

By: Uresti

H.B. No. 2048

A BILL TO BE ENTITLED

AN ACT

relating to certain online services and transactions involving state agencies.

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

SECTION 1. Section 2054.111(e), Government Code, is amended to read as follows:

(e) A state agency or local government that uses the project may charge a fee under Subchapter I if:

(1) the fee is necessary to recover the actual costs directly and reasonably incurred by the agency or local government because of the project for:

(A) the use of electronic payment methods; or

(B) interfacing with other information technology systems;

(2) the fee does not include an amount to recover state agency or local government employee costs;

(3) the state agency or local government approves the amount of the fee using the state agency's or local government's standard approval process for fee increases;

(4) the chief financial officer for the state agency or local government certifies that the amount of the fee is necessary to recover the actual costs incurred because of the project; and

(5) the authority approves the amount of the fee.

1 SECTION 2. Section 2054.1115(b), Government Code, is  
2 amended to read as follows:

3 (b) The state agency or local government may charge a  
4 reasonable fee, as provided by Section 2054.111 or Subchapter I, to  
5 recover costs incurred through electronic payment methods used  
6 under this section.

7 SECTION 3. Section 2054.113(c), Government Code, is amended  
8 to read as follows:

9 (c) Before a state agency may contract with a third party  
10 for Internet application development that duplicates a TexasOnline  
11 function, the state agency must notify the TexasOnline Authority  
12 and the department of its intent to bid for such services at the  
13 same time that others have the opportunity to bid. The department  
14 [~~program management office~~] may exempt a state agency from this  
15 section if it determines the agency has fully complied with Section  
16 2054.111.

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

19 Sec. 2054.129. ADVERTISING ONLINE OPTIONS. Each state  
20 agency shall advertise the options for completing transactions with  
21 that agency online.

22 SECTION 5. Sections 2054.252(a) and (e), Government Code,  
23 are amended to read as follows:

24 (a) The authority shall implement a project designated  
25 "TexasOnline" that establishes a common electronic infrastructure  
26 through which state agencies and local governments, including  
27 licensing entities, may by any method [~~electronically~~]:

1           (1) send and receive documents or required payments to  
2 and from:

3                   (A) members of the public;

4                   (B) persons who are regulated by the agencies or  
5 local governments; and

6                   (C) the agencies and local governments;

7           (2) receive applications for original and renewal  
8 licenses and permits, including occupational licenses, complaints  
9 about occupational license holders, and other documents for filing  
10 from members of the public and persons who are regulated by a state  
11 agency or local government that, when secure access is necessary,  
12 can be electronically validated by the agency, local government,  
13 member of the public, or regulated person;

14           (3) send original and renewal occupational licenses to  
15 persons regulated by licensing entities;

16           (4) send profiles of occupational license holders to  
17 persons regulated by licensing entities and to the public;

18           (5) store information; and

19           (6) provide and receive any other service to and from  
20 the agencies and local governments or the public.

21           (e) The authority shall charge fees to licensing entities as  
22 provided by this subchapter in amounts sufficient to cover the cost  
23 of implementing this section with respect to licensing entities.  
24 The authority shall charge a subscription fee to be paid by each  
25 licensing entity. The authority may not charge the subscription  
26 fee until the service for which the fee is charged is available on  
27 the Internet. If the authority determines that the transaction

1 costs exceed the maximum increase in occupational license issuance  
2 or renewal fees allowed under Subsection (g), the authority may  
3 also charge a reasonable convenience fee to be recovered from a  
4 license holder who uses the project for online issuance or renewal  
5 of a license.

