

By: Geren

H.B. No. 1705

A BILL TO BE ENTITLED

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.

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

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

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

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

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

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

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

23 (a) The department shall comprehensively collect and manage
24 telecommunications network configuration information about

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

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

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

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

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

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

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

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

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

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

26 SECTION 1.06. Section 2054.2051, Government Code, is
27 amended to read as follows:

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

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

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

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

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

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

25 SECTION 1.07. Section 2054.207, Government Code, is
26 transferred to Section 2054.055, Government Code, redesignated as
27 Subsection (b-1), and amended to read as follows:

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

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

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

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

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

25 (b) In accordance with Section 311.031, Government Code,
26 Section 2054.2025, Government Code, is continued in effect for the
27 limited purpose of applying in relation to an act performed before

1 the effective date of this Act.

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

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

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

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

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

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

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

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

25 (2) a description of how the agency's information
26 resources programs support and promote its mission, goals, and
27 objectives and the goals and policies of the state strategic plan

1 for information resources; and

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

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

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

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

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

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

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

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

- 1 (1) each house of the legislature;
- 2 (2) a legislative agency;
- 3 (3) an agency that is not a state agency as defined by
4 Section 2151.002;
- 5 (4) a political subdivision, including a county,
6 municipality, or district; ~~and~~
- 7 (5) a private institution of higher education
8 accredited by a recognized accrediting agency, as defined by
9 Section 61.003, Education Code, that:
 - 10 (A) engages in distance learning, as defined by
11 Section 57.021, Utilities Code; and
 - 12 (B) receives federal funds for distance learning
13 initiatives; and
- 14 (6) an assistance organization, as defined by Section
15 2175.001.

16 SECTION 2.06. The following provisions of the Government
17 Code are repealed:

- 18 (1) Section 2054.051(d);
- 19 (2) Section 2054.0551;
- 20 (3) Section 2054.123;
- 21 (4) Section 2171.0521; and
- 22 (5) Chapter 2177.

23 ARTICLE 3. CONFORMING AMENDMENTS

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

- 26 (c) Unless otherwise provided by the legislature by law, on
27 September 1, 2011:

1 (1) the powers and duties transferred to the
2 comptroller under Section 2151.004(d) and under House Bill 3560,
3 Acts of the 80th Legislature, Regular Session, 2007, are
4 transferred to the Texas Facilities Commission;

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

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

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

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

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

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

24 (B) Section 2155.0011;

25 (C) Section 2155.086;

26 (D) Section 2155.087;

27 (E) Section 2156.0011;

- 1 (F) Section 2157.0011;
- 2 (G) Section 2158.0011;
- 3 (H) Section 2161.0011;
- 4 (I) Section 2163.0011;
- 5 (J) Section 2170.0011;
- 6 (K) Section 2171.0011;
- 7 (L) Section 2172.0011;
- 8 (M) Section 2176.0011; and
- 9 (N) [~~Section 2177.0011; and~~
- 10 [~~(O)~~] Section 2262.0011.

11 SECTION 3.02. Section 2155.264, Government Code, is amended
12 to read as follows:

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

21 SECTION 3.03. Section 2156.003, Government Code, is amended
22 to read as follows:

23 Sec. 2156.003. SOLICITATION OF BIDS THROUGH BIDDERS LIST;
24 BID INVITATIONS. (a) The comptroller [~~commission~~] shall
25 electronically maintain a bidders list [~~that is integrated into the~~
26 ~~electronic procurement marketplace established by the Department~~
27 ~~of Information Resources~~]. If the comptroller [~~commission~~]

1 determines that it is in the state's best interest, the comptroller
2 [~~commission~~] may also maintain the list on paper. The comptroller
3 [~~commission~~] may add or delete names from the list according to
4 applicable standards provided by Section 2156.007.

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

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

11 SECTION 3.04. Section 2156.005, Government Code, is amended
12 to read as follows:

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

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

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

27 (d) The comptroller [~~commission~~] shall keep a tabulation of

1 all bids received by the comptroller [~~commission~~] available for
2 public inspection under rules adopted by the comptroller
3 [~~commission~~]. State agencies making purchases shall adopt the
4 comptroller's [~~commission's~~] rules related to bid opening and
5 tabulation.

6 SECTION 3.05. Section 2156.063, Government Code, is amended
7 to read as follows:

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

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

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

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

- 25 [~~(1) Subchapter E, Chapter 2155, Government Code, and~~
- 26 [~~(2) Subchapters B and C, Chapter 2177, Government~~
- 27 ~~Code~~].

1 SECTION 3.07. The following provisions are repealed:

2 (1) Section 2155.508(c), Government Code; and

3 (2) Section 271.083(c), Local Government Code.

4 ARTICLE 4. EFFECTIVE DATE

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