

By: Callegari

H.B. No. 2443

A BILL TO BE ENTITLED

AN ACT

relating to the operation, organization, and management of governmental entities, including the repeal of certain obsolete laws.

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

ARTICLE 1. STATE TELECOMMUNICATIONS SERVICES PROVIDED BY
DEPARTMENT OF INFORMATION RESOURCES

SECTION 1.01. Section 2054.051, Government Code, is amended by adding Subsection (g) to read as follows:

(g) The department shall establish plans and policies for the system of telecommunications services managed and operated by the department.

SECTION 1.02. Section 2054.055(b), Government Code, is amended to read as follows:

(b) The report must:

(1) assess the progress made toward meeting the goals and objectives of the state strategic plan for information resources management;

(2) describe major accomplishments of the state or a specific state agency in information resources management;

(3) describe major problems in information resources management confronting the state or a specific state agency;

(4) provide a summary of the total expenditures for information resources and information resources technologies by

1 the state;

2 (5) make recommendations for improving the
3 effectiveness and cost-efficiency of the state's use of information
4 resources; ~~and~~

5 (6) include a list compiled by the department's
6 program management office from the information gathered under
7 Sections 2055.152 and 2055.153 of the electronic government
8 projects:

9 (A) that are managed by the office under Chapter
10 2055; and

11 (B) that are not yet managed by the office under
12 Chapter 2055, but have been selected for management under Chapter
13 2055; and

14 (7) assess the progress made toward accomplishing the
15 goals of the plan for a state telecommunications network and
16 developing a system of telecommunications services as provided by
17 Subchapter H.

18 SECTION 1.03. Section 2054.091(d), Government Code, is
19 amended to read as follows:

20 (d) The executive director shall appoint an advisory
21 committee to assist in the preparation of the state strategic plan.
22 The members of the advisory committee appointed by the executive
23 director must be approved by the board and must include officers or
24 employees of state government. ~~[The telecommunications planning~~
25 ~~and oversight council shall appoint one of its members to serve as a~~
26 ~~member of the advisory committee.]~~

27 SECTION 1.04. Section 2054.092(b), Government Code, is

1 amended to read as follows:

2 (b) The plan must:

3 (1) provide a strategic direction for information
4 resources management in state government for the five fiscal years
5 following adoption of the plan;

6 (2) outline a state information architecture that
7 contains a logically consistent set of principles, policies, and
8 standards to guide the engineering of state government's
9 information technology systems and infrastructure in a way that
10 ensures compatibility and alignment with state government's needs;

11 (3) designate and report on critical electronic
12 government projects to be directed by the department, including a
13 project for electronic purchasing;

14 (4) provide information about best practices to assist
15 state agencies in adopting effective information management
16 methods, including the design, deployment, and management of
17 information resources projects, cost-benefit analyses, and staff
18 reengineering methods to take full advantage of technological
19 advancements;

20 (5) establish reporting guidelines for state agencies
21 to report in agency strategic plans:

22 (A) the outcomes and progress related to the
23 strategic direction of the state;

24 (B) information necessary to evaluate
25 opportunities for information technology consolidation;

26 (C) progress toward implementing electronic
27 government projects designated under Subdivision (3);

1 (D) the return on investment for projects and
2 cost-benefit models for the projects; and

3 (E) other provisions in this section;

4 (6) provide long-range policy guidelines for
5 information resources in state government, including the
6 implementation of national, international, and department
7 standards for information resources technologies;

8 (7) identify major issues faced by state agencies
9 related to the acquisition of computer hardware, computer software,
10 and information resources technology services and develop a
11 statewide approach to address the issues, including:

12 (A) developing performance measures for
13 purchasing and contracting; and

14 (B) identifying opportunities to reuse computer
15 software code purchased with public funds; ~~and~~

16 (8) identify priorities for:

17 (A) the implementation of information resources
18 technologies according to the relative economic and social impact
19 on the state; and

20 (B) return on investment and cost-benefit
21 analysis strategies; and

22 (9) provide information about best practices to assist
23 state agencies in adopting methods for design, deployment, and
24 management of telecommunications services.

25 SECTION 1.05. The heading to Subchapter H, Chapter 2054,
26 Government Code, is amended to read as follows:

27 SUBCHAPTER H. TELECOMMUNICATIONS PLANNING [~~AND OVERSIGHT COUNCIL~~]

1 SECTION 1.06. Sections 2054.203(a), (b), and (g),
2 Government Code, are amended to read as follows:

3 (a) The department [~~telecommunications planning and~~
4 ~~oversight council~~] shall comprehensively collect and manage
5 telecommunications network configuration information about
6 existing and planned telecommunications networks throughout state
7 government.

8 (b) The department [~~telecommunications planning and~~
9 ~~oversight council~~] may require state agencies to submit to the
10 department [~~council~~] the agencies' network configuration
11 information, but the department [~~council~~] must use existing reports
12 to gather the information if possible and minimize the reporting
13 burden on agencies to the extent possible.

14 (g) The department [~~telecommunications planning and~~
15 ~~oversight council~~] shall perform strategic planning for all state
16 telecommunications services in accordance with the guiding
17 principles of the state strategic plan for information resources
18 management.

19 SECTION 1.07. Sections 2054.204(a) and (c), Government
20 Code, are amended to read as follows:

21 (a) The department [~~telecommunications planning and~~
22 ~~oversight council~~] shall develop a plan for a state
23 telecommunications network that will effectively and efficiently
24 meet the long-term requirements of state government for voice,
25 video, and computer communications, with the goal of achieving a
26 single centralized telecommunications network for state
27 government.

1 (c) The plan must incorporate efficiencies obtained through
2 the use of shared transmission services and open systems
3 architecture as they become available, building on existing systems
4 as appropriate. To advise the department in [~~In~~] developing the
5 plan, the executive director shall appoint an advisory committee
6 that consists [~~the telecommunications planning and oversight~~
7 ~~council shall make use of the technical expertise~~] of
8 representatives of state agencies, including institutions of
9 higher education, telecommunications vendors, and customers of the
10 state telecommunications network.

11 SECTION 1.08. Section 2054.205, Government Code, is amended
12 to read as follows:

13 Sec. 2054.205. DEVELOPMENT OF SYSTEM. (a) The department
14 [~~telecommunications planning and oversight council~~] shall develop
15 functional requirements for a statewide system of
16 telecommunications services for all state agencies. Existing
17 networks, as configured on September 1, 1991, of institutions of
18 higher education are exempt from the requirements.

19 (b) The department [~~telecommunications planning and~~
20 ~~oversight council~~] shall develop requests for information and
21 proposals for a statewide system of telecommunications services for
22 all state agencies.

23 SECTION 1.09. Sections 2054.2051(a), (b), and (c),
24 Government Code, are amended to read as follows:

25 (a) The department [~~telecommunications planning and~~
26 ~~oversight council~~] shall develop service objectives for the
27 consolidated telecommunications system and the centralized capitol

1 complex telephone system.

2 (b) The department [~~telecommunications planning and~~
3 ~~oversight council~~] shall develop performance measures to establish
4 cost-effective operations and staffing of the consolidated
5 telecommunications system and the centralized capitol complex
6 telephone system.

7 (c) The department [~~telecommunications planning and~~
8 ~~oversight council~~] shall review the status of all projects related
9 to and the financial performance of the consolidated
10 telecommunications system and the centralized capitol complex
11 telephone system, including:

12 (1) a comparison between actual performance and
13 projected goals at least once every three months; and

14 (2) any benefit of contracting with private vendors to
15 provide some or all of the systems at least once each year.

16 SECTION 1.10. Section 2170.001(a)(1), Government Code, is
17 amended to read as follows:

18 (1) "Telecommunications services" means [~~intercity~~]
19 communications facilities or services, including local services
20 provided over converged networks. The term does not include single
21 agency point-to-point radio systems or facilities or services of
22 criminal justice information communication systems.

23 SECTION 1.11. Section 2170.002, Government Code, is amended
24 to read as follows:

25 Sec. 2170.002. DEPARTMENT GENERALLY RESPONSIBLE FOR
26 OBTAINING TELECOMMUNICATIONS SERVICES. (a) The department is the
27 state agency responsible for obtaining telecommunications

1 services.

2 (b) Notwithstanding Subsection (a) of this section, Section
3 2170.051, or other law, a state agency may choose to procure local
4 telecommunications services provided over converged networks
5 either through the department or by using any other authorized
6 procurement method. A state agency is not required to comply with
7 Section 2170.051(c) or (d) in procuring such services.

8 SECTION 1.12. The following laws are repealed:

- 9 (1) Section 2054.201, Government Code;
10 (2) Section 2054.202, Government Code;
11 (3) Section 2054.2025, Government Code;
12 (4) Sections 2054.203(c) and (d), Government Code;
13 (5) Section 2054.2051(d), Government Code;
14 (6) Section 2054.206, Government Code;
15 (7) Section 2054.207, Government Code; and
16 (8) Section 2170.060, Government Code.

17 SECTION 1.13. (a) The telecommunications planning and
18 oversight council is abolished.

19 (b) A rule, form, plan, policy, or order of the
20 telecommunications planning and oversight council is continued in
21 effect as a rule, form, plan, policy, or order of the Department of
22 Information Resources until superseded by a rule or other
23 appropriate action of the department.

24 SECTION 1.14. This article takes effect September 1, 2007.

25 ARTICLE 2. REPEAL OF LAW RELATING TO TEXAS NATIONAL RESEARCH
26 LABORATORY COMMISSION

27 SECTION 2.01. Section 51.604, Education Code, is amended to

1 read as follows:

2 Sec. 51.604. USE OF FUND. The commissioner shall allocate
3 the fund to eligible nonprofit organizations for the purpose of:

4 (1) establishing or operating educational programs to
5 assist women or minority group members in preparing for or
6 participating in programs leading to an undergraduate degree in
7 engineering or science from an institution of higher education;

8 (2) disseminating information concerning:

9 (A) educational and career opportunities in
10 engineering and science; and

11 (B) the fund and programs funded under this
12 subchapter; and

13 (3) establishing or operating programs to assist women
14 and minority group members in preparing for careers in
15 superconductivity research, including:

16 (A) recruitment seminars and mentorship
17 programs, in cooperation with [~~the Texas National Research~~
18 ~~Laboratory Commission and~~] institutions of higher education that
19 conduct superconductivity research;

20 (B) career exploration programs, in cooperation
21 with public school districts; and

22 (C) career exploration programs, recruitment
23 seminars, and mentorship programs, in cooperation with engineering
24 and scientific research organizations.

25 SECTION 2.02. Section 65.33, Education Code, is amended to
26 read as follows:

27 Sec. 65.33. EMINENT DOMAIN. (a) The board has the power of

1 eminent domain to acquire for the use of the university system any
2 land that may be necessary and proper for carrying out its purposes
3 in the manner prescribed by Chapter 21, Property Code [~~in Title 52,~~
4 ~~Revised Civil Statutes of Texas, 1925, as amended~~].

5 (b) Whenever the board has been made trustees by a will,
6 instrument in writing, or otherwise of a trust for a scientific,
7 educational, philanthropic, or charitable purpose, or other trust
8 for a public purpose, it may act by a quorum of the board or a
9 majority of all members. Unless otherwise directed by the terms of
10 the will or instrument, as trustees the board may exercise for the
11 purpose of the trust the power of eminent domain and may condemn
12 land and other property as provided by Chapter 21, Property Code
13 [~~Title 52, Revised Civil Statutes of Texas, 1925, as amended~~].

14 (c) [~~In the event that the federal government awards the~~
15 ~~Super-conducting Super Collider Accelerator project to one or more~~
16 ~~institutions of higher education in the State of Texas, one of which~~
17 ~~is a component of The University of Texas System and/or The Texas A~~
18 ~~& M University System, and the governor with the advice of the~~
19 ~~Houston Area Research Center Board determines that the board of~~
20 ~~regents of The University of Texas System should select the site for~~
21 ~~the construction of this project on permanent university fund~~
22 ~~lands, the board shall use its best efforts to find a suitable site~~
23 ~~on permanent university fund lands. If the board determines that it~~
24 ~~is not feasible to locate the project wholly on permanent~~
25 ~~university fund lands and the legislature has appropriated funds~~
26 ~~for such purpose, the board may exercise the power of eminent domain~~
27 ~~to acquire, on behalf of the state, title and right-of-way~~

1 easements in such land in addition to permanent university fund
2 lands as the board may determine is necessary and appropriate for
3 the project. If a component of both The University of Texas System
4 and The Texas A & M University System are members of the consortium
5 that is awarded the Super-conducting Super Collider Accelerator
6 project, the board of regents of The University of Texas System
7 shall not proceed to select a site and to exercise the power of
8 eminent domain without a resolution of concurrence from the board
9 of regents of The Texas A & M University System.

10 [(d)] The taking of the property is declared to be for the
11 use of the state. The board is [~~shall~~] not [~~be~~] required to deposit
12 a bond or the amount equal to the award of damages by the
13 commissioners as provided by Section 21.021, Property Code [~~in~~
14 ~~Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925~~].

15 SECTION 2.03. Section 661.031(2), Government Code, is
16 amended to read as follows:

17 (2) "State employee" means an individual who is an
18 appointed officer or employee of a state agency and who normally
19 works 900 hours or more a year. The term includes:

- 20 (A) an hourly employee;
- 21 (B) a temporary employee;
- 22 (C) a person employed by:
- 23 (i) the Teacher Retirement System of Texas;
- 24 (ii) the Texas Education Agency;
- 25 (iii) the Texas Higher Education
26 Coordinating Board;
- 27 (iv) [~~the Texas National Research~~

1 ~~Laboratory Commission;~~

2 [~~v~~] the Texas School for the Blind and
3 Visually Impaired;

4 (v) [~~vi~~] the Texas School for the Deaf;

5 (vi) [~~vii~~] the Texas Youth Commission;

6 (vii) [~~viii~~] the Windham School District;

7 or

8 (viii) [~~ix~~] the Department of Assistive
9 and Rehabilitative Services [~~Texas Rehabilitation Commission~~];

10 and

11 (D) a classified, administrative, faculty, or
12 professional employee of a state institution or agency of higher
13 education who has accumulated vacation leave, sick leave, or both,
14 during the employment.

15 SECTION 2.04. Section 661.061(2), Government Code, is
16 amended to read as follows:

17 (2) "State employee" means an employee or appointed
18 officer of a state agency. The term includes:

19 (A) a full-time employee or officer;

20 (B) a part-time employee or officer;

21 (C) an hourly employee;

22 (D) a temporary employee;

23 (E) a person employed by:

24 (i) the Teacher Retirement System of Texas;

25 (ii) the Texas Education Agency;

26 (iii) the Texas Higher Education

27 Coordinating Board;

1 (iv) [~~the Texas National Research~~
2 ~~Laboratory Commission~~;

3 [~~v~~] the Texas School for the Blind and
4 Visually Impaired;

5 (v) [~~vi~~] the Texas School for the Deaf;

6 (vi) [~~vii~~] the Texas Youth Commission;

7 (vii) [~~viii~~] the Windham School
8 District; or

9 (viii) [~~ix~~] the Department of Assistive
10 and Rehabilitative Services [~~Texas Rehabilitation Commission~~]; or

11 (F) a classified, administrative, faculty, or
12 professional employee of a state institution or agency of higher
13 education who has accumulated vacation leave during the employment.

14 SECTION 2.05. Section 1232.101, Government Code, is amended
15 to read as follows:

16 Sec. 1232.101. ISSUANCE OF BONDS FOR CERTAIN STATE
17 AGENCIES. With respect to all bonds authorized to be issued by the
18 Texas Military Facilities Commission, [~~Texas National Research~~
19 ~~Laboratory Commission~~], Parks and Wildlife Department, Texas
20 Low-Level Radioactive Waste Disposal Authority, Stephen F. Austin
21 State University, Midwestern State University, and Texas Southern
22 University, the authority has the exclusive authority to act on
23 behalf of those entities in issuing bonds on their behalf. In
24 connection with those issuances and with the issuance of refunding
25 bonds on behalf of those entities, the authority is subject to all
26 rights, duties, and conditions surrounding issuance previously
27 applicable to the issuing entity under the statute authorizing the

1 issuance. A reference in an authorizing statute to the entity on
2 whose behalf the bonds are being issued applies equally to the
3 authority in its capacity as issuer on behalf of the entity.

4 SECTION 2.06. Sections 2301.062 and 2301.064, Government
5 Code, are amended to read as follows:

6 Sec. 2301.062. AGREEMENTS. A public entity or state agency
7 may make agreements with and accept donations, grants, and loans
8 from any person, including the United States, this state, a
9 department or agency of this state, a public entity, and a public or
10 private corporation, including any authority [~~and the Texas~~
11 ~~National Research Laboratory Commission~~].

12 Sec. 2301.064. USE OF FUNDS. A public entity or state
13 agency may:

14 (1) use its funds, including tax revenues, to plan,
15 acquire, construct, own, operate, maintain, or enhance eligible
16 projects, including, in the case of a public entity, eligible
17 projects located outside the jurisdiction or boundaries of the
18 public entity if the governing body of the public entity determines
19 that the project will contribute to the development and
20 diversification of the economy, the elimination of unemployment or
21 underemployment, or the development or expansion of commerce within
22 the public entity;

23 (2) levy taxes to provide for payment of amounts
24 required under agreements with any person, including the United
25 States, the state, a department and agency of this state, a public
26 entity, and a public or private corporation, including any
27 authority [~~and the Texas National Research Laboratory Commission~~];

1 and

2 (3) pledge tax revenue to the payment of agreements.

