

By: Guillen

H.B. No. 2305

A BILL TO BE ENTITLED

AN ACT

relating to the operations, communications, and notice procedures
of state agencies.

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

SECTION 1. Subchapter A, Chapter 441, Government Code, is
amended by adding Section 441.0135 to read as follows:

Sec. 441.0135. REPORT OF REPORTS. (a) Not later than January
1 of each 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 as defined by Section 441.180. The
commission may consult with other state agencies in preparing the
report. A state agency shall cooperate with the commission in
securing the information necessary for preparing the report. The
commission shall prescribe the method by which a state agency
transmits to the commission information necessary to prepare the
report, and may require the information to be submitted using the
state electronic Internet portal. The report must include for each
statutorily required report:

(1) the title of and the agency preparing the report;

(2) the statutory authority requiring the report;

(3) the recipient of the report;

(4) the deadline for submitting the report;

(5) a brief description of the report; and

1 (6) an assessment from each recipient of the report
2 whether the report is necessary.

3 (b) The report required by Subsection (a) must:

4 (1) be made available to the public; and

5 (2) provide indices by preparing agency, title of
6 report, and report recipient.

7 SECTION 2. Section [2001.026](#), Government Code, is amended to
8 read as follows:

9 Sec. 2001.026. NOTICE TO PERSONS REQUESTING ADVANCE NOTICE
10 OF PROPOSED RULES. A state agency shall provide ~~mail~~ notice of a
11 proposed rule to each person who has made a timely written request
12 of the agency for advance notice of its rulemaking proceedings. The
13 agency may provide the notice by electronic mail if the person
14 requests electronic delivery of the notice and includes an e-mail
15 address in the person's written request submitted to the agency.
16 Failure to provide ~~mail~~ the notice does not invalidate an action
17 taken or rule adopted.

18 SECTION 3. Chapter [2052](#), Government Code, is amended by
19 adding Subchapter F to read as follows:

20 SUBCHAPTER F. TRANSMISSION AND RECEIPT OF AGENCY DOCUMENTS

21 Sec. 2052.401. DEFINITION. In this subchapter, "state
22 agency" means a department, commission, board, office, council,
23 authority, or other agency that is in the executive, legislative,
24 or judicial branch of state government and that is created by the
25 constitution or a statute of this state, including a university
26 system or institution of higher education as defined by Section
27 [61.003](#), Education Code.

1 Sec. 2052.402. TRANSMISSION AND RECEIPT OF DOCUMENTS. (a)

2 A state agency may transmit and receive state documents in a format
3 prescribed by the agency and in any manner that the agency
4 determines will increase agency efficiency without compromising
5 the delivery of the agency's program to the public.

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

9 (c) Notwithstanding Subsection (a), a state agency may
10 continue to use established procedures prescribed by state law or
11 agency policy for the transmission and receipt of documents,
12 including the delivery of certain publications that exist in
13 physical format to a depository library as required by Section
14 [441.103](#).

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

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

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

1 1, 2020.

2 SECTION 4. Subchapter F, Chapter 2054, Government Code, is
3 amended by adding Section 2054.1116 to read as follows:

4 Sec. 2054.1116. USE OF STATE ELECTRONIC INTERNET PORTAL FOR
5 CERTAIN REPORTS. (a) To the extent a report prepared by a state
6 agency is not confidential or excepted from the requirements of
7 Section 552.021, the agency shall use the state electronic Internet
8 portal to submit or post the report if the report is required by a
9 statute, rule, or rider in the General Appropriations Act to be
10 submitted to:

- 11 (1) the governor;
- 12 (2) a member, agency, or committee of the legislature;
- 13 (3) another state agency; or
- 14 (4) the public.

15 (b) The department shall collaborate with the Texas State
16 Library and Archives Commission to develop and provide to each
17 state agency guidelines that assist the agency in determining:

- 18 (1) the reports prepared by the agency that are
19 appropriate for submission through the state electronic Internet
20 portal; and
- 21 (2) the retention requirements for those reports.

