

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 24, 2017

TO: Honorable Gary Elkins, Chair, House Committee on Government Transparency & Operation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3581 by Capriglione (Relating to the availability of certain electronic information under the public information law.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to designate that the record layout of a data file, terms of which are defined in the bill, is public information and subject to related provisions. The bill provides that if public information exists in an electronic medium, a requestor would be permitted to request a copy in an electronic medium or in a specific file format. The bill would expand the list of determinations for which a governmental body would be required to provide a requestor a written statement to include providing a file format that could only be available at a cost that covers the programming and manipulation of data. This analysis assumes that allowable costs associated with fulfilling a public information request via an electronic medium or specific file format would be included in charges for providing a copy of public information.

According to the Secretary of State and Texas A&M University System Administration, no significant fiscal impact is anticipated as a result of the bill. Texas Ethics Commission, Texas Department of Licensing and Regulation and Texas Education Agency anticipate no fiscal impact.

Local Government Impact

According to the Texas Association of Counties, the fiscal impact to counties is not anticipated to be significant.

According to the Texas Municipal League (TML), the cost cannot be determined on a statewide basis as the current capabilities of cities for responding to request for information varies. However, it is anticipated there could be significant costs to some cities and would likely require programming and additional staff time in all cities.

According to TML, the City of Granbury reported initial costs would be high as the City would have to develop processes and extraction routines. However, once internal processes were developed, costs would likely decrease.

According to TML, the City of Frisco reported there would be costs associated with staff time.

According to TML, the City of Sugarland reported the City would have to hire an additional Programmer/Analyst FTE at an estimated \$132,000 per year, and could incur additional costs for contracted programming services at a rate of \$10,000 per request.

Source Agencies: 302 Office of the Attorney General, 307 Secretary of State, 356 Texas Ethics Commission, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 507 Texas Board of Nursing, 701 Texas Education Agency, 710 Texas A&M University System Administrative and General Offices

LBB Staff: UP, LBO, MMe, PM, JGA, GGo, ASa