

By: Longoria

H.B. No. 4553

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the eligibility of certain entities for services and
3 commodity items provided by the Department of Information Resources
4 and statewide technology centers.

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

6 SECTION 1. Subchapter C, Chapter 2054, Government Code, is
7 amended by adding Section 2054.0525 to read as follows:

8 Sec. 2054.0525. CUSTOMERS ELIGIBLE FOR DEPARTMENT
9 SERVICES. If the executive director determines that participation
10 is in the best interest of this state, the following entities are
11 eligible customers for services the department provides:

- 12 (1) a state agency;
13 (2) a local government;
14 (3) the legislature or a legislative agency;
15 (4) the supreme court, the court of criminal appeals,
16 or a court of appeals;
17 (5) a public hospital owned or operated by this state
18 or a political subdivision or municipal corporation of this state,
19 including a hospital district or hospital authority;
20 (6) an independent organization certified under
21 Section 39.151, Utilities Code, for the ERCOT power region;
22 (7) the Texas Permanent School Fund Corporation;
23 (8) an assistance organization, as defined by Section
24 2175.001;

1 (9) an open-enrollment charter school, as defined by
2 Section 5.001, Education Code;

3 (10) a private school, as defined by Section 5.001,
4 Education Code;

5 (11) a private or independent institution of higher
6 education, as defined by Section 61.003, Education Code;

7 (12) a public safety entity, as defined by 47 U.S.C.
8 Section 1401;

9 (13) a volunteer fire department, as defined by
10 Section 152.001, Tax Code; and

11 (14) a governmental entity of another state.

12 SECTION 2. Section 2054.375(1), Government Code, is amended
13 to read as follows:

14 (1) "Eligible [Governmental] entity" means an entity
15 listed in Section 2054.0525 [a state agency or local government].

16 SECTION 3. Sections 2054.376(a), (a-1), and (b), Government
17 Code, are amended to read as follows:

18 (a) This subchapter applies to all information resources
19 technologies, other than telecommunications services governed by
20 Chapter 2170 [service, advanced communications services, or
21 information service, as those terms are defined by 47 U.S.C.
22 Section 153], that are:

23 (1) obtained by a state agency using state money; or

24 (2) used by a participating eligible entity [state
25 agency, or

26 ~~[(3) used by a participating local government].~~

27 (a-1) Notwithstanding Subsection (a), this subchapter

1 applies to electronic messaging service and outsourced managed
2 services that are:

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

7 (b) This subchapter does not apply to:

- 8 (1) [~~the Department of Public Safety's use for~~
9 ~~criminal justice or homeland security purposes of a federal~~
10 ~~database or network;~~
11 [~~(2) a Texas equivalent of a database or network~~
12 ~~described by Subdivision (1) that is managed by the Department of~~
13 ~~Public Safety;~~
14 [~~(3)~~] the uniform statewide accounting system, as that
15 term is used in Subchapter C, Chapter 2101;
16 (2) (2) [~~(4)~~] the state treasury cash and treasury
17 management system;
18 (3) (3) [~~(5)~~] a database or network managed by the
19 comptroller to:
20 (A) collect and process multiple types of taxes
21 imposed by the state; or
22 (B) manage or administer fiscal, financial,
23 revenue, and expenditure activities of the state under Chapter 403
24 and Chapter 404; or
25 (4) (4) [~~(6)~~] a database or network managed by the
26 Department of Agriculture.

27 SECTION 4. Section 2054.3771, Government Code, is amended

1 to read as follows:

2 Sec. 2054.3771. ELIGIBLE ENTITIES [~~LOCAL GOVERNMENTS~~]. The
3 department may establish or expand a statewide technology center to
4 include participation by an eligible entity [~~a local government~~].
5 The executive director and the department have all the powers
6 necessary or appropriate, consistent with this chapter, to
7 accomplish that purpose.

8 SECTION 5. Section 2054.378(a), Government Code, is amended
9 to read as follows:

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

13 (1) information resources and information resources
14 technology; and

15 (2) the deployment, development, and maintenance of
16 software applications.

17 SECTION 6. Section 2054.380(a), Government Code, is amended
18 to read as follows:

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

23 SECTION 7. Section 2054.382(a), Government Code, is amended
24 to read as follows:

25 (a) The department shall manage the operations of statewide
26 technology centers that provide data center services or disaster
27 recovery services for two or more participating eligible entities

1 ~~[state agencies]~~, including management of the operations of the
2 center on the campus of Angelo State University.

