

1-1 By: Geren (Senate Sponsor - Ellis) H.B. No. 1705
1-2 (In the Senate - Received from the House April 23, 2009;
1-3 May 1, 2009, read first time and referred to Committee on
1-4 Government Organization; May 13, 2009, reported favorably by the
1-5 following vote: Yeas 6, Nays 0; May 13, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the Department of Information Resources, including the
1-9 abolition of the telecommunications planning and oversight
1-10 council, the electronic commerce network, and the electronic
1-11 procurement marketplace and standards for certain school district
1-12 software.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 ARTICLE 1. PROVISIONS RELATING TO ABOLITION OF THE
1-15 TELECOMMUNICATIONS PLANNING AND OVERSIGHT COUNCIL

1-16 SECTION 1.01. Section 2054.091(d), Government Code, is
1-17 amended to read as follows:

1-18 (d) The executive director shall appoint an advisory
1-19 committee to assist in the preparation of the state strategic plan.
1-20 The members of the advisory committee appointed by the executive
1-21 director must be approved by the board and must include officers or
1-22 employees of state government. ~~[The telecommunications planning
1-23 and oversight council shall appoint one of its members to serve as a
1-24 member of the advisory committee.]~~

1-25 SECTION 1.02. The heading to Subchapter H, Chapter 2054,
1-26 Government Code, is amended to read as follows:

1-27 SUBCHAPTER H. TELECOMMUNICATIONS PLANNING ~~[AND OVERSIGHT COUNCIL]~~

1-28 SECTION 1.03. Sections 2054.203(a), (c), and (d),
1-29 Government Code, are amended to read as follows:

1-30 (a) The department shall comprehensively collect and manage
1-31 telecommunications network configuration information about
1-32 existing and planned telecommunications networks throughout state
1-33 government. ~~[The department shall provide the information
1-34 collected under this section to the telecommunications planning and
1-35 oversight council in a manner consistent with state and federal
1-36 security restrictions.]~~

1-37 (c) ~~The [telecommunications planning and oversight council
1-38 in consultation with the]~~ department shall establish plans and
1-39 policies for a system of telecommunications services.

1-40 (d) ~~The [telecommunications planning and oversight council
1-41 in consultation with the]~~ department shall develop a statewide
1-42 telecommunications operating plan for all state agencies. The plan
1-43 shall implement a statewide network and include technical
1-44 specifications ~~[that are binding on the department].~~

1-45 SECTION 1.04. Section 2054.204, Government Code, is
1-46 transferred to Subchapter E, Chapter 2054, Government Code,
1-47 renumbered as Section 2054.0925, Government Code, and amended to
1-48 read as follows:

1-49 Sec. 2054.0925 ~~[2054.204]~~. TELECOMMUNICATIONS IN STATE
1-50 STRATEGIC PLAN. (a) ~~The [department shall consult with the
1-51 telecommunications planning and oversight council regarding
1-52 telecommunications elements of the] plan under Section 2054.092[-
1-53 The plan]~~ must address matters relating to a state
1-54 telecommunications network that will effectively and efficiently
1-55 meet the long-term requirements of state government for voice,
1-56 video, and computer communications, with the goal of achieving a
1-57 single centralized telecommunications network for state
1-58 government.

1-59 (b) The telecommunications elements of the plan under
1-60 Section 2054.092 must recognize that all state agencies, including
1-61 institutions of higher education, are a single entity for purposes
1-62 of purchasing and the determination of tariffs.

1-63 (c) The telecommunications elements of the plan under
1-64 Section 2054.092 must incorporate efficiencies obtained through

2-1 the use of shared transmission services and open systems
 2-2 architecture as they become available, building on existing systems
 2-3 as appropriate. [~~In developing the plan under Section 2054.092,~~
 2-4 ~~the telecommunications planning and oversight council and the~~
 2-5 ~~department shall make use of the technical expertise of state~~
 2-6 ~~agencies, including institutions of higher education.]~~

2-7 SECTION 1.05. Section 2054.205, Government Code, is amended
 2-8 to read as follows:

2-9 Sec. 2054.205. DEVELOPMENT OF SYSTEM. (a) The
 2-10 [~~telecommunications planning and oversight council in consultation~~
 2-11 ~~with the]~~ department shall develop functional requirements for a
 2-12 statewide system of telecommunications services for all state
 2-13 agencies. Existing networks, as configured on September 1, 1991,
 2-14 of institutions of higher education are exempt from the
 2-15 requirements.