22 (c) The Texas State Library and Archives Commission shall
23 monitor the effectiveness of state agency use of the state
24 electronic Internet portal for the purposes provided under this
25 section.

26 (d) A state agency that posts a report using the state
27 electronic Internet portal satisfies any requirement in state law

1 that the agency post the report on the agency's Internet website if
2 the agency posts a direct link to the state electronic Internet
3 portal on the agency's Internet website.

4 SECTION 5. Subchapter A, Chapter 2176, Government Code, is
5 amended by adding Section 2176.007 to read as follows:

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

12 (b) In conducting the study, the comptroller shall
13 collaborate with other state agencies to consider the needs or
14 concerns specific to those agencies.

15 (c) Not later than November 1, 2018, the comptroller shall
16 post the findings of the study conducted under this section on the
17 comptroller's Internet website.

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

19 SECTION 6. Section 243.015, Health and Safety Code, is
20 amended by amending Subsection (e) and adding Subsections (e-1) and
21 (e-2) to read as follows:

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

27 (e-1) If the notice under Subsection (e) is sent by

1 certified electronic mail:

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

4 (2) the department shall maintain proof that the
5 notice was sent.

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

9 SECTION 7. Section 11.082(a), Natural Resources Code, is
10 amended to read as follows:

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

19 (1) certified mail, return receipt requested,
20 addressed to the deputy commissioner of the asset management
21 division of the General Land Office; or

22 (2) certified electronic mail to an e-mail address
23 specified by the deputy commissioner for the purpose of receiving
24 the notice.

25 SECTION 8. Section 301.160, Occupations Code, is amended by
26 adding Subsection (k) to read as follows:

27 (k) Notwithstanding Subsection (j), the board may deliver

1 the report under that subsection by certified electronic mail if
2 the recipient provides an e-mail address to the board for the
3 purpose of receiving the report.

4 SECTION 9. Section 228.0545, Transportation Code, is
5 amended by amending Subsections (c) and (d) and adding Subsection
6 (e) to read as follows:

7 (c) The department shall send [~~by first class mail~~] to the
8 registered owner of the vehicle a written notice of the total amount
9 due. The notice must specify the date, which may not be earlier
10 than the 30th day after the date the notice is sent [~~mailed~~], by
11 which the amount due must be paid. The registered owner shall pay
12 the amount due on or before the date specified in the notice.

13 (d) Except as provided by Subsection (e), the [~~The~~]
14 department shall send the notice required under Subsection (c) and
15 subsequent notices by first class mail to:

16 (1) the registered owner's address as shown in the
17 vehicle registration records of the Texas Department of Motor
18 Vehicles or the analogous department or agency of another state or
19 country; or

20 (2) an alternate address provided by the owner or
21 derived through other reliable means.

22 (e) The department may send the notice required under
23 Subsection (c) by certified electronic mail to the registered
24 owner's e-mail address as shown in the records of the department or
25 in the vehicle registration records of the Texas Department of
26 Motor Vehicles or the analogous department or agency of another
27 state or country.

1 SECTION 10. A state agency is not required to comply with
2 Section 2054.1116, Government Code, as added by this Act, until the
3 Department of Information Resources notifies the agency that the
4 state electronic Internet portal project is configured to allow
5 compliance by the agency with that section.

6 SECTION 11. The changes in law made by this Act relating to
7 the method of delivery or submission of a notice or report apply
8 only to a notice or report that is required to be delivered or
9 submitted on or after the effective date of this Act. A notice or
10 report required to be delivered or submitted before the effective
11 date of this Act is governed by the law in effect on the date the
12 notice or report was required to be delivered or submitted, and the
13 former law is continued in effect for that purpose.

14 SECTION 12. This Act takes effect September 1, 2017.