6 SECTION 6. Section 2054.258, Government Code, is amended to  
7 read as follows:

8 Sec. 2054.258. TRAINING FOR AUTHORITY MEMBERS. Not later  
9 than six months after the date on which an authority member is  
10 appointed, the member must complete training on the following:

11 (1) the legislation that created the authority [~~and the~~  
12 ~~division~~], and the project;

13 (2) the department rules that relate to the authority  
14 and the project;

15 (3) the programs operated by the authority [~~and~~  
16 ~~division~~];

17 (4) the role and functions of the authority [~~and~~  
18 ~~division~~];

19 (5) the current budget for the authority [~~and~~  
20 ~~division~~];

21 (6) the results of the most recent formal audit of the  
22 authority;

23 (7) the requirements of:

24 (A) the open meetings law, Chapter 551;

25 (B) the public information law, Chapter 552;

26 (C) the administrative procedure law, Chapter

27 2001; and

1 (D) other laws relating to public officials,  
2 including conflict of interest laws; and

3 (8) any applicable ethics policies adopted by the  
4 authority or the Texas Ethics Commission.

5 SECTION 7. Section 2054.259, Government Code, is amended to  
6 read as follows:

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

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

11 (2) approve or disapprove services to be provided by  
12 the project;

13 (3) operate and promote the project;

14 (4) oversee contract performance for the 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, including the  
20 authority, or a local government may charge for a transaction that  
21 uses the project;

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

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

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

1 project.

2 SECTION 8. Subchapter I, Chapter 2054, Government Code, is  
3 amended by adding Section 2054.2591 to read as follows:

4 Sec. 2054.2591. FEES. (a) The authority shall set fees  
5 that a state agency, including the authority, or a local government  
6 may charge for a transaction that uses the project. The authority  
7 shall set fees at amounts sufficient to recover the direct and  
8 indirect costs of the project.

9 (b) A fee set by the authority for using the project is in  
10 addition to any other statutory fees. The revenue collected from  
11 the fees must be used to support the project, including the recovery  
12 of project costs.

13 SECTION 9. Section 2054.265, Government Code, is amended to  
14 read as follows:

15 Sec. 2054.265. SEPARATION OF RESPONSIBILITIES. The  
16 authority shall develop and implement policies that clearly  
17 separate the policymaking responsibilities of the authority and the  
18 management responsibilities of the department [~~division~~].

19 SECTION 10. Subchapter I, Chapter 2054, Government Code, is  
20 amended by adding Section 2054.273 to read as follows:

21 Sec. 2054.273. RECOVERY OF FEES. A person that pays a fee  
22 for using the project may recover the fee in the ordinary course of  
23 business.

24 SECTION 11. Subchapter E, Chapter 548, Transportation Code,  
25 is amended by adding Section 548.258 to read as follows:

26 Sec. 548.258. USE OF TEXASONLINE. (a) In this section,  
27 "TexasOnline" has the meaning assigned by Section 2054.003,

1 Government Code.

2 (b) The department may adopt rules to require an inspection  
3 station to use TexasOnline to:

4 (1) purchase inspection certificates; or

5 (2) send to the department a record, report, or other  
6 information required by the department.

7 SECTION 12. (a) Section 531.0312, Government Code, is  
8 amended by adding Subsection (e) to read as follows:

9 (e) Each local workforce development board, the Texas Head  
10 Start State Collaboration Office, and each school district shall  
11 provide the Texas Information and Referral Network with information  
12 regarding eligibility for and availability of child-care and  
13 education services for inclusion in the statewide information and  
14 referral network. The local workforce development boards, Texas  
15 Head Start State Collaboration Office, and school districts shall  
16 provide the information in a form determined by the executive  
17 commissioner. In this subsection, "child-care and education  
18 services" has the meaning assigned by Section 531.03131.

19 (b) Subchapter B, Chapter 531, Government Code, is amended  
20 by adding Section 531.03131 to read as follows:

21 Sec. 531.03131. ELECTRONIC ACCESS TO CHILD-CARE AND  
22 EDUCATION SERVICES REFERRAL INFORMATION. (a) In this section,  
23 "child-care and education services" means:

24 (1) subsidized child-care services administered by  
25 the Texas Workforce Commission and local workforce development  
26 boards and funded wholly or partly by federal child-care  
27 development funds;

1           (2) child-care and education services provided by a  
2 Head Start or Early Head Start program provider;

3           (3) child-care and education services provided by a  
4 school district through a prekindergarten or after-school program;  
5 and

6           (4) any other government-funded child-care and  
7 education services, other than education and services provided by a  
8 school district as part of the general program of public and  
9 secondary education, designed to educate or provide care for  
10 children under the age of 13 in middle- or low-income families.

