

House Bill 1500  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
<p>SECTION 1. Subchapter C, Chapter 656, Government Code, is amended by adding Sections 656.0505 and 656.0506 to read as follows:</p> <p><u>Sec. 656.0505. VOLUNTARY CERTIFICATION COURSE ON PROCUREMENT OF INFORMATION RESOURCES TECHNOLOGIES. (a) In this section:</u></p> <p><u>(1) "Department" means the Department of Information Resources.</u></p> <p><u>(2) "Information resources technologies" has the meaning assigned by Section 2054.003.</u></p> <p><u>(b) In coordination with the comptroller, the department shall develop and implement a certification course on the procurement of information resources technologies and make the course available to a person who:</u></p> <p><u>(1) holds a purchasing certification issued under Section 656.051;</u></p> <p><u>(2) holds a contract management certification issued under Section 656.052; or</u></p> <p><u>(3) holds both certifications described by Subdivisions (1) and (2).</u></p> <p><u>(c) The department shall provide the course at least quarterly and must provide the course in person.</u></p> <p><u>(d) The department shall certify a state agency employee who successfully completes the course.</u></p> <p><u>(e) Successful completion of the course may be credited toward any continuing education requirements for maintaining a certification under Section 656.051 or 656.052, or both.</u></p> <p><u>Sec. 656.0506. TRAINING ON PURCHASES OF INFORMATION RESOURCES TECHNOLOGIES FOR CERTAIN STATE AGENCY OFFICERS AND EMPLOYEES. (a) In this section:</u></p>	<p>SECTION 1. Same as House version.</p>	

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- (1) "Department" means the Department of Information Resources.
- (2) "Information resources technologies" has the meaning assigned by Section 2054.003.
- (b) The department shall develop and provide annual training for persons who serve in upper management positions at state agencies, including elected or appointed state officers and executive heads of state agencies on best practices and methodologies for purchasing information resources technologies.
- (c) The department shall include in the training provided under Subsection (b) information the department covers in the certification programs established by Sections 656.051 and 656.052 that is related to the purchase of information resources technologies. The department may include additional topics in the training.
- (d) The department may not require a person described by Subsection (b) to participate in the training.

No equivalent provision.

SECTION 2. Chapter 783, Government Code, is amended by designating Sections 783.001 through 783.010, Government Code, as Subchapter A and adding a subchapter heading to read as follows:  
SUBCHAPTER A. GENERAL PROVISIONS

No equivalent provision.

SECTION 3. Chapter 783, Government Code, is amended by adding Subchapter B to read as follows:  
SUBCHAPTER B. STATE ASSISTANCE OPPORTUNITIES  
Sec. 783.051. DEFINITIONS. In this subchapter:

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(1) "Health and human services agency" means:  
(A) the Department of Family and Protective Services;  
(B) the Department of State Health Services; and  
(C) the Health and Human Services Commission.  
(2) "Institution of higher education" and "university system"  
have the meanings assigned by Section 61.003, Education  
Code.  
(3) "State agency" has the meaning assigned by Section  
2054.003, except that the term does not include:  
(A) an institution of higher education or a university system;  
or  
(B) a health and human services agency.  
(4) "State assistance" includes a grant, contract, loan, loan  
guarantee, cooperative agreement, direct appropriation,  
property, or another method of disbursement awarded by a  
state agency.  
Sec. 783.052. STATE ASSISTANCE OPPORTUNITY  
ADVERTISEMENT. (a) The comptroller, in coordination  
with the Department of Information Resources, shall develop  
an electronic advertising system to post a state assistance  
opportunity on the electronic state business daily in a manner  
that:  
(1) provides a single location for all state agencies to post  
electronic summaries of state assistance opportunities;  
(2) provides a standard format for announcing a state  
assistance opportunity; and  
(3) enables a person to search for a state assistance  
opportunity provided by a state agency.  
(b) Subject to Chapter 2157, an institution of higher  
education, a university system, or a health and human  
services agency may elect to post state assistance

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opportunity advertisements in the same manner as a state agency under this section.

No equivalent provision.

SECTION 4. Section 2155.083(c), Government Code, is amended to read as follows:  
(c) The comptroller shall operate the electronic state business daily for state agencies and other eligible entities to advertise pre-solicitation notices, solicitations, ~~[and]~~ contract awards, and grants.