2-16 (b) The department [~~in consultation with the~~
 2-17 ~~telecommunications planning and oversight council]~~ shall develop
 2-18 requests for information and proposals for a statewide system of
 2-19 telecommunications services for all state agencies.

2-20 SECTION 1.06. Section 2054.2051, Government Code, is
 2-21 amended to read as follows:

2-22 Sec. 2054.2051. OVERSIGHT OF SYSTEMS. (a) The
 2-23 [~~telecommunications planning and oversight council in consultation~~
 2-24 ~~with the]~~ department shall develop service objectives for the
 2-25 consolidated telecommunications system and the centralized capitol
 2-26 complex telephone system.

2-27 (b) The [~~telecommunications planning and oversight council~~
 2-28 ~~in consultation with the]~~ department shall develop performance
 2-29 measures to establish cost-effective operations and staffing of the
 2-30 consolidated telecommunications system and the centralized capitol
 2-31 complex telephone system.

2-32 (c) The department [~~telecommunications planning and~~
 2-33 ~~oversight council]~~ shall review the status of all projects related
 2-34 to and the financial performance of the consolidated
 2-35 telecommunications system and the centralized capitol complex
 2-36 telephone system, including:

2-37 (1) a comparison between actual performance and
 2-38 projected goals at least once every three months; and

2-39 (2) any benefit of contracting with private vendors to
 2-40 provide some or all of the systems at least once each year.

2-41 [~~(d) The telecommunications planning and oversight council~~
 2-42 ~~shall make recommendations to the board on ways to improve the~~
 2-43 ~~operation of the consolidated telecommunications system and the~~
 2-44 ~~centralized capitol complex telephone system based on its review of~~
 2-45 ~~their performance and on concerns raised by using entities.]~~

2-46 SECTION 1.07. Section 2054.207, Government Code, is
 2-47 transferred to Section 2054.055, Government Code, redesignated as
 2-48 Subsection (b-1), and amended to read as follows:

2-49 (b-1) [~~Sec. 2054.207. REPORT TO LEGISLATURE. The~~
 2-50 ~~department shall consult with the telecommunications planning and~~
 2-51 ~~oversight council regarding information that must be included in~~
 2-52 ~~the performance report under Section 2054.055.] The report under~~
 2-53 ~~this section shall address consolidated telecommunications system~~
 2-54 ~~performance, centralized capitol complex telephone system~~
 2-55 ~~performance, telecommunications system needs, and recommended~~
 2-56 ~~statutory changes to enhance system capability and~~
 2-57 ~~cost-effectiveness. In this subsection, "centralized capitol~~
 2-58 ~~complex telephone system" and "consolidated telecommunications~~
 2-59 ~~system" have the meanings assigned by Section 2054.2011.~~

2-60 SECTION 1.08. (a) On the effective date of this Act, the
 2-61 telecommunications planning and oversight council is abolished.

2-62 (b) A rule, form, plan, policy, or order of the
 2-63 telecommunications planning and oversight council is continued in
 2-64 effect as a rule, form, plan, policy, or order of the Department of
 2-65 Information Resources until superseded by a rule or other
 2-66 appropriate action of the Department of Information Resources.

2-67 SECTION 1.09. (a) The following provisions of the
 2-68 Government Code are repealed:

2-69 (1) Section 2054.201;

- 3-1 (2) Section 2054.202;
- 3-2 (3) Section 2054.2025; and
- 3-3 (4) Section 2170.060.

3-4 (b) In accordance with Section 311.031, Government Code,
 3-5 Section 2054.2025, Government Code, is continued in effect for the
 3-6 limited purpose of applying in relation to an act performed before
 3-7 the effective date of this Act.

3-8 ARTICLE 2. PROVISIONS RELATING TO OTHER PROGRAMS ADMINISTERED BY
 3-9 THE DEPARTMENT OF INFORMATION RESOURCES

3-10 SECTION 2.01. Section 2054.003(12), Government Code, is
 3-11 amended to read as follows:

3-12 (12) "Project" means an initiative that:
 3-13 (A) provides [a program to provide] information
 3-14 resources technologies and creates products, services, or results
 3-15 [support to functions] within or among elements of a state agency;
 3-16 and

3-17 (B) [, that ideally] is characterized by
 3-18 well-defined parameters, specific objectives, common benefits,
 3-19 planned activities, a scheduled completion date, and an established
 3-20 budget with a specified source of funding.

