

By: Guillen, Shaheen

H.B. No. 2671

Substitute the following for H.B. No. 2671:

By: Paddie

C.S.H.B. No. 2671

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the operations, communications, and notice procedures  
3 of state agencies and political subdivisions.

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

5 SECTION 1. Chapter 322, Government Code, is amended by  
6 adding Section 322.025 to read as follows:

7 Sec. 322.025. STUDY ON MAIL OPERATIONS. (a) The board  
8 shall conduct a study on the mail operations of each state agency in  
9 the executive branch of state government that receives an  
10 appropriation. The study must identify provisions of law relating  
11 to the mailing requirements for the agency that impede the  
12 efficient transmission and receipt of documents by the agency.

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

16 (c) Not later than November 1, 2022, the board shall post  
17 the findings of the study conducted under this section on the  
18 board's Internet website.

19 (d) This section expires September 1, 2023.

20 SECTION 2. Subchapter A, Chapter 441, Government Code, is  
21 amended by adding Section 441.0135 to read as follows:

22 Sec. 441.0135. REPORT OF REPORTS. (a) Not later than January  
23 1 of each odd-numbered year, the commission shall submit to the  
24 governor and the Legislative Budget Board a written report

1 regarding all statutorily required reports prepared by and  
2 submitted to a state agency as defined by Section 441.180. The  
3 commission may consult with other state agencies in preparing the  
4 report. A state agency shall cooperate with the commission in  
5 securing the information necessary to prepare the report. The  
6 commission shall prescribe the method by which a state agency  
7 transmits to the commission information necessary to prepare the  
8 report, and may require the information to be submitted using the  
9 state electronic Internet portal. The report must include for each  
10 statutorily required report:

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

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

- 19 (1) made available to the public; and
- 20 (2) indexed by preparing agency, title of report, and  
21 report recipient.

22 SECTION 3. Subchapter L, Chapter 441, Government Code, is  
23 amended by adding Section 441.1856 to read as follows:

24 Sec. 441.1856. TEXAS DIGITAL ARCHIVE. (a) The commission  
25 shall maintain and operate a digital repository for the  
26 preservation of and access to permanently valuable archival state  
27 records, reports, and publications.

1        (b) The commission, in collaboration with the Department of  
2 Information Resources, shall develop a strategy, consistent with  
3 state records management and archival practices, for state agencies  
4 to transfer appropriate archival state records and publications  
5 that are in electronic format to the commission for inclusion in the  
6 digital repository described by Subsection (a).

7        SECTION 4. 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 e-mail if the person requests  
14 electronic delivery of the notice and includes an e-mail address in  
15 the person's written request submitted to the agency. Failure to  
16 provide ~~mail~~ the notice does not invalidate an action taken or  
17 rule adopted.

18        SECTION 5. Chapter 2052, Government Code, is amended by  
19 adding Subchapter E to read as follows:

20        SUBCHAPTER E. 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) of this section, a state  
10 agency may continue to use established procedures prescribed by  
11 state law or agency policy for the transmission and receipt of  
12 documents, including the delivery of certain publications that  
13 exist in physical format to a depository library as required by  
14 Section [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, 2023, 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, 2023. This subsection expires September

1 1, 2024.

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

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

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

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

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

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

19 SECTION 7. Section [11.082](#)(a), Natural Resources Code, is  
20 amended to read as follows:

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

1 formal initiation of the action by:

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

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

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

15 SECTION 9. This Act takes effect September 1, 2021.