SECTION 2. Section 2054.003(13), Government Code, is amended to read as follows:  
(13) "State agency" means, except as otherwise provided by this chapter, a department, commission, board, office, council, authority, or other agency in the executive or judicial branch of state government that is created by the constitution or a statute of this state, including a university system or institution of higher education as defined by Section 61.003, Education Code.

SECTION 5. Same as House version.

SECTION 3. Section 2054.005, Government Code, is amended to read as follows:  
Sec. 2054.005. SUNSET PROVISION. ~~[(a)]~~ The Department of Information Resources is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished ~~[and this chapter expires]~~ September 1, 2037 ~~[2025]~~.

SECTION 6. Same as House version.

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SECTION 4. Section 2054.021, Government Code, is amended by amending Subsections (a), (c), (f), (g), and (h) and adding Subsections (a-1), (c-1), (c-2), and (i) to read as follows:

(a) For purposes of this section, "state agency" has the meaning assigned by Section 2054.003 but does not include a department, commission, board, office, council, authority, or other agency in the judicial branch of state government.

(a-1) The department is governed by a board composed of 11 members as follows:

(1) seven voting members appointed by the governor with the advice and consent of the senate; and

(2) four nonvoting members as provided by Subsection (c).  
~~[One member must be employed by an institution of higher education as defined by Section 61.003, Education Code.]~~

(c) The governor shall appoint the four nonvoting members of the board as follows:

(1) one member who is an employee of an institution of higher education, as defined by Section 61.003, Education Code;

(2) two members who are employees of state agencies that are on the list provided under Subsection (c-1); and

(3) one member who is an employee of a state agency with fewer than 500 full-time employees.

(c-1) Not later than December 1 of each even-numbered year, the department shall provide the governor a list of the 10 state agencies that spent the most money on products and

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SECTION 7. Section 2054.021, Government Code, is amended by amending Subsections (a), (c), (f), (g), and (h) and adding Subsections (a-1), (c-1), (c-2), and (i) to read as follows:

(a) For purposes of this section, "state agency" has the meaning assigned by Section 2054.003 but does not include:

(1) a department, commission, board, office, council, authority, or other agency in the judicial branch of state government; or

(2) an institution of higher education or a university system, as those terms are defined by Section 61.003, Education Code.

(a-1) The department is governed by a board composed of 11 members as follows:

(1) seven voting members appointed by the governor with the advice and consent of the senate; and

(2) four nonvoting members as provided by Subsection (c).  
~~[One member must be employed by an institution of higher education as defined by Section 61.003, Education Code.]~~

(c) The governor shall appoint the four nonvoting members of the board as follows:

(1) one member who is an employee of an institution of higher education, as defined by Section 61.003, Education Code;

(2) two members who are employees of state agencies that are on the list provided under Subsection (c-1); and

(3) one member who is an employee of a state agency with fewer than 500 full-time employees.

(c-1) Not later than December 1 of each even-numbered year, the department shall provide the governor a list of the 10 state agencies that spent the most money on products and

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services of the department during the previous state fiscal year.

(c-2) A nonvoting member of the board serves for a two-year term that expires February 1 of each odd-numbered year. [Two groups each composed of three ex officio members serve on the board on a rotating basis. The ex officio members serve as nonvoting members of the board. Only one group serves at a time. The first group is composed of the commissioner of insurance, the executive commissioner of the Health and Human Services Commission, and the executive director of the Texas Department of Transportation. Members of the first group serve for two-year terms that begin February 1 of every other odd-numbered year and that expire on February 1 of the next odd-numbered year. The second group is composed of the commissioner of education, the executive director of the Texas Department of Criminal Justice, and the executive director of the Parks and Wildlife Department. Members of the second group serve for two-year terms that begin February 1 of the odd-numbered years in which the terms of members of the first group expire and that expire on February 1 of the next odd-numbered year.]

(f) ~~A~~ [To be eligible to take office or serve as a voting or nonvoting member of the board, a] person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person:

(1) completes [appointed to or scheduled to serve as an ex officio member of the board must complete at least one course of] a training program that complies with Subsection (g); and

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services of the department during the previous state fiscal year.

