

1-1 By: Shapleigh S.B. No. 1644  
1-2 (In the Senate - Filed March 11, 2005; March 23, 2005, read  
1-3 first time and referred to Committee on Government Organization;  
1-4 April 28, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 28, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1644 By: Nelson

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

1-10 relating to the TexasOnline project, the TexasOnline Authority, and  
1-11 related powers and fees.

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

1-13 SECTION 1. Subsection (e), Section 2054.111, Government  
1-14 Code, is amended 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. Subsection (b), Section 2054.1115, Government  
1-34 Code, is 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. Subsections (a) and (e), Section 2054.252,  
1-40 Government Code, are amended to read as follows:

1-41 (a) The authority shall implement a project designated  
1-42 "TexasOnline" that establishes a common electronic infrastructure  
1-43 through which state agencies and local governments, including  
1-44 licensing entities, may by any method [~~electronically~~]:

1-45 (1) send and receive documents or required payments to  
1-46 and from:

1-47 (A) members of the public;

1-48 (B) persons who are regulated by the agencies or  
1-49 local governments; and

1-50 (C) the agencies and local governments;

1-51 (2) receive applications for original and renewal  
1-52 licenses and permits, including occupational licenses, complaints  
1-53 about occupational license holders, and other documents for filing  
1-54 from members of the public and persons who are regulated by a state  
1-55 agency or local government that, when secure access is necessary,  
1-56 can be electronically validated by the agency, local government,  
1-57 member of the public, or regulated person;

1-58 (3) send original and renewal occupational licenses to  
1-59 persons regulated by licensing entities;

1-60 (4) send profiles of occupational license holders to  
1-61 persons regulated by licensing entities and to the public;

1-62 (5) store information; and

1-63 (6) provide and receive any other service to and from

the agencies and local governments or the public.

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

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

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

- (1) the legislation that created the authority~~[, the division,]~~ and the project;
- (2) the department rules that relate to the authority and the project;
- (3) the programs operated by the authority ~~[and division];~~
- (4) the role and functions of the authority ~~[and division];~~
- (5) the current budget for the authority ~~[and division];~~
- (6) the results of the most recent formal audit of the authority;
- (7) the requirements of:
  - (A) the open meetings law, Chapter 551;
  - (B) the public information law, Chapter 552;
  - (C) the administrative procedure law, Chapter 2001; and
  - (D) other laws relating to public officials, including conflict of interest laws; and
- (8) any applicable ethics policies adopted by the authority or the Texas Ethics Commission.

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

Sec. 2054.259. GENERAL POWERS AND DUTIES OF TEXAS ONLINE AUTHORITY. The authority shall:

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

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

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

3-1 indirect costs of the project.

3-2 (b) A fee set by the authority for using the project is in  
3-3 addition to any other statutory fees. The revenue collected from  
3-4 the fees must be used to support the project, including the recovery  
3-5 of project costs.

3-6 SECTION 7. Section 2054.265, Government Code, is amended to  
3-7 read as follows:

3-8 Sec. 2054.265. SEPARATION OF RESPONSIBILITIES. The  
3-9 authority shall develop and implement policies that clearly  
3-10 separate the policymaking responsibilities of the authority and the  
3-11 management responsibilities of the department [~~division~~].

3-12 SECTION 8. Subchapter I, Chapter 2054, Government Code, is  
3-13 amended by adding Section 2054.273 to read as follows:

3-14 Sec. 2054.273. COLLECTION AND FORWARDING OF FEES. A person  
3-15 that pays a fee for using the project may recover the fee in the  
3-16 ordinary course of business.

3-17 SECTION 9. Subchapter E, Chapter 548, Transportation Code,  
3-18 is amended by adding Section 548.258 to read as follows:

3-19 Sec. 548.258. USE OF TEXASONLINE. (a) In this section,  
3-20 "TexasOnline" has the meaning assigned by Section 2054.003,  
3-21 Government Code.

3-22 (b) The department may adopt rules to require an inspection  
3-23 station to use Texas Online to:

3-24 (1) purchase inspection certificates; or

3-25 (2) send to the department a record, report, or other  
3-26 information required by the department.

3-27 SECTION 10. The following laws are repealed:

3-28 (1) Subdivision (2), Section 2054.251, and Sections  
3-29 2054.264 and 2054.265, Government Code; and

3-30 (2) Section 7, Chapter 342, Acts of the 77th  
3-31 Legislature, Regular Session, 2001.

3-32 SECTION 11. This Act takes effect immediately if it  
3-33 receives a vote of two-thirds of all the members elected to each  
3-34 house, as provided by Section 39, Article III, Texas Constitution.  
3-35 If this Act does not receive the vote necessary for immediate  
3-36 effect, this Act takes effect on the 91st day after the last day of  
3-37 the legislative session.

3-38

\* \* \* \* \*