BILL ANALYSIS

Senate Research Center   S.B. 1644
79R9941 MXM-F   By: Shapleigh
                                                                       Government Organization
                                                                                      4/22/2005
                                                                                      As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

TexasOnline was created with the goal of streamlining interactions between the State of Texas, state agencies, other governmental entities, and the public. The result, the state website, www.TxOnline.com, has for the past two years delivered convenient and cost-effective services to the public. Since 2003, TexasOnline has grown to include a professional profile system for occupational licenses; an expanded common occupational licensing system; a court eFiling system; a natural resources portal; and a voter registration and change of address system. The expansion of the system has been an expensive process. The TexasOnline Authority (authority) has spent thousands of dollars expanding services.

As TexasOnline and partnering entities continue to work together, it has become apparent for the need to clear up confusing provisions in the enabling statute so that interactions between the authority, state agencies, and the private contractor creating and maintaining the Web portal are effective and efficient.

S.B. 1644, as introduced, clarifies several provisions in the Government Code to better direct the Department of Information Resources and other state agencies in working with the authority.

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 Sections 2054.111(e) and (g), Government Code, as follows:

(e) Authorizes a state agency or local government that uses the TexasOnline project (project) to charge a fee under Subchapter I, in certain circumstances.

(g) Requires a state agency that uses the project to, as determined by the TexasOnline Authority (authority), assist the authority with marketing efforts regarding the use of the project.

SECTION 2. Amends Section 2054.1115(b), Government Code, to make a conforming change.

SECTION 3. Amends Sections 2054.252(a), (d), and (e), Government Code, as follows:

(a) Requires the authority to implement a project designated "TexasOnline" that establishes a common electronic infrastructure through which state agencies and local governments, including licensing entities, may electronically send and receive documents or required payments by any method to and from certain persons and provide and receive any other service to and from the agencies and local governments or the public, including support services for an agency or local government.

(d) Requires a contract entered into under this subsection to include terms on sharing fees for using the project.

(e) Requires the authority to charge fees to licensing entities as provided by this subchapter.

SECTION 4. Amends Section 2054.259, Government Code, to require the authority to set prices in an amount equal to the cost of the project plus a reasonable rate of return and develop project pricing policies, including policies regarding any fees that a state agency, including the authority, or a local government may charge for a transaction that uses the project.

SECTION 5. Amends Subchapter I, Chapter 2054, Government Code, by adding Sections 2054.273, 2054.274, and 2054.275, as follows:

Sec. 2054.273. FEES. Requires a state agency or a vendor, as determined by the authority, to collect all fees charged to use the project. Requires a state agency, if the state agency collects the fees charged to use the project, to forward the fees to the vendor, if the state has contracted with a vendor under Section 2054.252(d). Requires a state agency, if the state has not contracted with a vendor, to forward to the state an amount equal to the state's share of the fees as provided by the vendor's agreement with the Department of Information Resources (department). Requires a vendor, if the vendor collects or receives the fees charged for use of the project, to forward to the state an amount equal to the state's share of the fees as provided by the vendor's contract with the department.

Sec. 2054.274. RECORDS. Authorizes a state agency or local government to use the project to automate systems relating to the state agency or local government's records, including specific functions.

Sec. 2054.275. DEBT AND COSTS PROHIBITED; VENDOR. Prohibits the department and the authority from incurring debt or costs associated with the project, except that the division and any vendor selected under Section 2054.252(d) are required to bear all debt and other costs associated with developing, operating, or managing the project.

SECTION 6. Repealer: Section 7, Chapter 342, Acts of the 77th Legislature, Regular Session, 2001 (regarding the expiration date of Section 2054.252(g), Government Code).

SECTION 7. Effective date: upon passage or the 91st day after adjournment.