this type be repealed.

Special Issue Reports – When the legislature places a state agency under close and careful watch, it usually does so through riders to the General Appropriations Act, requiring the agency to submit additional reports, and often at greater frequency than is normally required. Occasionally, however, reports of this type are enacted into general law, where they have a tendency to remain long after the issues that gave rise to the heightened legislative scrutiny have been resolved. These reports, unless there is a need for their continued submission, should be repealed.

Reports of Abolished Agencies – Periodically the legislature either abolishes an agency outright or abolishes it and transfers its duties to another state agency. Sometimes two or more agencies are combined into a single agency. Bills giving effect to abolitions and transfers always have the customary provisions stating where all of the powers, duties, responsibilities, and so on of the

abolished or transferred agency belong now to ensure the smooth transition of function and authority. In most instances, however, there is no follow up. Statutes relating to an abolished agency, along with any reporting requirements, remain a part of state law and the statutes governing the agency that assumes the functions of the abolished agency are not amended to reflect its new duties. The commission recommends that the legislature, in the public interest, be more mindful of the need to amend state law to reflect the current structure of state agencies and their duties.

The report identifies an additional 58 reports to be (1) consolidated, or (2) to have the frequency between reports lengthened (e.g., annual to biennial submission).

In this report, the commission recommends the repeal of laws relating to the State Aircraft Pooling Board. We also recommend the repeal, or re-enactment in another part of state law, statutes relating to the Criminal Justice Policy Council. The commission especially urges that those sections of the Health & Safety Code, the Human Resources Code, the Family Code, and other codes relating to agencies providing health and human service functions to the people of the state be amended to reflect the current structure of the Health and Human Services Commission and its departments.

Reporting to the Legislature

The legislature is a statutory recipient of many of the listed reports in this report. In addition, however, members of the legislature must be informed about the availability of other reports and be provided a copy on request. Preparing agencies should pay close attention to these provisions of the Government Code:

§ 2052.002. Distribution of Publications to Legislators. (a) To avoid waste in the duplication and distribution of state agency publications, a state agency that issues a publication relating to the work of the agency and distributes the publication to members of the legislature shall send to each member before distributing the publication a written notice to determine whether the member wants to receive the publication.

(b) The state agency shall include with the notice a brief written summary of the publication.

(c) A member who elects to receive the publication shall notify the state agency.

(d) This section does not apply to a report that is required by law.

(e) In this section, "state agency" means:

(1) a department, commission, board, office, or other agency that is in the executive branch of state government and that was created by the constitution or a statute of this state;

(2) a university system or institution of higher education as defined by Section 61.003, Education Code; or

(3) the supreme court, the court of criminal appeals, a court of appeals, or the Texas Judicial Council.

§ 2052.0021. Distribution of Reports to Legislators. (a) In this section, "state agency" has the meaning assigned by Section 2052.002.

(b) Notwithstanding other law, a state agency report required by law may be made available to members of the legislature only in accordance with this section.

(c) A state agency shall make each report required by law available to members of the legislature in an electronic format determined by the Texas Legislative Council. The agency shall promptly send a suitable printed copy of the report to a member of the legislature at the request of the member.

(d) At the time a report required by law is ready for distribution outside the state agency, the agency shall send written notice to each member of the legislature that the report is available. The agency shall send the notice by mail or, if it is acceptable to the member, electronically. The notice must briefly describe the subject matter of the report and state:

(1) the manner in which the member may obtain the report electronically; and
(2) that the agency will send a printed copy of the report to the member at the request of the member.

(e) This section does not affect the duty of a state agency to directly send a printed copy of a report to an officer or committee of the legislature if other law specifically requires that the report be sent to that officer or committee, and the agency is not required to comply with this section before sending the report to that officer or committee.

State Publications Depository Program

State law requires that copies of many of the reports listed in this report must be submitted to the State Publications Depository Program of the Texas State Library and Archives Commission. We encourage preparing agencies to become familiar with these requirements. See Government Code, §§ 441.101-441.103 and 441.1035; and the Texas Administrative Code, Title 13, §§ 3.1-3.4 and 3.6-3.8.

Contact Information

Comments, suggestion, or questions concerning this report should be directed to the State and Local Records Management Division of the Texas State Library and Archives Commission by calling (512) 421-7200 or by email at slrminfo@tsl.state.tx.us.

Required Reports

Guide to Required Reports

Preparing Agency – The name of the agency, institution of higher education, or other state entity required by law to prepare the report. The rider that requires the commission to prepare the report specifies that the general public will be among the recipients. For that reason, the report does not use the agency numbers assigned by the state comptroller, since most members of the public are not familiar with those numbers. This section of the report is arranged alphabetically by the preparing entity and serves as an index to preparers.

Reports that are required to be filed by more than one state entity are found under the following alphabetical headings:

- Higher Education Institutions, All
- Public Community/Junior Colleges, All
- State Agencies (except for Higher Education Institutions), All
- State Agencies and Higher Education Institutions, All

Report Title – The title of the report. Since state law rarely establishes the precise name of a report, the title should be regarded as an approximation of what the report may actually be called.

Legal Authority – A citation to law or rule that requires the preparation and submission of the report. Although some citations refer to subsections of a section, users should consult the full section in order to understand the context of the requirement.

Report Number – This report derives from a Microsoft Access[®] database program. The number of a listed report is that assigned by the database. Use of this number will allow the commission and the advisory committee to easily locate and edit the various fields of a required report.

Description – A description, often condensed, of the required contents of the report, derived from the actual wording of the statute requiring the report. In some instances, in which the information that must be in the report is extensive, we refer users to the statute itself. In all cases, however, preparing and receiving agencies and other users of the report should consult and read all of the cited statute. Bracketed language in the description section adds additional information about the report that should assist in the assessment of its usefulness.

Recipients – The entities that by law must receive the report.

Assessment – For most reports listed in this guide, the assessment field reads “assessment pending,” for reasons explained in the introduction. In future editions, this field will contain a recommendation that the report requirement be repealed, that it be retained as is, or that it be retained with amendments to law regarding its recipient(s), frequency, or contents.