

SUBJECT: Electronic distribution of information to legislators by state agencies

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 9 ayes — Cook, Menendez, Frullo, Gallego, Geren, Huberty, Oliveira, Smithee, Solomons

0 nays

4 absent — Craddick, Harless, Hilderbran, Turner

WITNESSES: None

BACKGROUND: Government Code, sec. 2052.002, requires state agencies that issue publications not required by law to send a written notice to each legislator to determine whether the member wants to receive the publication. A member who wants to receive the publication must notify the state agency.

Sec. 2052.0021 requires that a state agency report required by law be made available to legislators in an electronic format. A written notice must be sent to each legislator that the report is available. The agency must send the notice by mail, or, if acceptable to the member, electronically. This section does not apply if other law specifically requires that the printed report be sent to the officer or committee.

DIGEST: HB 726 would require that when a state agency issued a publication relating to its work and distributed it to legislators, an electronic notice be sent to each legislator to determine whether the member wanted to receive the publication. The member could notify the agency electronically if electing to receive the publication. For reports required by law, the bill would require the agency distributing the report to send a notice electronically that the report was available.

The 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 726 would save the state money and would be a more efficient way of giving notice to legislators that agency reports were available. About 400 reports and publications are prepared every year by state agencies. If a notice were sent to each legislator by mail, it would result in the mailing of 72,400 notices. This does not make any sense at a time when legislators are receiving other official reports, such as committee reports, in only electronic format.

Current law requires that written notices go to all members when a state agency publication is available, and many agencies still send paper notices through the mail. This wastes paper and is an inefficient use of that employee's time. An electronic notice would be more efficient and just as effective.

For reports required by law, the agency currently must determine whether an electronic version of the notice would be acceptable to the member before sending it; otherwise, a mailed notice is required. HB 726 would eliminate that unnecessary step so that an electronic notice was always sent.

After the required notice was sent by email, HB 726 would not prohibit an agency from sending a printed and mailed notice to any legislator that preferred a printed notice.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

During the 2009 regular session, an identical bill, HB 576 by Sheffield, passed the House and was referred to the Senate State Affairs Committee, which took further action.