

By: Guillen, Schofield, Rinaldi

H.B. No. 2305

A BILL TO BE ENTITLED

AN ACT

relating to the operations, reports, records, communications,
information technology, and notice procedures of state agencies and
to the electronic publication of certain state legal materials.

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

SECTION 1. The heading to Subchapter G, Chapter 441,
Government Code, is amended to read as follows:

SUBCHAPTER G. STATE PUBLICATIONS AND REPORTS

SECTION 2. Section 441.101, Government Code, is amended by
adding Subdivision (5) to read as follows:

(5) "Texas Digital Archive" means the digital
repository maintained and operated by the commission for the
preservation of and access to permanently valuable copies of
archival state records, reports, and publications.

SECTION 3. Subchapter G, Chapter 441, Government Code, is
amended by adding Sections 441.107 and 441.108 to read as follows:

Sec. 441.107. REPORT OF REPORTS. (a) Notwithstanding
Section 441.101, in this section, "state agency" has the meaning
assigned by Section 441.180.

(b) Not later than January 1 of every other odd-numbered
year, the commission shall submit to the governor and the
Legislative Budget Board a written report regarding all statutorily
required reports prepared by and submitted to a state agency. The
commission may consult with other state agencies in preparing the

1 report. A state agency shall cooperate with the commission in
2 securing the information necessary for preparing the report and
3 shall submit that information to the commission. The commission
4 shall prescribe the time and manner in which a state agency
5 transmits the information necessary to prepare the report, and may
6 require the information to be submitted using the Texas Digital
7 Archive. The report must include for each statutorily required
8 report:

- 9 (1) the title of and the agency preparing the report;
10 (2) the statutory authority requiring the report;
11 (3) the recipient of the report;
12 (4) the deadline for submitting the report;
13 (5) a brief description of the report; and
14 (6) an assessment from each recipient of the report
15 whether the report is necessary.

- 16 (c) The report required by Subsection (b) must:
17 (1) be made available to the public; and
18 (2) provide indices by preparing agency, title of
19 report, and report recipient.

20 Sec. 441.108. STATE AGENCY USE OF TEXAS DIGITAL ARCHIVE FOR
21 CERTAIN REPORTS. (a) Notwithstanding Section [441.101](#), in this
22 section, "state agency" has the meaning assigned by Section
23 [2054.003](#).

24 (b) To the extent a report prepared by a state agency is not
25 confidential or excepted from the requirements of Section [552.021](#),
26 the agency shall use the Texas Digital Archive to submit or post the
27 report if the report is required by a statute, rule, or rider in the

1 General Appropriations Act to be submitted to:

2 (1) the governor;

3 (2) a member, agency, or committee of the legislature;

4 (3) another state agency; or

5 (4) the public.

6 (c) The commission shall develop and make accessible to each
7 state agency guidelines that assist the agency in determining:

8 (1) the reports prepared by the agency that are
9 appropriate for submission through the Texas Digital Archive; and

10 (2) the retention requirements for those reports.

11 (d) The commission shall monitor the effectiveness of state
12 agency use of the Texas Digital Archive for the purposes provided
13 under this section.

14 (e) A state agency that posts a report using the Texas
15 Digital Archive satisfies any requirement in state law that the
16 agency post the report on the agency's Internet website if the
17 agency posts a direct link to the Texas Digital Archive on the
18 agency's Internet website.

19 SECTION 4. Section 2001.026, Government Code, is amended to
20 read as follows:

21 Sec. 2001.026. NOTICE TO PERSONS REQUESTING ADVANCE NOTICE
22 OF PROPOSED RULES. A state agency shall provide ~~mail~~ notice of a
23 proposed rule to each person who has made a timely written request
24 of the agency for advance notice of its rulemaking proceedings. The
25 agency may provide the notice by electronic mail if the person
26 requests electronic delivery of the notice and includes an e-mail
27 address in the person's written request submitted to the agency.