11           (b) In addition to providing health and human services  
12 information, the Texas Information and Referral Network Internet  
13 site established under Section 531.0313 shall provide information  
14 to the public regarding child-care and education services provided  
15 by public or private entities throughout the state. The Internet  
16 site will serve as a single point of access through which a person  
17 may be directed on how or where to apply for all child-care and  
18 education services available in the person's community.

19           (c) The Internet site must:

20           (1) be geographically indexed and designed to inform  
21 an individual about the child-care and education services provided  
22 in the area where the person lives;

23           (2) contain prescreening questions to determine a  
24 person's or family's probable eligibility for child-care and  
25 education services; and

26           (3) be designed in a manner that allows staff of the  
27 Texas Information and Referral Network to:



1           (A) provide an applicant with the telephone  
2 number, physical address, and electronic mail address of the  
3 nearest Head Start or Early Head Start office or center and local  
4 workforce development center and the appropriate school district;  
5 and

6           (B) send an electronic mail message to each  
7 appropriate entity described by Paragraph (A) containing the name  
8 of and contact information for each applicant and a description of  
9 the services the applicant is applying for.

10          (d) On receipt of an electronic mail message from the Texas  
11 Information and Referral Network under Subsection (c)(3)(B), each  
12 entity shall contact the applicant to verify information regarding  
13 the applicant's eligibility for available child-care and education  
14 services and, on certifying eligibility, shall match the applicant  
15 with entities providing those services in the applicant's  
16 community, including local workforce development boards, local  
17 child-care providers, or a Head Start or Early Head Start program  
18 provider.

19          (e) The child-care resource and referral network under  
20 Chapter 310, Labor Code, and each entity providing child-care and  
21 education services in this state, including local workforce  
22 development boards, the Texas Education Agency, school districts,  
23 Head Start and Early Head Start program providers, municipalities,  
24 counties, and other political subdivisions of this state, shall  
25 cooperate with the Texas Information and Referral Network as  
26 necessary in the administration of this section.

27          (f) Not later than the last day of the month following each

1 calendar quarter, the commission shall file with the legislature a  
2 report regarding the use of the Internet site in the provision and  
3 delivery of child-care and education services during the reporting  
4 period. The report must include:

5 (1) the number of referrals made to Head Start or Early  
6 Head Start offices or centers;

7 (2) the number of referrals made to local workforce  
8 development centers; and

9 (3) the number of referrals made to each school  
10 district.

11 (c) If before implementing any provision of this section a  
12 state agency determines that a waiver or authorization from a  
13 federal agency is necessary for implementation of that provision,  
14 the agency affected by the provision shall request the waiver or  
15 authorization and may delay implementing that provision until the  
16 waiver or authorization is granted.

17 SECTION 13. The following laws are repealed:

18 (1) Sections 2054.251(2), 2054.264, and 2054.2645,  
19 Government Code; and

20 (2) Section 7, Chapter 342, Acts of the 77th  
21 Legislature, Regular Session, 2001.

22 SECTION 14. The amendments made by this Act to Section  
23 2054.113(c), Government Code, apply only to a bid made on or after  
24 the effective date of this Act. A bid that is made before that date  
25 is governed by the law in effect when the bid was made, and the  
26 former law is continued in effect for that purpose.

27 SECTION 15. This Act takes effect immediately if it

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1 receives a vote of two-thirds of all the members elected to each  
2 house, as provided by Section 39, Article III, Texas Constitution.  
3 If this Act does not receive the vote necessary for immediate  
4 effect, this Act takes effect on the 91st day after the last day of  
5 the legislative session.