(c-2) A nonvoting member of the board serves for a two-year term that expires February 1 of each odd-numbered year. [Two groups each composed of three ex officio members serve on the board on a rotating basis. The ex officio members serve as nonvoting members of the board. Only one group serves at a time. The first group is composed of the commissioner of insurance, the executive commissioner of the Health and Human Services Commission, and the executive director of the Texas Department of Transportation. Members of the first group serve for two-year terms that begin February 1 of every other odd-numbered year and that expire on February 1 of the next odd-numbered year. The second group is composed of the commissioner of education, the executive director of the Texas Department of Criminal Justice, and the executive director of the Parks and Wildlife Department. Members of the second group serve for two-year terms that begin February 1 of the odd-numbered years in which the terms of members of the first group expire and that expire on February 1 of the next odd-numbered year.]

(f) ~~A~~ [To be eligible to take office or serve as a voting or nonvoting member of the board, a] person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person:

(1) completes [appointed to or scheduled to serve as an ex officio member of the board must complete at least one course of] a training program that complies with Subsection (g); and

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~~(2) signs and submits to the executive director a statement acknowledging that the member completed the training program and the training required under Section 656.053 [this section]. [A voting or nonvoting board member must complete a training program that complies with Subsection (g) not later than the 180th day after the date on which the person takes office or begins serving as a member of the board.]~~

(g) The training program must provide the person with information [to the person] regarding:

(1) the law governing department operations [this chapter] and the board to which the person is appointed to serve;

(2) the programs, functions, rules, and budget of [operated by] the department;

(3) the scope of and limitations on the rulemaking authority of the department [the role and functions of the department];

(4) the results of the most recent formal audit of the department [rules of the department, with an emphasis on the rules that relate to disciplinary and investigatory authority];

(5) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

(B) other laws applicable to members of a state policy-making body in performing their duties [current budget for the department];

~~(6) [the results of the most recent formal audit of the department;~~

~~[(7) the requirements of the:~~

~~[(A) open meetings law, Chapter 551;~~

~~[(B) open records law, Chapter 552; and~~

~~[(C) administrative procedure law, Chapter 2001;~~

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~~(2) signs and submits to the executive director a statement acknowledging that the member completed the training program and the training required under Section 656.053 [this section]. [A voting or nonvoting board member must complete a training program that complies with Subsection (g) not later than the 180th day after the date on which the person takes office or begins serving as a member of the board.]~~

(g) The training program must provide the person with information [to the person] regarding:

(1) the law governing department operations [this chapter] and the board to which the person is appointed to serve;

(2) the programs, functions, rules, and budget of [operated by] the department;

(3) the scope of and limitations on the rulemaking authority of the department [the role and functions of the department];

(4) the results of the most recent formal audit of the department [rules of the department, with an emphasis on the rules that relate to disciplinary and investigatory authority];

(5) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

(B) other laws applicable to members of a state policy-making body in performing their duties [current budget for the department];

~~(6) [the results of the most recent formal audit of the department;~~

~~[(7) the requirements of the:~~

~~[(A) open meetings law, Chapter 551;~~

~~[(B) open records law, Chapter 552; and~~

~~[(C) administrative procedure law, Chapter 2001;~~

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~~[(8) the requirements of the conflict of interest laws and other laws relating to public officials;~~  
[(9)] any applicable ethics policies adopted by the department or the Texas Ethics Commission; and  
(7) ~~[(40)]~~ contract management training.  
(h) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for travel expenses incurred in attending the training program, regardless of whether the attendance at the program occurs before or after the person qualifies for office ~~[as provided by the General Appropriations Act and as if the person were a member of the board]~~.  
(i) The executive director shall create a training manual that includes the information required by Subsection (g). The executive director shall distribute a copy of the training manual annually to each member of the board. Each member of the board shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 5. Section 2054.024(c), Government Code, is amended to read as follows:  
(c) If the final result of an action brought in a court of competent jurisdiction is that a board ~~[an ex officio or other]~~ member ~~[of the board]~~ may not serve on the board under the Texas Constitution, the ~~[appropriate individual shall promptly submit a list to the]~~ governor shall appoint ~~[for the appointment of]~~ a replacement who may serve.

