

## BILL ANALYSIS

Senate Research Center  
78R6246 MXM-D

S.B. 1152  
By: Shapleigh  
Government Organization  
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As Filed

### DIGEST AND PURPOSE

In August 2000, Texas launched its official e-government site, TexasOnline, for state and local government business. Some want to promote a better, faster state government service to Texas citizens that could generate more revenues for the state and foster a more efficient process. As proposed, S.B. 1152 redefines e-Pay; expands the base of candidate agencies; requires state agencies to provide a link to TexasOnline via their agency websites; resolves certain conflicts; allows agencies to validate an individual's identity; allows for certain cost recovery; reclassifies motor vehicle registration; and instructs the Secretary of State to study the feasibility of on-line notary services.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2054.111, Government Code, by amending Subsection (b) and adding Subsection (g), as follows:

(b) Requires a state agency to consider using the TexasOnline Project (project) for certain agency services. Deletes language relating to Internet use.

(g) Requires a state agency that uses the project to advertise TexasOnline by considering all media for informing citizens of the options to complete certain transactions on-line.

SECTION 2. Amends Section 2054.113, Government Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Prohibits a state agency from duplicating an infrastructure component of TexasOnline unless the program management office approves the duplication. Deletes text stating that "infrastructure" does not include the development of applications and the supporting platform for electronic government projects.

(c) Requires a state agency, before such agency may contract with a third party to develop an Internet project that duplicates a TexasOnline function, to provide the Department of Information Resources (DIR) the opportunity to bid on the project using TexasOnline. Requires the state agency to contract with DIR if DIR's bid is lower, unless the program management office approves the award of the project to the third party.

SECTION 3. Amends Section 2054.125, Government Code, by adding Subsection (d), to require each state agency that maintains a generally accessible Internet site and that uses TexasOnline to include a link to TexasOnline on the front page of the Internet site.

SECTION 4. Amends Subchapter F, Chapter 2054, Government Code, by adding Section 2054.129, as follows:

Sec. 2054.129. ELECTRONIC PAYMENTS. Authorizes a state agency to use electronic

payment methods, including the acceptance of credit cards for points of sale, telephone, or mail transactions.

SECTION 5. Amends Section 2054.251(5), Government Code, as added by Chapter 342, Acts of the 77th Legislature, Regular Session, 2001, to redefine “occupational license.”

SECTION 6. Amends Sections 2054.252(e), (f), and (g), Government Code, as added by Chapter 342, Acts of the 77th Legislature, Regular Session, 2001, as follows:

(e) Requires the TexasOnline Authority (authority) to charge a subscription or transaction fee to be paid by each licensing entity. Authorizes the authority, if it determines that the transaction costs exceed the maximum increase in occupational license renewal fees allowed under Subsection (g), to also charge a reasonable convenience fee to be recovered from a license holder who uses the project for on-line issuance or renewal of a license.

(f) Authorizes the authority to exempt a licensing entity from subscription fees under Subsection (e) if the authority determines that the licensing entity has established an Internet portal that is performing the functions described by Subsection (a) or on-line license renewal for the licensing entity would not be cost-effective or in the best interest of the project.

(g) Requires each licensing entity to increase the occupational license, rather than renewal, fees imposed by the licensing entity by an amount sufficient to cover the cost of the subscription fee imposed on the licensing entity under Subsection (e) but not to exceed certain amounts.

SECTION 7. Amends Section 2054.252(a), Government Code, as added by Chapter 353, Acts of the 77th Legislature, Regular Session, 2001, to require certain licensing authorities to participate in the system established under Section 2054.253, as added by Chapter 353, Acts of the 77th Legislature, Regular Session, 2001.

SECTION 8. Amends Section 2054.253(a), Government Code, as added by Chapter 342, Acts of the 77th Legislature, Regular Session, 2001, to provide that the authority consists of the comptroller and a member of the board, who serves ex officio, or the designee of those officers, and 15 certain members appointed by the governor.

SECTION 9. Amends Section 2054.253, Government Code, as added by Chapter 353, Acts of the 77th Legislature, Regular Session, 2001, by adding Subsection (f) to authorize a licensing entity to use another state agency’s database, where appropriate, to validate an individual’s identity rather than requiring a notarized document or a document signed by a third party.

SECTION 10. Amends Section 2054.255, Government Code, as follows:

Sec. 2054.255. PRESIDING OFFICER. Requires the governor to designate the member of the authority representing the governing board of the DIR, rather than DIR, as the presiding officer.

SECTION 11. Amends Section 2054.259, Government Code, as follows:

Sec. 2054.259. GENERAL POWERS AND DUTIES OF TEXASONLINE AUTHORITY. Requires the authority to perform certain acts.

SECTION 12. Amends Subchapter I, Chapter 2054, Government Code, as added by Chapter 342, Acts of the 77th Legislature, Regular Session, 2001, by adding Sections 2054.268, 2054.269, 2054.270, and 2054.271, as follows:

Sec. 2054.268. CONTRACTS; CONFLICT OF INTEREST. Provides that a contract entered into between the authority and another state agency or a local government is not

void for the sole reason that a member of the authority also serves on the governing body of the state agency or local government with whom the contract was entered.

Sec. 2054.269. INTELLECTUAL PROPERTY RIGHTS. Authorizes DIR to exercise all intellectual property rights regarding the project, including prevention of other persons from using names or designs similar to those used by the project to market products.

Sec. 2054.270. MOTOR VEHICLE REGISTRATIONS. Provides that for purposes of this chapter, the renewal of a motor vehicle registration is a state service.

Sec. 2054.271. NOTARIES PUBLIC; ELECTRONIC SIGNATURES. Requires DIR to work with the secretary of state to assign personal identification numbers to notaries public. Authorizes a person, using those numbers, to verify signatures used for government services provided through the project.

SECTION 13. Repealer: Section 2054.2645 (Sunset Provision), Government Code.

SECTION 14. Requires the governor, not later than November 1, 2003, to appoint the additional public members to serve on the TexasOnline Authority, as required by Section 2054.253(a), Government Code, as amended by this Act. Requires one public member's term to expire on February 1, 2005, and the other public member's term to expire on February 1, 2007.

SECTION 15. Requires certain state agencies to study the feasibility of making on-line renewals of licenses mandatory, except for renewals made under certain hardship situations.

SECTION 16. Effective date: upon passage or September 1, 2003.