1 Failure to provide [~~mail~~] the notice does not invalidate an action
2 taken or rule adopted.

3 SECTION 5. Chapter 2051, Government Code, is amended by
4 adding Subchapter E to read as follows:

5 SUBCHAPTER E. UNIFORM ELECTRONIC LEGAL MATERIAL ACT

6 Sec. 2051.151. SHORT TITLE. This subchapter may be cited as
7 the Uniform Electronic Legal Material Act.

8 Sec. 2051.152. DEFINITIONS. In this subchapter:

9 (1) "Electronic" means relating to technology having
10 electrical, digital, magnetic, wireless, optical, electromagnetic,
11 or similar capabilities.

12 (2) "Legal material" means, whether or not in effect:

13 (A) the constitution of this state;

14 (B) the general or special laws passed in a
15 regular or special session of the Texas Legislature; and

16 (C) a state agency rule adopted in accordance
17 with Chapter 2001.

18 (3) "Official publisher" means:

19 (A) for legal material described by Subdivision
20 (2)(A), the Texas Legislative Council; and

21 (B) for legal material described by Subdivision
22 (2)(B) or (C), the secretary of state.

23 (4) "Publish" means displaying, presenting, or
24 releasing to the public, or causing to be displayed, presented, or
25 released to the public, legal material by the official publisher.

26 (5) "Record" means information that is inscribed on a
27 tangible medium or that is stored in an electronic or other medium

1 and is retrievable in perceivable form.

2 (6) "State" means a state of the United States, the
3 District of Columbia, Puerto Rico, the United States Virgin
4 Islands, or any territory or insular possession subject to the
5 jurisdiction of the United States.

6 Sec. 2051.153. APPLICABILITY. (a) This subchapter applies
7 to all legal material in an electronic record that is:

8 (1) designated as official by the official publisher
9 under Section 2051.154; and

10 (2) first published electronically by the official
11 publisher on or after January 1, 2019.

12 (b) The official publisher is not required to publish legal
13 material on or before the date on which the legal material takes
14 effect.

15 Sec. 2051.154. LEGAL MATERIAL IN OFFICIAL ELECTRONIC
16 RECORD. (a) If the official publisher publishes legal material
17 only in an electronic record, the official publisher shall:

18 (1) designate the electronic record as official; and

19 (2) comply with Sections 2051.155, 2051.157, and
20 2051.158.

21 (b) If the official publisher publishes legal material in an
22 electronic record and also publishes the material in a record other
23 than an electronic record, the official publisher may designate the
24 electronic record as official if the official publisher complies
25 with Sections 2051.155, 2051.157, and 2051.158.

26 Sec. 2051.155. AUTHENTICATION OF OFFICIAL ELECTRONIC
27 RECORD. (a) If the official publisher designates an electronic

1 record as official in accordance with Section 2051.154, the
2 official publisher shall authenticate the record.

3 (b) The official publisher authenticates an electronic
4 record by providing a method with which a person viewing the
5 electronic record is able to determine that the electronic record
6 is unaltered from the official record published by the official
7 publisher.

8 Sec. 2051.156. EFFECT OF AUTHENTICATION. (a) Legal
9 material in an electronic record that is authenticated as provided
10 by Section 2051.155 is presumed to be an accurate copy of the legal
11 material.

12 (b) If another state has adopted a law that is substantially
13 similar to this subchapter, legal material in an electronic record
14 that is authenticated in that state is presumed to be an accurate
15 copy of the legal material.

16 (c) A party contesting the authenticity of legal material in
17 an electronic record authenticated as provided by Section 2051.155
18 has the burden of proving by a preponderance of the evidence that
19 the record is not authentic.

20 Sec. 2051.157. PRESERVATION AND SECURITY OF LEGAL MATERIAL
21 IN OFFICIAL ELECTRONIC RECORD. (a) The official publisher of legal
22 material in an electronic record designated as official in
23 accordance with Section 2051.154 shall provide for the preservation
24 and security of the record in an electronic form or in a form that is
25 not electronic.

26 (b) If legal material is preserved under Subsection (a) in
27 an electronic record, the official publisher shall:

- 1 (1) ensure the integrity of the record;
- 2 (2) provide for backup and disaster recovery of the
3 record; and
- 4 (3) ensure the continuing usability of the legal
5 material in the record.

6 Sec. 2051.158. PUBLIC ACCESS. The official publisher of
7 legal material in an electronic record that is required to be
8 preserved under Section 2051.157 shall ensure that the material is
9 reasonably available for use by the public on a permanent basis.

