

SENATE AMENDMENTS

2nd Printing

By: Lucio III

H.B. No. 3544

A BILL TO BE ENTITLED

1 AN ACT
2 relating to electronic notices by the Texas Commission on
3 Environmental Quality, electronically stored information provided
4 by a governmental body, and confidentiality of e-mail addresses
5 provided to a governmental body.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 5.128, Water Code, is amended to read as
8 follows:

9 Sec. 5.128. ELECTRONIC REPORTING TO COMMISSION; ELECTRONIC
10 TRANSMISSION OF INFORMATION BY COMMISSION; REDUCTION OF DUPLICATE
11 REPORTING. (a) The commission shall encourage the use of
12 electronic reporting through the Internet, to the extent
13 practicable, for reports required by the commission.
14 Notwithstanding any other law, the commission may:

15 (1) adjust fees as necessary to encourage electronic
16 reporting and the use of the commission's electronic document
17 receiving system. An electronic report must be submitted in a
18 format prescribed by the commission. The commission may consult
19 with the Department of Information Resources on developing a simple
20 format for use in implementing this subsection; and

21 (2) utilize electronic means of transmission of
22 information, including notices, orders, and decisions issued or
23 sent by the commission.

24 (b) The commission shall strive to reduce duplication in

1 reporting requirements throughout the agency.

2 SECTION 2. Sections 11.31(c), (d), (e), and (i), Tax Code,
3 are amended to read as follows:

4 (c) In applying for an exemption under this section, a
5 person seeking the exemption shall present in a permit application
6 or permit exemption request to the executive director of the Texas
7 [~~Natural Resource Conservation~~] Commission on Environmental
8 Quality information detailing:

9 (1) the anticipated environmental benefits from the
10 installation of the facility, device, or method for the control of
11 air, water, or land pollution;

12 (2) the estimated cost of the pollution control
13 facility, device, or method; and

14 (3) the purpose of the installation of such facility,
15 device, or method, and the proportion of the installation that is
16 pollution control property.

17 If the installation includes property that is not used wholly
18 for the control of air, water, or land pollution, the person seeking
19 the exemption shall also present such financial or other data as the
20 executive director requires by rule for the determination of the
21 proportion of the installation that is pollution control property.

22 (d) Following submission of the information required by
23 Subsection (c), the executive director of the Texas [~~Natural~~
24 ~~Resource Conservation~~] Commission on Environmental Quality shall
25 determine if the facility, device, or method is used wholly or
26 partly as a facility, device, or method for the control of air,
27 water, or land pollution. As soon as practicable, the executive

1 director shall send notice by regular mail or by electronic means to
2 the chief appraiser of the appraisal district for the county in
3 which the property is located that the person has applied for a
4 determination under this subsection. The executive director shall
5 issue a letter to the person stating the executive director's
6 determination of whether the facility, device, or method is used
7 wholly or partly to control pollution and, if applicable, the
8 proportion of the property that is pollution control property. The
9 executive director shall send a copy of the letter by regular mail
10 or by electronic means to the chief appraiser of the appraisal
11 district for the county in which the property is located.

12 (e) Not later than the 20th day after the date of receipt of
13 the letter issued by the executive director, the person seeking the
14 exemption or the chief appraiser may appeal the executive
15 director's determination to the Texas [~~Natural Resource~~
16 ~~Conservation~~] Commission on Environmental Quality. The commission
17 shall consider the appeal at the next regularly scheduled meeting
18 of the commission for which adequate notice may be given. The
19 person seeking the determination and the chief appraiser may
20 testify at the meeting. The commission may remand the matter to the
21 executive director for a new determination or deny the appeal and
22 affirm the executive director's determination. On issuance of a
23 new determination, the executive director shall issue a letter to
24 the person seeking the determination and provide a copy to the chief
25 appraiser as provided by Subsection (d). A new determination of the
26 executive director may be appealed to the commission in the manner
27 provided by this subsection. A proceeding under this subsection is

1 not a contested case for purposes of Chapter 2001, Government Code.

2 (i) A person seeking an exemption under this section shall
3 provide to the chief appraiser a copy of the letter issued by the
4 executive director of the Texas [~~Natural Resource Conservation~~
5 Commission on Environmental Quality under Subsection (d)
6 determining that the facility, device, or method is used wholly or
7 partly as pollution control property. The chief appraiser shall
8 accept a final determination by the executive director as
9 conclusive evidence that the facility, device, or method is used
10 wholly or partly as pollution control property.

