

1 AN ACT

2 relating to the Department of Information Resources, including the
3 abolition of the telecommunications planning and oversight
4 council, the electronic commerce network, and the electronic
5 procurement marketplace and standards for certain school district
6 software.

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

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

10 SECTION 1.01. Section 2054.091(d), Government Code, is
11 amended to read as follows:

12 (d) The executive director shall appoint an advisory
13 committee to assist in the preparation of the state strategic plan.
14 The members of the advisory committee appointed by the executive
15 director must be approved by the board and must include officers or
16 employees of state government. [~~The telecommunications planning
17 and oversight council shall appoint one of its members to serve as a
18 member of the advisory committee.~~]

19 SECTION 1.02. The heading to Subchapter H, Chapter 2054,
20 Government Code, is amended to read as follows:

21 SUBCHAPTER H. TELECOMMUNICATIONS PLANNING [~~AND OVERSIGHT COUNCIL~~]

22 SECTION 1.03. Sections 2054.203(a), (c), and (d),
23 Government Code, are amended to read as follows:

24 (a) The department shall comprehensively collect and manage

1 telecommunications network configuration information about
2 existing and planned telecommunications networks throughout state
3 government. ~~[The department shall provide the information~~
4 ~~collected under this section to the telecommunications planning and~~
5 ~~oversight council in a manner consistent with state and federal~~
6 ~~security restrictions.]~~

7 (c) The ~~[telecommunications planning and oversight council~~
8 ~~in consultation with the]~~ department shall establish plans and
9 policies for a system of telecommunications services.

10 (d) The ~~[telecommunications planning and oversight council~~
11 ~~in consultation with the]~~ department shall develop a statewide
12 telecommunications operating plan for all state agencies. The plan
13 shall implement a statewide network and include technical
14 specifications ~~[that are binding on the department]~~.

15 SECTION 1.04. Section 2054.204, Government Code, is
16 transferred to Subchapter E, Chapter 2054, Government Code,
17 renumbered as Section 2054.0925, Government Code, and amended to
18 read as follows:

19 Sec. 2054.0925 ~~[2054.204]~~. TELECOMMUNICATIONS IN STATE
20 STRATEGIC PLAN. (a) The ~~[department shall consult with the~~
21 ~~telecommunications planning and oversight council regarding~~
22 ~~telecommunications elements of the]~~ plan under Section 2054.092~~[-~~
23 ~~The plan]~~ must address matters relating to a state
24 telecommunications network that will effectively and efficiently
25 meet the long-term requirements of state government for voice,
26 video, and computer communications, with the goal of achieving a
27 single centralized telecommunications network for state

1 government.

2 (b) The telecommunications elements of the plan under
3 Section 2054.092 must recognize that all state agencies, including
4 institutions of higher education, are a single entity for purposes
5 of purchasing and the determination of tariffs.

6 (c) The telecommunications elements of the plan under
7 Section 2054.092 must incorporate efficiencies obtained through
8 the use of shared transmission services and open systems
9 architecture as they become available, building on existing systems
10 as appropriate. [~~In developing the plan under Section 2054.092,~~
11 ~~the telecommunications planning and oversight council and the~~
12 ~~department shall make use of the technical expertise of state~~
13 ~~agencies, including institutions of higher education.]~~

14 SECTION 1.05. Section 2054.205, Government Code, is amended
15 to read as follows:

16 Sec. 2054.205. DEVELOPMENT OF SYSTEM. (a) The
17 [~~telecommunications planning and oversight council in consultation~~
18 ~~with the]~~ department shall develop functional requirements for a
19 statewide system of telecommunications services for all state
20 agencies. Existing networks, as configured on September 1, 1991,
21 of institutions of higher education are exempt from the
22 requirements.

23 (b) The department [~~in consultation with the~~
24 ~~telecommunications planning and oversight council]~~ shall develop
25 requests for information and proposals for a statewide system of
26 telecommunications services for all state agencies.

27 SECTION 1.06. Section 2054.2051, Government Code, is

1 amended to read as follows:

2 Sec. 2054.2051. OVERSIGHT OF SYSTEMS. (a) The
3 ~~[telecommunications planning and oversight council in consultation~~
4 ~~with the]~~ department shall develop service objectives for the
5 consolidated telecommunications system and the centralized capitol
6 complex telephone system.