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~~[(8) the requirements of the conflict of interest laws and other laws relating to public officials;~~  
[(9)] any applicable ethics policies adopted by the department or the Texas Ethics Commission; and  
(7) ~~[(40)]~~ contract management training.  
(h) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for travel expenses incurred in attending the training program, regardless of whether the attendance at the program occurs before or after the person qualifies for office ~~[as provided by the General Appropriations Act and as if the person were a member of the board]~~.  
(i) The executive director shall create a training manual that includes the information required by Subsection (g). The executive director shall distribute a copy of the training manual annually to each member of the board. Each member of the board shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 8. Same as House version.

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<p>SECTION 6. The heading to Section 2054.033, Government Code, is amended to read as follows:</p> <p>Sec. 2054.033. <u>ESTABLISHMENT OF ADVISORY COMMITTEES; ADMINISTRATION AND REQUIREMENTS.</u></p>	<p>SECTION 9. Same as House version.</p>	
<p>SECTION 7. Section 2054.033, Government Code, is amended by amending Subsection (a) and adding Subsections (e), (f), and (g) to read as follows:</p> <p>(a) The board and the executive director, if authorized by the board, <u>by rule may establish</u> <del>appoint</del> advisory committees as the department considers necessary to provide expertise to the department.</p> <p>(e) <u>With respect to an advisory committee whose jurisdiction covers a service provided by the department to state agencies, in appointing members to the advisory committee the board shall:</u></p> <p>(1) <u>to the extent practicable, ensure that the advisory committee is composed of a cross-section of the department's customers who use the service; and</u></p> <p>(2) <u>appoint, in addition to the member required by Subsection (d), at least one member who is an employee of a state agency with 500 or fewer full-time employees.</u></p> <p>(f) <u>The board shall adopt rules to govern each advisory committee of the department. The rules must include:</u></p> <p>(1) <u>the purpose, role, goals, composition, and duration of the advisory committee;</u></p> <p>(2) <u>as to the advisory committee members:</u></p> <p>(A) <u>the appointment procedures, terms, and quorum requirements;</u></p> <p>(B) <u>conflict-of-interest policies; and</u></p>	<p>SECTION 10. Same as House version.</p>	

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(C) as advisable, member qualifications or training requirements;  
(3) as appropriate, a method the department must use to receive public input on issues considered by the advisory committee; and  
(4) as appropriate, a method for sharing findings and information of the advisory committee with the public and the board.  
(g) Except as otherwise provided by this chapter, an advisory committee of the department is subject to Chapter 2110.

SECTION 8. Subchapter B, Chapter 2054, Government Code, is amended by adding Sections 2054.0333, 2054.0335, and 2054.0337 to read as follows:  
Sec. 2054.0333. ADVISORY COMMITTEES ON DEPARTMENT FUNCTIONS REQUIRED. The board by rule shall establish advisory committees under Section 2054.033 that advise the board on governing the department and cover in subject matter the department's primary functions, including at least one advisory committee for each of the following subjects:  
(1) procurement under Subchapter B, Chapter 2157;  
(2) the development and implementation of information security programs; and  
(3) the preparation of the state strategic plan required by Section 2054.091.  
Sec. 2054.0335. STATEWIDE INFORMATION SECURITY ADVISORY COMMITTEE. (a) The board by rule shall establish an advisory committee under Section 2054.033 to make recommendations to the department on

SECTION 11. Same as House version.

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improving the effectiveness of the department's and this state's information security operations.  
(b) The advisory committee must include members who are information security professionals employed by state agencies and local governments.  
(c) The presiding officer of the advisory committee is the chief information security officer under Section 2054.510. Sec. 2054.0337. CUSTOMER ADVISORY COMMITTEE.  
(a) The board by rule shall establish an advisory committee under Section 2054.033 to report to and advise the board on improving the effectiveness and efficiency of services provided by the department to customers.  
(b) The board shall appoint advisory committee members who are employees of state agencies that:  
(1) use the department's services; and  
(2) have 500 or fewer full-time employees, including at least three members who are employees of state agencies that have 150 or fewer full-time employees.

SECTION 9. Section 2054.035(b), Government Code, is amended to read as follows:  
(b) The department shall prepare information of public interest describing the functions of the department [~~and the procedures by which complaints are filed with and resolved by the department~~]. The department shall make the information available to the public and appropriate state agencies.

SECTION 10. Section 2054.036, Government Code, is amended to read as follows:

SECTION 12. Same as House version.

SECTION 13. Same as House version.

