

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 21, 2023

TO: Honorable Todd Hunter, Chair, House Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3033 by Landgraf (Relating to attorney general decisions under the public information law.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3033, As Introduced : a negative impact of (\$5,073,267) through the biennium ending August 31, 2025.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2024	(\$2,937,323)
2025	(\$2,135,944)
2026	(\$2,135,944)
2027	(\$2,135,944)
2028	(\$2,135,944)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2023</i>
2024	(\$2,937,323)	20.0
2025	(\$2,135,944)	20.0
2026	(\$2,135,944)	20.0
2027	(\$2,135,944)	20.0
2028	(\$2,135,944)	20.0

Fiscal Analysis

The bill would amend section of the Government Code, which pertains to the Office of the Attorney General (OAG) rendering an open records decision within a defined amount of time upon receiving a request for a decision under the Public Information Act (PIA). The bill reduces the statutory time period to render a decision from 45 business days to 30 business days. The bill also removes the ability of the OAG to extend the statutory deadline by 10 business days when it cannot render a decision by the 45-business day deadline. Further the bill requires a governmental body, not later than the 15th day after the date the OAG renders a decision, to produce the information that is the subject of the decision or notify in writing the person who requested the information that the governmental body is withholding the information as authorized by the decision.

The bill would require the OAG to create and maintain a searchable database that tracks each request for a decision under the PIA and the decision on the request. The database must allow a person to search by each

governmental body making request and the exception(s) the governmental body asserts to withhold information from public disclosure. The database must also provide the status of each request, with a timeline indicating the date each stage of review of the request will be started and completed. The database must be made available on the OAG's website as soon as practicable, but not later than January 1, 2024.

Methodology

According to the OAG, the bill would require the OAG to process and response to PIA decision requests in less time than currently permitted. The deadline amendment would reduce the OAG processing by one-third, and the removal of the 10-day extension would further reduce the time the OAG has to process decision requests. The new deadlines would require decisions to be processed much more quickly, which would require more attorneys with substantial PIA experience and additional staff to handle the expedited intake, routing, and issuance of decision requests pursuant to the new deadline requirements.

According to the OAG, six Administrative Assistant II, ten Assistant Attorney General II, and four Assistant Attorney General IV to handle the increased workload resulting from the bill. The FTE costs in fiscal year 2024 are \$2,164,324 and \$2,058,064 in each fiscal year thereafter. Costs include salary, general operating, travel, capital equipment (technology related and furniture), and benefits.

The new database system would provide the following information/capabilities: online system for constituents to search records and decisions of the attorney general; the request or decision; the governmental body making the request; the outcome of the request; exceptions asserted by the governmental body to withhold information from public disclosure; the ability to view the status of the review including the estimated timeline with start and completed dates for each stage of the review.

The OAG would need \$607,239 for programming and analytical cost for the creation of a new PIA tracking system in fiscal year 2024.

Technology

Technology impact includes one-time costs of \$695,119 in fiscal year 2024, and a recurring cost in each fiscal year through fiscal year 2028 of \$77,880. One-time Costs include system development, project management costs, standard laptop, software, printer, and telecom/voicemail. Annual recurring charges cover data center services and voice line.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JMc, SMAT, LCO, HGR, NV