

By: Shapleigh

S.B. No. 1440

A BILL TO BE ENTITLED

AN ACT

relating to certain electronic and information resources technology projects of the state.

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

SECTION 1. Section 2054.055(b), Government Code, is 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; ~~and~~

(6) include a list compiled by the department's program management office from the information gathered under Sections 2055.152 and 2055.153 of the electronic government projects:

1 (A) that are managed by the office under Chapter
2 2055; and

3 (B) that are not yet managed by the office under
4 Chapter 2055, but have been selected for management under Chapter
5 2055; and

6 (7) describe an operational blueprint, including
7 planning criteria, that will be provided to state agencies and
8 local governments to meet their information resources technologies
9 needs.

10 SECTION 2. Subchapter C, Chapter 2054, Government Code, is
11 amended by adding Sections 2054.062 and 2054.065 to read as
12 follows:

13 Sec. 2054.062. EXCHANGE PROGRAM OF EMPLOYEES WITH PRIVATE
14 SECTOR. (a) The department may create a voluntary program allowing
15 the exchange of department employees with information resources
16 technology employees in the private sector.

17 (b) Before making an employee exchange under this section,
18 the department, the private employer, and each employee must agree
19 on:

- 20 (1) the period of the exchange;
21 (2) the duties to be performed by each employee;
22 (3) issues related to supervision;
23 (4) issues related to liability;
24 (5) compensation and other benefits; and
25 (6) any other issues necessary for the exchange.

26 Sec. 2054.065. SINGLE SOFTWARE PROTOCOL. (a) The
27 department shall develop, implement, and enforce a single software

1 protocol for all state agencies.

2 (b) In developing the protocol, the department shall
3 consider:

4 (1) interconnectivity and interoperability issues;

5 (2) the development of a single software architecture
6 across all state agencies; and

7 (3) standards to enable the categorization of
8 government information in a way that is:

9 (A) searchable electronically, including by
10 searchable identifiers;

11 (B) interoperable across state agencies; and

12 (C) consistent with other information standards
13 adopted by the department.

14 (c) In determining the parameters of the protocol, the
15 department shall consider its compatibility with federal
16 guidelines and policies and may delay implementation of the state
17 protocol to ensure compatibility with federal guidelines and
18 policies adopted or in development.

19 SECTION 3. Section 2054.092, Government Code, is amended to
20 read as follows:

21 Sec. 2054.092. CONTENT OF STATE STRATEGIC PLAN. The state
22 strategic plan must:

23 (1) provide a strategic direction for information
24 resources management in state government for the five fiscal years
25 following adoption of the plan, including providing a best
26 practices model to assist state agencies in adopting effective
27 information management methods and obtaining effective information

1 resources technologies;

2 (2) provide guidance to state agencies in the
3 development of the agency strategic plans;

4 (3) establish goals and objectives relating to
5 information resources management;

6 (4) provide long-range policy guidelines for
7 information resources in state government, including the
8 implementation of national and international standards for
9 information resources technologies;

10 (5) identify major issues relating to improved
11 information resources management, including the identification of
12 needed procurement policy initiatives to encourage competition
13 between providers of information resources technologies; ~~and~~

14 (6) identify priorities for the implementation of
15 information resources technologies according to the relative
16 economic and social impact on the state; and

17 (7) provide an operational blueprint, including
18 planning criteria, to state agencies and local governments to meet
19 their information resources technologies needs.

20 SECTION 4. Section 2054.096(a), Government Code, is amended
21 to read as follows:

22 (a) Each agency strategic plan must be consistent with the
23 state strategic plan and include:

24 (1) a statement of the state agency's goals,
25 objectives, and programs as found in the agency's legislative
26 appropriations request;

27 (2) a description of the agency's major data bases and

1 their applications;

2 (3) a description of the agency's information
3 resources management organizations, policies, and practices;

4 (4) a description of interagency computer networks in
5 which the agency participates;

6 (5) a statement of the strategic objectives of the
7 agency relating to information resources management for the next
8 five fiscal years, beginning with the fiscal year during which the
9 plan is submitted, with a description of how those objectives help
10 achieve the agency's programs and goals, and a description of how
11 those objectives support and promote the goals and policies of the
12 state strategic plan; ~~and~~

13 (6) a description of any information resources
14 technology projects proposed by the agency, including:

15 (A) a statement of how the projects relate to
16 similar projects, as identified by the department, implemented or
17 proposed by other agencies; and

18 (B) a description of any proposed plans for
19 coordinating the projects with other agencies;

20 (7) a description of any computer hardware and
21 software systems used by the agency;

22 (8) the status of the agency's quality assurance
23 initiatives for:

24 (A) security; and

25 (B) major information resources projects;

26 (9) a description of measures taken by the agency to
27 comply with department rules and standards; and

1 (10) [~~(7)~~] other planning components that the
2 Legislative Budget Board may prescribe.

