

By: Baxter

H.B. No. 2593

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the TexasOnline project, the TexasOnline Authority, and
3 related powers, fees, and a vendor for the project.

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

5 SECTION 1. Sections 2054.111(e) and (g), Government Code,
6 are amended 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 (g) A state agency that uses the project shall, as
2 determined by the authority, assist the authority with marketing
3 efforts regarding the use of the project.

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

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

10 SECTION 3. Sections 2054.252(a), (d), and (e), Government
11 Code, are amended to read as follows:

12 (a) The authority shall implement a project designated
13 "TexasOnline" that establishes a common electronic infrastructure
14 through which state agencies and local governments, including
15 licensing entities, may electronically:

16 (1) send and receive documents or required payments by
17 any method to and from:

18 (A) members of the public;

19 (B) persons who are regulated by the agencies or
20 local governments; and

21 (C) the agencies and local governments;

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

1 member of the public, or regulated person;

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

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

6 (5) store information; and

7 (6) provide and receive any other service to and from
8 the agencies and local governments or the public, including support
9 services for an agency or local government.

10 (d) The department shall [~~may~~] contract with a private
11 vendor to implement this section. The contract must include terms
12 on sharing fees for using the project.

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

23 SECTION 4. Section 2054.259, Government Code, is amended to
24 read as follows:

25 Sec. 2054.259. GENERAL POWERS AND DUTIES OF TEXASONLINE
26 AUTHORITY. The authority shall:

27 (1) develop policies related to operation of the

1 project;

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

4 (3) operate and promote the project;

5 (4) oversee contract performance for the project;

6 (5) comply with department financial requirements;

7 (6) oversee money generated for the operation and
8 expansion of the project;

9 (7) set prices and develop project pricing policies,
10 including policies regarding any fees that a state agency,
11 including the authority, or a local government may charge for a
12 transaction that uses the project;

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

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

17 (10) coordinate with the department to receive
18 periodic security audits of the operational facilities of the
19 project.

20 SECTION 5. Subchapter I, Chapter 2054, Government Code, is
21 amended by adding Sections 2054.273, 2054.274, and 2054.275 to read
22 as follows:

23 Sec. 2054.273. FEES. (a) A state agency or the vendor, as
24 determined by the authority, shall collect all fees charged to use
25 the project. If a state agency collects the fees charged to use the
26 project, the state agency shall forward the fees to the vendor, who
27 shall forward to the state an amount equal to the state's share of

1 the fees as provided by the vendor's agreement with the department.
2 If the vendor collects the fees charged for use of the project, it
3 shall forward to the state an amount equal to the state's share of
4 the fees as provided by the vendor's agreement with the department.

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

7 (c) A fee set by the authority under Section 2054.259 for
8 using the project is in addition to any other statutory fees. The
9 revenue collected from the fees must be used to support the project,
10 including the recovery of project costs for:

11 (1) developing and operating the project and related
12 services;

13 (2) replacing and updating aging and obsolete software
14 and hardware;

15 (3) addressing security and interruption of business
16 concerns;

17 (4) making payments due under any vendor agreement;
18 and

19 (5) using the project in any other manner that the
20 authority determines.

21 Sec. 2054.274. RECORDS. A state agency or local government
22 may use the project to automate systems relating to the state agency
23 or local government's records, including:

24 (1) imaging and storing records;

25 (2) receiving and processing records; and

26 (3) requesting copies of records, including certified
27 copies.

1 Sec. 2054.275. DEBT AND COSTS PROHIBITED; VENDOR. (a)
2 Except as provided by Subsection (b), the department and the
3 authority may not incur debt or costs associated with the project.

4 (b) The vendor and the division shall bear all debt and
5 other costs associated with developing, operating, or managing the
6 project.

7 SECTION 6. Section 7, Chapter 342, Acts of the 77th
8 Legislature, Regular Session, 2001, is repealed.

9 SECTION 7. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect on the 91st day after the last day of the
14 legislative session.