

## **BILL ANALYSIS**

C.S.S.B. 866  
By: Paxton  
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.S.B. 866 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.S.B. 866 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 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.S.B. 866 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.S.B. 866 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

### **SENATE ENGROSSED**

SECTION 1. Section 2054.375, Government Code, is amended.

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

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

- (1) obtained by a state agency using state money; ~~[or]~~
- (2) used by a state agency; or
- (3) used by a participating local government.

SECTION 3. Subchapter L, Chapter 2054, Government Code, is amended.

SECTION 4. Subsection (a), Section 2054.378, 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. Subsection (a), Section 2054.380, Government Code, is amended.

### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Same as engrossed version.

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

(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]~~
- (2) used by a state agency; or
- (3) used by a participating local government.

SECTION 3. Same as engrossed version.

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 engrossed version except for recitation.

SECTION 6. Subchapter L, Chapter 2054, Government Code, is amended.

SECTION 7. Section 2054.387, Government Code, is amended.

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 6. Same as engrossed version.

SECTION 7. Same as engrossed version.

SECTION 8. Same as engrossed version.