3 SECTION 8. The heading to Section 2054.3851, Government
4 Code, is amended to read as follows:

5 Sec. 2054.3851. ELIGIBLE ENTITY [~~LOCAL GOVERNMENT~~]
6 PARTICIPATION AND SELECTION.

7 SECTION 9. Sections 2054.3851(a), (b), (c), and (d),
8 Government Code, are amended to read as follows:

9 (a) An eligible entity listed in Section 2054.0525, other
10 than a state agency, [A local government] may submit a request to
11 the department to receive services or operations through a
12 statewide technology center. The eligible entity [~~local~~
13 ~~government~~] shall identify its particular requirements, operations
14 costs, and requested service levels.

15 (b) On receipt of the request, the department shall conduct
16 a cost and requirements analysis for the eligible entity [~~local~~
17 ~~government~~].

18 (c) If the department selects the eligible entity [~~local~~
19 ~~government~~] for participation in a statewide technology center, the
20 department shall provide notice to the eligible entity [~~local~~
21 ~~government~~] that includes:

22 (1) the scope of the services to be provided to the
23 eligible entity [~~local government~~];

24 (2) a schedule of anticipated costs for the eligible
25 entity [~~local government~~]; and

26 (3) the implementation schedule for the eligible
27 entity [~~local government~~].

1 (d) If selected to participate in a statewide technology
2 center, an eligible entity [~~a local government~~] may contract with
3 the department to receive the identified services and have the
4 identified operations performed through the statewide technology
5 center.

6 SECTION 10. Section 2059.001, Government Code, is amended
7 by adding Subdivision (2-a) and amending Subdivision (4) to read as
8 follows:

9 (2-a) "Local government" has the meaning assigned by
10 Section 2054.003.

11 (4) "State agency" has the meaning assigned by Section
12 2054.003 [~~2151.002~~].

13 SECTION 11. Section 2059.058, Government Code, is amended
14 to read as follows:

15 Sec. 2059.058. AGREEMENT TO PROVIDE NETWORK SECURITY
16 SERVICES TO ENTITIES OTHER THAN STATE AGENCIES. [~~(a) In this~~
17 ~~section, a "special district" means:~~

18 [~~(1) a school district,~~

19 [~~(2) a hospital district,~~

20 [~~(3) a water district, or~~

21 [~~(4) a district or special water authority, as defined~~
22 ~~by Section 49.001, Water Code.~~

23 [~~(b)~~] In addition to the department's duty to provide
24 network security services to state agencies under this chapter, the
25 department by agreement may provide network security services to:

26 (1) each house of the legislature and a legislative
27 agency;

1 (2) a local government;

2 (3) the supreme court, the court of criminal appeals,
3 or a court of appeals;

4 (4) a public hospital owned or operated by this state
5 or a political subdivision or municipal corporation of this state,
6 including a hospital district or hospital authority;

7 (5) the Texas Permanent School Fund Corporation;

8 (6) an open-enrollment charter school, as defined by
9 Section 5.001, Education Code;

10 (7) a private school, as defined by Section 5.001,
11 Education Code;

12 (8) a private or independent institution of higher
13 education, as defined by Section 61.003, Education Code;

14 (9) a volunteer fire department, as defined by Section
15 152.001, Tax Code; and

16 (10) ~~[an agency that is not a state agency, including a~~
17 ~~legislative agency,~~

18 ~~[(3) a political subdivision of this state, including~~
19 ~~a county, municipality, or special district,~~

20 ~~[(4)]~~ an independent organization certified under [~~7~~
21 ~~as defined by~~] Section 39.151, Utilities Code, for the ERCOT power
22 region [~~7~~ and

23 ~~[(5) a public junior college].~~

24 SECTION 12. Section 2059.201, Government Code, is amended
25 to read as follows:

26 Sec. 2059.201. ELIGIBLE PARTICIPATING ENTITIES. A state
27 agency or an entity listed in Section 2059.058 [~~Sections~~

1 ~~2059.058(b)(3)-(5)]~~ is eligible to participate in cybersecurity
2 support and network security provided by a regional network
3 security center under this subchapter.

4 SECTION 13. Section 2157.001, Government Code, is amended
5 by adding Subdivisions (3) and (4) to read as follows:

6 (3) "Local government" has the meaning assigned by
7 Section 2054.003.

8 (4) "State agency" has the meaning assigned by Section
9 2054.003.

