

By: Baxter

H.B. No. 2593

Substitute the following for H.B. No. 2593:

By: Otto

C.S.H.B. No. 2593

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the TexasOnline project, the TexasOnline Authority, and
3 related powers and fees.

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

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

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

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

12 (A) the use of electronic payment methods; or

13 (B) interfacing with other information
14 technology systems;

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

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

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

24 (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. Sections 2054.252(a) and (e), Government Code,
8 are amended to read as follows:

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

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

15 (A) members of the public;

16 (B) persons who are regulated by the agencies or
17 local governments; and

18 (C) the agencies and local governments;

19 (2) receive applications for original and renewal
20 licenses and permits, including occupational licenses, complaints
21 about occupational license holders, and other documents for filing
22 from members of the public and persons who are regulated by a state
23 agency or local government that, when secure access is necessary,
24 can be electronically validated by the agency, local government,
25 member of the public, or regulated person;

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

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

3 (5) store information; and

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

6 (e) The authority shall charge fees to licensing entities as
7 provided by this subchapter in amounts sufficient to cover the cost
8 of implementing this section with respect to licensing entities.
9 The authority shall charge a subscription fee to be paid by each
10 licensing entity. The authority may not charge the subscription
11 fee until the service for which the fee is charged is available on
12 the Internet. If the authority determines that the transaction
13 costs exceed the maximum increase in occupational license issuance
14 or renewal fees allowed under Subsection (g), the authority may
15 also charge a reasonable convenience fee to be recovered from a
16 license holder who uses the project for online issuance or renewal
17 of a license.

18 SECTION 4. Section 2054.258, Government Code, is amended to
19 read as follows:

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

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

25 (2) the department rules that relate to the authority
26 and the project;

27 (3) the programs operated by the authority [~~and~~

1 ~~division~~];

2 (4) the role and functions of the authority [~~and~~
3 ~~division~~];

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

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

8 (7) the requirements of:

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

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

11 (C) the administrative procedure law, Chapter
12 2001; and

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

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

17 SECTION 5. Section 2054.259, Government Code, is amended to
18 read as follows:

19 Sec. 2054.259. GENERAL POWERS AND DUTIES OF TEXASONLINE
20 AUTHORITY. The authority shall:

21 (1) develop policies related to operation of the
22 project;

23 (2) approve or disapprove services to be provided by
24 the project;

25 (3) operate and promote the project;

26 (4) oversee contract performance for the project;

27 (5) comply with department financial requirements;

1 (6) oversee money generated for the operation and
2 expansion of the project;

3 (7) develop project pricing policies, including
4 policies regarding any fees that a state agency, including the
5 authority, or a local government may charge for a transaction that
6 uses the project;

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

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

11 (10) coordinate with the department to receive
12 periodic security audits of the operational facilities of the
13 project.

14 SECTION 6. Subchapter I, Chapter 2054, Government Code, is
15 amended by adding Section 2054.2591 to read as follows:

16 Sec. 2054.2591. FEES. (a) The authority shall set fees
17 that a state agency, including the authority, or a local government
18 may charge for a transaction that uses the project. The authority
19 shall set fees at amounts sufficient to recover the direct and
20 indirect costs of the project and provide a reasonable rate of
21 return to the authority.

22 (b) the authority shall charge a state agency or local
23 government a fee for all services provided to that entity.

24 (c) a fee set by the authority for using the project is in
25 addition to any other statutory fees. The revenue collected from
26 the fees must be used to support the project, including the recovery
27 of project costs.

1 SECTION 7. Section 2054.265, Government Code, is amended to
2 read as follows:

3 Sec. 2054.265. SEPARATION OF RESPONSIBILITIES. The
4 authority shall develop and implement policies that clearly
5 separate the policymaking responsibilities of the authority and the
6 management responsibilities of the department [~~division~~].

7 SECTION 8. Subchapter I, Chapter 2054, Government Code, is
8 amended by adding Section 2054.273 to read as follows:

9 Sec. 2054.273. COLLECTION AND FORWARDING OF FEES. (a) A
10 state agency or a vendor, as determined by the authority, shall
11 collect all fees charged to use the project. If a state agency
12 collects the fees charged to use the project, the state agency shall
13 forward the fees to the vendor, if the state has contracted with a
14 vendor under Section 2054.252(d). If the state has not contracted
15 with a vendor, the state agency shall forward to the state an amount
16 equal to the state's share of the fees. If a vendor collects or
17 receives the fees charged for use of the project, it shall forward
18 to the state an amount equal to the state's share of the fees as
19 provided by the vendor's contract with the department.

20 (b) A person that pays a fee for using the project may
21 recover the fee in the ordinary course of business.

22 SECTION 9. Subchapter E, Chapter 548, Transportation Code,
23 is amended by adding Section 548.258 to read as follows:

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

27 (b) The department may adopt rules to require an inspection

1 station to use TexasOnline to:

2 (1) purchase inspection certificates; or

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

5 SECTION 10. The following laws are repealed:

6 (1) Sections 2054.251(2), 2054.264, and 2054.2645,
7 Government Code; and

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

10 SECTION 11. This Act takes effect immediately if it
11 receives a vote of two-thirds of all the members elected to each
12 house, as provided by Section 39, Article III, Texas Constitution.
13 If this Act does not receive the vote necessary for immediate
14 effect, this Act takes effect on the 91st day after the last day of
15 the legislative session.