3 SECTION 5. Subchapter F, Chapter 2054, Government Code, is
4 amended by adding Section 2054.114 to read as follows:

5 Sec. 2054.114. CONTENT MANAGEMENT AND PROJECT MANAGEMENT
6 FEATURES ON DEPARTMENT WEBSITE. The TexasOnline division shall
7 modify the department's website to integrate features that allow
8 website visitors to manage content and projects. The website must
9 be searchable using keywords and must assist visitors in the
10 automation of the design, implementation, and costing of major
11 information resources projects.

12 SECTION 6. Section 2054.1181, Government Code, is amended
13 by adding Subsection (d) to read as follows:

14 (d) If the program management office determines that a major
15 information resources project is poorly managed or has excessive
16 cost overruns, the office may, with the approval of the quality
17 assurance team of the Legislative Budget Board and the Legislative
18 Oversight Committee for Electronic Government Projects, evaluate,
19 redesign, or discontinue the project.

20 SECTION 7. Subchapter F, Chapter 2054, Government Code, is
21 amended by adding Sections 2054.1241 and 2054.1251 to read as
22 follows:

23 Sec. 2054.1241. STATE AGENCY SECURITY AUDIT. (a) Each
24 state agency shall periodically audit its information resources
25 technologies to ensure compliance with state standards and rules
26 regarding security. The department may adopt rules regarding the
27 frequency of state agency audits.

1 (b) The agency shall report the results of each audit to the
2 department in a form and including information prescribed by
3 department rules. The report may be included in the agency's
4 operating plan submitted under Section 2054.100(a).

5 (c) The department may compile into a report the results of
6 any audits it receives under this section. The report may summarize
7 the results of the audits performed under this section. The
8 department may include the report with the department's legislative
9 appropriations request.

10 Sec. 2054.1251. LISTING WEBSITE ADDRESS IN TELEPHONE
11 DIRECTORIES. Each state agency shall list its website address in
12 appropriate telephone directories.

13 SECTION 8. Section 2054.126, Government Code, is amended by
14 amending Subsection (a) and adding Subsection (f) to read as
15 follows:

16 (a) The department shall adopt a policy that:

17 (1) prescribes terms under which a person may use,
18 copy information from, or link to a generally accessible Internet
19 site maintained by or for a state agency; ~~and~~

20 (2) protects the personal information of members of
21 the public who access information from or through a generally
22 accessible Internet site maintained by or for a state agency; and

23 (3) provides the public with a reasonable opportunity
24 to comment on what information may be published on-line.

25 (f) Each state agency, with the assistance of the
26 department, shall adopt and implement policies related to a
27 generally accessible Internet site maintained by or for the agency

1 that provides for the posting of public comments regarding rules
2 considered by the agency. The policies must provide a state agency
3 with discretion as to which comments must be posted, including
4 discretion regarding security issues, privacy issues, and other
5 limits on the content of the post.

6 SECTION 9. Section 2055.001(1), Government Code, is amended
7 to read as follows:

8 (1) "Board," "department," "electronic government
9 project," "executive director," "local government," "major
10 information resources project," and "TexasOnline" have the
11 meanings assigned by Section 2054.003.

12 SECTION 10. Section 2055.057(a), Government Code, is
13 amended to read as follows:

14 (a) In coordination with the comptroller, Governor's Office
15 of Budget and Planning, state auditor, and Legislative Budget
16 Board, the office shall develop a model for funding the office from
17 a portion of the money appropriated for projects selected under
18 Section 2055.101, including staff necessary for the office. The
19 model must:

20 (1) describe how to provide the office with the
21 staffing and other resources necessary for the office to manage the
22 projects it selects;

23 (2) clearly establish savings and cost avoidance that
24 result from the management initiatives of the office; and

25 (3) calculate how electronic initiatives reduce state
26 agency costs, using the method used by the TexasOnline division for
27 the division's benchmark studies.

1 SECTION 11. Subchapter B, Chapter 2055, Government Code, is
2 amended by adding Section 2055.060 to read as follows:

3 Sec. 2055.060. PERFORMANCE MEASURES. The department, in
4 coordination with the Legislative Oversight Committee for
5 Electronic Government Projects, shall consult with the Legislative
6 Budget Board to establish a performance measure for the office that
7 identifies the amount of savings and cost avoidance that the office
8 achieves.

