

By: Shapleigh

S.B. No. 1152

A BILL TO BE ENTITLED

AN ACT

relating to the use of TexasOnline.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

(b) A state agency shall consider using the project for agency services [~~provided on the Internet~~], including:

(1) financial transactions;

(2) applications for licenses, permits, registrations, and other related documents from the public;

(3) electronic signatures; and

(4) any other applications that require security.

(g) A state agency that uses the project shall advertise TexasOnline by considering all media for informing citizens of the options to complete their transactions on-line, including consideration of:

(1) the modification of telephone on-hold messages to inform listeners about TexasOnline;

(2) the placement of Internet payment options on the back of citations issued by the agency;

(3) advertising TexasOnline at any time the agency advertises its own website; and

(4) the use of the TexasOnline logo or advertising

1 phrases on official correspondence.

2 SECTION 2. Section 2054.113, Government Code, is amended by
3 amending Subsection (b) and adding Subsection (c) to read as
4 follows:

5 (b) A state agency may not duplicate an infrastructure
6 component of TexasOnline unless the program management office
7 approves the duplication. [~~In this subsection, "infrastructure"~~
8 ~~does not include the development of applications, and the~~
9 ~~supporting platform, for electronic government projects.~~]

10 (c) Before a state agency may contract with a third party to
11 develop an Internet project that duplicates a TexasOnline function,
12 the state agency must provide the department the opportunity to bid
13 on the project using TexasOnline. The state agency must contract
14 with the department if the department's bid is lower, unless the
15 program management office approves the award of the project to the
16 third party.

17 SECTION 3. Section 2054.125, Government Code, is amended by
18 adding Subsection (d) to read as follows:

19 (d) Each state agency that maintains a generally accessible
20 Internet site and that uses TexasOnline shall include a link to
21 TexasOnline on the front page of the Internet site.

22 SECTION 4. Subchapter F, Chapter 2054, Government Code, is
23 amended by adding Section 2054.129 to read as follows:

24 Sec. 2054.129. ELECTRONIC PAYMENTS. A state agency may use
25 electronic payment methods, including the acceptance of credit
26 cards for points of sale, telephone, or mail transactions.

27 SECTION 5. Section 2054.251(5), Government Code, as added

1 by Chapter 342, Acts of the 77th Legislature, Regular Session,
2 2001, is amended to read as follows:

3 (5) "Occupational license" means a license,
4 certificate, registration, permit, or other form of authorization
5 that a person must obtain to practice or engage in a particular
6 business, occupation, or profession.

7 SECTION 6. Sections 2054.252(e), (f), and (g), Government
8 Code, as added by Chapter 342, Acts of the 77th Legislature, Regular
9 Session, 2001, are amended to read as follows:

10 (e) The authority shall charge fees to licensing entities in
11 amounts sufficient to cover the cost of implementing this section
12 with respect to licensing entities. The authority shall charge a
13 subscription or transaction fee to be paid by each licensing
14 entity. If the authority determines that the transaction costs
15 exceed the maximum increase in occupational license renewal fees
16 allowed under Subsection (g), the authority may also charge a
17 reasonable convenience fee to be recovered from a license holder
18 who uses the project for on-line issuance or renewal of a license.

19 (f) The authority may exempt a licensing entity from
20 subscription fees under Subsection (e) if the authority determines
21 that:

22 (1) the licensing entity has established an Internet
23 portal that is performing the functions described by Subsection
24 (a); or

25 (2) on-line license renewal for the licensing entity
26 would not be cost-effective or in the best interest of the project.

27 (g) Each licensing entity shall increase the occupational

1 license [~~renewal~~] fees imposed by the licensing entity by an amount
2 sufficient to cover the cost of the subscription fee imposed on the
3 licensing entity under Subsection (e) but not to exceed:

4 (1) \$5 for an occupational license that is required to
5 be renewed annually; or

6 (2) \$10 for an occupational license that is required
7 to be renewed biennially.

8 SECTION 7. Section 2054.252(a), Government Code, as added
9 by Chapter 353, Acts of the 77th Legislature, Regular Session,
10 2001, is amended to read as follows:

11 (a) The following licensing authorities shall participate
12 in the system established under Section 2054.253, as added by
13 Chapter 353, Acts of the 77th Legislature, Regular Session, 2001:

- 14 (1) State Board of Barber Examiners;
- 15 (2) Texas Board of Chiropractic Examiners;
- 16 (3) Texas Cosmetology Commission;
- 17 (4) Court Reporters Certification Board;
- 18 (5) State Board of Dental Examiners;
- 19 (6) Texas Funeral Service Commission;
- 20 (7) Texas Board of Professional Land Surveying;
- 21 (8) Texas State Board of Medical Examiners;
- 22 (9) Board of Nurse Examiners;
- 23 (10) Board of Vocational Nurse Examiners;
- 24 (11) Texas Optometry Board;
- 25 (12) Texas Structural Pest Control Board;
- 26 (13) Texas State Board of Pharmacy;
- 27 (14) Executive Council of Physical Therapy and

- 1 Occupational Therapy Examiners;
- 2 (15) Texas State Board of Plumbing Examiners;
- 3 (16) Texas State Board of Podiatric Medical Examiners;
- 4 (17) Board of Tax Professional Examiners;
- 5 (18) Polygraph Examiners Board;
- 6 (19) Texas State Board of Examiners of Psychologists;
- 7 (20) State Board of Veterinary Medical Examiners;
- 8 (21) Texas Real Estate Commission;
- 9 (22) Texas Appraiser Licensing and Certification
- 10 Board; ~~and~~
- 11 (23) Texas Department of Licensing and Regulation;
- 12 (24) Texas State Board of Public Accountancy;
- 13 (25) State Board for Educator Certification;
- 14 (26) Texas Board of Professional Engineers;
- 15 (27) Texas Department of Health;
- 16 (28) Texas Board of Architectural Examiners;
- 17 (29) Texas Alcoholic Beverage Commission;
- 18 (30) Texas Racing Commission;
- 19 (31) State Securities Board;
- 20 (32) Commission on Law Enforcement Officer Standards
- 21 and Education; and
- 22 (33) Texas Commission on Private Security.