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Sec. 2054.036. COMPLAINTS. (a) The department shall maintain a system to promptly and efficiently act on complaints filed with the department. The department shall maintain information about parties to the complaint, the subject matter of the complaint, and a summary of the results of the review or investigation of the complaint, and its disposition. ~~[keep a file about each written complaint filed with the department that the department has authority to resolve. The department shall provide to the person filing the complaint and the persons or entities complained about the department's policies and procedures pertaining to complaint investigation and resolution. The department, at least quarterly and until final disposition of the complaint, shall notify the person filing the complaint and the persons or entities complained about of the status of the complaint unless the notice would jeopardize an undercover investigation.]~~

(b) The department shall make information available describing its procedures for complaint investigation and resolution ~~[keep information about each complaint filed with the department]. [The information shall include:~~

- ~~[(1) the date the complaint is received;~~
- ~~[(2) the name of the complainant;~~
- ~~[(3) the subject matter of the complaint;~~
- ~~[(4) a record of all persons contacted in relation to the complaint;~~
- ~~[(5) a summary of the results of the review or investigation of the complaint; and~~
- ~~[(6) for complaints for which the department took no action, an explanation of the reason the complaint was closed without action.]~~

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(c) The department shall periodically notify the complaint parties of the status of the complaint until final disposition unless the notice would jeopardize an ongoing investigation.

SECTION 11. Sections 2054.055(b) and (b-2), Government Code, are amended to read as follows:

(b) The report must:

- (1) assess the progress made toward meeting the goals and objectives of the state strategic plan for information resources management;
- (2) describe major accomplishments of the state or a specific state agency in information resources management;
- (3) describe major problems in information resources management confronting the state or a specific state agency;
- (4) provide a summary of the total expenditures for information resources and information resources technologies by the state;
- (5) make recommendations for improving the effectiveness and cost-efficiency of the state's use of information resources;
- (6) describe the status, progress, benefits, and efficiency gains of the state electronic Internet portal project, including any significant issues regarding contract performance;
- (7) provide a financial summary of the state electronic Internet portal project, including project costs and revenues;
- (8) ~~[provide a summary of the amount and use of Internet-based training conducted by each state agency and institution of higher education];~~
- [9] provide a summary of agency and statewide results in providing access to electronic and information resources to individuals with disabilities as required by Subchapter M;

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(9) [(40)] assess the progress made toward accomplishing the goals of the plan for a state telecommunications network and developing a system of telecommunications services as provided by Subchapter H; and

(10) [(44)] identify proposed major information resources projects for the next state fiscal biennium, including project costs through stages of the project and across state fiscal years from project initiation to implementation.

(b-2) The information required under Subsection (b)(10) [(b)(44)] must include:

- (1) final total cost of ownership budget data for the entire life cycle of the major information resources project, including capital and operational costs that itemize staffing costs, contracted services, hardware purchased or leased, software purchased or leased, travel, and training;
- (2) the original project schedule and the final actual project schedule;
- (3) data on the progress toward meeting the original goals and performance measures of the project, specifically those related to operating budget savings;
- (4) lessons learned on the project, performance evaluations of any vendors used in the project, and reasons for project delays or cost increases; and
- (5) the benefits, cost avoidance, and cost savings generated by major technology resources projects.

SECTION 12. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.057 to read as follows:

Sec. 2054.057. PROCUREMENT SERVICES PILOT PROGRAM. (a) In this section:

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<p>(1) <u>"Participating state agency" means a state agency that the department has approved to participate in the pilot program.</u></p> <p>(2) <u>"Pilot program" means the procurement services pilot program established under this section.</u></p> <p>(3) <u>"State agency" means a board, commission, office, department, or other agency in the executive, judicial, or legislative branch of state government. The term does not include an institution of higher education, as defined by Section 61.003, Education Code.</u></p> <p>(b) <u>The department shall establish a pilot program under which the department provides assistance in the procurement of information resources technologies on request by a participating state agency.</u></p> <p>(c) <u>A state agency may participate in the pilot program only if the department approves of the participation in writing.</u></p> <p>(d) <u>The department may limit the:</u></p> <p>(1) <u>number of participating state agencies in the pilot program; and</u></p> <p>(2) <u>types of information resources technologies for which procurement assistance is provided under the pilot program.</u></p> <p>(e) <u>Services under the pilot program may include assistance with:</u></p> <p>(1) <u>procurement planning;</u></p> <p>(2) <u>developing a cost estimate for an information resources technologies project; and</u></p> <p>(3) <u>drafting and developing a solicitation.</u></p> <p>(f) <u>With respect to any procurement assistance provided by the department under the pilot program, the department:</u></p> <p>(1) <u>may not control the procurement for which the assistance is provided or the management of any resulting contract; and</u></p>		

