

## **BILL ANALYSIS**

C.S.H.B. 2671  
By: Guillen  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There have been calls to reduce the burden of state agency reporting requirements and to provide state agencies and the public the flexibility to choose the communication method that is the timeliest, most efficient, and most cost-effective for the respective parties. C.S.H.B. 2671 seeks to increase efficiencies in the operations, communications, and notice procedures of state agencies by providing agencies the ability to use the most efficient means available to transmit and receive documents, providing for a study to evaluate the necessity of each agency report, and providing for a study on agency mail operations, among other changes. This will allow the state and public to be able to easily see the reporting requirements of each state agency and allow the legislature to make an informed assessment on what reports are no longer needed.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to each applicable state agency in SECTION 5 of this bill.

### **ANALYSIS**

C.S.H.B. 2671 amends the Government Code to authorize a state agency to 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. The bill provides the following:

- an agency may also continue to use established procedures prescribed by state law or agency policy for the transmission and receipt of documents;
- an agency that electronically transmits and receives state documents must develop electronic communication procedures by rule;
- these provisions expressly prevail over any other state law relating to the transmission and receipt of state agency documents; and
- these provisions do not authorize the electronic transmission or receipt of documents that are prohibited from being electronically transmitted or received under federal law.

C.S.H.B. 2671 requires a state agency to include in its legislative appropriations request submitted to the Legislative Budget Board (LBB) for the 2024-2025 state fiscal biennium a report on any cost savings or achievements in efficiency recognized from changing procedures for the transmission and receipt of state documents during the 2022-2023 state fiscal biennium. This requirement expires September 1, 2024.

C.S.H.B. 2671 requires the LBB to conduct a study on the mail operations of each executive branch state agency that receives an appropriation for the purpose of identifying mailing requirements that impede the agency's efficient transmission and receipt of documents. The LBB must collaborate with other state agencies to consider the needs or concerns specific to those agencies and must post the study's findings on the LBB website not later than November 1, 2022. These provisions expire September 1, 2023.

C.S.H.B. 2671 requires the Texas State Library and Archives Commission (TSLAC), not later than January 1 of each odd-numbered year, to submit to the governor and the LBB a written report regarding all statutorily required reports prepared by and submitted to an applicable state agency. The bill sets out the information the report of reports must include for each statutorily required report and provides the following:

- TSLAC may consult with other state agencies in preparing the report;
- a state agency must cooperate with TSLAC in securing the information necessary to prepare the report;
- TSLAC must prescribe the method by which an agency transmits that information;
- TSLAC may require the information to be submitted using the state electronic Internet portal; and
- the report of reports must be publically available and indexed in a specified manner.

C.S.H.B. 2671 requires TSLAC to maintain and operate a digital repository for the preservation of and access to permanently valuable archival state records, reports, and publications. The bill requires TSLAC, in collaboration with the Department of Information Resources, to develop a strategy, consistent with state records management and archival practices, for state agencies to transfer appropriate archival state records and publications that are in electronic format to TSLAC for inclusion in the digital repository.

C.S.H.B. 2671 gives an applicable state agency the option under the Administrative Procedure Act to provide notice of a proposed agency rule by email, as an alternative to providing that notice by mail, if the person who has appropriately requested the notice also requests its electronic delivery and includes an email address in the request.

C.S.H.B. 2671 amends the Health and Safety Code to give the Department of State Health Services the option of providing notice of an administrative penalty to be imposed on a licensed ambulatory surgical center operator for a violation of the Texas Ambulatory Surgical Center Licensing Act by any certified delivery method, including certified email. The bill sets out additional provisions relating to the delivery of such notice by certified email.

C.S.H.B. 2671 amends the Natural Resources Code to give an applicable state agency or political subdivision the option to deliver notice to the School Land Board of an action that may affect state land dedicated to the permanent school fund by certified email to an email address specified by the deputy commissioner of the asset management division of the General Land Office as an alternative to delivering notice by certified mail.

#### **EFFECTIVE DATE**

September 1, 2021.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2671 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions not in the original regarding a state digital repository for the preservation of and access to permanently valuable archival state records, reports, and publications.

The substitute does not include the original's provisions regarding the use of the state electronic Internet portal by state agencies for submitting or posting certain reports.

The substitute changes the entity responsible for conducting the study on mail operations from the comptroller of public accounts, as in the original, to the LBB.