By: Guillen H.B. No. 2476

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 to prepare 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

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

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

(1) made available to the public; and

(2) indexed by preparing agency, title of report, and report recipient.

SECTION 2. Section 2001.026, Government Code, is amended to read as follows:

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

SECTION 3. Chapter 2052, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. TRANSMISSION AND RECEIPT OF AGENCY DOCUMENTS

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

Sec. 2052.402. TRANSMISSION AND RECEIPT OF DOCUMENTS. (a) A state agency may transmit and receive state documents in a format prescribed by the agency and in any manner that the agency determines will increase agency efficiency without compromising the delivery of the agency's program to the public.

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

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

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

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

(f) A state agency shall include in the agency's legislative appropriations request submitted to the Legislative Budget Board for the state fiscal biennium beginning September 1, 2021, a report on any cost savings or achievements in efficiency recognized from implementing a change in the agency's procedures for the transmission and receipt of state documents during the state fiscal biennium ending August 31, 2021. This subsection expires September

1, 2022.

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

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

(1) the governor;

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

(3) another state agency; or

(4) the public.

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

(1) the reports prepared by the agency that are appropriate for submission through the state electronic Internet portal; and

(2) the retention requirements for those reports.

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

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

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

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

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

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

(c) Not later than November 1, 2020, the comptroller shall post the findings of the study conducted under this section on the comptroller's Internet website.

(d) This section expires September 1, 2021.

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

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

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

certified e-mail:

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

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

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

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

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

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

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

SECTION 8. A state agency is not required to comply with Section 2054.1116, Government Code, as added by this Act, until the Department of Information Resources notifies the agency that the state electronic Internet portal project is configured to allow

compliance by the agency with that section.

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

SECTION 10. This Act takes effect September 1, 2019.