3 SECTION 2.07. Section 25.07(b), Tax Code, is amended to
4 read as follows:

5 (b) Except as provided by Subsections (b) and (c) of Section
6 11.11 of this code, a leasehold or other possessory interest in
7 exempt property may not be listed if:

8 (1) the property is permanent university fund land;

9 (2) the property is county public school fund
10 agricultural land;

11 (3) the property is a part of a public transportation
12 facility owned by an incorporated city or town and:

13 (A) is an airport passenger terminal building or
14 a building used primarily for maintenance of aircraft or other
15 aircraft services, for aircraft equipment storage, or for air
16 cargo;

17 (B) is an airport fueling system facility;

18 (C) is in a foreign-trade zone:

19 (i) that has been granted to a joint airport
20 board under Chapter 129, Acts of the 65th Legislature, Regular
21 Session, 1977 (Article 1446.8, Vernon's Texas Civil Statutes);

22 (ii) the area of which in the portion of the
23 zone located in the airport operated by the joint airport board does
24 not exceed 2,500 acres; and

25 (iii) that is established and operating
26 pursuant to federal law; or

27 (D)(i) is in a foreign trade zone established

1 pursuant to federal law after June 1, 1991, which operates pursuant
2 to federal law;

3 (ii) is contiguous to or has access via a
4 taxiway to an airport located in two counties, one of which has a
5 population of 500,000 or more according to the federal decennial
6 census most recently preceding the establishment of the foreign
7 trade zone; and

8 (iii) is owned, directly or through a
9 corporation organized under the Development Corporation Act of 1979
10 (Article 5190.6, Vernon's Texas Civil Statutes), by the same
11 incorporated city or town which owns the airport;

12 (4) the interest is in a part of:

13 (A) a park, market, fairground, or similar public
14 facility that is owned by an incorporated city or town; or

15 (B) a convention center, visitor center, sports
16 facility with permanent seating, concert hall, arena, or stadium
17 that is owned by an incorporated city or town as such leasehold or
18 possessory interest serves a governmental, municipal, or public
19 purpose or function when the facility is open to the public,
20 regardless of whether a fee is charged for admission;

21 (5) the interest involves only the right to use the
22 property for grazing or other agricultural purposes; or

23 ~~(6) [the property is owned by the Texas National~~
24 ~~Research Laboratory Commission or by a corporation formed by the~~
25 ~~Texas National Research Laboratory Commission under Section~~
26 ~~465.008(g), Government Code, and is used or is useful in connection~~
27 ~~with an eligible undertaking as defined by Section 465.021,~~

1 ~~Government Code, or~~

2 [~~7~~] the property is:

3 (A) owned by a municipality, a public port, or a
4 navigation district created or operating under Section 59, Article
5 XVI, Texas Constitution, or under a statute enacted under Section
6 59, Article XVI, Texas Constitution; and

7 (B) used as an aid or facility incidental to or
8 useful in the operation or development of a port or waterway or in
9 aid of navigation-related commerce.

10 SECTION 2.08. The following laws are repealed:

11 (1) Chapter 465, Government Code; and

12 (2) Sections 151.349 and 171.086, Tax Code.

13 ARTICLE 3. REPEAL OF LAW CREATING TEXAS DEEPWATER PORT AUTHORITY

14 SECTION 3.01. Chapter 19, Water Code, is repealed.

15 ARTICLE 4. REPEAL OF LAW AUTHORIZING CREATION OF THE OGALLALA WATER
16 IMPORT AUTHORITY OF TEXAS

17 SECTION 4.01. Chapter 64, Water Code, is repealed.

18 ARTICLE 5. CONDEMNATION OF HISTORICAL SITES AT DIRECTION OF

19 COMMISSION OF CONTROL FOR TEXAS CENTENNIAL CELEBRATIONS

20 SECTION 5.01. Chapter 433, Acts of the 44th Legislature,
21 2nd Called Session, 1935 (Article 3264c, Vernon's Texas Civil
22 Statutes), is repealed.

23 ARTICLE 6. EFFECTIVE DATE

24 SECTION 6.01. Except as otherwise provided by this Act,
25 this Act takes effect immediately if it receives a vote of
26 two-thirds of all the members elected to each house, as provided by
27 Section 39, Article III, Texas Constitution. If this Act does not

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1 receive the vote necessary for immediate effect, this Act takes
2 effect September 1, 2007.