10 SECTION 14. Sections 2157.068(a), (d), and (j), Government
11 Code, are amended to read as follows:

12 (a) In this section, "commodity items" means commercial
13 software, hardware, or technology services, other than
14 telecommunications services, that are generally available to
15 businesses or the public and for which the department determines
16 that a reasonable demand exists from an eligible entity, as defined
17 by Section 2054.375 [~~two or more customers, including state~~
18 ~~agencies and political subdivisions of this state, entities~~
19 ~~described by Subsection (j), and governmental entities of another~~
20 ~~state~~], that purchases [~~purchase~~] the items through the department.
21 The term includes seat management, through which an eligible entity
22 [~~a customer~~] transfers its personal computer equipment and service
23 responsibilities to a private vendor to manage the personal
24 computing needs for each desktop of the eligible entity [~~customer~~],
25 including all necessary hardware, software, and support services.

26 (d) The department may charge a reasonable administrative
27 fee to a state agency, local government [~~political subdivision of~~

1 ~~this state~~], or governmental entity of another state that purchases
2 commodity items through the department in an amount that is
3 sufficient to recover costs associated with the administration of
4 this section. Revenue derived from the collection of fees imposed
5 under this subsection may be appropriated to the department for:

6 (1) developing statewide information resources
7 technology policies and planning under Chapters 2054 and 2059; and

8 (2) providing shared information resources technology
9 services under Chapter 2054.

10 (j) An eligible entity, as defined by Section 2054.375, [~~The~~
11 ~~following entities~~] may purchase commodity items through the
12 department, and be charged a reasonable administrative fee, as
13 provided by this section[+]

14 [~~(1) the Electric Reliability Council of Texas,~~

15 [~~(2) the Lower Colorado River Authority,~~

16 [~~(3) a private school, as defined by Section 5.001,~~
17 ~~Education Code,~~

18 [~~(4) a private or independent institution of higher~~
19 ~~education, as defined by Section 61.003, Education Code,~~

20 [~~(5) a volunteer fire department, as defined by~~
21 ~~Section 152.001, Tax Code,~~

22 [~~(6) subject to Section 418.193, a public safety~~
23 ~~entity, as defined by 47 U.S.C. Section 1401,~~

24 [~~(7) subject to Section 418.193, a county hospital,~~
25 ~~public hospital, or hospital district, or~~

26 [~~(8) the Texas Permanent School Fund Corporation, if~~
27 ~~incorporated under Section 43.052, Education Code]~~.

1 SECTION 15. Section 2170.001(a), Government Code, is
2 amended by adding Subdivision (4) to read as follows:

3 (4) "State agency" has the meaning assigned by Section
4 2054.003.

5 SECTION 16. Section 2170.004, Government Code, is amended
6 to read as follows:

7 Sec. 2170.004. CONTRACTS WITH ENTITIES OTHER THAN STATE
8 AGENCIES. The department may contract for use of the consolidated
9 telecommunications system with:

10 (1) each house of the legislature;

11 (2) a legislative agency;

12 (3) the supreme court, the court of criminal appeals,
13 or a court of appeals;

14 (4) a state governmental entity other than [an agency
15 that is not] a state agency [as defined by Section 2151.002];

16 (5) a local government, as defined by Section 2054.003
17 [~~(4) a political subdivision, including a county, municipality,~~
18 ~~or district];~~

19 (6) [~~(5)~~] a private institution of higher education
20 [~~accredited by a recognized accrediting agency], as defined by~~
21 Section 61.003, Education Code [~~, that:~~

22 [~~(A) engages in distance learning, as defined by~~
23 ~~Section 57.021, Utilities Code, and~~

24 [~~(B) receives federal funds for distance~~
25 ~~learning initiatives];~~

26 (7) [~~(6)~~] an assistance organization, as defined by
27 Section 2175.001;

1 (8) [~~(7)~~ subject to Section [418.194](#),] a public safety
2 entity, as defined by 47 U.S.C. Section 1401;

3 (9) [~~and~~
4 ~~(8)~~ subject to Section [418.194](#),] a governmental
5 entity of another state;

6 (10) a public hospital owned or operated by this state
7 or a political subdivision or municipal corporation of this state,
8 including a hospital district or hospital authority;

9 (11) an independent organization certified under
10 Section [39.151](#), Utilities Code, for the ERCOT power region;

11 (12) the Texas Permanent School Fund Corporation;

12 (13) an open-enrollment charter school, as defined by
13 Section [5.001](#), Education Code;

14 (14) a private school, as defined by Section [5.001](#),
15 Education Code;

16 (15) a private or independent institution of higher
17 education, as defined by Section [61.003](#), Education Code; and

18 (16) a volunteer fire department, as defined by
19 Section [152.001](#), Tax Code.

20 SECTION 17. Sections [418.193](#) and [418.194](#), Government Code,
21 are repealed.

22 SECTION 18. This Act takes effect September 1, 2023.