

- SUBJECT:** Permitting agencies to file reports and transmit documents electronically
- COMMITTEE:** State Affairs — favorable, without amendment
- VOTE:** 13 ayes — Phelan, Hernandez, Deshotel, Guerra, Harless, Holland, Hunter, P. King, Parker, Raymond, E. Rodriguez, Smithee, Springer
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify*: Chris Masey, Coalition of Texans with Disabilities; Kelley Shannon, Freedom of Information Foundation of Texas; Nora Belcher, Texas e-Health Alliance; Bay Scoggin, TexPIRG)
- Against — None
- On — (*Registered, but did not testify*: Craig Kelso, Texas State Library and Archives Commission)
- BACKGROUND:** Government Code sec. 2054.252 requires the Department of Information Resources to implement a state electronic internet portal project that establishes a state website to allow state agencies and local governments to send and receive documents, receive applications for licenses and permits, store information, and provide other services to and from the agencies and local governments or the public.
- Interested parties suggest that certain statutorily required reports are redundant and unnecessary. Concerns also have been raised that current statute often requires state agencies to use certified mail instead of allowing for electronic submission of reports and transmission of documents.
- DIGEST:** HB 2476 would allow state agencies to submit reports and transmit documents over email and through the state electronic internet portal. The bill also would require a report to assess each statutorily required report by state agencies and a study by the comptroller to assess the efficiency of agencies' mail operations.

**Transmission of state documents.** A state agency would be permitted to transmit and receive state documents in a format prescribed by the agency and in any manner that the agency determined would increase efficiency without compromising the delivery of the agency's program to the public. If a state agency used the internet or another electronic medium, the agency would be required to develop electronic communication procedures.

State agencies would be permitted to continue to use established procedures, including the delivery of certain publications that exist in a physical format to a depository library.

The bill would not authorize the electronic transmission or receipt of documents that are prohibited from being electronically transmitted or received under federal law. It would prevail over any other state law relating to the transmission and receipt of state agency documents.

A state agency would be required to include a report on any cost savings or achievements in efficiency due to changes to document transmission and receipt procedures during the biennium ending August 31, 2021, in its appropriations request to the Legislative Budget Board for the biennium beginning September 1, 2021.

**Internet portal.** State agencies would be required to use the state electronic internet portal to submit or post non-confidential reports that were required by statute, rule, or rider to be submitted to the governor, the Legislature, another state agency, or the public.

The Department of Information Resources (DIR) would be required to collaborate with the Texas State Library and Archives Commission (TSLAC) to develop and provide guidelines to each state agency to assist the agency in determining which reports were appropriate for submission through the state electronic internet portal and retention requirements for those reports.

TSLAC would be required to monitor the effectiveness of state agencies' use of the state electronic internet portal for submitting reports.

State agencies that posted reports through the portal would satisfy any requirement in state law that the agency post the report to its website if the agency posted a direct link to the portal.

Agencies would not be required to comply with electronic internet portal requirements until the DIR notified the agency that the state electronic internet portal project was configured to allow compliance.

**Electronic notification.** Agencies would be permitted to use email to provide advance notice of rulemaking proceedings to those who had requested it and had provided an email address.

The Department of State Health Services (DSHS) would be permitted to provide written notice of a relevant Health and Safety Code violation by certified email. The notice would have to be sent to the person's last known email address, and DSHS would be required to maintain proof that the notice was sent.

A state agency or political subdivision would be permitted to use certified email to notify the School Land Board of any action that could affect state land dedicated to the Permanent School Fund.

**Report of reports.** The bill would require TSLAC to submit a written report to the governor and the Legislative Budget Board by January 1 of every odd-numbered year regarding all statutorily required reports prepared by and submitted to a state agency. TSLAC would be permitted to consult with other state agencies in preparing the report, and state agencies would be required to cooperate by securing the necessary information to prepare the report. TSLAC could require agencies to submit information through the state electronic internet portal. For each statutorily required report, the report of reports would have to include:

- the title of and the agency preparing the report;

- the statutory authority requiring the report;
- the recipient of the report;
- the deadline for submitting the report;
- a brief description of the report; and
- an assessment from each recipient of the report on whether the report was necessary.

The report of reports would have to be made available to the public and indexed by preparing agency, title of report, and report recipient.

**Comptroller study on mail operations.** The comptroller would be required to conduct a study on the mail operations of each state agency in the executive branch of state government that received an appropriation. The study would have to identify statutory mailing requirements that impeded the agency's efficient transmission and receipt of documents. The comptroller would have to collaborate with state agencies to consider each agency's specific needs or concerns.

The study's findings would have to be posted on the comptroller's website by November 1, 2020. This section of the bill would expire September 1, 2021.

The bill would take effect September 1, 2019, and its provisions relating to the method of delivery or submission of a notice or report would apply to notices or reports required to be delivered or submitted on or after the effective date.