

BILL ANALYSIS

C.S.H.B. 1744
By: Elkins
Technology
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, local governmental entities are not explicitly permitted to contract with statewide data centers for technology services, and it is reported that fewer than 30 state agencies currently use such services. Interested parties contend that, as data centers evolve to meet the needs of information resource technology, the expanded provision of data center services may create some cost savings through economies of scale. C.S.H.B. 1744 seeks to enable local governments to capitalize on the same benefits that state agencies can gain from statewide data centers by permitting local governments to contract with those data centers for technology services.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1744 amends the Government Code to authorize the Department of Information Resources (DIR) to establish or expand a statewide technology center to include local government participation and to establish that DIR and its executive director have all the powers necessary or appropriate, consistent with the Information Resources Management Act, to accomplish that purpose. The bill expands the applicability of statutory provisions relating to statewide technology centers to include information resources technologies that are used by a participating local government, as well as such information resources technologies used by a state agency, and specifies that those provisions apply to all information resources, other than telecommunications service, advanced communications services, or information service, as those terms are defined by federal law, that are so used or that are obtained by a state agency using state money. The bill adds services relating to the deployment, development, and maintenance of software applications to the services DIR is authorized to provide to two or more governmental entities, on a cost-sharing basis, in operating statewide technology centers.

C.S.H.B. 1744 authorizes a local government to submit a request to DIR to receive services or operations through a statewide technology center and requires the local government to identify its particular requirements, operations costs, and requested service levels. The bill requires DIR, on receipt of the request, to conduct a cost and requirements analysis for the local government. The bill requires DIR to provide notice to the local government if DIR selects the local government for participation in the statewide technology center and sets out requirements for such notice. The bill authorizes a local government selected to participate to contract with DIR to receive the identified services and have the identified operations performed through the statewide technology center. The bill authorizes two or more local governments that are parties to an interlocal agreement, acting through the entity designated by the parties to supervise performance of the interlocal agreement, to apply to DIR and participate in a statewide technology center.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1744 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 2054.375, Government Code, is amended to read as follows:

SECTION 1. Same as introduced version.

Sec. 2054.375. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Governmental entity" means a state agency or local government.

(2) "Statewide[~~,"statewide]~~ technology center" means a statewide technology center established or operated under this subchapter.

SECTION 2. Section 2054.376(a), Government Code, is amended to read as follows:

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(a) This subchapter applies to all information resources technologies, other than telecommunications services, that are:

(a) This subchapter applies to all information resources technologies, other than telecommunications service [services], advanced communications services, or information service, as those terms are defined by 47 U.S.C. Section 153, that are:

(1) obtained by a state agency using state money; [~~or~~]

(1) obtained by a state agency using state money; [~~or~~]

(2) used by a state agency; or

(2) used by a state agency; or

(3) used by a participating local government.

(3) used by a participating local government.

SECTION 3. Subchapter L, Chapter 2054, Government Code, is amended by adding Section 2054.3771 to read as follows:

SECTION 3. Same as introduced version.

Sec. 2054.3771. LOCAL GOVERNMENTS. The department may establish or expand a statewide technology center to include participation by a local government. The executive director and the department have all the powers necessary or appropriate, consistent with this chapter, to accomplish that purpose.

SECTION 4. Section 2054.378(a), Government Code, is amended to read as follows:

(a) The department may operate statewide technology centers to provide two or more governmental entities [~~state agencies~~], on a cost-sharing basis, services relating to:

(1) information resources and information resources technology; [~~and~~]
(2) the deployment and development of statewide applications; and

(3) the deployment and development of local or statewide applications for local governments.

SECTION 5. Section 2054.380(a), Government Code, is amended to read as follows:

(a) The department shall set and charge a fee to each governmental entity [~~state agency~~] that receives a service from a statewide technology center in an amount sufficient to cover the direct and indirect cost of providing the service.

SECTION 6. Subchapter L, Chapter 2054, Government Code, is amended by adding Section 2054.3851 to read as follows:

Sec. 2054.3851. LOCAL GOVERNMENT PARTICIPATION AND SELECTION. (a) A local government may submit a request to the department to receive services or operations through a statewide technology center. The local government shall identify its particular requirements, operations costs, and requested service levels.

(b) On receipt of the request, the department shall conduct a cost and requirements analysis for the local government.

(c) If the department selects the local government for participation in a statewide technology center, the department shall provide notice to the local government that includes:

(1) the scope of the services to be provided to the local government;

(2) a schedule of anticipated costs for the local government; and

(3) the implementation schedule for the local government.

(d) If selected to participate in a statewide

SECTION 4. Section 2054.378(a), Government Code, is amended to read as follows:

(a) The department may operate statewide technology centers to provide two or more governmental entities [~~state agencies~~], on a cost-sharing basis, services relating to:

(1) information resources and information resources technology; and

(2) the deployment, [~~and~~] development, and maintenance of software [~~statewide~~] applications.

SECTION 5. Same as introduced version.

SECTION 6. Subchapter L, Chapter 2054, Government Code, is amended by adding Section 2054.3851 to read as follows:

Sec. 2054.3851. LOCAL GOVERNMENT PARTICIPATION AND SELECTION. (a) A local government may submit a request to the department to receive services or operations through a statewide technology center. The local government shall identify its particular requirements, operations costs, and requested service levels.

(b) On receipt of the request, the department shall conduct a cost and requirements analysis for the local government.

(c) If the department selects the local government for participation in a statewide technology center, the department shall provide notice to the local government that includes:

(1) the scope of the services to be provided to the local government;

(2) a schedule of anticipated costs for the local government; and

(3) the implementation schedule for the local government.

(d) If selected to participate in a statewide

technology center, a local government may contract with the department to receive the identified services and have the identified operations performed through the statewide technology center.

technology center, a local government may contract with the department to receive the identified services and have the identified operations performed through the statewide technology center.

(e) Two or more local governments that are parties to an interlocal agreement, acting through the entity designated by the parties to supervise performance of the interlocal agreement under Section 791.013, may apply to the department and participate in a statewide technology center.

SECTION 7. Section 2054.387, Government Code, is amended to read as follows:

SECTION 7. Same as introduced version.

Sec. 2054.387. INTERAGENCY CONTRACT; COMPLIANCE WITH SERVICE LEVELS. The department shall ensure compliance with service levels agreed to in an interagency contract or intergovernmental contract, as appropriate, executed under this subchapter.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 8. Same as introduced version.