

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 9, 2025

TO: Honorable Giovanni Capriglione, Chair, House Committee on Delivery of Government Efficiency

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4218 by Capriglione (Relating to maintenance and production of electronic public information under the public information law.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB4218, As Introduced: a negative impact of (\$2,549,784) through the biennium ending August 31, 2027.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2026	(\$1,309,496)
2027	(\$1,240,288)
2028	(\$1,241,895)
2029	(\$1,243,250)
2030	(\$1,244,624)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>	<i>Probable Savings/(Cost) from GR Match For Medicaid 758</i>	<i>Probable Savings/(Cost) from Federal Funds 555</i>	<i>Change in Number of State Employees from FY 2025</i>
2026	(\$748,288)	(\$561,208)	(\$561,381)	10.5
2027	(\$708,741)	(\$531,547)	(\$531,720)	10.5
2028	(\$709,655)	(\$532,240)	(\$532,413)	10.5
2029	(\$710,433)	(\$532,817)	(\$532,990)	10.5
2030	(\$711,218)	(\$533,406)	(\$533,579)	10.5

Fiscal Analysis

The bill would govern access to electronic public information by defining it as any electronic communication related to official business and would establish guidelines for governmental bodies on maintaining and providing such information. The bill would mandate that if requested, electronic public information must be provided in a searchable or sortable format as specified by the requester.

The bill would establish a new category of information -- termed electronic public information -- which would be defined as data produced and maintained in electronic formats like spreadsheets or databases. The bill would mandate that such information must be provided to requesters in their preferred format or in print.

The bill would change the fee authorization for cost recovery by outlining the calculation and limitations of fees that entities can charge a requester for providing public information.

The bill would remove the ability for entities to charge for costs related to programming related efforts for public information request.

Methodology

Based on information provided by the Health and Human Services Commission (HHSC), this analysis assumes that HHSC would require additional staff and resources to respond to requests for electronic public information, which could include large electronic datasets and databases like the Texas Integrated Eligibility Redesign System (TIERS). This analysis assumes HHSC would require an additional 10.5 full-time-equivalents (FTEs) per fiscal year to respond to requests, ensure personally identifiable information or other confidential information is excluded from the requested format, and indirect agency functions. Personnel-related costs, including salaries, and specialized software for certain staff, are estimated to total \$1,845,377 in All Funds in fiscal year 2026 and \$1,746,508 in All Funds in fiscal year 2027. Non-personnel-related costs at HHSC are estimated to total an additional \$25,500 in fiscal year 2026 and \$25,500 in fiscal year 2027 and are primarily related to additional materials and data storage required to respond to requests.

This analysis assumes that any costs to other state agencies could be absorbed within existing resources.

Technology

Based on information provided by the Health and Human Services Commission (HHSC), this analysis assumes that HHSC would require additional computer storage capacity to respond to large export requests, in the amount of \$20,000 in fiscal year 2026 and \$20,000 in fiscal year 2027. These amounts are included in the non-personnel-related costs stated above.

Local Government Impact

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

Source Agencies: 242 State Commission on Judicial Conduct, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 313 Department of Information Resources, 320 Texas Workforce Commission, 352 Bond Review Board, 452 Department of Licensing and Regulation, 503 Texas Medical Board, 529 Health and Human Services Commission, 582 Commission on Environmental Quality, 601 Department of Transportation, 701 Texas Education Agency

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