
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 the need of the Governor and the Texas Legislature to be made aware of the activities and financial status of state government.

The 2013 Report includes statutory changes to reports from the 82nd Legislative Regular and Called Sessions and evaluations of the reports that have been reviewed.

About The Report

Below is the text of the General Appropriations Act Rider # 5 to Texas State Library and Archives Commission's biennial budget for FY 2012-2013 that requires this report and sets its parameters:

By January 1, 2013, the Texas State Library and Archives Commission, with the assistance of all agencies, shall prepare a complete and detailed written report indexing all statutorily required reports prepared by and submitted to a state agency as defined by Government Code 441.180 (9) and providing detail about the preparing agency, title of report, legal authority, due date, recipient, and a brief description. The report shall provide indexes by (1) preparing agency, (2) title of report, and (3) report recipient, and the detail section shall be arranged by preparing agency. This report shall include an assessment from each receiving agency for each statutorily required report affirming or denying its continued usefulness to that agency. This report shall be provided to the Governor and the Legislative Budget Board and be made available to the public.

Government Code 441.180 (9) "State agency" means:

- (A) any department, commission, board, office, or other agency in the executive, legislative, or judicial branch of state government created by the constitution or a statute of this state, including an eleemosynary institution;
- (B) any university system and its components and any institution of higher education as defined by Section 61.003, Education Code, except a public junior college, not governed by a university system board;
- (C) the Texas Municipal Retirement System and the Texas County and District Retirement System; and
- (D) any public nonprofit corporation created by the legislature whose responsibilities and authority are not limited to a geographical area less than that of the state.

This report replaced a report previously issued 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 Commission's first edition appeared in 2007 and biennially since then. The rider continues in the current budget.

The report of the state comptroller 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 2013 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, Comptroller of Public Accounts, Texas Workforce Commission, Health and Human Services Commission, and Texas Higher Education Coordinating Board – evaluated reports received.

Results of 2011 Legislative Session – A number of bills passed that affected this report and its future.

- **HB1781** required all agencies to submit a preparer's assessment of their reports by August 1, 2012. Agencies were asked to assess reports that were unique for them and to not assess reports like the Legislative Appropriations Request and Annual Financial Reports that every agency submits. The Preparer's assessments appear in this 2013 edition of the *Required Reports*.

A small number of assessments were for reports not listed in the *Required Reports*. These reports are listed separately at the back of the main report in a section titled: **HB1781 Preparers' Assessments of Other Reports**.

- **SB1179** was a major repealer bill. It listed many of the recommendations from the 2009 and 2011 editions of the Required State Reports. Over 218 reports were repealed by this bill. A number of them were among the oldest of the reports required in statute. For example, many agencies were required individually to submit Funds Received and Disbursed Reports. That report has been replaced by the Annual Financial Reports that every agency prepares.
- **HB326** adds a new requirement when agencies undergo Sunset review. Agencies will include in their report to the Sunset Advisory Commission a list of their statutorily required reports with their preparer assessments of the reports. The Sunset Advisory Commission will include recommendations about the reports in their final report to the legislature. This will ensure a review of statutes that require reports on an ongoing and periodic basis.
- Other bills, in part, resulted in reducing reporting requirements. For example, see these bills for changes to reporting requirements for higher education (SB5) and the health agencies (SB71).
- The Legislative Council provided lists of all repealed legislation and passed bills that were most likely to include report requirements. These lists were used to review a subset of the many bills passed in 2011 (about 157 out of more than 1,387). This resulted in adding about 79 new reports and some other report changes identified in passed bills.

Methodology – The work group reviewed lists of required reports received. This year's assessments were added to or replaced prior assessments. Most fall into these categories:

- (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 is not useful, the requirement for the report could be repealed.

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- (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.

Reports not included

- Any report required by a rider to the General Appropriations Act
- Any report required by a statute enacted by the Legislature that expires by its own terms on or before September 1, 2013
- Any report required of any agency whose submission is optional
- Routine notifications, notices, and announcements

Recommendations in the 2013 Report

Where new assessment information was added in 2011 or 2013, most include “2011” or “2013” preceding any new information in the assessment field.

The final report recommends the repeal of some 40 listed reports. Some assessments recommend reports to be (1) consolidated, (2) to have the frequency between reports lengthened (e.g., annual to biennial submission); and/or (3) to add or remove recipients.

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 an electronic 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. The member may notify the agency electronically.
- (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.

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- (c) A state agency shall make each report required by law available to members of the legislature only in an electronic format determined by the Texas Legislative Council.
 - (d) At the time a report required by law is ready for distribution outside the state agency, the agency shall send notice to each member of the legislature that the report is available. The agency shall send the notice electronically. The notice must briefly describe the subject matter of the report and state the manner in which the member may obtain the report electronically.

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) 463-7610 or by email at slrinfo@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 there may be slight variations from year to year.

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 work group 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.

Recipient's Assessment – This field contains any recommendations from the report's recipient(s) 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.

Preparing Agency's Assessment – This field contains the assessments received in response to HB1781. For No Change responses equal to yes, X, D, or no change, the report shows "Retain report."

Agency – This field contains the preparing agency's name. Occasionally, two agencies provided an assessment for a single report.

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