

By: Shapleigh

S.B. No. 1644

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Sections 2054.111(e) and (g), Government Code, are 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 (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 may contract with a private vendor to
11 implement this section. A contract entered into under this
12 subsection must include terms on sharing fees for using the
13 project.

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

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

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

- 1 (1) develop policies related to operation of the
2 project;
- 3 (2) approve or disapprove services to be provided by
4 the project;
- 5 (3) operate and promote the project;
- 6 (4) oversee contract performance for the project;
- 7 (5) comply with department financial requirements;
- 8 (6) oversee money generated for the operation and
9 expansion of the project;
- 10 (7) set prices in an amount equal to the cost of the
11 project plus a reasonable rate of return and develop project
12 pricing policies, including policies regarding any fees that a
13 state agency, including the authority, or a local government may
14 charge for a transaction that uses the project;
- 15 (8) evaluate participation in the project to determine
16 if performance efficiencies or other benefits and opportunities are
17 gained through project implementation;
- 18 (9) advise the department about the project; and
- 19 (10) coordinate with the department to receive
20 periodic security audits of the operational facilities of the
21 project.

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

25 Sec. 2054.273. FEES. A state agency or a vendor, as
26 determined by the authority, shall collect all fees charged to use
27 the project. If a state agency collects the fees charged to use the

1 project, the state agency shall forward the fees to the vendor, if
2 the state has contracted with a vendor under Section 2054.252(d).
3 If the state has not contracted with a vendor, the state agency
4 shall forward to the state an amount equal to the state's share of
5 the fees as provided by the vendor's agreement with the department.
6 If a vendor collects or receives the fees charged for use of the
7 project, it shall forward to the state an amount equal to the
8 state's share of the fees as provided by the vendor's contract with
9 the department.

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

- 13 (1) imaging and storing records;
14 (2) receiving and processing records; and
15 (3) requesting copies of records, including certified
16 copies.

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

20 (b) The division and any vendor selected under Section
21 2054.252(d) shall bear all debt and other costs associated with
22 developing, operating, or managing the project.

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

25 SECTION 7. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect on the 91st day after the last day of the
3 legislative session.