11 SECTION 3. Section 552.137, Government Code, is amended to
12 read as follows:

13 Sec. 552.137. CONFIDENTIALITY OF CERTAIN E-MAIL ADDRESSES.

14 (a) Except as otherwise provided by this section, an e-mail address
15 of a member of the public that is provided for the purpose of
16 communicating electronically with a governmental body is
17 confidential and not subject to disclosure under this chapter.

18 (b) Confidential information described by this section that
19 relates to a member of the public may be disclosed if the member of
20 the public affirmatively consents to its release.

21 (c) Subsection (a) does not apply to an e-mail address:

22 (1) provided to a governmental body by a person who has
23 a contractual relationship with the governmental body or by the
24 contractor's agent;

25 (2) provided to a governmental body by a vendor who
26 seeks to contract with the governmental body or by the vendor's
27 agent;

1 (3) contained in a response to a request for bids or
2 proposals, contained in a response to similar invitations
3 soliciting offers or information relating to a potential contract,
4 or provided to a governmental body in the course of negotiating the
5 terms of a contract or potential contract; ~~[or]~~

6 (4) provided to a governmental body on a letterhead,
7 coversheet, printed document, or other document made available to
8 the public; or

9 (5) provided to a governmental body by a person for the
10 purpose of providing public comment, or receiving notices, orders,
11 or decisions from a governmental body.

12 (d) Subsection (a) does not prevent a governmental body from
13 disclosing an e-mail address for any reason to another governmental
14 body or to a federal agency.

15 SECTION 4. Section 552.228, Government Code, is amended to
16 read as follows:

17 Sec. 552.228. PROVIDING SUITABLE COPY OF PUBLIC INFORMATION
18 WITHIN REASONABLE TIME. (a) It shall be a policy of a governmental
19 body to provide a suitable copy of public information within a
20 reasonable time after the date on which the copy is requested.

21 (b) If public information exists in an electronic or
22 magnetic medium, the requestor may request a copy ~~[either on paper~~
23 ~~or]~~ in an electronic medium, such as on diskette or on magnetic
24 tape. A governmental body shall provide a copy in the requested
25 medium if:

26 (1) the governmental body has the technological
27 ability to produce a copy of the requested information in the

1 requested medium;

2 (2) the governmental body is not required to purchase
3 any software or hardware to accommodate the request; and

4 (3) provision of a copy of the information in the
5 requested medium will not violate the terms of any copyright
6 agreement between the governmental body and a third party.

7 (c) If a governmental body is unable to comply with a
8 request to produce a copy of information in a requested medium for
9 any of the reasons described by this section, the governmental body
10 shall provide [~~a paper copy of the requested information or~~] a copy
11 in another medium that is acceptable to the requestor. A
12 governmental body is not required to copy information onto a
13 diskette or other material provided by the requestor but may use its
14 own supplies.

15 SECTION 5. The changes in law made to Section 552.228,
16 Government Code, by this Act apply only to requests received by the
17 agency on or after September 1, 2009. Requests received by the
18 agency before the effective date of this Act are governed by the
19 former law, and that law is continued in effect for that purpose.

20 SECTION 6. Except as otherwise provided by the Act, this Act
21 takes effect September 1, 2009.

ADOPTED

MAY 22 2009

Atty Gen
Secretary of the Senate

By: Fraser

H.B. No. 3544

Substitute the following for H.B. No. 3544:

By: Fraser

C.S. H.B. No. 3544

A BILL TO BE ENTITLED

AN ACT

relating to electronic notices by the Texas Commission on Environmental Quality, electronically stored information provided by a governmental body, and confidentiality of e-mail addresses provided to a governmental body.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5.128, Water Code, is amended to read as follows:

Sec. 5.128. ELECTRONIC REPORTING TO COMMISSION; ELECTRONIC TRANSMISSION OF INFORMATION BY COMMISSION; REDUCTION OF DUPLICATE REPORTING. (a) The commission shall encourage the use of electronic reporting through the Internet, to the extent practicable, for reports required by the commission. Notwithstanding any other law, the commission may:

(1) adjust fees as necessary to encourage electronic reporting and the use of the commission's electronic document receiving system. An electronic report must be submitted in a

format prescribed by the commission. The commission may consult with the Department of Information Resources on developing a simple format for use in implementing this subsection; and

(2) utilize electronic means of transmission of information, including notices, orders, and decisions issued or sent by the commission.

