

1-1 By: Blanco S.B. No. 538
 1-2 (In the Senate - Filed February 1, 2021; March 11, 2021,
 1-3 read first time and referred to Committee on Finance;
 1-4 April 8, 2021, reported favorably by the following vote: Yeas 15,
 1-5 Nays 0; April 8, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Nelson	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Buckingham	X			
1-11 Campbell	X			
1-12 Creighton	X			
1-13 Hancock	X			
1-14 Huffman	X			
1-15 Kolthorst	X			
1-16 Nichols	X			
1-17 Perry	X			
1-18 Schwertner	X			
1-19 Taylor	X			
1-20 West	X			
1-21 Whitmire	X			

1-23 A BILL TO BE ENTITLED
 1-24 AN ACT

1-25 relating to information technology purchased through the
 1-26 Department of Information Resources.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Sections 2157.068(a) and (e-3), Government Code,
 1-29 are amended to read as follows:

1-30 (a) In this section, "commodity items" means commercial
 1-31 software, hardware, or technology services, other than
 1-32 telecommunications services, that are generally available to
 1-33 businesses or the public and for which the department determines
 1-34 that a reasonable demand exists from ~~in~~ two or more customers,
 1-35 including state agencies and political subdivisions of this state,
 1-36 entities described by Subsection (j), and governmental entities of
 1-37 another state, that purchase the items through the department. The
 1-38 term includes seat management, through which a customer ~~state~~
 1-39 ~~agency~~ transfers its personal computer equipment and service
 1-40 responsibilities to a private vendor to manage the personal
 1-41 computing needs for each desktop of the customer ~~in the state~~
 1-42 ~~agency~~, including all necessary hardware, software, and support
 1-43 services.

1-44 (e-3) The procedural requirements of Subsection (e-1) and
 1-45 the limitation prescribed by Subsection (e-2) do not apply to a
 1-46 state agency's purchase of commodity items under a department
 1-47 contract for the bulk purchase of commodity items intended for use
 1-48 by more than one customer ~~state agency~~.

1-49 SECTION 2. Section 2157.182, Government Code, is amended to
 1-50 read as follows:

1-51 Sec. 2157.182. VALIDITY OF PREAPPROVED TERMS AND
 1-52 CONDITIONS; RENEGOTIATION. (a) Preapproved terms and conditions
 1-53 to which a vendor, the comptroller, and the department agree are
 1-54 valid for the duration of the initial contract ~~two years after the~~
 1-55 ~~date of the agreement~~ and must include a provision authorizing the
 1-56 department to renegotiate ~~provide that~~ the terms and conditions
 1-57 at any time before the contract expires ~~are to be renegotiated~~
 1-58 ~~before the end of the two years~~.

1-59 (b) The comptroller and the department jointly shall
 1-60 establish procedures to ensure that terms and conditions may be
 1-61 ~~are~~ renegotiated before they expire in a contract between the

2-1 vendor and a state agency.

2-2 SECTION 3. Section 2157.182, Government Code, as amended by
2-3 this Act, applies only to a contract executed on or after the
2-4 effective date of this Act. A contract executed before the
2-5 effective date of this Act is governed by the law as it existed
2-6 immediately before that date, and that law is continued in effect
2-7 for that purpose.

2-8 SECTION 4. This Act takes effect September 1, 2021.

2-9

* * * * *