

- SUBJECT:** Allowing certain procedures of state agencies to be done electronically
- COMMITTEE:** Government Transparency and Operation — committee substitute recommended
- VOTE:** 7 ayes — Elkins, Capriglione, Gonzales, Lucio, Shaheen, Tinderholt, Uresti
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Kelley Shannon, Freedom of Information Foundation of Texas; Nora Belcher, Texas e-Health Alliance)
- Against — None
- On — (*Registered, but did not testify:* Patrick Moore, Legislative Budget Board; Mark Myers and Nanette Pfiester, Texas State Library and Archives Commission)
- BACKGROUND:** Some have suggested that current requirements for transmitting and receiving certain state agency reports and notices prevents agencies from choosing the most efficient communication method.
- DIGEST:** CSHB 2305 would allow certain operations, communications, and notification procedures of state agencies to be electronic.
- Use of Texas Digital Archive.** Unless a report prepared by a state agency was confidential or exempted from public disclosure requirements, the agency would be required to use the Texas Digital Archive to submit or post the report if the general appropriations act required it to be submitted to the governor, a legislative entity, another state agency, or the public.
- An agency could post a direct link to the Texas Digital Archive on its website to satisfy any requirement that the report to be posted on the agency's website.

The Texas State Library and Archives Commission (TSLAC) would be required to provide guidelines to state agencies in deciding which reports were appropriate for submission and retention and to monitor the effectiveness of state agency use of the archive for posting requirements.

A state agency would not be required to comply with the bill until TSLAC notified the agency that the archive was configured to allow compliance.

Report of reports. TSLAC would be required to submit a written report on all statutorily required reports prepared by and submitted to a state agency. For each statutorily required report, the commission's report would have to include certain information specified in the bill, including the title, statutory authority, and a brief description of each.

State agencies would be required to cooperate with TSLAC and submit any information necessary for preparing the report in the time and manner prescribed by the commission. TSLAC could require the information to be submitted using the Texas Digital Archive.

TSLAC would be required to submit the report to the governor and the Legislative Budget Board by January 1 of every other odd-numbered year, beginning in 2021, and make it available to the public.

Transmission and receipt of documents. A state agency could transmit and receive state documents in a format that increased efficiency without compromising the delivery of a program to the public. If an electronic medium was used, an agency would be required to develop electronic communication procedures.

A state agency would be required to include in its fiscal 2020-21 legislative appropriation request any cost savings or achievements in efficiency realized by implementing a change in the procedures for the transmission and receipt of documents.

The bill would prevail over any state law relating to the transmission and receipt of state agency documents. The electronic transmission or receipt

of documents would not be allowed if it was prohibited by federal law.

Study on mail operations. The comptroller would be required to conduct a study on the mail operations of each executive branch agency that received an appropriation. The study would have to identify for each agency any statutory mailing requirements that impeded the efficient transmission and receipt of documents. The findings would be posted on the comptroller's website by November 1, 2018.

Certain notices and records. The bill would amend provisions in the Government, Health and Safety, Labor, Natural Resources, Occupations, and Transportation codes to allow for certain notices and records kept by a state agency to be electronic.

Effective date. The bill would take effect September 1, 2017, and would apply only to a notice or report that was delivered or submitted on or after that date.

NOTES:

According to the Legislative Budget Board, the bill could result in a positive fiscal impact for some agencies due to the ability to transmit and receive electronic documents.