9 SECTION 12. Subchapter C, Chapter 2055, Government Code, is
10 amended by adding Section 2055.107 to read as follows:

11 Sec. 2055.107. TECHNICAL AND BUSINESS PRACTICES FOR
12 PROJECTS. The division of the department responsible for
13 enterprise operations shall establish technical and business
14 practice standards for electronic government projects managed by
15 the office.

16 SECTION 13. Subchapter D, Chapter 2055, Government Code, is
17 amended by adding Section 2055.154 to read as follows:

18 Sec. 2055.154. REPORT ON FUNDING MODEL AND PERFORMANCE
19 MEASURES. The office shall track its progress against the funding
20 model established under Section 2055.057 and the performance
21 measures established under Section 2055.060. The office shall
22 regularly report on the progress to:

23 (1) each state agency with a project selected under
24 Section 2055.101;

25 (2) the quality assurance team of the Legislative
26 Budget Board;

27 (3) the Legislative Oversight Committee for

1 Electronic Government Projects;

2 (4) the speaker of the house of representatives;

3 (5) the lieutenant governor; and

4 (6) the presiding officer of each committee in the
5 legislature with primary oversight over the department.

6 SECTION 14. Chapter 2055, Government Code, is amended by
7 adding Subchapter E to read as follows:

8 SUBCHAPTER E. RETURN ON INVESTMENT PROGRAM

9 Sec. 2055.201. CREATION OF PROGRAM. The office shall
10 implement a return on investment program for selected major
11 information resources projects to quantify, measure, evaluate, and
12 verify technology investment benefits for the government and
13 residents of this state.

14 Sec. 2055.202. RESPONSIBILITY FOR PROGRAM. The office is
15 responsible for the outcomes, costs, and timeliness of all major
16 information resources projects selected under this subchapter.

17 Sec. 2055.203. PERFORMANCE MEASURES AND GOALS. (a) The
18 office shall outline broad goals to measure the success, cost, and
19 long-term return on investment presented for each major information
20 resources project.

21 (b) The office shall establish budgetary performance
22 measures that quantify the actual return on investment on
23 completion of projects.

24 Sec. 2055.204. GENERAL OVERSIGHT OF PROGRAM; AUDITS AND
25 REPORTS. (a) The quality assurance team of the Legislative Budget
26 Board shall oversee the program.

27 (b) The quality assurance team of the Legislative Budget

1 Board may require periodic reports or audits from state agencies
2 for projects selected under this subchapter.

3 Sec. 2055.205. SELECTION OF MAJOR PROJECTS. (a) The
4 quality assurance team of the Legislative Budget Board shall select
5 major information resources projects for the return on investment
6 program.

7 (b) Each state agency with a project selected under this
8 subchapter shall, in consultation with the office, submit an
9 implementation plan to the department that demonstrates how:

10 (1) the agency will seek cooperative and collaborative
11 efforts from other state agencies; and

12 (2) the project will:

13 (A) benefit individuals in this state and the
14 state as a whole;

15 (B) use, to the fullest extent, technology owned
16 or adapted by other state agencies;

17 (C) employ, to the fullest extent, the
18 department's information technology standards, including
19 Internet-based technology standards;

20 (D) easily expand, to the fullest extent, to
21 serve other residents of this state or other state agencies;

22 (E) develop on time and on budget;

23 (F) produce quantifiable returns on investment;

24 and

25 (G) meet any other criteria developed by the
26 department or the quality assurance team of the Legislative Budget
27 Board.

1 (c) If a selected project involves more than one state
2 agency, the state agencies may jointly submit a plan for the project
3 under Subsection (b).

4 (d) The department and the quality assurance team shall
5 review and consider whether to approve or reject a plan.

6 (e) The department and the quality assurance team may
7 consider the past performance of a state agency or a vendor in
8 deciding whether to approve or reject a plan.

9 Sec. 2055.206. APPROVAL REQUIRED FOR MAJOR PROJECTS TO
10 PROCEED; LIMIT ON FUNDING. (a) A major information resources
11 project selected under this subchapter may not proceed:

12 (1) without approval under Section 2055.205; or

13 (2) if the quality assurance team of the Legislative
14 Budget Board determines that the project is not sufficiently sound
15 to receive funding under the program.

16 (b) A state agency that is not allowed to proceed under this
17 section may not seek funding from other sources for the selected
18 project.

19 Sec. 2055.207. FUNDING FOR PROGRAM. The return on
20 investment program shall be funded from a percentage of money
21 appropriated to or budgeted by state agencies for the major
22 information resources projects designated by the legislature under
23 Section 2054.003. The legislature shall prescribe the percentage
24 or percentages, as applicable, in the General Appropriations Act.

25 Sec. 2055.208. REIMBURSEMENT FOR MAJOR PROJECT EXPENSES.

26 (a) As a major information resources project selected and approved
27 under this subchapter proceeds, a state agency that incurs costs

1 for the project may periodically request reimbursement from money
2 budgeted for the project or authority to obligate that money for
3 payment of project costs, as applicable.

4 (b) The agency must obtain approval from the executive
5 director before receiving reimbursement or obligating money for
6 payment of project costs. The executive director shall approve a
7 request under this section if:

8 (1) the involved state agencies, vendors, or other
9 sponsors demonstrate to the executive director's satisfaction that
10 the project is generally proceeding according to the approved
11 return on investment plan; and

12 (2) the total amount requested for that project:

13 (A) does not exceed the approved amount budgeted
14 for the project; or

15 (B) does exceed the approved amount budgeted for
16 the project, but the excess amounts are to be paid out of existing
17 funds appropriated to the relevant budget strategy of that state
18 agency that may be spent on the project.

19 (c) If multiple state agencies are involved under
20 Subsection (b)(2)(B), the executive director shall approve the
21 amounts paid or obligated in amounts proportionate to each agency's
22 financial participation in the project.

23 (d) If the executive director approves the request, the
24 executive director shall notify the comptroller to release the
25 budgeted money to the state agency or obligate the money for payment
26 of project costs, as applicable.

27 Sec. 2055.209. APPEAL OF DECISIONS. (a) A state agency

1 that disagrees with the executive director's failure to approve a
2 request under Section 2055.208(b) may appeal to the quality
3 assurance team of the Legislative Budget Board.

4 (b) If a state agency disagrees with the quality assurance
5 team's decision under Subsection (a) or Section 2055.206, the
6 agency may appeal to the Legislative Budget Board.

7 Sec. 2055.210. REPORT. (a) The office shall identify and
8 report all cost savings and cost avoidance amounts from its
9 activities under this subchapter to:

10 (1) the department; and

11 (2) the quality assurance team of the Legislative
12 Budget Board.

13 (b) The office shall also send its report under Subsection
14 (a) to the Legislative Oversight Committee for Electronic
15 Government Projects. This subsection expires December 31, 2004.

16 SECTION 15. Subchapter A, Chapter 2157, Government Code, is
17 amended by adding Sections 2157.006 and 2157.007 to read as
18 follows:

19 Sec. 2157.006. PURCHASING STANDARDS. The Department of
20 Information Resources shall establish contracting and purchasing
21 standards for computer hardware and software and information
22 technology services, including standards that:

23 (1) limit vendor selection for identical products;

24 (2) establish targets for agencies to reuse public
25 software;

26 (3) reduce purchase prices; and

27 (4) improve security.

1 Sec. 2157.007. PERFORMANCE MEASURE. The Department of
2 Information Resources shall consult with the Legislative Budget
3 Board to establish a performance measure to identify and set
4 targets for reducing costs for purchases made under this chapter.

5 SECTION 16. Chapter 2157, Government Code, is amended by
6 adding Subchapter E to read as follows:

7 SUBCHAPTER E. SPECIFIC PROVISIONS REGARDING TELECOMMUNICATIONS

8 Sec. 2157.201. DEFINITION. In this subchapter,
9 "department" means the Department of Information Resources.

10 Sec. 2157.202. PERFORMANCE MEASURE. The department, in
11 coordination with the telecommunications planning and oversight
12 council, shall consult with the Legislative Budget Board to
13 establish a telecommunications performance measure that:

14 (1) establishes cost-reduction targets for the
15 division in the department responsible for telecommunications
16 services; and

17 (2) reduces the surcharge rates paid by governmental
18 entities for long-distance telecommunications services.

19 Sec. 2157.203. CONTRACTS WITH PRIVATE ENTITIES. The
20 department shall consider contracting with private entities to
21 provide some or all of its telecommunications services.

22 SECTION 17. To allow state agencies to reduce software
23 design and licensing costs, the Department of Information Resources
24 shall coordinate with the governor's office to move control of the
25 GovernmentDomain.com website to the department and to expand the
26 website. The website must include telecommunications billing
27 software developed by the Texas Legislative Council.

1 SECTION 18. (a) Except as provided by Subsection (b) of
2 this section, this Act takes effect September 1, 2003.

3 (b) Sections 2055.205(d) and (e), 2055.206, and 2055.208,
4 Government Code, as added by this Act, take effect February 1, 2004.