

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Gallego

H.B. No. 2439

A BILL TO BE ENTITLED

AN ACT

relating to posting suggestions and ideas on cost-efficiency and certain budget documents on certain state agency websites.

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

SECTION 1. Subchapter F, Chapter 2054, Government Code, is amended by adding Section 2054.1265 to read as follows:

Sec. 2054.1265. POSTING OF COST-EFFICIENCY SUGGESTIONS AND IDEAS ON STATE AGENCY WEBSITE. (a) In this section, "state agency" does not include an institution of higher education, as defined by Section 61.003, Education Code.

(b) Except as provided by Subsection (d), each state agency that has 1,500 or more employees shall post on the agency's intranet website or generally accessible Internet website an electronic form or link allowing an employee of the agency to submit suggestions and ideas on how to make the agency more cost-efficient.

(c) Except as provided by Subsection (d), each state agency shall post on the agency's generally accessible Internet website a link allowing members of the public to:

(1) monitor, in real time or on a weekly or monthly basis, submissions made under Subsection (b); and

(2) vote for the public's favorite submission.

(d) The department may exclude from the requirements of this section a state agency if the agency has a preexisting program or link that the department determines substantially meets the

1 requirements of this section.

2 (e) The department shall adopt rules establishing  
3 procedures and required formats for implementing this section.

4 SECTION 2. Chapter 322, Government Code, is amended by  
5 adding Section 322.0081 to read as follows:

6 Sec. 322.0081. BUDGET DOCUMENTS ONLINE. (a) In order to  
7 assist members of the public in posting cost-efficiency suggestions  
8 and ideas, the board shall post on the board's Internet website all  
9 documents prepared by the board that are provided to a committee,  
10 subcommittee, or conference committee of either house of the  
11 legislature in connection with an appropriations bill.

12 (b) The board shall post a document to which this section  
13 applies as soon as practicable after the document is provided to a  
14 committee, subcommittee, or conference committee.

15 (c) The document must be downloadable and provide data in an  
16 open standard format that allows the public to search, extract,  
17 organize, and analyze the information in the document.

18 SECTION 3. Section 322.0081, Government Code, as added by  
19 this Act, applies only to documents provided to a committee,  
20 subcommittee, or conference committee on or after October 1, 2011.

21 SECTION 4. This Act takes effect September 1, 2011.

# ADOPTED

MAY 24 2011

By: Watson

*Leta Spaw*  
Secretary of the Senate  
H.B. No. 2439

Substitute the following for H.B. No. 2439:

By: *Stem Hegar*

C.S. H.B. No. 2439

## A BILL TO BE ENTITLED

1 AN ACT  
2 relating to posting suggestions and ideas on cost-efficiency and  
3 certain budget documents on certain state agency websites.

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

5 SECTION 1. Subchapter F, Chapter 2054, Government Code, is  
6 amended by adding Sections 2054.1265 and 2054.1266 to read as  
7 follows:

8 Sec. 2054.1265. POSTING OF COST-EFFICIENCY SUGGESTIONS AND  
9 IDEAS ON STATE AGENCY WEBSITE. (a) In this section, "state  
10 agency" does not include an institution of higher education, as  
11 defined by Section 61.003, Education Code.

12 (b) Except as provided by Subsection (d), each state  
13 agency that has 1,500 or more employees shall post on the  
14 agency's intranet website or generally accessible Internet  
15 website an electronic form or link allowing an employee of the  
16 agency to submit suggestions and ideas on how to make the agency  
17 more cost-efficient.

18 (c) Except as provided by Subsection (d), each state  
19 agency shall post on the agency's generally accessible Internet  
20 website a link allowing members of the public to:

21 (1) monitor, in real time or on a weekly or monthly  
22 basis, submissions made under Subsection (b); and

23 (2) vote for the public's favorite submission.

24 (d) The department may exclude from the requirements of

1 this section a state agency if the agency has a preexisting  
2 program or link that the department determines substantially  
3 meets the requirements of this section.

4 (e) The department shall adopt rules establishing  
5 procedures and required formats for implementing this section.

