

BILL ANALYSIS

H.B. 2866
By: Harper-Brown
Government Efficiency & Reform
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In a fiscal year, the Open Records Division in the Office of the Attorney General (OAG) may process close to 19,000 requests for open records rulings under the Public Information Act. Each request requires submission of supporting documents, which can be substantial. These documents are filed and processed almost exclusively in hard-copy form, which affects the OAG, the governmental body whose records are the subject of an open records request, and the citizens involved by increasing postage costs, copying expenses, labor costs associated with document preparation and review, and potential delays in processing associated with the storage and handling of physical documents.

An electronic filing system that allows governmental bodies, requestors, and other third parties to submit briefings or documents electronically to the OAG would increase customer service and efficiency while reducing or avoiding the associated administrative costs. Such an electronic filing system could offer additional benefits, such as electronic file tracking that might allow the OAG, governmental bodies, and requestors to monitor the status of their submissions to the agency electronically. The OAG and the public would benefit further from enhancing the OAG's ability to receive certain submissions to the agency electronically through the implementation of an online web portal or other type of electronic document management system. In implementing an electronic submission system, to offset reductions in General Revenue, statutory authorization is required to allow the OAG to charge an administrative convenience fee to entities that choose to electronically submit certain types of documents for attorney general review. H.B. 2866 seeks to facilitate the implementation of such a system by authorizing the Office of the Attorney General to impose and collect an administrative convenience fee for the electronic filing of certain documents with the OAG.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the attorney general in SECTION 1 of this bill.

ANALYSIS

H.B. 2866 amends the Government Code to create a temporary provision, set to expire September 1, 2015, to authorize the attorney general to charge and collect a nonrefundable administrative convenience fee for the electronic submission of a document to the attorney general. The bill establishes that such a fee is in addition to any other fee the attorney general may assess. The bill authorizes the attorney general to adopt rules necessary to administer the fee provision.

H.B. 2866 establishes that when provisions of law relating to attorney general decisions require 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 through the attorney general's designated electronic filing system within that period. The bill authorizes the attorney general to transmit electronically a notice, decision, or other document.

The bill establishes that when such provisions of law require 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. The bill establishes that its provisions do not affect the right of a person or governmental body to submit information to the attorney general by United States mail, interagency mail, or common or contract carrier.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.