(b) The commission shall strive to reduce duplication in reporting requirements throughout the agency.

SECTION 2. Sections 11.31(c), (d), (e), and (i), Tax Code, are amended to read as follows:

(c) In applying for an exemption under this section, a person seeking the exemption shall present in a permit application or permit exemption request to the executive director of the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality information detailing:

(1) the anticipated environmental benefits from the installation of the facility, device, or method for the control of air, water, or land pollution;

(2) the estimated cost of the pollution control facility, device, or method; and

(3) the purpose of the installation of such facility, device, or method, and the proportion of the installation that is pollution control property.

If the installation includes property that is not used wholly for the control of air, water, or land pollution, the person seeking the exemption shall also present such financial or other data as the executive director requires by rule for the determination of the proportion of the installation that is pollution control property.

(d) Following submission of the information required by Subsection (c), the executive director of the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality shall determine if the facility, device, or method is used wholly or partly as a facility, device, or method for the control of air, water, or land pollution. As soon as practicable, the executive director shall send notice by regular mail or by electronic means to the chief appraiser of the appraisal district for the county in which the property is located that the person has applied for a determination under this subsection. The executive director shall issue a letter to the person stating the executive director's determination of whether the facility, device, or method is used wholly or partly to control pollution and, if applicable, the proportion of the property that is pollution control property. The executive director shall send a copy of the letter by regular mail or by electronic means to the chief appraiser of the appraisal district for the county in

which the property is located.

(e) Not later than the 20th day after the date of receipt of the letter issued by the executive director, the person seeking the exemption or the chief appraiser may appeal the executive director's determination to the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality. The commission shall consider the appeal at the next regularly scheduled meeting of the commission for which adequate notice may be given. The person seeking the determination and the chief appraiser may testify at the meeting. The commission may remand the matter to the executive director for a new determination or deny the appeal and affirm the executive director's determination. On issuance of a new determination, the executive director shall issue a letter to the person seeking the determination and provide a copy to the chief appraiser as provided by Subsection (d). A new determination of the executive director may be appealed to the commission in the manner provided by this subsection. A proceeding under this subsection is not a contested case for purposes of Chapter 2001, Government Code.

(i) A person seeking an exemption under this section shall provide to the chief appraiser a copy of the letter issued by the executive director of the Texas [~~Natural Resource~~

~~Conservation]~~ Commission on Environmental Quality under Subsection (d) determining that the facility, device, or method is used wholly or partly as pollution control property. The chief appraiser shall accept a final determination by the executive director as conclusive evidence that the facility, device, or method is used wholly or partly as pollution control property.

SECTION 3. Section 11.31, Tax Code, is amended by adding Subsections (g-1) and (n) to read as follows:

(g-1) The standards and methods for making a determination under this section that are established in the rules adopted under Subsection (g) apply uniformly to all applications for determinations under this section, including applications relating to facilities, devices, or methods for the control of air, water, or land pollution included on a list adopted by the Texas Commission on Environmental Quality under Subsection (k).

(n) The Texas Commission on Environmental Quality shall establish a permanent advisory committee consisting of representatives of industry, appraisal districts, taxing units, and environmental groups, as well as members who are not representatives of any of those entities but have substantial technical expertise in pollution control technology and environmental engineering, to advise the commission regarding

the implementation of this section. Chapter 2110, Government Code, does not apply to the size, composition, or duration of the advisory committee.

SECTION 4. As soon as practicable after the effective date of this Act, the Texas Commission on Environmental Quality shall appoint the initial members of the advisory committee under Section 11.31(n), Tax Code, as added by this Act.

SECTION 5. (a) The change in law made by Sections 11.31 (g-1) and (n), Tax Code, applies only to a determination that is not final on the effective date of the Act on an application that was filed on or after January 1, 2009.

(b) A determination that is not final on the effective date of the Act on an application that was filed before January 1, 2009 is governed by law in effect before the effective date of this act, and that law is continued in effect for that purpose.

SECTION 6. The change in law made by Section 11.31 (g-1) and (n), Tax Code, applies only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this Act.

