

BILL ANALYSIS

Senate Research Center

H.B. 1705
By: Geren (Ellis)
Government Organization
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill addresses several problems with the processes and procedures of the Department of Information Resources (DIR), such as the lack of productivity of the telecommunications planning and oversight council, the electronic commerce network, and the electronic procurement marketplace; the rigidity of certain reporting requirements; the inability of certain nonprofits to contract with the state for access to certain telecommunications systems; and the inability of school districts to share certain information.

H.B. 1705 amends current law relating to DIR, including the abolition of the telecommunications planning and oversight council, the electronic commerce network, and the electronic procurement marketplace and standards for certain school district software.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the telecommunications planning and oversight council is transferred to the Department of Information Resources in SECTION 1.08 of this bill.

Rulemaking authority previously granted to the Texas Facilities Commission is transferred to the comptroller of public accounts in SECTION 3.04 (Section 2156.005, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. PROVISIONS RELATING TO ABOLITION OF THE TELECOMMUNICATIONS PLANNING AND OVERSIGHT COUNCIL

SECTION 1.01. Amends Section 2054.091(d), Government Code, to delete existing text requiring the telecommunications planning and oversight council (council) to appoint one of its members to serve as a member of the advisory committee which assists in the preparation of the state strategic plan.

SECTION 1.02. Amends the heading to Subchapter H, Chapter 2054, Government Code, to read as follows:

SUBCHAPTER H. TELECOMMUNICATIONS PLANNING

SECTION 1.03. Amends Sections 2054.203(a), (c), and (d), Government Code, as follows:

(a) Deletes existing text requiring the Texas Department of Information Resources (DIR) to provide the information collected under this section to the council in a manner consistent with state and federal security restrictions.

(c) Requires DIR, rather than the council in consultation with DIR, to establish plans and policies for a system of telecommunications services.

(d) Requires DIR to develop a statewide telecommunications operating plan for all state agencies. Requires that the plan implement a statewide network and include technical specifications, rather than include specifications that are binding on DIR. Makes a conforming change.

SECTION 1.04. Transfers Section 2054.204, Government Code, to Subchapter E, Chapter 2054, Government Code, renumbers it as Section 2054.0925, Government Code, and amends it as follows:

Sec. 2054.0925. TELECOMMUNICATIONS IN STATE STRATEGIC PLAN. (a) Deletes existing text requiring DIR to consult with the council regarding telecommunications elements of the plan under Section 2054.092. Makes nonsubstantive changes.

(b) Makes no changes to this subsection.

(c) Deletes existing text requiring the council and DIR, in developing the plan under Section 2054.092, to make use of the technical expertise of state agencies, including institutions of higher education.

SECTION 1.05. Amends Section 2054.205, Government Code, to make conforming changes.

SECTION 1.06. Amends Section 2054.2051, Government Code, as follows:

Sec. 2054.2051. OVERSIGHT OF SYSTEMS. (a)-(b) Makes conforming changes.

(c) Requires DIR, rather than the council, to review the status of all projects related to and the financial performance of the consolidated telecommunications system and the centralized capitol complex telephone system, including a comparison between actual performance and projected goals at least once every three months and any benefit of contracting with private vendors to provide some or all of the systems at least once each year. Deletes existing Subsection (d) requiring the council to make recommendations to the governing board of DIR on ways to improve the operation of the consolidated telecommunications system and the centralized capitol complex telephone system based on its review of their performance and on concerns raised by using entities.

SECTION 1.07. Transfers Section 2054.207, Government Code, to Section 2054.055, Government Code, redesignates it as Subsection (b-1), and amends it as follows:

(b-1) Deletes existing Section 2054.207 (Report to Legislature). Requires that the report under this section address certain telecommunications system issues. Defines "centralized capitol complex telephone system" and "consolidated telecommunications system."

SECTION 1.08. (a) Provides that on the effective date of this Act, the council is abolished.

(b) Provides that a rule, form, plan, policy, or order of the council is continued in effect as a rule, form, plan, policy, or order of DIR until superseded by a rule or other appropriate action of DIR.

SECTION 1.09. (a) Repealers: Section 2054.201(Composition; Terms); Section 2054.202 (Administrative Provisions); Section 2054.2025 (Limitation of Liability); and Section 2170.060 (Quarterly Report), Government Code.

(b) Provides that in accordance with Section 311.031, Government Code, Section 2054.2025, Government Code, is continued in effect for the limited purpose of applying in relation to an act performed before the effective date of this Act.

ARTICLE 2. PROVISIONS RELATING TO OTHER PROGRAMS ADMINISTERED BY THE DEPARTMENT OF INFORMATION RESOURCES

SECTION 2.01. Amends Section 2054.003(12), Government Code, to redefine "project."

SECTION 2.02. Amends Section 2054.095(b), Government Code, to require that instructions under Subsection (a), except as otherwise modified by the Legislative Budget Board or the

governor, require that each state agency's strategic plan include certain information, including a description of the agency's information resources management organizations, policies, and practices, including the extent to which the agency uses its project management practices, as defined by Section 2054.152, rather than its internal quality assurance procedures.