7 (b) The ~~[telecommunications planning and oversight council~~
8 ~~in consultation with the]~~ department shall develop performance
9 measures to establish cost-effective operations and staffing of the
10 consolidated telecommunications system and the centralized capitol
11 complex telephone system.

12 (c) The department ~~[telecommunications planning and~~
13 ~~oversight council]~~ shall review the status of all projects related
14 to and the financial performance of the consolidated
15 telecommunications system and the centralized capitol complex
16 telephone system, including:

17 (1) a comparison between actual performance and
18 projected goals at least once every three months; and

19 (2) any benefit of contracting with private vendors to
20 provide some or all of the systems at least once each year.

21 ~~[(d) The telecommunications planning and oversight council~~
22 ~~shall make recommendations to the board on ways to improve the~~
23 ~~operation of the consolidated telecommunications system and the~~
24 ~~centralized capitol complex telephone system based on its review of~~
25 ~~their performance and on concerns raised by using entities.]~~

26 SECTION 1.07. Section 2054.207, Government Code, is
27 transferred to Section 2054.055, Government Code, redesignated as

1 Subsection (b-1), and amended to read as follows:

2 (b-1) [~~Sec. 2054.207. REPORT TO LEGISLATURE. The~~
3 ~~department shall consult with the telecommunications planning and~~
4 ~~oversight council regarding information that must be included in~~
5 ~~the performance report under Section 2054.055.] The report under
6 this section shall address consolidated telecommunications system
7 performance, centralized capitol complex telephone system
8 performance, telecommunications system needs, and recommended
9 statutory changes to enhance system capability and
10 cost-effectiveness. In this subsection, "centralized capitol
11 complex telephone system" and "consolidated telecommunications
12 system" have the meanings assigned by Section 2054.2011.~~

13 SECTION 1.08. (a) On the effective date of this Act, the
14 telecommunications planning and oversight council is abolished.

15 (b) A rule, form, plan, policy, or order of the
16 telecommunications planning and oversight council is continued in
17 effect as a rule, form, plan, policy, or order of the Department of
18 Information Resources until superseded by a rule or other
19 appropriate action of the Department of Information Resources.

20 SECTION 1.09. (a) The following provisions of the
21 Government Code are repealed:

- 22 (1) Section 2054.201;
- 23 (2) Section 2054.202;
- 24 (3) Section 2054.2025; and
- 25 (4) Section 2170.060.

26 (b) In accordance with Section 311.031, Government Code,
27 Section 2054.2025, Government Code, is continued in effect for the

1 limited purpose of applying in relation to an act performed before
2 the effective date of this Act.

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

5 SECTION 2.01. Section 2054.003(12), Government Code, is
6 amended to read as follows:

7 (12) "Project" means an initiative that:

8 (A) provides [a program to provide] information
9 resources technologies and creates products, services, or results
10 [support to functions] within or among elements of a state agency;
11 and

12 (B) [, that ideally] is characterized by
13 well-defined parameters, specific objectives, common benefits,
14 planned activities, a scheduled completion date, and an established
15 budget with a specified source of funding.

16 SECTION 2.02. Section 2054.095(b), Government Code, is
17 amended to read as follows:

18 (b) Except as otherwise modified by the Legislative Budget
19 Board or the governor, instructions under Subsection (a) must
20 require each state agency's strategic plan to include:

21 (1) a description of the agency's information
22 resources management organizations, policies, and practices,
23 including the extent to which the agency uses its project
24 management practices, as defined by Section 2054.152 [internal
25 quality assurance procedures];

26 (2) a description of how the agency's information
27 resources programs support and promote its mission, goals, and

1 objectives and the goals and policies of the state strategic plan
2 for information resources; and

3 (3) other planning components that the department may
4 prescribe.

5 SECTION 2.03. Sections 2054.1015(b) and (c), Government
6 Code, are amended to read as follows:

7 (b) The department may require a state agency to provide to
8 the department a planned procurement schedule for commodity items
9 if the department determines that the information in the schedule
10 can be used to provide a benefit to the state. If required by the
11 department, a [A] state agency must provide a planned procurement
12 schedule for commodity items to the department before the agency's
13 operating plan may be approved under Section 2054.102.

14 (c) The department shall use information contained in the
15 schedules to plan future vendor solicitations of commodity items or
16 for any other activity that provides a benefit to the state.