10 Sec. 2051.159. STANDARDS. In implementing this subchapter,
11 the official publisher of legal material in an electronic record
12 shall consider:

13 (1) the standards and practices of other
14 jurisdictions;

15 (2) the most recent standards regarding
16 authentication, preservation, and security of and public access to
17 legal material in an electronic record and other electronic
18 records, as adopted by national standard-setting bodies;

19 (3) the needs of users of legal material in electronic
20 records;

21 (4) the views of governmental officials and entities
22 and other interested persons; and

23 (5) to the extent practicable, the methods and
24 technologies for the authentication, preservation, and security of
25 and public access to legal material that are compatible with the
26 methods and technologies used by official publishers in other
27 states that have adopted a law that is substantially similar to this

1 subchapter.

2 Sec. 2051.160. UNIFORMITY OF APPLICATION AND CONSTRUCTION.
3 In applying and construing this subchapter, consideration must be
4 given to the need to promote uniformity of the law with respect to
5 the subject matter of this subchapter among the states that enact a
6 law similar to this subchapter.

7 Sec. 2051.161. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL
8 AND NATIONAL COMMERCE ACT. This subchapter modifies, limits, and
9 supersedes the federal Electronic Signatures in Global and National
10 Commerce Act (15 U.S.C. Section 7001 et seq.) but does not modify,
11 limit, or supersede Section 101(c) of that Act (15 U.S.C. Section
12 7001(c)) or authorize electronic delivery of any of the notices
13 described in Section 103(b) of that Act (15 U.S.C. Section
14 7003(b)).

15 SECTION 6. Chapter [2052](#), Government Code, is amended by
16 adding Subchapter F to read as follows:

17 SUBCHAPTER F. TRANSMISSION AND RECEIPT OF AGENCY DOCUMENTS

18 Sec. 2052.401. DEFINITION. In this subchapter, "state
19 agency" means a department, commission, board, office, council,
20 authority, or other agency that is in the executive, legislative,
21 or judicial branch of state government and that is created by the
22 constitution or a statute of this state, including a university
23 system or institution of higher education as defined by Section
24 [61.003](#), Education Code.

25 Sec. 2052.402. TRANSMISSION AND RECEIPT OF DOCUMENTS. (a)
26 A state agency may transmit and receive state documents in a format
27 prescribed by the agency and in any manner that the agency

1 determines will increase agency efficiency without compromising
2 the delivery of the agency's program to the public.

3 (b) A state agency that transmits and receives state
4 documents using the Internet or another electronic medium shall by
5 rule develop electronic communication procedures for the agency.

6 (c) Notwithstanding Subsection (a), a state agency may
7 continue to use established procedures prescribed by state law or
8 agency policy for the transmission and receipt of documents,
9 including the delivery of certain publications that exist in
10 physical format to a depository library as required by Section
11 441.103.

12 (d) This section does not authorize the electronic
13 transmission or receipt of documents that are prohibited from being
14 electronically transmitted or received under federal law.

15 (e) To the extent of any conflict, this section prevails
16 over any other state law relating to the transmission and receipt of
17 state agency documents.

18 (f) A state agency shall include in the agency's legislative
19 appropriations request submitted to the Legislative Budget Board
20 for the state fiscal biennium beginning September 1, 2019, a report
21 on any cost savings or achievements in efficiency recognized from
22 implementing a change in the agency's procedures for the
23 transmission and receipt of state documents during the state fiscal
24 biennium ending August 31, 2019. This subsection expires September
25 1, 2020.

26 SECTION 7. (a) Section 2054.1183, Government Code, is
27 amended to read as follows:

1 Sec. 2054.1183. ANNUAL REPORT ON MAJOR INFORMATION
2 RESOURCES PROJECTS. (a) Not later than December 1 of each year,
3 the quality assurance team shall report on the status of major
4 information resources projects to the:

- 5 (1) governor;
6 (2) lieutenant governor;
7 (3) speaker of the house of representatives;
8 (4) presiding officer of the committee in the house of
9 representatives with primary responsibility for appropriations;
10 and

11 (5) presiding officer of the committee in the senate
12 with primary responsibility for appropriations.