SECTION 2.03. Amends Sections 2054.1015(b) and (c), Government Code, as follows:

(b) Authorizes DIR to require a state agency to provide to DIR a planned procurement schedule for commodity items if DIR determines that the information in the schedule can be used to provide a benefit to the state. Requires a state agency, if required by DIR, to provide a planned procurement schedule for commodity items to DIR before the agency's operating plan may be approved under Section 2054.102 (Evaluation and Approval of Operating Plans).

(c) Requires DIR to use information contained in the schedules to plan future vendor solicitations of commodity items or for any other activity that provides a benefit to the state.

SECTION 2.04. Amends Section 2054.152, Government Code, to redefine "project management practices."

SECTION 2.05. Amends Section 2170.004, Government Code, to authorize DIR to contract for use of the consolidated telecommunications system with certain entities, including an assistance organization, as defined by Section 2175.001 (Definitions). Makes a nonsubstantive change.

SECTION 2.06. Amends Subchapter I, Chapter 39, Education Code, by adding Section 39.205, as follows:

Sec. 39.205. SOFTWARE STANDARDS. (a) Requires DIR, in cooperation with the commissioner of education, to adopt performance and interoperability standards for software used by school districts for financial accounting or attendance reporting.

(b) Requires that standards adopted under this section ensure that the software will enable a school district to share and report information in a timely manner for purposes of financial management, operational decision-making, and transparency of district operations to the public.

(c) Requires DIR to include compliance with standards adopted under this section as a requirement in any solicitation for software anticipated to be used for a purpose described by Subsection (a) and to require a vendor awarded a contract in response to a solicitation described by Subdivision (1) to certify that the software complies with the standards adopted under this section, and authorizes DIR to negotiate state contract pricing for software that complies with the standards adopted under this section.

SECTION 2.07. Repealers: Sections 2054.051(d) (relating to requiring DIR to establish an information resources technology evaluation center), 2054.0551 (Automated Information Systems Report), 2054.123 (State Agency Software Portfolio Management Training), and 2171.0521 (Online Reservation and Ticketing Capability), Government Code, and Chapter 2177 (Electronic Commerce), Government Code.

ARTICLE 3. CONFORMING AMENDMENTS

SECTION 3.01. Amends Section 2151.0041(c), Government Code, to delete Section 2177.0011 (Transfer of Duties; Reference) as one of certain sections that expire on September 1, 2011, unless otherwise provided by the legislature by law. Makes nonsubstantive changes.

SECTION 3.02. Amends Section 2155.264, Government Code, to authorize a state agency to also solicit bids or proposals through the use of on-line electronic transmission, rather than on-line electronic transmission or the electronic commerce network.

SECTION 3.03. Amends Section 2156.003, Government Code, as follows:

Sec. 2156.003. SOLICITATION OF BIDS THROUGH BIDDERS LIST; BID INVITATIONS. (a) Requires the comptroller of public accounts (comptroller) to electronically maintain a bidders list, rather than the Texas Facilities Commission (TFC) to electronically maintain a bidders list that is integrated into the electronic procurement marketplace established by DIR. Makes conforming changes.

(b) Authorizes that an invitation to bid on an item to be purchased, rather than an invitation to bid on an item to be purchased, in addition to any requirements of Chapter 2177, be sent electronically to a vendor on the bidders list who has expressed a desire to bid on that type of item.

(c) Makes a conforming change.

SECTION 3.04. Amends Section 2156.005, Government Code, as follows:

Sec. 2156.005. BID SUBMISSION AND OPENING; PUBLIC INSPECTION. (a) Makes a conforming change.

(b) Authorizes the comptroller, rather than TFC, to adopt rules to insure the identification, security, and confidentiality of bids submitted through the use of facsimile transmission or on-line electronic transmission. Makes conforming and nonsubstantive changes.

(c)-(d) Makes conforming changes.

SECTION 3.05. Amends Section 2156.063, Government Code, to make conforming changes.

SECTION 3.06. Amends Section 81.057, Natural Resources Code, to delete existing text providing that the Railroad Commission of Texas (railroad commission) is not required to following any purchasing procedures prescribed by or under Subchapters B (Electronic Procurement Marketplace) and C (Electronic Commerce Network), Chapter 2177, Government Code, when the railroad commission makes a purchase in connection with the remediation of surface locations or well plugging. Makes nonsubstantive changes.

SECTION 3.07. Repealer: Section 2155.508(c) (relating to requiring DIR to post appropriate information regarding contracts to any electronic procurement system developed under Chapter 2177), Government Code.

Repealer: Section 271.083(c) (relating to applicable provisions of Chapter 2177, Government Code), Local Government Code.

ARTICLE 4. EFFECTIVE DATE

SECTION 4.01. Effective date: September 1, 2009.