

BILL ANALYSIS

Senate Research Center

H.B. 2593
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Government Organization
5/19/2005
Committee Report (Amended)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

In August 2000, Texas launched its official e-government website for state and local government business, TexasOnline. Demand for TexasOnline's services has been great. However, questions have arisen concerning whether and how certain transactions can be conducted using TexasOnline. H.B. 2593 addresses these concerns.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Public Safety in SECTION 11 (Section 548.258, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 2054.111(e), Government Code, to authorize a state agency or local government that uses the TexasOnline project (project) to charge a fee under Subchapter I, in certain circumstances.

SECTION 2. Amends Section 2054.1115(b), Government Code, to make a conforming change.

SECTION 3. Amends Sections 2054.252(a) and (e), Government Code, as follows:

- (a) Makes no changes to this subsection.
- (e) Requires the authority to charge fees to licensing entities as provided by this subchapter. Prohibits the authority from charging the subscription fee until the service for which the fee is charged is available on the Internet.

SECTION 4. Amends Section 2054.258, Government Code, to delete existing text requiring an authority member, not less than six months after the date on which the member is appointed, to complete training on the TexasOnline division (division) created by the Department of Information Resources (department). Makes conforming changes.

SECTION 5. Amends Section 2054.259, Government Code, to require the authority to 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.

SECTION 6. Amends Subchapter I, Chapter 2054, Government Code, by adding Sections 2045.2591 and 2054.2595, as follows:

- Sec. 2054.2591. FEES. (a) Requires the authority to set fees that a state agency, including the authority, or a local government may charge for a transaction that uses the project. Requires the authority to set fees at amounts sufficient to recover the direct and indirect costs of the project and provide a reasonable rate of return to the authority.
- (b) Requires the authority to charge a state agency or local government a fee for all services provided to that entity.
 - (c) Provides that a fee set by the authority for using the project is in addition to any other statutory fees. Requires the revenue collected from the fees to be used to support the project, including the recovery of project costs.

Sec. 2054.2595. FEE EXEMPTIONS. Prohibits the authority from charging the State Board of Barber Examiners or the Texas Cosmetology Commission a fee to use the project for the issuance or renewal of an occupational license.

SECTION 7. Amends Section 2054.260, Government Code, to require the authority, not later than September 1 of each even-numbered year, to report on financial matters, including project costs and revenues. Requires the authority to report on additional financial or contract performance matters as required by the department. Requires the authority to provide the report to certain entities. Deletes existing text providing that the report is required by the department and that the authority reports to the department. Makes nonsubstantive changes.

SECTION 8. Amends Section 2054.265, Government Code, to require the authority to develop and implement policies that clearly separate the policymaking responsibilities of the authority and the management responsibilities of the department, rather than the division.

SECTION 9. Amends Subchapter I, Chapter 2054, Government Code, by adding Section 2054.272, as follows:

Sec. 2054.272. INDEPENDENT ANNUAL AUDIT. (a) Requires the vendor operating the TexasOnline portal, not later than August 1 of each year, to have an audit of the vendor's finances associated with management and operation of the TexasOnline portal performed by an independent certified public accountant selected by the state, paid by the portal vendor.

(b) Requires the authority, not later than August 15 of each year, to provide a copy of the audit report to certain government officials.

(c) Requires the authority to keep a copy of the audit report and make the audit report available for inspection by any interested person during regular business hours.

SECTION 10. Amends Subchapter I, Chapter 2054, Government Code, by adding Section 2054.273, as follows:

Sec. 2054.273. COLLECTION AND FORWARDING OF FEES. (a) Requires a state agency or a vendor, as determined by the authority, to collect all fees charged to use the project. Requires the state agency, if the agency collects the fees charged to use the project, to forward the fees to the vendor, if the state has contracted with a vendor. Requires the state agency, if the state has not contracted with a vendor, to forward to the state an amount equal to the state's share of the fees. Requires a vendor, if it collects or receives the fees charged for use of the project, to forward to the state an amount equal to the state's share of the fees as provided by the vendor's contract with the department.

(b) Authorizes a person that pays a fee for using the project to recover the fee in the ordinary course of business.

SECTION 11. Amends Subchapter E, Chapter 548, Transportation Code, by adding Section 548.258, as follows:

Sec. 548.258. USE OF TEXASONLINE. (a) Defines "TexasOnline."

(b) Authorizes the Department of Public Safety (DPS) to adopt rules to require an inspection station to use TexasOnline to purchase inspection certificates or send to DPS a record, report, or other information required by DPS.

SECTION 12. Repealer: Sections 2054.251(2) (definition of "division"), 2054.264 (TexasOnline Division), and 2054.2645 [sic], Government Code, and Section 7 (expiration of Section 2054.252(g), Government Code, on September 1, 2005), Chapter 342, Acts of the 77th Legislature, Regular Session, 2001.

SECTION 13. Effective date: upon passage or the 91st day after adjournment.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment No. 1:

Amends Section 6 by adding a new Subsection (d) to Section 2054.2591, as follows:

(d) Prohibits a fee from being charged to a person authorized to file electronically under Section 195.003 (Persons Authorized to File Electronically), Local Government Code, for filing, recording, access to or electronic copies of a real property record subject to the provisions of Chapter 195 (Electronic Filing of Records With and Recording By County Clerk), Local Government Code, with certain exceptions.