6 Sec. 2054.1266. POSTING HIGH-VALUE DATA SETS ON INTERNET.

7 (a) In this section:

8 (1) "High-value data set" means information that can  
9 be used to increase state agency accountability and  
10 responsiveness, improve public knowledge of the agency and its  
11 operations, further the core mission of the agency, create  
12 economic opportunity, or respond to need and demand as  
13 identified through public consultation. The term does not  
14 include information that is confidential or protected from  
15 disclosure under state or federal law.

16 (2) "State agency" means a board, commission, office,  
17 department, or other agency in the executive, judicial, or  
18 legislative branch of state government. The term includes an  
19 institution of higher education as defined by Section 61.003,  
20 Education Code.

21 (b) Each state agency shall post on a generally accessible  
22 Internet website maintained by or for the agency each high-value  
23 data set created or maintained by the agency, if the agency:

24 (1) determines that, using existing resources, the  
25 agency can post the data set on the Internet website at no  
26 additional cost to the state;

27 (2) enters into a contract advantageous to the state

1 under which the contractor posts the data set on the Internet  
2 website at no additional cost to the state; or

3 (3) receives a gift or grant specifically for the  
4 purpose of posting one or more of the agency's high-value data  
5 sets on the Internet website.

6 (c) A high-value data set posted by a state agency under  
7 this section must be raw data in open standard format that  
8 allows the public to search, extract, organize, and analyze the  
9 information.

10 (d) The web page on which a state agency's high-value data  
11 set is posted must:

12 (1) use the agency's Internet website home page  
13 address and include the uniform resource locator suffix "data";  
14 and

15 (2) have a conspicuously displayed link on either the  
16 agency's Internet website home page or another intuitive  
17 location accessible from the agency's Internet website home  
18 page.

19 (e) A state agency may accept a gift or grant for the  
20 purpose of posting one or more of the agency's high-value data  
21 sets on an Internet website.

22 SECTION 2. Chapter 322, Government Code, is amended by  
23 adding Section 322.0081 to read as follows:

24 Sec. 322.0081. BUDGET DOCUMENTS ONLINE. (a) In order to  
25 assist members of the public in posting cost-efficiency  
26 suggestions and ideas, the board shall post on the board's  
27 Internet website all documents prepared by the board that are

1 provided to a committee, subcommittee, or conference committee  
2 of either house of the legislature in connection with an  
3 appropriations bill.

4 (b) The board shall post a document to which this section  
5 applies as soon as practicable after the document is provided to  
6 a committee, subcommittee, or conference committee.

7 (c) The document must be downloadable and provide data in  
8 an open standard format that allows the public to search,  
9 extract, organize, and analyze the information in the document.

10 SECTION 3. Section 322.0081, Government Code, as added by  
11 this Act, applies only to documents provided to a committee,  
12 subcommittee, or conference committee on or after October 1,  
13 2011.

14 SECTION 4. This Act takes effect September 1, 2011.

# ADOPTED

FLOOR AMENDMENT NO. 1

MAY 24 2011

BY:

*Carmona*

*Atty. Gen. Paul*  
Secretary of the Senate

1 Amend C.S.S.B. No. 2439 by adding the following  
2 appropriately numbered SECTION to the bill and renumbering the  
3 remaining SECTIONS of the bill accordingly:

4 SECTION \_\_. (a) The legislature finds that:

5 (1) a competitive electric services market requires  
6 timely, accurate, and adequate information about the products  
7 and services offered to consumers in the market; and

8 (2) the Public Utility Commission of Texas operates  
9 an Internet website regarding the power to choose retail  
10 electric providers on which offers by those providers are  
11 published.

12 (b) Subchapter C, Chapter 39, Utilities Code, is amended  
13 by adding Section 39.110 to read as follows:

14 Sec. 39.110. TEXAS ELECTRIC CHOICE WEBSITE. (a) The  
15 commission shall publish and maintain an Internet website that  
16 allows customers to view competitive offers from retail electric  
17 providers. The website must enable a user to search by zip code  
18 offers available to a residential customer in the user's service  
19 area. Retail electric providers may, but are not required to,  
20 post offers available to residential customers on the website.