17 SECTION 2.04. Section 2054.152, Government Code, is amended
18 to read as follows:

19 Sec. 2054.152. DEFINITION. In this subchapter, "project
20 management practices" includes the documented and repeatable
21 activities through which [~~methods that~~] a state agency applies
22 [~~uses to apply~~] knowledge, skills, tools, and techniques to satisfy
23 project activity requirements.

24 SECTION 2.05. Section 2170.004, Government Code, is amended
25 to read as follows:

26 Sec. 2170.004. CONTRACTS WITH ENTITIES OTHER THAN STATE
27 AGENCIES. The department may contract for use of the consolidated

1 telecommunications system with:

2 (1) each house of the legislature;

3 (2) a legislative agency;

4 (3) an agency that is not a state agency as defined by
5 Section 2151.002;

6 (4) a political subdivision, including a county,
7 municipality, or district; ~~and~~

8 (5) a private institution of higher education
9 accredited by a recognized accrediting agency, as defined by
10 Section 61.003, Education Code, that:

11 (A) engages in distance learning, as defined by
12 Section 57.021, Utilities Code; and

13 (B) receives federal funds for distance learning
14 initiatives; and

15 (6) an assistance organization, as defined by Section
16 2175.001.

17 SECTION 2.06. Subchapter I, Chapter 39, Education Code, is
18 amended by adding Section 39.205 to read as follows:

19 Sec. 39.205. SOFTWARE STANDARDS. (a) The Department of
20 Information Resources, in cooperation with the commissioner, shall
21 adopt performance and interoperability standards for software used
22 by school districts for financial accounting or attendance
23 reporting.

24 (b) Standards adopted under this section must ensure that
25 the software will enable a school district to share and report
26 information in a timely manner for purposes of financial
27 management, operational decision-making, and transparency of

1 district operations to the public.

2 (c) The Department of Information Resources:

3 (1) shall include compliance with standards adopted
4 under this section as a requirement in any solicitation for
5 software anticipated to be used for a purpose described by
6 Subsection (a);

7 (2) shall require a vendor awarded a contract in
8 response to a solicitation described by Subdivision (1) to certify
9 that the software complies with the standards adopted under this
10 section; and

11 (3) may negotiate state contract pricing for software
12 that complies with the standards adopted under this section.

13 SECTION 2.07. The following provisions of the Government
14 Code are repealed:

- 15 (1) Section 2054.051(d);
16 (2) Section 2054.0551;
17 (3) Section 2054.123;
18 (4) Section 2171.0521; and
19 (5) Chapter 2177.

20 ARTICLE 3. CONFORMING AMENDMENTS

21 SECTION 3.01. Section 2151.0041(c), Government Code, is
22 amended to read as follows:

23 (c) Unless otherwise provided by the legislature by law, on
24 September 1, 2011:

25 (1) the powers and duties transferred to the
26 comptroller under Section 2151.004(d) and under House Bill 3560,
27 Acts of the 80th Legislature, Regular Session, 2007, are

1 transferred to the Texas Facilities Commission;

2 (2) a reference in law to the comptroller relating to a
3 power or duty transferred under this subsection means the Texas
4 Facilities Commission;

5 (3) a rule or form adopted by the comptroller relating
6 to a power or duty transferred under this subsection is a rule or
7 form of the Texas Facilities Commission and remains in effect until
8 altered by the commission;

9 (4) all obligations, contracts, proceedings, cases,
10 negotiations, funds, and employees of the comptroller relating to a
11 power or duty transferred under this subsection are transferred to
12 the Texas Facilities Commission;

13 (5) all property and records in the custody of the
14 comptroller relating to a power or duty transferred under this
15 subsection and all funds appropriated by the legislature for
16 purposes related to a power or duty transferred under this
17 subsection are transferred to the Texas Facilities Commission; and

18 (6) Section 122.0011, Human Resources Code, and the
19 following provisions of the Government Code expire:

20 (A) Sections 2151.004(c) and (d);

21 (B) Section 2155.0011;

22 (C) Section 2155.086;

23 (D) Section 2155.087;

24 (E) Section 2156.0011;

25 (F) Section 2157.0011;

26 (G) Section 2158.0011;

27 (H) Section 2161.0011;

- 1 (I) Section 2163.0011;
- 2 (J) Section 2170.0011;
- 3 (K) Section 2171.0011;
- 4 (L) Section 2172.0011;
- 5 (M) Section 2176.0011; and
- 6 (N) [~~Section 2177.0011; and~~
- 7 [~~(O)~~] Section 2262.0011.