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(2) is not civilly liable for damages resulting from the provision of procurement assistance unless the damages result from intentional conduct or gross negligence.  
(g) Not later than December 1, 2028, the department shall submit a report to the legislature that includes a summary of the pilot program's activities and a recommendation of whether to continue or expand the program.  
(h) This section expires January 1, 2029.

SECTION 13. Section 2054.075(b), Government Code, is amended to read as follows:  
(b) Each state agency information resources manager is part of the agency's executive management and reports directly to the executive head or deputy executive head of the agency. Each state agency shall report to the department the extent and results of its compliance with this subsection and include with the report an organizational chart showing the structure of the personnel in the agency's executive management.  
~~[The department shall report the extent and results of state agencies' compliance with this subsection to the legislature.]~~

SECTION 16. Same as House version.

SECTION 14. Section 2054.097, Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:  
(c) Once every two years, the department shall conduct a limited evaluation of the information resources deployment review of at least five state agencies to verify the accuracy of those reviews. The department may limit the evaluation to review responses on subjects that represent the highest risks or greatest opportunities for improvement regarding the

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state agency's software, hardware, compliance, and cybersecurity.

(d) The department is not required to conduct site visits as part of the limited evaluation required by Subsection (c).

(e) The department shall use information received from the limited evaluation required by Subsection (c) to:

(1) update trainings for and outreach to information resources managers on accurately completing the information resources deployment review; and

(2) recommend information resources technology solutions to state agencies as needed.

SECTION 15. Section 2054.2606(c), Government Code, is amended to read as follows:

(c) A licensing entity that establishes a profile system under this section shall determine the information to be included in the system and the manner for collecting and reporting the information. At a minimum, the entity shall include the following information in the profile system:

(1) the name of the license holder and the address and telephone number of the license holder's primary practice location;

(2) whether the license holder's patient, client, user, customer, or consumer service areas, as applicable, are accessible to ~~[disabled]~~ persons with disabilities, as defined by federal law;

(3) the type of language translating services, including translating services for a person who is deaf or hard ~~[with impairment]~~ of hearing, that the license holder provides for patients, clients, users, customers, or consumers, as applicable;

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<p>(4) if applicable, insurance information, including whether the license holder participates in the state child health plan under Chapter 62, Health and Safety Code, or the Medicaid program;</p> <p>(5) the education and training received by the license holder, as required by the licensing entity;</p> <p>(6) any specialty certification held by the license holder;</p> <p>(7) the number of years the person has practiced as a license holder; and</p> <p>(8) if applicable, any hospital affiliation of the license holder.</p>		

No equivalent provision.

SECTION 19. Section 2054.376(b), Government Code, is amended to read as follows:

(b) This subchapter applies ~~[does not apply]~~ to the following only on the election of the state agency operating the system, database, or network:

(1) the uniform statewide accounting system, as that term is used in Subchapter C, Chapter 2101;

(2) the state treasury cash and treasury management system;

(3) a database or network managed by the comptroller to:

(A) collect and process multiple types of taxes imposed by the state; or

(B) manage or administer fiscal, financial, revenue, and expenditure activities of the state under Chapter 403 and Chapter 404; or

(4) a database or network managed by the Department of Agriculture.