21 (b) At a minimum, the Internet website must include:

22 (1) features that make the website accessible to  
23 people with disabilities;

24 (2) a clear identification with each retail electric  
25 service price offer posted on the website of the category of the  
26 product as defined by commission rules;

27 (3) a searchable and sortable database of each retail  
28 electric provider offer on the website that allows the  
29 information to be read into a commercially available electronic

1 database;

2 (4) information about the following programs  
3 available in the user's service area through a state agency or  
4 utility:

5 (A) energy efficiency programs, including  
6 weatherization and rebate programs;

7 (B) distributed renewable generation policies  
8 and programs, including rebate programs; and

9 (C) low-income utility assistance programs,  
10 including bill payment assistance, weatherization, and rebate  
11 programs; and

12 (5) access to information regarding retail electric  
13 providers' offers to residential distributed renewable  
14 generation owners for the owners' surplus electricity.

15 (c) The commission shall establish a project to implement  
16 this section. The commission shall create a working committee  
17 to provide input on the implementation of this section that is  
18 composed of members of commission staff, experts in user-  
19 centered web design, experts in consumer-choice web design,  
20 retail electric providers, consumer advocates, and  
21 representatives of various categories of potential users of the  
22 redesigned website, including people with disabilities and low-  
23 income customers.

24 (d) The commission shall establish protocols relating to  
25 the frequency with which information posted on the website is  
26 updated, except that a retail electric provider may not be  
27 limited with respect to the frequency with which the provider  
28 may change an offer.

29 (e) The commission shall consult and cooperate with other  
30 state agencies in the design, both for content and usability, of  
31 the website, including agencies providing low-income consumer



1 assistance and energy efficiency assistance and the interagency  
2 coordinating group established under Section 535.053, Government  
3 Code.

4 (c) Section 39.116, Utilities Code, is amended to read as  
5 follows:

6 Sec. 39.116. NOTICE REGARDING CUSTOMER CHOICE INFORMATION.  
7 A retail electric provider shall include on each residential  
8 customer's bill a statement, in at least 12-point type on the  
9 front of the first page, that reads: "For more information about  
10 residential electric service please visit  
11 [www.powertochoose.com](http://www.powertochoose.com)." This section expires September 1, 2023  
12 [~~2011~~].

13 (d) The Public Utility Commission of Texas shall publish  
14 and begin operation of a redesigned Internet website as provided  
15 by Section 39.110, Utilities Code, as added by this section, not  
16 later than September 1, 2012.

17 (e) The Public Utility Commission of Texas may accept  
18 funds from any source, including gifts, grants, or donations, to  
19 implement Section 39.110, Utilities Code, as added by this  
20 section. The commission may not incorporate a preference for  
21 information displayed directly or indirectly in favor of any  
22 funding source. The commission may not require an entity to  
23 contribute funds to have information posted on the Internet  
24 website. Implementation of Section 39.110, Utilities Code, as  
25 added by this section, is contingent on a finding by the  
26 commission that sufficient funding exists or is likely to exist  
27 to carry out the provisions of Section 39.110, Utilities Code,  
28 as added by this section.

29 (f) Notwithstanding any other provision of this Act, this  
30 section takes effect September 1, 2011.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 25, 2011**

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

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

**IN RE: HB2439** by Gallego (Relating to posting suggestions and ideas on cost-efficiency and certain budget documents on certain state agency websites. ), **As Passed 2nd House**

**There could be an indeterminate cost to the state from provisions of the bill relating to posting cost-efficiency suggestions and ideas on certain state agency websites.**

The bill would amend the Government Code and Utilities Code relating to agency websites.

The bill would require a state agency with at least 1,500 employees to post on the agency's intranet website or generally accessible Internet website an electronic form or link allowing an employee to submit suggestions and ideas on how to make the agency more cost-efficient. The bill would require the agencies to post on their generally accessible Internet websites a link allowing members of the public to monitor the suggestions and vote for their favorite submissions. The bill would require the Department of Information Resources (DIR) to adopt rules establishing procedures and required formats.

The bill would require state agencies and institutions of higher education to post high-value data sets, as defined by the bill, on their generally accessible Internet website if it is determined that such information can be posted at no additional cost to the state or if a gift or grant becomes available for this purpose. High-value data sets are required to be raw data in an open standard format that allows the public to search, extract, organize, and analyze the information.