8 SECTION 3.02. Section 2155.264, Government Code, is amended
9 to read as follows:

10 Sec. 2155.264. AGENCY SOLICITATION OF BIDS OR PROPOSALS FOR
11 ACQUISITION OVER \$15,000. A state agency that proposes to make a
12 purchase or other acquisition that will cost more than \$15,000
13 shall solicit bids or proposals from each eligible vendor on the
14 master bidders list that serves the agency's geographic region. A
15 state agency may also solicit bids or proposals through the use of
16 on-line electronic transmission [~~or the electronic commerce~~
17 ~~network~~].

18 SECTION 3.03. Section 2156.003, Government Code, is amended
19 to read as follows:

20 Sec. 2156.003. SOLICITATION OF BIDS THROUGH BIDDERS LIST;
21 BID INVITATIONS. (a) The comptroller [~~commission~~] shall
22 electronically maintain a bidders list [~~that is integrated into the~~
23 ~~electronic procurement marketplace established by the Department~~
24 ~~of Information Resources~~]. If the comptroller [~~commission~~]
25 determines that it is in the state's best interest, the comptroller
26 [~~commission~~] may also maintain the list on paper. The comptroller
27 [~~commission~~] may add or delete names from the list according to

1 applicable standards provided by Section 2156.007.

2 (b) An [~~In addition to any requirements of Chapter 2177, an~~]
3 invitation to bid on an item to be purchased may be sent
4 electronically to a vendor on the bidders list who has expressed a
5 desire to bid on that type of item.

6 (c) The comptroller [~~commission~~] may use the bidders list in
7 making a purchase by any purchase method.

8 SECTION 3.04. Section 2156.005, Government Code, is amended
9 to read as follows:

10 Sec. 2156.005. BID SUBMISSION AND OPENING; PUBLIC
11 INSPECTION. (a) A bidder must submit a sealed bid to the
12 comptroller [~~commission~~] or to the state agency making a purchase.
13 The bid must be identified on the envelope as a bid.

14 (b) Subsection (a) does not apply to bids submitted through
15 the use of facsimile transmission or [~~7~~] on-line electronic
16 transmission[~~, or the electronic commerce network~~]. The
17 comptroller [~~commission~~] may adopt rules to ensure the
18 identification, security, and confidentiality of bids submitted
19 through the use of facsimile transmission or [~~7~~] on-line electronic
20 transmission[~~, or the electronic commerce network~~].

21 (c) The comptroller [~~commission~~] or other state agency
22 making a purchase shall open bids at the time and place stated in
23 the invitation to bid.

24 (d) The comptroller [~~commission~~] shall keep a tabulation of
25 all bids received by the comptroller [~~commission~~] available for
26 public inspection under rules adopted by the comptroller
27 [~~commission~~]. State agencies making purchases shall adopt the

1 comptroller's [~~commission's~~] rules related to bid opening and
2 tabulation.

3 SECTION 3.05. Section 2156.063, Government Code, is amended
4 to read as follows:

5 Sec. 2156.063. SOLICITATION OF BIDS. The comptroller
6 [~~commission~~] and each state agency making a purchase shall solicit
7 bids under this subchapter by:

- 8 (1) direct mail;
- 9 (2) telephone;
- 10 (3) telegraph;
- 11 (4) facsimile transmission; or
- 12 (5) on-line electronic transmission[~~, or~~
- 13 [~~(6) posting on the electronic commerce network~~].

14 SECTION 3.06. Section 81.057, Natural Resources Code, is
15 amended to read as follows:

16 Sec. 81.057. EXEMPTION FROM CERTAIN PURCHASING RULES. The
17 commission is not required to follow any purchasing procedures
18 prescribed by or under Subchapter E, Chapter 2155, Government Code,
19 [~~the following laws~~] when the commission makes a purchase in
20 connection with the remediation of surface locations or well
21 plugging[~~+~~

- 22 [~~(1) Subchapter E, Chapter 2155, Government Code, and~~
- 23 [~~(2) Subchapters B and C, Chapter 2177, Government~~
- 24 ~~Code~~].

25 SECTION 3.07. The following provisions are repealed:

- 26 (1) Section 2155.508(c), Government Code; and
- 27 (2) Section 271.083(c), Local Government Code.

1 ARTICLE 4. EFFECTIVE DATE

2 SECTION 4.01. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 1705 was passed by the House on April 22, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1705 was passed by the Senate on May 21, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor