

BILL ANALYSIS

C.S.H.B. 4553
By: Longoria
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The mission of the Department of Information Resources (DIR) is to serve state government by leading the state's technology strategy, protecting state technology infrastructure, and offering innovative and cost-effective solutions for all levels of government. State law requires DIR to provide telecommunications services, negotiate contracts for information technology commodity items, and establish statewide technology centers that offer several technology services. DIR is also required to provide network security services. State law establishes which entities are eligible customers for each of these programs or services and the lists are not uniform. The varying eligibility across programs causes confusion for DIR's staff, vendors, and the public entities who use these programs. C.S.H.B. 4553 seeks to address this issue by expanding and aligning the lists of eligible customers for DIR services.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 4553 amends the Government Code to establish a comprehensive list of entities that are eligible customers for services the Department of Information Resources (DIR) provides, contingent on the executive director of DIR determining that a particular entity's participation in the service is in the state's best interest:

- a state agency;
- a local government;
- the legislature or a legislative agency;
- the Texas Supreme Court, the Texas Court of Criminal Appeals, or a court of appeals;
- a public hospital owned or operated by the state or a political subdivision or municipal corporation of the state, including a hospital district or hospital authority;
- ERCOT;
- the Texas Permanent School Fund Corporation;
- an assistance organization, as that term is defined for purposes of state law governing surplus and salvage state property;
- an open-enrollment charter school or private school;
- a private or independent institution of higher education;
- a public safety entity, as defined by applicable federal law;
- a volunteer fire department; and

- a governmental entity of another state.

C.S.H.B. 4553 revises provisions governing DIR's statewide technology centers to do the following:

- change the information resources technologies to which the provisions apply from all such technologies, other than telecommunications service, advanced communications services, or information service that are obtained by a state agency using state money or used by a state agency or a participating local governmental entity, to all such technologies, other than telecommunications services governed by the provisions of state law relating to state purchasing of telecommunications service, that are obtained by a state agency using state money or used by a participating eligible entity included in the list above; and
- remove the exemption from those provisions for the Department of Public Safety's (DPS) use for criminal justice or homeland security purposes of a federal database or network and a Texas equivalent of such a database or network that is managed by DPS.

C.S.H.B. 4553 does the following with respect to DIR's statewide technology centers:

- allows for any eligible entity to participate in a center, rather than only local governments; and
- allows for any eligible entity, other than a state agency, to request to receive services or operations through a center, rather than only local governments.

C.S.H.B. 4553 expands the list of entities to whom DIR may agree to provide network security services to include the following:

- a legislative agency;
- any local government;
- the Texas Supreme Court, the Texas Court of Criminal Appeals, or a court of appeals;
- a public hospital owned or operated by the state or a political subdivision or municipal corporation of the state, including a hospital district or hospital authority;
- the Texas Permanent School Fund Corporation;
- an open-enrollment charter school or private school;
- a private or independent institution of higher education;
- a volunteer fire department; and
- ERCOT.

C.S.H.B. 4553 extends the authority to purchase commodity items through DIR's cooperative contracts purchasing program for information technology commodity items to all eligible entities on the comprehensive list of entities that are eligible customers for DIR services. Moreover, the bill removes the language conditioning DIR's authority to offer a particular commodity item through this program on DIR determining that reasonable demand exists for the item from two or more customers and allows DIR instead to offer items for which only a single eligible entity is providing the demand.

C.S.H.B. 4553 expands the list of entities authorized to contract with DIR for the use of the state's consolidated telecommunications system to include the following:

- the Texas Supreme Court, the Texas Court of Criminal Appeals, or a court of appeals;
- a public hospital owned or operated by this state or a political subdivision or municipal corporation of this state, including a hospital district or hospital authority;
- ERCOT;
- the Texas Permanent School Fund Corporation;
- an open-enrollment charter school or private school;
- a private or independent institution of higher education; and
- a volunteer fire department.

C.S.H.B. 4553 repeals Sections 418.193 and 418.194, Government Code.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4553 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

With respect to DIR's cooperative contracts purchasing program for information technology commodity items, the introduced retained the existing list of entities eligible to purchase commodity items through the program but expanded that list to include the Texas Supreme Court, the Court of Criminal Appeals, a court of appeals, a public hospital owned and operated by the state or a political subdivision or municipal corporation, a charter school, the legislature, and a legislative agency. The substitute instead replaces the existing list with a blanket authorization for any eligible entity included on the comprehensive list of entities that are eligible customers for DIR services set out by the bill. The substitute also includes a provision absent from the introduced removing the language conditioning DIR's authority to offer a particular commodity item through this program on DIR determining that reasonable demand exists for the item from two or more customers and allowing DIR instead to offer items for which only a single eligible entity is providing the demand.

The introduced removed the exemption from provisions governing DIR's statewide technology centers for DPS's use for criminal justice or homeland security purposes of a federal database or network and for a database or network managed by the Department of Agriculture (TDA) but retained, with slight modification, the exemption for a Texas equivalent of a federal criminal justice or homeland security database or network that is managed by DPS. While the substitute also removes the exception for DPS's use for criminal justice or homeland security purposes of a federal database or network, the substitute does not remove the exemption for a database or network managed by TDA. Moreover, the substitute, instead of modifying the remaining exemption for the Texas equivalent database or network managed by DPS, as in the introduced, removes the exemption from law entirely.