

By: Swinford

H.B. No. 2699

Substitute the following for H.B. No. 2699:

By: Keffer of Eastland

C.S.H.B. No. 2699

A BILL TO BE ENTITLED

AN ACT

relating to the Department of Information Resources.

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

SECTION 1. Section 2170.001(a)(2), Government Code, is amended to read as follows:

Section 2170.001(a)(2). "Telecommunications Services" means communications facilities or services. The term does not include single agency point-to-point radio systems or facilities systems. The term does include services over converged networks.

SECTION 2. Section 2054.1185, Government Code, is hereby repealed.

SECTION 3. Section 2170.003, Government Code, is amended to read as follows:

Section 2170.003. OWNERSHIP OR LEASE OF NECESSARY EQUIPMENT. (a) The department may own, lease, or lease-purchase in accordance with Chapters 2155, 2156, 2157, and 2158 any and all of the facilities or equipment necessary to provide telecommunications services. The department may acquire telecommunications services without competitive bid from the Lonestar Education and Research Network (LEARN) or its successors for the purposes established in subsection (b).

(b) During an emergency, a single node failure or a system wide failure of the consolidated telecommunications system, the department may divert telecommunications services traffic to LEARN

1 to avoid service interruption. Upon resolution of the emergency  
2 and upon determination that the consolidated telecommunications  
3 system is operational, traffic will be diverted back to the  
4 consolidated telecommunications system. The department may also  
5 use LEARN for the purposes of latency tolerant data transfer of  
6 files to or from a consolidated state data center established and  
7 operated by the department. The LEARN shall be exclusively used by  
8 the department only for the purposes set out in this section.

9 SECTION 4. Section 2054.021, Government Code, is amended to  
10 read as follows:

11 Section 2054.021(d). An ex officio member may designate the  
12 information resources manager or another senior manager of the  
13 member's agency to serve in the member's place.

14 SECTION 5. Section 771.031, Health and Safety Code, is  
15 amended by amending Subsection (b) to read as follows:

16 (b) the following individuals serve as nonvoting ex officio  
17 members:

18 (1) the executive director of the Public Utility  
19 Commission of Texas, or an individual designated by the executive  
20 director;

21 (2) the executive director of the [~~General Services~~  
22 ~~Commission~~] Department of Information Resources, or an individual  
23 designated by the executive director; and

24 (3) the commissioner of public health, or an  
25 individual who has responsibility for the poison control network  
26 designated by the commissioner.

27 SECTION 6. Section 2170.004, Government Code is amended to

1 read as follows:

2 Section 2170.004. CONTRACTS WITH ENTITIES OTHER THAN STATE  
3 AGENCIES. The department may contract for use of the consolidated  
4 telecommunications system with:

- 5 (1) each house of the legislature;
- 6 (2) a legislative agency;
- 7 (3) an agency that is not a state agency as defined by  
8 Section 2151.002

9 (4) a political subdivision, including a county,  
10 municipality, or district; ~~and~~

11 (5) a private institution of higher education  
12 accredited by a recognized accrediting agency, as defined by  
13 Section 61.003, Education Code, that:

14 (A) engages in distance learning, as defined by  
15 Section 57.021, Utilities Code, and

16 (B) receives federal funds for distance learning  
17 initiatives; and

18 (6) a private business or other entity that serves a  
19 state agency through an existing contract for services in support  
20 of the core mission of the state agency, where:

21 (a) the contracted entity's use of the consolidated  
22 telecommunications system would result in cost savings to the state  
23 agency under the related service contract, and

24 (b) the department would contract with the private business or  
25 other entity only because of a telecommunications network  
26 consolidation project between the state agency and the department.

27 SECTION 7. Section 7 of Chapter 432, Acts of the 77th

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1 Legislature, Regular Session, 2001, is hereby repealed.

2 SECTION 8. This Act takes effect September 1, 2005.