It is anticipated that costs to implement provisions of the bill relating to posting cost-efficiency suggestions and ideas would range from \$0 to approximately \$100,000 for an affected agency for the 2012-13 biennium. Factors affecting costs would vary based on rules adopted by DIR and standards for general accessibility, which could include: screen readers, Braille terminals, screen recognition, screen magnification and speech recognition. Costs may include subscription or licensing of applications; application development; programming; and maintenance. It is anticipated that costs to post high-value data sets on Internet websites could be absorbed within existing resources.

The bill would direct the Legislative Budget Board to post on the Internet all documents prepared by the board that are provided to a committee, subcommittee, or conference committee of either house of the Legislature in connection with an appropriations bill. It is estimated that this responsibility could be performed using existing resources.

The bill would require the Public Utility Commission (PUC) to publish and maintain a website that allows customers to view competitive offers from retail electric providers. The bill would require the PUC to: establish a project to implement the website; establish protocols for the frequency with which information is updated; and consult and cooperate with other state agencies in the design of the website. The bill would allow the PUC to accept funds from any source and makes implementation of the bill contingent on a finding by the PUC that complete funding exists or is likely to exist for this purpose. It is assumed that these responsibilities could be performed within existing resources.

The bill's requirement to post on the Internet all documents prepared in connection with an appropriations bill may conflict with exemptions and privileges provided elsewhere under the law.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KM, LCO

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 23, 2011**

**TO:** Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

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

**IN RE: HB2439** by Gallego ( Relating to posting suggestions and ideas on cost-efficiency and certain budget documents on certain state agency websites.), **Committee Report 2nd House, Substituted**

<p><b>There could be an indeterminate cost to the state from provisions of the bill relating to posting cost-efficiency suggestions and ideas on certain state agency websites.</b></p>
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The bill would amend the Government Code relating to posting cost-efficiency suggestions and ideas, high-value data sets and certain budget documents on agency websites.

Section 1 of the bill would require a state agency with at least 1,500 employees to post on the agency's intranet website or generally accessible Internet website an electronic form or link allowing an employee of the agency to submit suggestions and ideas on how to make the agency more cost-efficient. The bill would require the agencies to post on their generally accessible Internet website a link allowing members of the public to monitor the suggestions and vote for their favorite submissions. The bill would require the Department of Information Resources (DIR) to adopt rules establishing procedures and required formats.

The bill would require state agencies and institutions of higher education to post high-value data sets, as defined by the bill, on their generally accessible Internet website if it is determined that such information can be posted at no additional cost to the state or if a gift or grant becomes available for this purpose. High-value data sets are required to be raw data in an open standard format that allows the public to search, extract, organize, and analyze the information.

It is anticipated that costs to implement provisions of Section 1 of the bill relating to posting cost-efficiency suggestions and ideas would range from \$0 to approximately \$100,000 for an affected agency for the 2012-13 biennium. Factors affecting costs would vary based on rules adopted by DIR and standards for general accessibility, which could include: screen readers, Braille terminals, screen recognition, screen magnification and speech recognition. Costs may include subscription or licensing of applications; application development; programming; and maintenance. It is anticipated that costs to post high-value data sets on Internet websites could be absorbed within existing resources.

Section 2 of the bill would direct the Legislative Budget Board to post on the Internet all documents prepared by the board that are provided to a committee, subcommittee, or conference committee of either house of the Legislature in connection with an appropriations bill. It is estimated that this responsibility could be performed using existing resources.

The bill's requirement to post on the Internet all documents prepared in connection with an appropriations bill may conflict with exemptions and privileges provided elsewhere under the law.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KM, SD, LCO, RC

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 18, 2011**

**TO:** Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

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

**IN RE: HB2439** by Gallego (Relating to posting suggestions and ideas on cost-efficiency and certain budget documents on certain state agency websites.), **As Engrossed**

<p><b>There is an indeterminate cost to the state from provisions of the bill relating to posting cost-efficiency suggestions and ideas on certain state agency websites.</b></p>
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The bill would amend the Government Code relating to posting cost-efficiency suggestions and ideas and certain budget documents on certain agency websites.