13 (b) The annual report must include:

- 14 (1) the current status of each major information
15 resources project; and
16 (2) information regarding the performance indicators
17 developed under Section 2054.159 for each major information
18 resources project at each stage of the project's life cycle.

19 (b) Subchapter G, Chapter 2054, Government Code, is amended
20 by adding Section 2054.159 to read as follows:

21 Sec. 2054.159. MAJOR INFORMATION RESOURCES PROJECT
22 MONITORING. (a) For the entire life cycle of each major
23 information resources project, the quality assurance team shall
24 monitor and report on performance indicators for each project,
25 including schedule, cost, scope, and quality.

26 (b) The department by rule shall develop the performance
27 indicators the quality assurance team is required to monitor under

1 Subsection (a). In adopting rules under this subsection, the
2 department shall consider applicable information technology
3 industry standards.

4 (c) If the quality assurance team determines that a major
5 information resources project is not likely to achieve the
6 performance objectives for the project, the quality assurance team
7 shall place the project on a list for more intense monitoring by the
8 quality assurance team.

9 (d) The quality assurance team shall closely monitor
10 monthly reports for each major information resources project
11 identified under Subsection (c) and, based on criteria developed by
12 the department, determine whether to recommend to the executive
13 director the need to initiate corrective action for the project.

14 (e) The department shall create and maintain on the
15 department's Internet website a user-friendly data visualization
16 tool that provides an analysis and visual representation of the
17 performance indicators developed under Subsection (b) for each
18 major information resources project.

19 (c) Not later than December 1, 2017, the Department of
20 Information Resources shall adopt rules to implement Section
21 2054.159, Government Code, as added by this section.

22 (d) This section takes effect January 1, 2018.

23 SECTION 8. Subchapter C, Chapter 2171, Government Code, is
24 amended by adding Section 2171.106 to read as follows:

25 Sec. 2171.106. MANAGEMENT OF VEHICLE FLEET BY STATE AGENCY.

26 (a) Each state agency shall:

27 (1) as the state agency considers necessary, evaluate

1 the effectiveness and efficiency of the agency's vehicle fleet
2 management, including the agency's vehicle acquisition methods and
3 interagency agreements to operate vehicle maintenance and repair
4 facilities that are owned or operated by this state; and

5 (2) establish and maintain a schedule for replacing
6 the agency's vehicles.

7 (b) Based on the state agency's findings from the evaluation
8 conducted under Subsection (a)(1), the agency shall implement any
9 measures that will increase the agency's effectiveness and
10 efficiency in managing the agency's vehicle fleet.

11 (c) A state agency shall conduct the first evaluation
12 required by Subsection (a)(1) and implement the findings from that
13 evaluation as required by Subsection (b) not later than August 31,
14 2019. This subsection expires December 31, 2019.

15 SECTION 9. Subchapter A, Chapter 2176, Government Code, is
16 amended by adding Section 2176.007 to read as follows:

17 Sec. 2176.007. COMPTROLLER STUDY ON MAIL OPERATIONS. (a)
18 The comptroller shall conduct a study on the mail operations of each
19 state agency in the executive branch of state government that
20 receives an appropriation. The study must identify provisions of
21 law relating to the mailing requirements for the agency that impede
22 the efficient transmission and receipt of documents by the agency.

23 (b) In conducting the study, the comptroller shall
24 collaborate with other state agencies to consider the needs or
25 concerns specific to those agencies.

26 (c) Not later than November 1, 2018, the comptroller shall
27 post the findings of the study conducted under this section on the

1 comptroller's Internet website.

2 (d) This section expires September 1, 2019.

3 SECTION 10. Section 243.015, Health and Safety Code, is
4 amended by amending Subsection (e) and adding Subsections (e-1) and
5 (e-2) to read as follows:

6 (e) If the department initially determines that a violation
7 occurred, the department shall give written notice of the report
8 ~~[by certified mail]~~ to the person. Notwithstanding any other law,
9 the notice may be provided by any certified delivery method,
10 including certified mail or certified electronic mail.

11 (e-1) If the notice under Subsection (e) is sent by
12 certified electronic mail:

13 (1) it must be sent to the person's last known e-mail
14 address as provided by the person to the department; and

15 (2) the department shall maintain proof that the
16 notice was sent.