SECTION 7. Section 552.137, Government Code, is amended to read as follows:

Sec. 552.137. CONFIDENTIALITY OF CERTAIN E-MAIL ADDRESSES.

(a) Except as otherwise provided by this section, an e-mail

address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under this chapter.

(b) Confidential information described by this section that relates to a member of the public may be disclosed if the member of the public affirmatively consents to its release.

(c) Subsection (a) does not apply to an e-mail address:

(1) provided to a governmental body by a person who has a contractual relationship with the governmental body or by the contractor's agent;

(2) provided to a governmental body by a vendor who seeks to contract with the governmental body or by the vendor's agent;

(3) contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to a governmental body in the course of negotiating the terms of a contract or potential contract; ~~[or]~~

(4) provided to a governmental body on a letterhead, coversheet, printed document, or other document made available to the public; or

(5) provided to a governmental body for the purpose of

providing public comment on or receiving notices related to an application for a license as defined by Section 2001.003(2) of this Code, or receiving orders or decisions from a governmental body.

(d) Subsection (a) does not prevent a governmental body from disclosing an e-mail address for any reason to another governmental body or to a federal agency.

SECTION 8. Section 552.228, Government Code, is amended to read as follows:

Sec. 552.228. PROVIDING SUITABLE COPY OF PUBLIC INFORMATION WITHIN REASONABLE TIME. (a) It shall be a policy of a governmental body to provide a suitable copy of public information within a reasonable time after the date on which the copy is requested.

(b) If public information exists in an electronic or magnetic medium, the requestor may request a copy [~~either on paper or~~] in an electronic medium, such as on diskette or on magnetic tape. A governmental body shall provide a copy in the requested medium if:

(1) the governmental body has the technological ability to produce a copy of the requested information in the requested medium;

(2) the governmental body is not required to purchase

any software or hardware to accommodate the request; and

(3) provision of a copy of the information in the requested medium will not violate the terms of any copyright agreement between the governmental body and a third party.

(c) If a governmental body is unable to comply with a request to produce a copy of information in a requested medium for any of the reasons described by this section, the governmental body shall provide [~~a paper copy of the requested information or~~] a copy in another medium that is acceptable to the requestor. A governmental body is not required to copy information onto a diskette or other material provided by the requestor but may use its own supplies.

SECTION 9. The changes in law made to Section 552.228, Government Code, by this Act apply only to requests received by the agency on or after September 1, 2009. Requests received by the agency before the effective date of this Act are governed by the former law, and that law is continued in effect for that purpose.

SECTION 10. Except as otherwise provided by the Act, this Act takes effect September 1, 2009.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 23, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3544** by Lucio III (Relating to electronic notices by the Texas Commission on Environmental Quality, electronically stored information provided by a governmental body, and confidentiality of e-mail addresses provided to a governmental body.), **As Passed 2nd House**

Depending upon what rule changes would be adopted and how they would affect the determination of the portion of the property that is pollution control, there could be an indeterminate fiscal impact to the state.

SECTION 1 of the bill would authorize the Texas Commission on Environmental Quality (TCEQ) to utilize electronic means of transmission for information issued or sent by the agency and would update an obsolete reference to the agency's name. The bill would also provide an additional exemption from non-disclosure of email addresses under the Public Information Act for email addresses provided for the purpose of providing public comment, or receiving notices, orders, or decisions from a governmental body. The bill would also delete a reference to paper copies of public information provided by a governmental body so as to encourage requests for electronic copies in lieu of paper.

SECTION 2 of the bill would authorize the TCEQ to issue notices, orders and decisions by electronic means in lieu of hardcopy. As a result, the agency could experience a savings with respect to the cost of paper and postage. This estimate does not assume that the resulting savings would be significant relative to the TCEQ's budget.

SECTION 3 of the bill would implement part of a recommendation in the Legislative Budget Board (LBB) Government Effectiveness and Efficiency Report entitled, "Revise the Property Tax Exemption for Pollution Control Equipment." The bill would modify the program at the Texas Commission on Environmental Quality (TCEQ) which determines property tax exemptions for certain pollution control property. The bill would require TCEQ to use its own cost analysis procedure when making a use determination for equipment listed in Section 11.31(k) of the Texas Tax Code (Tier IV). The bill would also require the creation of a permanent advisory committee, which would consist of members from industry, appraisal districts, taxing units, and environmental groups, as well as unaffiliated members with technical expertise. The size, composition, and duration of the committee are exempted from Chapter 2110 of the Texas Government Code.