23 SECTION 8. Section 2054.253(a), Government Code, as added

24 by Chapter 342, Acts of the 77th Legislature, Regular Session,

25 2001, is amended to read as follows:

26 (a) The authority consists of the comptroller and a member

27 of the board, who serve ex officio, or the designee of those

1 officers, and 15 members appointed by the governor, as follows:

2 (1) [~~a representative of each of the following state~~
3 ~~officers or agencies appointed by the state officer or the~~
4 ~~governing body of the agency.~~

5 [~~(A) the comptroller, and~~

6 [~~(B) the department,~~

7 [~~2~~] three representatives of local governments
8 appointed by the governor, including one representative from a
9 junior college district;

10 (2) [~~3~~] three representatives of businesses that
11 are regulated by a state agency or local government, appointed by
12 the governor, including one representative from a rural area;

13 (3) [~~4~~] four representatives of state agencies,
14 including an institution of higher education other than a junior
15 college district, appointed by the governor, including one
16 representative from a rural area; and

17 (4) five [~~5~~ ~~three~~] public members appointed by the
18 governor, including one representative from a rural area.

19 SECTION 9. Section 2054.253, Government Code, as added by
20 Chapter 353, Acts of the 77th Legislature, Regular Session, 2001,
21 is amended by adding Subsection (f) to read as follows:

22 (f) A licensing entity may use another state agency's
23 database, where appropriate, to validate an individual's identity
24 rather than requiring a notarized document or a document signed by a
25 third party.

26 SECTION 10. Section 2054.255, Government Code, is amended
27 to read as follows:

1 Sec. 2054.255. PRESIDING OFFICER. The governor shall
2 designate the member of the authority representing the board
3 ~~[department]~~ as ~~[is]~~ the presiding officer.

4 SECTION 11. Section 2054.259, Government Code, is amended
5 to read as follows:

6 Sec. 2054.259. GENERAL POWERS AND DUTIES OF TEXASONLINE
7 AUTHORITY. The authority shall:

8 (1) develop policies related to operation of the
9 project;

10 (2) approve ~~[consider]~~ services to be provided by the
11 project;

12 (3) operate and promote the project;

13 (4) oversee ~~[manage]~~ contract performance for the
14 project;

15 (5) comply with department financial requirements;

16 (6) oversee money generated for the operation and
17 expansion of the project;

18 (7) develop project pricing policies, including
19 policies regarding any fees that a state agency or local government
20 may charge for a transaction that uses the project;

21 (8) evaluate participation in the project to determine
22 if performance efficiencies or other benefits and opportunities are
23 gained through project implementation;

24 (9) advise the department about the project; and

25 (10) coordinate with the department to receive
26 periodic security audits of the operational facilities of the
27 project.

1 SECTION 12. Subchapter I, Chapter 2054, Government Code, as
2 added by Chapter 342, Acts of the 77th Legislature, Regular
3 Session, 2001, is amended by adding Sections 2054.268, 2054.269,
4 2054.270, and 2054.271 to read as follows:

5 Sec. 2054.268. CONTRACTS; CONFLICT OF INTEREST. A contract
6 entered into between the authority and another state agency or a
7 local government is not void for the sole reason that a member of
8 the authority also serves on the governing body of the state agency
9 or local government with whom the contract was entered.

10 Sec. 2054.269. INTELLECTUAL PROPERTY RIGHTS. The
11 department may exercise all intellectual property rights regarding
12 the project, including prevention of other persons from using names
13 or designs similar to those used by the project to market products.

14 Sec. 2054.270. MOTOR VEHICLE REGISTRATIONS. For purposes
15 of this chapter, the renewal of a motor vehicle registration is a
16 state service.

17 Sec. 2054.271. NOTARIES PUBLIC; ELECTRONIC SIGNATURES. The
18 department shall work with the secretary of state to assign
19 personal identification numbers to notaries public. Using those
20 numbers, a person may verify signatures used for government
21 services provided through the project.

22 SECTION 13. Section 2054.2645, Government Code, is
23 repealed.

24 SECTION 14. Not later than November 1, 2003, the governor
25 shall appoint the additional public members to serve on the
26 TexasOnline Authority, as required by Section 2054.253(a),
27 Government Code, as amended by this Act. One public member's term

1 shall expire on February 1, 2005, and the other public member's term
2 shall expire on February 1, 2007.

3 SECTION 15. The following state agencies shall study the
4 feasibility of making on-line renewals of licenses mandatory,
5 except for renewals made under certain hardship situations:

- 6 (1) Board of Tax Professional Examiners;
- 7 (2) Texas State Board of Podiatric Medical Examiners;
- 8 (3) Texas State Board of Medical Examiners;
- 9 (4) Board of Nurse Examiners;
- 10 (5) Texas Optometry Board; and
- 11 (6) Texas State Board of Pharmacy.

12 SECTION 16. This Act takes effect immediately if it
13 receives a vote of two-thirds of all the members elected to each
14 house, as provided by Section 39, Article III, Texas Constitution.
15 If this Act does not receive the vote necessary for immediate
16 effect, this Act takes effect September 1, 2003.