

BILL ANALYSIS

Senate Research Center
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S.B. 933
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Open Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 933 is filed at the request of the Office of the Attorney General of Texas (OAG). It authorizes OAG to charge a fee for the electronic submission of documents to OAG. Current law does not authorize the OAG to charge such a fee. The bill stipulates that existing paper-based methods of document filing may not be discontinued; thus the fee is entirely optional and only associated with the method of filing. It does not establish any additional barrier to filing documents with OAG. The bill also clarifies that if a request, notice, or other submission is required either to or from the OAG, that requirement can be met by transmitting the request, notice, or submission electronically. The authority for this fee expires on September 1, 2015, so that the legislature may revisit the continued need for the fee authority.

This bill addresses the issue that OAG currently engages in certain types of correspondence that incur substantial costs for both OAG and its correspondents due to the volume of paper involved. For example, OAG currently receives about 19,000 open records ruling requests from political subdivisions, many of which come with lengthy attachments. An electronic filing system would cut paper, mailing, and copying costs for OAG and its correspondents as well as speeding up the process. This bill addresses this issue by explicitly allowing the electronic transmission of these kinds of requests and by providing funding to OAG to establish such a system.

The fee schedule is not specified in this bill because costs are not yet fully established. However, because the fee is entirely optional, OAG must make it low enough to make electronic filing attractive to its correspondents. The fee is estimated to generate approximately \$450,000 per year in the 2012-2013 biennium, which will go to the general revenue fund.

As proposed, S.B. 933 amends current law relating to the electronic submission of certain documents to the attorney general and the submission of certain documents by the attorney general and imposes certain fees.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the attorney general in SECTION 1 (Section 402.006, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 402.006, Government Code, by adding Subsection (d), as follows:

(d) Authorizes the attorney general to charge and collect a nonrefundable administrative convenience fee for the electronic submission of a document to the attorney general. Provides that the fee authorized by this section is in addition to any other fee the attorney general may assess. Authorizes the attorney general to adopt rules necessary to administer this subsection. Provides that this subsection expires September 1, 2015.

SECTION 2. Amends Subchapter G, Chapter 552, Government Code, by adding Section 552.309, as follows:

Sec. 552.309. TIMELINESS OF ACTION BY ELECTRONIC SUBMISSION. (a) Provides that when this subchapter requires a request, notice, or other document to be submitted or otherwise given to the attorney general within a specified period, the requirement is met in a timely fashion if the document is submitted to the attorney general through the attorney general's designated electronic filing system within that period.

(b) Authorizes the attorney general to electronically transmit a notice, decision, or other document. Provides that when this subchapter requires the attorney general to deliver a notice, decision, or other document within a specified period, the requirement is met in a timely fashion if the document is electronically transmitted by the attorney general within that period.

(c) Provides that this section does not affect the right of a person or governmental body to submit information to the attorney general under Section 552.308 (Timeliness of Action by United States Mail, Interagency Mail, or Common or Contract Carrier).

SECTION 3. Makes application of the fee prescribed by Section 402.006(d), Government Code, to a document electronically submitted to the office of the attorney general, prospective.

SECTION 4. Effective date: upon passage or September 1, 2011.