86R2569 CJC-F

By:  Capriglione H.B. No. 1096

A BILL TO BE ENTITLED

AN ACT

relating to the modernization of state agency information technology systems.

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

SECTION 1.  Subchapter G, Chapter 403, Government Code, is amended by adding Section 403.1105 to read as follows:

Sec. 403.1105.  STATE TECHNOLOGY MODERNIZATION ACCOUNT. (a) In this section:

(1)  "Account" means the state technology modernization account.

(2)  "Cloud computing service" has the meaning assigned by Section 2157.007.

(3)  "Information technology system" means any equipment or interconnected system or subsystem of equipment used by a state agency, or a person under a contract with a state agency if the contract requires use of the equipment, to acquire, store, analyze, evaluate, manipulate, manage, move, control, display, switch, interchange, transmit, or receive data or other information. The term:

(A)  includes a computer, ancillary computer equipment such as imaging peripherals and input, output, and storage devices necessary for security and surveillance, peripheral equipment designed to be controlled by the central processing unit of a computer, software and firmware and similar procedures, and services, including support services, and related resources; and

(B)  does not include equipment acquired by a contractor incidental to a state contract.

(4)  "Legacy information technology system" means an information technology system that is operated with obsolete or inefficient hardware or software technology.

(5)  "State agency" has the meaning assigned by Section 2254.151.

(b)  The state technology modernization account is a dedicated account in the general revenue fund.

(c)  The account consists of:

(1)  money appropriated, credited, or transferred to the account by the legislature;

(2)  any federal money appropriated, credited, or transferred to the account;

(3)  money deposited to the account by the comptroller in the manner prescribed by Subsection (e); and

(4)  interest and other earnings earned on deposits and investments of money in the account.

(d)  Except as provided by Subsection (f), money in the account may be appropriated to a state agency only for the purposes of:

(1)  replacing the agency's information technology systems;

(2)  transitioning the agency's legacy information technology systems to a cloud computing service;

(3)  assisting the agency's efforts to provide adequate, risk-based, and cost-effective information technology responses to threats to the agency's information security; and

(4)  subject to the approval of the chief information officer of the agency to which the money is appropriated, reimbursing the account for any money appropriated to the agency that exceeds the amount of money needed by the agency for the purposes described by Subdivisions (1)-(3).

(e)  At the end of each state fiscal year, on the written request of a state agency, the comptroller shall deposit to the credit of the account the unexpended balance of any money appropriated to the agency for that state fiscal year that is budgeted by the agency for information technology services or cybersecurity purposes.

(f)  The comptroller shall separately account for the amount of money deposited to the credit of the account at the request of each state agency under Subsection (e). Money deposited to the credit of the account under Subsection (e) and any interest and other earnings on that money may be appropriated only to the state agency for which the comptroller deposited the money to the account and may be used by the agency only for a purpose described by Subsection (d).

(g)  Any money deposited to the credit of the account at the request of a state agency under Subsection (e) that is not appropriated to the agency within two years from the date the money is deposited is no longer dedicated for the purposes described by Subsection (d), and the comptroller shall make that money available in the general revenue fund to be used in accordance with legislative appropriation.

(h)  A state agency that receives an appropriation from the account may collaborate with one or more other state agencies that receive such an appropriation to purchase information technology systems that may be shared between the agencies.

(i)  The comptroller may adopt rules to implement and administer this section.

SECTION 2.  This Act takes effect September 1, 2019.