Section 1 of the bill would require a state agency with at least 1,500 employees to post on the agency's intranet website or generally accessible Internet website an electronic form or link allowing an employee of the agency to submit suggestions and ideas on how to make the agency more cost-efficient. The bill would require the state agencies to post on the agency's generally accessible Internet website a link allowing members of the public to monitor the suggestions and vote for their favorite submissions. The bill would require the Department of Information (DIR) to adopt rules establishing procedures and required formats and would authorize DIR to exclude a state agency from requirements of the bill if DIR determines that the agency has a preexisting program or link that substantially meets the requirements of the bill.

It is anticipated that costs to implement provisions of Section 1 of the bill would range from \$0 to approximately \$100,000 for an affected agency for the 2012-13 biennium. Factors affecting costs would vary based on rules adopted by DIR and standards for general accessibility, which could include: screen readers, Braille terminals, screen recognition, screen magnification and speech recognition. Costs may include subscription or licensing of applications; application development; programming; and maintenance.

Section 2 of the bill would direct the Legislative Budget Board to post on the Internet all documents prepared by the board that are provided to a committee, subcommittee, or conference committee of either house of the Legislature in connection with an appropriations bill. It is estimated that this responsibility could be performed using existing resources.

The bill's requirement to post on the Internet all documents prepared in connection with an appropriations bill may conflict with exemptions and privileges provided elsewhere under the law.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KM, MS, LCO, RC

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 15, 2011**

**TO:** Honorable Bill Callegari, Chair, House Committee on Government Efficiency & Reform

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

**IN RE: HB2439** by Gallego ( Relating to posting suggestions and ideas on cost-efficiency on certain state agency websites.), **Committee Report 1st House, Substituted**

**There would be an indeterminate fiscal impact to the state from the provisions of the bill.**

The bill would amend Chapter 2054, Government Code, to require a state agency with at least 1,500 employees to post on the agency's intranet website or generally accessible Internet website an electronic form or link allowing an employee of the agency to submit suggestions and ideas on how to make the agency more cost-efficient. The bill would require the state agencies to post on the agency's generally accessible Internet website a link allowing members of the public to monitor the suggestions and vote for their favorite submissions. The bill would require the Department of Information (DIR) to adopt rules establishing procedures and required formats and would authorize DIR to exclude a state agency from requirements of the bill if DIR determines that the agency has a preexisting program or link that substantially meets the requirements of the bill.

It is anticipated that costs to implement provisions of the bill would range from \$0 to approximately \$100,000 for an affected agency for the 2012-13 biennium. Factors affecting costs would vary based on rules adopted by DIR and standards for general accessibility, which could include: screen readers, Braille terminals, screen recognition, screen magnification and speech recognition. Costs may include subscription or licensing of applications; application development; programming; and maintenance.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 332 Department of Housing and Community Affairs, 529 Health and Human Services Commission

**LBB Staff:** JOB, KM, MS, LCO, RC

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 23, 2011**

**TO:** Honorable Bill Callegari, Chair, House Committee on Government Efficiency & Reform

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

**IN RE: HB2439** by Gallego (Relating to posting on state agency websites suggestions and ideas on agency cost-efficiency.), **As Introduced**

**There would be an indeterminate fiscal impact to the state from the provisions of the bill.**

The bill would amend Chapter 2054, Government Code, to require a state agency that employees more than 1,500 individuals to post on the agency's website an electronic form or link allowing a member of the public or employee of the agency to submit suggestions and ideas on how to make the agency more cost-efficient, view other submissions, and vote for the public's favorite submission. The Department of Information Resources would be required to adopt rules establishing procedures and required formats.

It is anticipated that costs to implement provisions of the bill would range from \$0 to approximately \$100,000 for an affected agency, although agency responses were as high as approximately \$1 million for the 2012-13 biennium. Factors affecting costs would vary based on rules adopted by the Department of Information Resources and applications or software used by agencies. Costs may include subscription or licensing of applications; application development; programming and maintenance.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 305 General Land Office and Veterans' Land Board, 313 Department of Information Resources, 332 Department of Housing and Community Affairs, 529 Health and Human Services Commission

**LBB Staff:** JOB, KM, MS, LCO, NV