It is anticipated that TCEQ could implement this bill within current resources. The bill would not affect ad valorem tax rates or valuations, but would provide for rulemaking authority concerning the determination of the portion of property that is eligible for exemption as pollution control property by TCEQ. Since the rulemaking authority contained in the bill is discretionary, information is not available on what rule changes would be adopted or how they would affect the allocation of the use of properties. Therefore, the fiscal impact cannot be determined.

Because the state is constitutionally prohibited from imposing a state property tax, the bill would not have a direct fiscal impact to the state. However, Section 403.302 of the Government Code requires the Comptroller of Public Accounts (CPA) to conduct a property value study to determine the total taxable value for each school district. Total taxable value is an element in the state's school funding formula. The bill could reduce exemptions to property tax, which could cause a change in school

district taxable values reported to the Commissioner of Education by the CPA thereby affecting future state costs.

Local Government Impact

The fiscal impact to local governments cannot be estimated at this time. The fiscal impact for local government would vary based on the formula for partial determinations. A number of the items in Tier IV were not considered prior to 2008 to be eligible for a positive use determination. Tier IV applications could contain property which is currently on the tax rolls and has been taxed for prior years. In these cases, a positive use determination would have the impact of removing a percentage of an item's value from the tax rolls and decreasing tax revenue.

The bill would require a governmental entity with public information stored electronically to provide the information electronically only if the governmental entity has the technological capabilities, and would not have to purchase software or hardware. A governmental entity that does not have the technological capabilities to comply with a request in the format requested, must provide the information in a format acceptable to the requestor. The costs to local governmental entities associated with implementing these provisions of the bill are not anticipated to be significant.

Source Agencies: 313 Department of Information Resources, 582 Commission on Environmental Quality

LBB Staff: JOB, SD, KJG, TL, HC, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 19, 2009

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3544 by Lucio III (Relating to electronic notices by the Texas Commission on Environmental Quality, electronically stored information provided by a governmental body, and confidentiality of e-mail addresses provided to a governmental body.), **Committee Report 2nd House, Substituted**

Depending upon what rule changes would be adopted and how they would affect the determination of the portion of the property that is pollution control, there could be an indeterminate fiscal impact to the state.

SECTION 1 of the bill would authorize the Texas Commission on Environmental Quality (TCEQ) to utilize electronic means of transmission for information issued or sent by the agency and would update an obsolete reference to the agency's name. The bill would also provide an additional exemption from non-disclosure of email addresses under the Public Information Act for email addresses provided for the purpose of providing public comment, or receiving notices, orders, or decisions from a governmental body. The bill would also delete a reference to paper copies of public information provided by a governmental body so as to encourage requests for electronic copies in lieu of paper.

SECTION 2 of the bill would authorize the TCEQ to issue notices, orders and decisions by electronic means in lieu of hardcopy. As a result, the agency could experience a savings with respect to the cost of paper and postage. This estimate does not assume that the resulting savings would be significant relative to the TCEQ's budget.

SECTION 3 of the bill would implement part of a recommendation in the Legislative Budget Board (LBB) Government Effectiveness and Efficiency Report entitled, "Revise the Property Tax Exemption for Pollution Control Equipment." The bill would modify the program at the Texas Commission on Environmental Quality (TCEQ) which determines property tax exemptions for certain pollution control property. The bill would require TCEQ to use its own cost analysis procedure when making a use determination for equipment listed in Section 11.31(k) of the Texas Tax Code (Tier IV). The bill would also require the creation of a permanent advisory committee, which would consist of members from industry, appraisal districts, taxing units, and environmental groups, as well as unaffiliated members with technical expertise. The size, composition, and duration of the committee are exempted from Chapter 2110 of the Texas Government Code.

It is anticipated that TCEQ could implement this bill within current resources. The bill would not affect ad valorem tax rates or valuations, but would provide for rulemaking authority concerning the determination of the portion of property that is eligible for exemption as pollution control property by TCEQ. Since the rulemaking authority contained in the bill is discretionary, information is not available on what rule changes would be adopted or how they would affect the allocation of the use of properties. Therefore, the fiscal impact cannot be determined.

