

SUBJECT: Authorizing electronic requests for attorney general opinions

COMMITTEE: Government Efficiency and Reform — favorable, without amendment

VOTE: 6 ayes — Harper-Brown, Perry, Capriglione, Stephenson, Scott Turner, Vo  
0 nays  
1 absent — Taylor

SENATE VOTE: On final passage, (March 13) — 31 - 0

WITNESSES: (*On House companion bill, HB 1390:*)  
For — (*Registered, but did not testify:* Ashley Chadwick, Freedom of Information Foundation of Texas; Seth Mitchell, Bexar County Commissioners Court; Michael Schneider, Texas Association of Broadcasters; Ed Sterling, Texas Press Association)  
Against — None  
On — (*Registered, but did not testify:* Jason Boatright, Office of the Attorney General)

BACKGROUND: Government Code, sec. 402.042 requires requests for a legal opinion from the attorney general be made in writing and sent through certified or registered mail. Such requests may only be made by authorized requestors, such as the governor or the head of a state agency or board.  
  
The Office of the Attorney General (OAG) and the person requesting the opinion may seek to waive the requirement to use certified or registered mail.

DIGEST: HB 1390 would allow requestors of attorney general opinions to ask for an opinion by sending an e-mail to an e-mail address designated by the attorney general. Requestors still could submit requests by certified or registered mail.

This bill would take effect September 1, 2013.

**SUPPORTERS  
SAY:**

Authorized requestors should be allowed to submit requests for an attorney general opinion electronically without the attorney general's office having to approve a request for a waiver. As a matter of course, the OAG accepts electronic requests for an opinion but sends the requestor a waiver form to fill out before processing these requests. Modernizing the process would do away with this unnecessary step and lessen the administrative burden on the OAG. Requestors still would have the option of submitting requests by certified or registered mail.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The identical companion bill, HB 1390 by Harper-Brown, was passed by the House by 149-0 on April 4 and has been referred to the Senate Committee on Jurisprudence.