17 (e-2) For purposes of Subsection (e), a person's provision
18 of an e-mail address to the department is considered consent to
19 electronically deliver notices and correspondence to the person.

20 SECTION 11. Sections 21.010(a), (d), and (e), Labor Code,
21 are amended to read as follows:

22 (a) Each state agency shall provide to employees of the
23 agency a ~~[an employment discrimination]~~ training program on the
24 prevention of employment discrimination ~~[that complies with this~~
25 ~~section]~~.

26 (d) The commission shall develop materials for use by state
27 agencies in providing the ~~[employment discrimination]~~ training

1 program ~~as~~ required by this section.

2 (e) Each state agency shall require an employee of the
3 agency who completes the ~~attends a~~ training program required by
4 this section to verify ~~sign a statement verifying~~ the employee's
5 completion of ~~attendance at~~ the training program in the manner
6 prescribed by the agency. The agency shall:

7 (1) file a document that verifies the employee's
8 completion of the training program ~~the statement~~ in the
9 employee's personnel file; or

10 (2) retain an electronic record that verifies the
11 employee's completion of the training program in accordance with
12 the record retention requirements applicable to the agency.

13 SECTION 12. Section 11.082(a), Natural Resources Code, is
14 amended to read as follows:

15 (a) A state agency or political subdivision may not formally
16 take any action that may affect state land dedicated to the
17 permanent school fund without first giving notice of the action to
18 the board. Notice of the proposed action shall be delivered ~~by~~
19 ~~certified mail, return receipt requested, addressed to the deputy~~
20 ~~commissioner of the asset management division of the General Land~~
21 ~~Office~~ on or before the state agency's or political subdivision's
22 formal initiation of the action by:

23 (1) certified mail, return receipt requested,
24 addressed to the deputy commissioner of the asset management
25 division of the General Land Office; or

26 (2) certified electronic mail to an e-mail address
27 specified by the deputy commissioner for the purpose of receiving

1 the notice.

2 SECTION 13. Section 301.160, Occupations Code, is amended
3 by adding Subsection (k) to read as follows:

4 (k) Notwithstanding Subsection (j), the board may deliver
5 the report under that subsection by certified electronic mail if
6 the recipient provides an e-mail address to the board for the
7 purpose of receiving the report.

8 SECTION 14. Section 228.0545, Transportation Code, is
9 amended by adding Subsection (e) to read as follows:

10 (e) The department may provide that the notice under
11 Subsection (c), instead of being sent by first class mail, be sent
12 as an electronic record to a registered owner that agrees to the
13 terms of the electronic record transmission of the information.

14 SECTION 15. (a) Section 552.139, Government Code, is
15 amended by amending Subsection (b) and adding Subsections (b-1) and
16 (d) to read as follows:

17 (b) The following information is confidential:

- 18 (1) a computer network vulnerability report;
- 19 (2) any other assessment of the extent to which data
20 processing operations, a computer, a computer program, network,
21 system, or system interface, or software of a governmental body or
22 of a contractor of a governmental body is vulnerable to
23 unauthorized access or harm, including an assessment of the extent
24 to which the governmental body's or contractor's electronically
25 stored information containing sensitive or critical information is
26 vulnerable to alteration, damage, erasure, or inappropriate use;

27 [~~and~~]

1 (3) a photocopy or other copy of an identification
2 badge issued to an official or employee of a governmental body; and

3 (4) information directly arising from a governmental
4 body's routine efforts to prevent, detect, investigate, or mitigate
5 a computer security incident, including information contained in or
6 derived from an information security log.

7 (b-1) Subsection (b)(4) does not affect the notification
8 requirements related to a breach of system security as defined by
9 Section 521.053, Business & Commerce Code.

10 (d) A state agency shall redact from a contract posted on
11 the agency's Internet website under Section 2261.253 information
12 that is made confidential by, or excepted from required public
13 disclosure under, this section. The redaction of information under
14 this subsection does not exempt the information from the
15 requirements of Section 552.021 or 552.221.

16 (b) Subchapter C, Chapter 2054, Government Code, is amended
17 by adding Section 2054.068 to read as follows:

18 Sec. 2054.068. INFORMATION TECHNOLOGY INFRASTRUCTURE
19 REPORT. (a) In this section, "information technology" includes
20 information resources and information resources technologies.