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<p>SECTION 16. Section 2054.456(a), Government Code, is amended to read as follows:</p> <p>(a) Each state agency shall, in developing, procuring, maintaining, or using electronic and information resources, ensure that state employees with disabilities have access to and the use of those resources comparable to the access and use available to state employees without disabilities, unless compliance with this section imposes a significant difficulty or expense on the agency under Section 2054.460. Subject to Section 2054.460, the agency shall take reasonable steps to ensure that <u>an [a-disabled] employee with a disability</u> has reasonable access to perform the employee's duties.</p>	<p>SECTION 20. Same as House version.</p>	
<p>SECTION 17. The heading to Section 2054.515, Government Code, is amended to read as follows:</p> <p>Sec. 2054.515. <u>AGENCY DATA GOVERNANCE</u> <del>[INFORMATION—SECURITY]</del> ASSESSMENT AND REPORT.</p>	<p>SECTION 21. Same as House version.</p>	
<p>SECTION 18. Section 2054.515, Government Code, is amended by amending Subsections (a), (c), and (d) and adding Subsection (a-1) to read as follows:</p> <p>(a) At least once every two years, each state agency shall conduct an <del>[information—security]</del> assessment of the agency's[:</p> <p><del>[(1) information resources systems, network systems, digital data storage systems, digital data security measures, and information resources vulnerabilities; and</del></p> <p><del>[(2)]</del> data governance program with participation from the agency's data management officer, if applicable, and in</p>	<p>SECTION 22. Same as House version.</p>	

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<p>accordance with requirements established by department rule.</p> <p><u>(a-1) Not later than June 1 of each even-numbered year, each state agency shall report the results of the assessment conducted under Subsection (a) to:</u></p> <p><u>(1) the department; and</u></p> <p><u>(2) on request, the governor, the lieutenant governor, and the speaker of the house of representatives.</u></p> <p>(c) The department by rule shall establish the requirements for the [information security] assessment and report required by this section.</p> <p>(d) The report and all documentation related to the [information security] assessment and report are confidential and not subject to disclosure under Chapter 552. The state agency or department may redact or withhold the information as confidential under Chapter 552 without requesting a decision from the attorney general under Subchapter G, Chapter 552.</p> <p>SECTION 19. Sections 2054.5191(a), (a-1), and (a-2), Government Code, are amended to read as follows:</p> <p>(a) <u>At least once each year, each employee of a [Each] state agency [shall identify state employees who use a computer to complete at least 25 percent of the employee's required duties. At least once each year, an employee identified by the state agency]</u> and each elected or appointed officer of the agency shall complete a cybersecurity training program certified under Section 2054.519.</p> <p>(a-1) <u>At least once each year, each employee and each elected or appointed official of a local government shall[:</u></p>		
	<p>SECTION 23. Same as House version.</p>	

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~~[(1) identify local government employees and elected and appointed officials who have access to a local government computer system or database and use a computer to perform at least 25 percent of the employee's or official's required duties; and~~  
~~[(2) require the employees and officials identified under Subdivision (1) to]~~ complete a cybersecurity training program certified under Section 2054.519.  
(a-2) The governing body of a local government or the governing body's designee may deny access to the local government's computer system or database to an employee or official of the local government ~~[an individual described by Subsection (a-1)(1)]~~ who the governing body or the governing body's designee determines is noncompliant with the requirements of Subsection (a-1) ~~[(a-1)(2)]~~.

SECTION 20. Subchapter N-1, Chapter 2054, Government Code, is amended by adding Section 2054.5195 to read as follows:  
Sec. 2054.5195. INFORMATION SECURITY ASSESSMENT AND PENETRATION TEST REQUIRED.  
(a) This section does not apply to a university system or institution of higher education as defined by Section 61.003, Education Code.  
(b) At least once every two years, the department shall require each state agency to complete an information security assessment and a penetration test to be performed by the department or, at the department's discretion, a vendor selected by the department.

SECTION 24. Same as House version.

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(c) The department shall establish rules as necessary to implement this section, including rules for the procurement of a vendor under Subsection (b).

No equivalent provision.

SECTION 25. Section 2157.068(a), Government Code, is amended to read as follows:

(a) In this section:

(1) "Commodity[, ~~commodity~~] items" means commercial software, hardware, or technology services, other than telecommunications services, that are generally available to businesses or the public and for which the department determines that a reasonable demand exists from an eligible entity listed in[, ~~as defined by~~] Section 2054.0525 [2054.375,] that purchases the items through the department. The term includes seat management, through which an eligible entity transfers its personal computer equipment and service responsibilities to a private vendor to manage the personal computing needs for each desktop of the eligible entity, including all necessary hardware, software, and support services.

(2) "Technology services" means services, regardless of the method of charging fees for those services, that:

(A) relate to the development, configuration, review, assessment, acquisition, implementation, or maintenance of information technology hardware, software, or services; or

(B) consist of other routine technology services not described by Paragraph (A).

No equivalent provision.

