

1-1 By: Uresti (Senate Sponsor - Ellis) H.B. No. 2048
1-2 (In the Senate - Received from the House May 10, 2005;
1-3 May 12, 2005, read first time and referred to Committee on
1-4 Government Organization; May 18, 2005, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 7, Nays
1-6 0; May 18, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2048 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain online services and transactions involving
1-11 state agencies.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 2054.111(e), Government Code, is amended
1-14 to read as follows:

1-15 (e) A state agency or local government that uses the project
1-16 may charge a fee under Subchapter I if:

1-17 (1) the fee is necessary to recover the actual costs
1-18 directly and reasonably incurred by the agency or local government
1-19 because of the project for:

1-20 (A) the use of electronic payment methods; or

1-21 (B) interfacing with other information
1-22 technology systems;

1-23 (2) the fee does not include an amount to recover state
1-24 agency or local government employee costs;

1-25 (3) the state agency or local government approves the
1-26 amount of the fee using the state agency's or local government's
1-27 standard approval process for fee increases;

1-28 (4) the chief financial officer for the state agency
1-29 or local government certifies that the amount of the fee is
1-30 necessary to recover the actual costs incurred because of the
1-31 project; and

1-32 (5) the authority approves the amount of the fee.

1-33 SECTION 2. Section 2054.1115(b), Government Code, is
1-34 amended to read as follows:

1-35 (b) The state agency or local government may charge a
1-36 reasonable fee, as provided by Section 2054.111 or Subchapter I, to
1-37 recover costs incurred through electronic payment methods used
1-38 under this section.

1-39 SECTION 3. Section 2054.113(c), Government Code, is amended
1-40 to read as follows:

1-41 (c) Before a state agency may contract with a third party
1-42 for Internet application development that duplicates a TexasOnline
1-43 function, the state agency must notify the TexasOnline Authority
1-44 and the department of its intent to bid for such services at the
1-45 same time that others have the opportunity to bid. The department
1-46 [~~program management office~~] may exempt a state agency from this
1-47 section if it determines the agency has fully complied with Section
1-48 2054.111.

1-49 SECTION 4. Subchapter F, Chapter 2054, Government Code, is
1-50 amended by adding Section 2054.129 to read as follows:

1-51 Sec. 2054.129. ADVERTISING ONLINE OPTIONS. Each state
1-52 agency shall advertise the options for completing transactions with
1-53 that agency online.

1-54 SECTION 5. Section 2054.251 is amended to read as follows:

1-55 Sec. 2054.251. DEFINITIONS. In this subchapter:

1-56 (1) "Authority" means the [~~TexasOnline Authority~~]
1-57 Department of Information Resources.

1-58 (2) "Division" means the TexasOnline division created
1-59 by the department under Section 2054.264.

1-60 (3) "Licensing entity" means a department,
1-61 commission, board, office, or other agency of the state or a
1-62 political subdivision of the state that issues an occupational
1-63 license.

2-1 (4) "Local government" means a county, municipality,
2-2 special district, school district, junior college district, or
2-3 other political subdivision of the state.

2-4 (5) "Occupational license" means a license,
2-5 certificate, registration, permit, or other form of authorization,
2-6 including a renewal of the authorization, that:

2-7 (A) a person must obtain to practice or engage in
2-8 a particular business, occupation, or profession; or

2-9 (B) a facility must obtain before a particular
2-10 business, occupation, or profession is practiced or engaged in
2-11 within the facility.

2-12 (6) "Project" means the project implemented under
2-13 Section 2054.252.

2-14 (7) All references in the statute to TexasOnline
2-15 Authority mean the Department of Information Resources.

2-16 SECTION 6. Section 2054.252 (e), Government Code, is
2-17 amended to read as follows:

2-18 (e) The authority shall charge fees to licensing entities as
2-19 provided by this subchapter in amounts sufficient to cover the cost
2-20 of implementing this section with respect to licensing entities.
2-21 The authority shall charge a subscription fee to be paid by each
2-22 licensing entity. The authority may not charge the subscription
2-23 fee until the service for which the fee is charged is available on
2-24 the Internet. If the authority determines that the transaction
2-25 costs exceed the maximum increase in occupational license issuance
2-26 or renewal fees allowed under Subsection (g), the authority may
2-27 also charge a reasonable convenience fee to be recovered from a
2-28 license holder who uses the project for online issuance or renewal
2-29 of a license.

2-30 SECTION 7. Section 2054.258, Government Code, is amended to
2-31 read as follows:

2-32 Sec. 2054.258. TRAINING FOR AUTHORITY MEMBERS. Not later
2-33 than six months after the date on which an authority member is
2-34 appointed, the member must complete training on the following:

2-35 (1) the legislation that created the authority [~~the~~
2-36 ~~division,~~] and the project;

2-37 (2) the department rules that relate to the authority
2-38 and the project;

2-39 (3) the programs operated by the authority [~~and~~
2-40 ~~division~~];

2-41 (4) the role and functions of the authority [~~and~~
2-42 ~~division~~];

2-43 (5) the current budget for the authority [~~and~~
2-44 ~~division~~];

2-45 (6) the results of the most recent formal audit of the
2-46 authority;

2-47 (7) the requirements of:

2-48 (A) the open meetings law, Chapter 551;

2-49 (B) the public information law, Chapter 552;

2-50 (C) the administrative procedure law, Chapter
2-51 2001; and

2-52 (D) other laws relating to public officials,
2-53 including conflict of interest laws; and

2-54 (8) any applicable ethics policies adopted by the
2-55 authority or the Texas Ethics Commission.

2-56 SECTION 8. Section 2054.259, Government Code, is amended to
2-57 read as follows:

2-58 Sec. 2054.259. GENERAL POWERS AND DUTIES OF TEXASONLINE
2-59 AUTHORITY. The authority shall:

2-60 (1) develop policies related to operation of the
2-61 project;

2-62 (2) approve or disapprove services to be provided by
2-63 the project;

2-64 (3) operate and promote the project;

2-65 (4) oversee contract performance for the project;

2-66 (5) comply with department financial requirements;

2-67 (6) oversee money generated for the operation and
2-68 expansion of the project;

2-69 (7) develop project pricing policies, including

3-1 policies regarding any fees that a state agency, including the
3-2 authority, or a local government may charge for a transaction that
3-3 uses the project;

3-4 (8) evaluate participation in the project to determine
3-5 if performance efficiencies or other benefits and opportunities are
3-6 gained through project implementation;

3-7 [~~(9) advise the department about the project,~~] and

3-8 (10) coordinate with the department to receive
3-9 periodic security audits of the operational facilities of the
3-10 project.

3-11 SECTION 9. Subchapter I, Chapter 2054, Government Code, is
3-12 amended by adding Sections 2054.2591 and 2054.2595 to read as
3-13 follows:

3-14 Sec. 2054.2591. FEES. (a) The authority shall set fees
3-15 that a state agency, including the authority, or a local government
3-16 may charge for a transaction that uses the project. The authority
3-17 shall set fees at amounts sufficient to recover the direct and
3-18 indirect costs of the project.

3-19 (b) A fee set by the authority for using the project is in
3-20 addition to any other statutory fees. The revenue collected from
3-21 the fees must be used to support the project, including the recovery
3-22 of project costs.

3-23 (c) No fee may be charged to a person authorized to file
3-24 electronically under Section 195.003, Local Government Code, for
3-25 filing, recording, access to or electronic copies of a real
3-26 property record subject to the provisions of Chapter 195, Local
3-27 Government Code, except as provided in Sections 195.006 or 195.007,
3-28 Local Government Code.

3-29 Sec. 2054.2595. FEE EXEMPTIONS. The authority may not
3-30 charge the State Board of Barber Examiners or the Texas Cosmetology
3-31 Commission a fee to use the project for the issuance or renewal of
3-32 an occupational license.

3-33 SECTION 10. Section 2054.260, Government Code, is amended
3-34 to read as follows:

3-35 2054.260. REPORTING REQUIREMENTS: AUTHORITY. (a) Not
3-36 later than September 1 of each even-numbered year, the authority
3-37 shall report on the status, progress, benefits, and efficiency
3-38 gains of the project. The authority shall provide the report to:

3-39 (1) the presiding officer of each house of the
3-40 legislature;

3-41 (2) the chair of each committee in the legislature
3-42 that has primary jurisdiction over the department;

3-43 (3) the governor; and

3-44 (4) each state agency or local government
3-45 participating in the project.

3-46 (b) Not later than September 1 of each even-numbered year
3-47 [As required by the department], the authority shall report on [to
3-48 the department regarding] financial matters, including project
3-49 costs and revenues. In addition, the

3-50 [~~(c) The~~] authority shall report [~~to the department~~] on any
3-51 significant issues regarding contract performance on the project.
3-52 The authority shall report on additional financial or contract
3-53 performance matters as required by the department. The authority
3-54 shall provide the report to:

3-55 (1) the department;

3-56 (2) the presiding officer of each house of the
3-57 legislature; and

3-58 (3) the chair of each committee in the legislature
3-59 that has primary jurisdiction over the department.

3-60 SECTION 11. Section 2054.265, Government Code, is amended
3-61 to read as follows:

3-62 Sec. 2054.265. SEPARATION OF RESPONSIBILITIES. The
3-63 authority shall develop and implement policies that clearly
3-64 separate the policymaking responsibilities of the authority and the
3-65 management responsibilities of the department [division].

3-66 SECTION 12. Subchapter I, Chapter 2054, Government Code, is
3-67 amended by addition Section 2054.272 to read as follows:

3-68 Sec. 2054.272. INDEPENDENT ANNUAL AUDIT. (a) Not later
3-69 than August 1 of each year, the vendor operating the TexasOnline

4-1 Portal shall have an audit of the vendor's finances associated with
4-2 management and operation of the TexasOnline Portal performed by an
4-3 independent certified public accountant selected by the state, paid
4-4 by the portal vendor.

4-5 (b) Not later than August 15 of each year, the authority
4-6 shall provide a copy of the audit report to:

4-7 (1) the presiding officer of each house of the
4-8 legislature and

4-9 (2) the chair of each committee in the legislature
4-10 that has primary jurisdiction over the department.

4-11 (c) The authority shall keep a copy of the audit report and
4-12 make the audit report available for inspection by any interested
4-13 person during regular business hours.

4-14 SECTION 13. Subchapter I, Chapter 2054, Government Code, is
4-15 amended by adding Section 2054.273 to read as follows:

4-16 Sec. 2054.273. RECOVERY OF FEES. A person that pays a fee
4-17 for using the project may recover the fee in the ordinary course of
4-18 business.

4-19 SECTION 14. Subchapter E, Chapter 548, Transportation Code,
4-20 is amended by adding Section 548.258 to read as follows:

4-21 Sec. 548.258. USE OF TEXASONLINE. (a) In this section,
4-22 "TexasOnline" has the meaning assigned by Section 2054.003,
4-23 Government Code.

4-24 (b) The department may adopt rules to require an inspection
4-25 station to use TexasOnline to:

4-26 (1) purchase inspection certificates; or
4-27 (2) send to the department a record, report, or other
4-28 information required by the department.

4-29 SECTION 15. (a) Section 531.0312, Government Code, is
4-30 amended by adding Subsection (e) to read as follows:

4-31 (e) Each local workforce development board, the Texas Head
4-32 Start State Collaboration Office, and each school district shall
4-33 provide the Texas Information and Referral Network with information
4-34 regarding eligibility for and availability of child-care and
4-35 education services for inclusion in the statewide information and
4-36 referral network. The local workforce development boards, Texas
4-37 Head Start State Collaboration Office, and school districts shall
4-38 provide the information in a form determined by the executive
4-39 commissioner. In this subsection, "child-care and education
4-40 services" has the meaning assigned by Section 531.03131.

4-41 (b) Subchapter B, Chapter 531, Government Code, is amended
4-42 by adding Section 531.03131 to read as follows:

4-43 Sec. 531.03131. ELECTRONIC ACCESS TO CHILD-CARE AND
4-44 EDUCATION SERVICES REFERRAL INFORMATION. (a) In this section,
4-45 "child-care and education services" means:

4-46 (1) subsidized child-care services administered by
4-47 the Texas Workforce Commission and local workforce development
4-48 boards and funded wholly or partly by federal child-care
4-49 development funds;

4-50 (2) child-care and education services provided by a
4-51 Head Start or Early Head Start program provider;

4-52 (3) child-care and education services provided by a
4-53 school district through a prekindergarten or after-school program;
4-54 and

4-55 (4) any other government-funded child-care and
4-56 education services, other than education and services provided by a
4-57 school district as part of the general program of public and
4-58 secondary education, designed to educate or provide care for
4-59 children under the age of 13 in middle- or low-income families.

4-60 (b) In addition to providing health and human services
4-61 information, the Texas Information and Referral Network Internet
4-62 site established under Section 531.0313 shall provide information
4-63 to the public regarding child-care and education services provided
4-64 by public or private entities throughout the state. The Internet
4-65 site will serve as a single point of access through which a person
4-66 may be directed on how or where to apply for all child-care and
4-67 education services available in the person's community.

4-68 (c) The Internet site must:

4-69 (1) be geographically indexed and designed to inform

5-1 an individual about the child-care and education services provided
 5-2 in the area where the person lives;

5-3 (2) contain prescreening questions to determine a
 5-4 person's or family's probable eligibility for child-care and
 5-5 education services; and

5-6 (3) be designed in a manner that allows staff of the
 5-7 Texas Information and Referral Network to:

5-8 (A) provide an applicant with the telephone
 5-9 number, physical address, and electronic mail address of the
 5-10 nearest Head Start or Early Head Start office or center and local
 5-11 workforce development center and the appropriate school district;
 5-12 and

5-13 (B) send an electronic mail message to each
 5-14 appropriate entity described by Paragraph (A) containing the name
 5-15 of and contact information for each applicant and a description of
 5-16 the services the applicant is applying for.

5-17 (d) On receipt of an electronic mail message from the Texas
 5-18 Information and Referral Network under Subsection (c)(3)(B), each
 5-19 entity shall contact the applicant to verify information regarding
 5-20 the applicant's eligibility for available child-care and education
 5-21 services and, on certifying eligibility, shall match the applicant
 5-22 with entities providing those services in the applicant's
 5-23 community, including local workforce development boards, local
 5-24 child-care providers, or a Head Start or Early Head Start program
 5-25 provider.

5-26 (e) The child-care resource and referral network under
 5-27 Chapter 310, Labor Code, and each entity providing child-care and
 5-28 education services in this state, including local workforce
 5-29 development boards, the Texas Education Agency, school districts,
 5-30 Head Start and Early Head Start program providers, municipalities,
 5-31 counties, and other political subdivisions of this state, shall
 5-32 cooperate with the Texas Information and Referral Network as
 5-33 necessary in the administration of this section.

5-34 (f) Not later than the last day of the month following each
 5-35 calendar quarter, the commission shall file with the legislature a
 5-36 report regarding the use of the Internet site in the provision and
 5-37 delivery of child-care and education services during the reporting
 5-38 period. The report must include:

5-39 (1) the number of referrals made to Head Start or Early
 5-40 Head Start offices or centers;

5-41 (2) the number of referrals made to local workforce
 5-42 development centers; and

5-43 (3) the number of referrals made to each school
 5-44 district.

5-45 (c) If before implementing any provision of this section a
 5-46 state agency determines that a waiver or authorization from a
 5-47 federal agency is necessary for implementation of that provision,
 5-48 the agency affected by the provision shall request the waiver or
 5-49 authorization and may delay implementing that provision until the
 5-50 waiver or authorization is granted.

5-51 SECTION 16. The following laws are repealed:

5-52 (1) Sections 2054.251(2), 2054.253, 2054.254,
 5-53 2054.255, 2054.256, 2054.257, 2054.258, 2054.264, 2054.2645, and
 5-54 2054.265 Government Code; and

5-55 (2) Section 7, Chapter 342, Acts of the 77th
 5-56 Legislature, Regular Session, 2001.

5-57 SECTION 17. The amendments made by this Act to Section
 5-58 2054.113(c), Government Code, apply only to a bid made on or after
 5-59 the effective date of this Act. A bid that is made before that date
 5-60 is governed by the law in effect when the bid was made, and the
 5-61 former law is continued in effect for that purpose.

5-62 SECTION 18. In the event of a conflict between a provision
 5-63 of this section and another Act passed by the 79th Legislature,
 5-64 Regular Session, 2005, that becomes law, this section prevails and
 5-65 controls regardless of the relative dates of enactment.

5-66 SECTION 19. This Act takes effect immediately if it
 5-67 receives a vote of two-thirds of all the members elected to each
 5-68 house, as provided by Section 39, Article III, Texas Constitution.
 5-69 If this Act does not receive the vote necessary for immediate

6-1 effect, this Act takes effect on the 91st day after the last day of
6-2 the legislative session.

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