21 (b) The department shall collect from each state agency
22 information on the status and condition of the agency's information
23 technology infrastructure, including information regarding:

24 (1) the agency's information security program;
25 (2) an inventory of the agency's servers, mainframes,
26 cloud services, and other information technology equipment;

27 (3) identification of vendors that operate and manage

1 the agency's information technology infrastructure; and

2 (4) any additional related information requested by
3 the department.

4 (c) A state agency shall provide the information required by
5 Subsection (b) to the department according to a schedule determined
6 by the department.

7 (d) Not later than November 15 of each even-numbered year,
8 the department shall submit to the governor, chair of the house
9 appropriations committee, chair of the senate finance committee,
10 speaker of the house of representatives, lieutenant governor, and
11 staff of the Legislative Budget Board a consolidated report of the
12 information submitted by state agencies under Subsection (b).

13 (e) The consolidated report required by Subsection (d)
14 must:

15 (1) include an analysis and assessment of each state
16 agency's security and operational risks; and

17 (2) for a state agency found to be at higher security
18 and operational risks, include a detailed analysis of, and an
19 estimate of the costs to implement, the:

20 (A) requirements for the agency to address the
21 risks and related vulnerabilities; and

22 (B) agency's efforts to address the risks through
23 the:

24 (i) modernization of information
25 technology systems;

26 (ii) use of cloud services; and

27 (iii) use of a statewide technology center

1 established by the department.

2 (f) With the exception of information that is confidential
3 under Chapter 552, including Section 552.139, or other state or
4 federal law, the consolidated report submitted under Subsection (d)
5 is public information and must be released or made available to the
6 public on request. A governmental body as defined by Section
7 552.003 may withhold information confidential under Chapter 552,
8 including Section 552.139, or other state or federal law that is
9 contained in a consolidated report released under this subsection
10 without the necessity of requesting a decision from the attorney
11 general under Subchapter G, Chapter 552.

12 (g) This section does not apply to an institution of higher
13 education or university system, as defined by Section 61.003,
14 Education Code.

15 (c) Section 2054.0965(a), Government Code, is amended to
16 read as follows:

17 (a) Not later than March 31 [~~December 1~~] of each
18 even-numbered [~~odd-numbered~~] year, a state agency shall complete a
19 review of the operational aspects of the agency's information
20 resources deployment following instructions developed by the
21 department.

22 (d) Section 2157.007, Government Code, is amended by
23 amending Subsection (b) and adding Subsection (e) to read as
24 follows:

25 (b) A state agency shall [~~may~~] consider cloud computing
26 service options, including any security benefits and cost savings
27 associated with purchasing those service options from a cloud

1 computing service provider and from a statewide technology center
2 established by the department, when making purchases for a major
3 information resources project under Section 2054.118.

4 (e) Not later than November 15 of each even-numbered year,
5 the department, using existing resources, shall submit a report to
6 the governor, lieutenant governor, and speaker of the house of
7 representatives on the use of cloud computing service options by
8 state agencies. The report must include use cases that provided
9 cost savings and other benefits, including security enhancements.
10 A state agency shall cooperate with the department in the creation
11 of the report by providing timely and accurate information and any
12 assistance required by the department.

13 (e) Sections 552.139(b)(4) and (b-1), Government Code, as
14 added by this section, apply only to a request for public
15 information received on or after the effective date of this Act. A
16 request received before the effective date of this Act is governed
17 by the law in effect when the request was received, and the former
18 law is continued in effect for that purpose.

19 SECTION 16. (a) The Department of Information Resources
20 shall conduct an interim study on state reliance on the use of paper
21 documents, including current requirements that certain state
22 documents be mailed, for the purpose of reducing the state's volume
23 of paper transactions and increasing governmental efficiency.

24 (b) The study must include:

25 (1) recommendations on opportunities to increase
26 operational efficiency in state government through a reduction in
27 the use of paper documents; and

1 (2) strategies to replace the use of paper documents
2 with electronic documents and to automate state transactions to
3 better meet the needs of residents of this state.

4 (c) The Department of Information Resources shall submit a
5 report on the findings of the study to the governor, lieutenant
6 governor, speaker of the house of representatives, and Legislative
7 Budget Board.