SECTION 26. Section 2170.005(c), Government Code, is amended to read as follows:

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(c) Telephone directories published by the department under this section and Section 2170.059 must be revised regularly and must list state telephone numbers alphabetically by the subject matter of agency programs as well as alphabetically by agency. The subject matter listing of programs and telephone numbers in the telephone directories must be consistent with the categorization developed by the Records Management Interagency Coordinating Council under Section 441.203. The department may authorize, under procedures and rules considered appropriate by the department, a method [~~yellow pages advertising section in the directories~~] to recover development, publication, and distribution costs of the directories.

SECTION 27. Section 2170.059(a), Government Code, is amended to read as follows:  
(a) The department shall provide centralized telephone service for state agencies, each house of the legislature, and legislative agencies in the capitol complex. State agencies in the capitol complex may [~~shall~~] use the service. Each house of the legislature and each legislative agency may [~~shall~~] use the service at the discretion of the legislature. The department may provide the service to other state agencies that subscribe to it.

No equivalent provision.

SECTION 21. The following provisions of the Government Code are repealed:

- (1) Section 2054.021(d);
- (2) Section 2054.023(c);

SECTION 28. The following provisions of the Government Code are repealed:

- (1) **Section 441.010;**
- (2) Section 2054.021(d);
- (3) Section 2054.023(c);

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(3) Section 2054.0331; (4) Section 2054.091(d); (5) Section 2054.0925(c); (6) Section 2054.515(b), as amended by Chapter 567 (S.B. 475), Acts of the 87th Legislature, Regular Session, 2021; and (7) Section 2054.515(b), as amended by Chapter 856 (S.B. 800), Acts of the 87th Legislature, Regular Session, 2021.	(4) Section 2054.0331; (5) Section 2054.091(d); (6) Section 2054.0925(c); (7) Section 2054.515(b), as amended by Chapter 567 (S.B. 475), Acts of the 87th Legislature, Regular Session, 2021;  (8) Section 2054.515(b), as amended by Chapter 856 (S.B. 800), Acts of the 87th Legislature, Regular Session, 2021; (9) Chapter 2055; (10) Section 2170.009; (11) Section 2170.010; and (12) Section 2170.059(c).	

SECTION 22. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(b) As soon as possible after the effective date of this Act, as the terms of members of the governing board of the Department of Information Resources expire or as vacancies occur, the governor shall appoint members to the board so that the board is composed in accordance with Section 2054.021, Government Code, as amended by this Act, except that the term of the member of the board serving on the board immediately before the effective date of this Act who holds the position of the member who is employed by an institution of higher education expires on that date. A member of the governing board whose term expires under this subsection is eligible for reappointment under Subsection (c) of this section.

(c) Not later than December 1, 2025, the governor shall appoint the following members to the governing board of the

SECTION 29. Same as House version.



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<p>Department of Information Resources in accordance with Section 2054.021, Government Code, as amended by this Act:</p> <p>(1) one voting member to serve a term that expires February 1, 2031; and</p> <p>(2) one nonvoting member to the position of the member who is employed by an institution of higher education to serve a term that expires February 1, 2027.</p>		
<p>SECTION 23. (a) Except as provided by Subsection (b) of this section, Section 2054.021(f), Government Code, as amended by this Act, applies to a member of the governing board of the Department of Information Resources appointed before, on, or after the effective date of this Act.</p> <p>(b) A member of the governing board of the Department of Information Resources who, before the effective date of this Act, completed the training program required by Section 2054.021(f), Government Code, and described in Section 2054.021(g), Government Code, as that law existed before the effective date of this Act, is only required to complete additional training on the subjects added by this Act to the training program described by Section 2054.021(g), Government Code. A member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2025, until the member completes the additional training.</p>	<p>SECTION 30. Same as House version.</p>	
<p>No equivalent provision.</p>	<p>SECTION 31. If any provision of this Act conflicts with a provision of another Act of the 89th Legislature, Regular</p>	

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Session, 2025, relating to the establishment of the Texas Cyber Command as a component institution of The University of Texas System and the transfer to it of certain powers and duties of the Department of Information Resources, the provision of the other Act prevails to the extent of the conflict, regardless of the relative dates of enactment.

SECTION 24. This Act takes effect September 1, 2025.

SECTION 32. Same as House version.