

SUBJECT: Fee for electronic submission of documents to the attorney general

COMMITTEE: Government Efficiency and Reform — favorable, without amendment

VOTE: 6 ayes — Callegari, Lucio, Frullo, Harper-Brown, Muñoz, Zedler
0 nays
1 absent — Cain

WITNESSES: For — (*Registered, but did not testify:* Keith Elkins, Freedom of Information Foundation of Texas; Bill Longley, Texas Municipal League; T.J. Patterson, City of Fort Worth; Andy Wilson, Public Citizen, Inc.)

Against — None

On — Amanda Crawford, Office of the Attorney General

DIGEST: HB 2866 would allow the attorney general temporarily to charge a fee for the electronic submission of a document in addition to any other fee assessed. The fee would apply only to a document electronically submitted to the attorney general on or after the effective of the bill, and would expire September 1, 2015. The attorney general could adopt rules necessary to administer this fee.

HB 2866 also would authorize the attorney general to electronically submit a notice, decision, or other document, and would establish that when a document of this type was required for submission to or delivery by the attorney general within a specified period, the requirement would be met in a timely fashion if the document was electronically transmitted.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

SUPPORTERS SAY: HB 2866 would facilitate the implementation of an electronic filing system currently in the planning stages at the Office of the Attorney General (OAG) by authorizing the office to impose a temporary administrative convenience fee for the electronic filing of documents.

Statutory authorization is required to allow the OAG to charge a fee to anyone choosing to electronically submit certain types of documents for attorney general review in order to offset general revenue for the implementation of the system.

The Open Records Division of the OAG processes about 20,000 open-records requests each year. Each request requires the submission of supporting documents, which can be substantial. These documents are filed almost exclusively in hard-copy form, affecting the OAG, the government body whose records are the subject of the request, and the citizens involved. Hard-copy filing increases the postage, copying, and labor costs associated with document preparation and review and delays the processing associated with the storage and handling of physical documents.

An electronic filing system that allows government bodies, requestors, and other third parties to submit briefings or documents electronically to the OAG would increase customer service and efficiency while reducing or avoiding the associated administrative costs.

An electronic filing system also could offer other benefits, such as electronic file tracking that could make it possible to monitor the status of submissions.

An electronic filing fee likely would be less costly than the copying and postage costs that would be incurred when submitting hard copies of some of the larger requests.

**OPPONENTS
SAY:**

Charging a fee for electronic filing of documents could be a deterrent to using that option.

NOTES:

According to the fiscal note, HB 2866 would have a positive two-year net impact of about \$1.1 million (\$535,054 per fiscal year) in fiscal 2012-13.

The companion bill, SB 933 by Ellis, was reported favorably, without amendment, by the Senate Select Committee on Open Government on April 11.