8 (d) This section expires September 1, 2019.

9 SECTION 17. This Act may not be construed as exempting a
10 state agency from complying with any applicable law that requires
11 the state agency to physically post notice to the public in a paper
12 format, including Chapter 551, Government Code.

13 SECTION 18. A state agency is not required to comply with
14 Section 441.108, Government Code, as added by this Act, until the
15 Texas State Library and Archives Commission notifies the agency
16 that the Texas Digital Archive, as defined by Section 441.101,
17 Government Code, as amended by this Act, is configured to allow
18 compliance by the agency with that section.

19 SECTION 19. The changes in law made by this Act relating to
20 the method of delivery or submission of a notice or report apply
21 only to a notice or report that is required to be delivered or
22 submitted on or after the effective date of this Act. A notice or
23 report required to be delivered or submitted before the effective
24 date of this Act is governed by the law in effect on the date the
25 notice or report was required to be delivered or submitted, and the
26 former law is continued in effect for that purpose.

27 SECTION 20. The first report required under Section

1 441.107, Government Code, as added by this Act, is due not later
2 than January 1, 2021.

3 SECTION 21. (a) An official publisher in the executive
4 branch of state government shall comply with the applicable
5 provisions of Subchapter E, Chapter 2051, Government Code, as added
6 by this Act, in accordance with an implementation plan developed
7 under Subsection (b) of this section.

8 (b) The Records Management Interagency Coordinating Council
9 and an official publisher in the executive branch of state
10 government are jointly responsible for developing an
11 implementation plan for the applicable provisions of Subchapter E,
12 Chapter 2051, Government Code, as added by this Act. The
13 implementation plan must:

14 (1) for each applicable type of legal material defined
15 by Subchapter E, Chapter 2051, Government Code, as added by this
16 Act, advise as to the method by which the legal material may be
17 authenticated, preserved, and made available on a permanent basis;
18 and

19 (2) establish a timeline for the official publisher to
20 comply with Sections 2051.154, 2051.155, 2051.157, and 2051.158,
21 Government Code, as added by this Act.

22 (c) The implementation plan developed under Subsection (b)
23 of this section may provide for compliance by an official publisher
24 in the executive branch of state government with Sections 2051.154,
25 2051.155, 2051.157, and 2051.158, Government Code, as added by this
26 Act, to be phased in over a period of time.

27 (d) The Records Management Interagency Coordinating Council

1 shall provide the implementation plan developed under Subsection
2 (b) of this section to the legislature not later than September 1,
3 2018.

4 SECTION 22. (a) An official publisher in the legislative
5 branch of state government shall comply with the applicable
6 provisions of Subchapter E, Chapter 2051, Government Code, as added
7 by this Act, in accordance with an implementation plan developed
8 under Subsection (b) of this section.

9 (b) An official publisher in the legislative branch of state
10 government, in consultation with the lieutenant governor, the
11 speaker of the house of representatives, the Senate Committee on
12 Administration, and the House Committee on Administration, shall
13 develop an implementation plan for the applicable provisions of
14 Subchapter E, Chapter 2051, Government Code, as added by this Act.
15 The implementation plan must:

16 (1) for each applicable type of legal material defined
17 by Subchapter E, Chapter 2051, Government Code, as added by this
18 Act, recommend the method by which the legal material may be
19 authenticated, preserved, and made available on a permanent basis;
20 and

21 (2) establish a timeline for the official publisher to
22 comply with Sections 2051.154, 2051.155, 2051.157, and 2051.158,
23 Government Code, as added by this Act.

24 (c) The implementation plan developed under Subsection (b)
25 of this section may provide for compliance by an official publisher
26 in the legislative branch of state government with Sections
27 2051.154, 2051.155, 2051.157, and 2051.158, Government Code, as

1 added by this Act, to be phased in over a period of time.

2 (d) An official publisher in the legislative branch of state
3 government shall provide the implementation plan developed under
4 Subsection (b) of this section to the lieutenant governor and
5 speaker of the house of representatives not later than September 1,
6 2018.

7 SECTION 23. Except as otherwise provided by this Act, this
8 Act takes effect September 1, 2017.