Because the state is constitutionally prohibited from imposing a state property tax, the bill would not have a direct fiscal impact to the state. However, Section 403.302 of the Government Code requires the Comptroller of Public Accounts (CPA) to conduct a property value study to determine the total taxable value for each school district. Total taxable value is an element in the state's school funding formula. The bill could reduce exemptions to property tax, which could cause a change in school

district taxable values reported to the Commissioner of Education by the CPA thereby affecting future state costs.

Local Government Impact

The fiscal impact to local governments cannot be estimated at this time. The fiscal impact for local government would vary based on the formula for partial determinations. A number of the items in Tier IV were not considered prior to 2008 to be eligible for a positive use determination. Tier IV applications could contain property which is currently on the tax rolls and has been taxed for prior years. In these cases, a positive use determination would have the impact of removing a percentage of an item's value from the tax rolls and decreasing tax revenue.

The bill would require a governmental entity with public information stored electronically to provide the information electronically only if the governmental entity has the technological capabilities, and would not have to purchase software or hardware. A governmental entity that does not have the technological capabilities to comply with a request in the format requested, must provide the information in a format acceptable to the requestor. The costs to local governmental entities associated with implementing these provisions of the bill are not anticipated to be significant.

Source Agencies: 313 Department of Information Resources, 582 Commission on Environmental Quality

LBB Staff: JOB, KJG, TL, HC, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 15, 2009

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3544 by Lucio III (Relating to electronic notices by the Texas Commission on Environmental Quality, electronically stored information provided by a governmental body, and confidentiality of e-mail addresses provided to a governmental body.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would authorize the Texas Commission on Environmental Quality (TCEQ) to utilize electronic means of transmission for information issued or sent by the agency and would update an obsolete reference to the agency's name. The bill would also provide an additional exemption from non-disclosure of email addresses under the Public Information Act for email addresses provided for the purpose of providing public comment, or receiving notices, orders, or decisions from a governmental body. The bill would also delete a reference to paper copies of public information provided by a governmental body so as to encourage requests for electronic copies in lieu of paper.

The bill would authorize the TCEQ to issue notices, orders and decisions by electronic means in lieu of hardcopy. As a result, the agency could experience a savings with respect to the cost of paper and postage. This estimate does not assume that the resulting savings would be significant relative to the TCEQ's budget.

Local Government Impact

The bill would require a governmental entity with public information stored electronically to provide the information electronically only if the governmental entity has the technological capabilities, and would not have to purchase software or hardware. A governmental entity that does not have the technological capabilities to comply with a request in the format requested, must provide the information in a format acceptable to the requestor. The costs to local governmental entities associated with implementing the provisions of the bill are not anticipated to be significant.

Source Agencies: 313 Department of Information Resources, 582 Commission on Environmental Quality

LBB Staff: JOB, KJG, TL, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 10, 2009

TO: Honorable Burt R. Solomons, Chair, House Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3544 by Lucio III (Relating to electronic notices by the Texas Commission on Environmental Quality, electronically stored information provided by a governmental body, and confidentiality of e-mail addresses provided to a governmental body.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would authorize the Texas Commission on Environmental Quality (TCEQ) to utilize electronic means of transmission for information issued or sent by the agency and would update an obsolete reference to the agency's name. The bill would also provide an additional exemption from non-disclosure of email addresses under the Public Information Act for email addresses provided for the purpose of providing public comment, or receiving notices, orders, or decisions from a governmental body. The bill would also delete a reference to paper copies of public information provided by a governmental body so as to encourage requests for electronic copies in lieu of paper.

The bill would authorize the TCEQ to issue notices, orders and decisions by electronic means in lieu of hardcopy. As a result, the agency could experience a savings with respect to the cost of paper and postage. This estimate does not assume that the resulting savings would be significant relative to the TCEQ's budget.

Local Government Impact

The bill would require a governmental entity with public information stored electronically to provide the information electronically only if the governmental entity has the technological capabilities, and would not have to purchase software or hardware. A governmental entity that does not have the technological capabilities to comply with a request in the format requested, must provide the information in a format acceptable to the requestor. The costs to local governmental entities associated with implementing the provisions of the bill are not anticipated to be significant.

Source Agencies: 313 Department of Information Resources, 582 Commission on Environmental Quality

LBB Staff: JOB, KJG, TL, TP

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