3-21 SECTION 2.02. Section 2054.095(b), Government Code, is
 3-22 amended to read as follows:

3-23 (b) Except as otherwise modified by the Legislative Budget
 3-24 Board or the governor, instructions under Subsection (a) must
 3-25 require each state agency's strategic plan to include:

3-26 (1) a description of the agency's information
 3-27 resources management organizations, policies, and practices,
 3-28 including the extent to which the agency uses its project
 3-29 management practices, as defined by Section 2054.152 [internal
 3-30 quality assurance procedures];

3-31 (2) a description of how the agency's information
 3-32 resources programs support and promote its mission, goals, and
 3-33 objectives and the goals and policies of the state strategic plan
 3-34 for information resources; and

3-35 (3) other planning components that the department may
 3-36 prescribe.

3-37 SECTION 2.03. Sections 2054.1015(b) and (c), Government
 3-38 Code, are amended to read as follows:

3-39 (b) The department may require a state agency to provide to
 3-40 the department a planned procurement schedule for commodity items
 3-41 if the department determines that the information in the schedule
 3-42 can be used to provide a benefit to the state. If required by the
 3-43 department, a [A] state agency must provide a planned procurement
 3-44 schedule for commodity items to the department before the agency's
 3-45 operating plan may be approved under Section 2054.102.

3-46 (c) The department shall use information contained in the
 3-47 schedules to plan future vendor solicitations of commodity items or
 3-48 for any other activity that provides a benefit to the state.

3-49 SECTION 2.04. Section 2054.152, Government Code, is amended
 3-50 to read as follows:

3-51 Sec. 2054.152. DEFINITION. In this subchapter, "project
 3-52 management practices" includes the documented and repeatable
 3-53 activities through which [methods that] a state agency applies
 3-54 [uses to apply] knowledge, skills, tools, and techniques to satisfy
 3-55 project activity requirements.

3-56 SECTION 2.05. Section 2170.004, Government Code, is amended
 3-57 to read as follows:

3-58 Sec. 2170.004. CONTRACTS WITH ENTITIES OTHER THAN STATE
 3-59 AGENCIES. The department may contract for use of the consolidated
 3-60 telecommunications system with:

- 3-61 (1) each house of the legislature;
- 3-62 (2) a legislative agency;
- 3-63 (3) an agency that is not a state agency as defined by
 3-64 Section 2151.002;

3-65 (4) a political subdivision, including a county,
 3-66 municipality, or district; ~~and~~

3-67 (5) a private institution of higher education
 3-68 accredited by a recognized accrediting agency, as defined by
 3-69 Section 61.003, Education Code, that:

4-1 (A) engages in distance learning, as defined by
4-2 Section 57.021, Utilities Code; and
4-3 (B) receives federal funds for distance learning
4-4 initiatives; and
4-5 (6) an assistance organization, as defined by Section
4-6 2175.001.

4-7 SECTION 2.06. Subchapter I, Chapter 39, Education Code, is
4-8 amended by adding Section 39.205 to read as follows:

4-9 Sec. 39.205. SOFTWARE STANDARDS. (a) The Department of
4-10 Information Resources, in cooperation with the commissioner, shall
4-11 adopt performance and interoperability standards for software used
4-12 by school districts for financial accounting or attendance
4-13 reporting.

4-14 (b) Standards adopted under this section must ensure that
4-15 the software will enable a school district to share and report
4-16 information in a timely manner for purposes of financial
4-17 management, operational decision-making, and transparency of
4-18 district operations to the public.

4-19 (c) The Department of Information Resources:

4-20 (1) shall include compliance with standards adopted
4-21 under this section as a requirement in any solicitation for
4-22 software anticipated to be used for a purpose described by
4-23 Subsection (a);

4-24 (2) shall require a vendor awarded a contract in
4-25 response to a solicitation described by Subdivision (1) to certify
4-26 that the software complies with the standards adopted under this
4-27 section; and

4-28 (3) may negotiate state contract pricing for software
4-29 that complies with the standards adopted under this section.

4-30 SECTION 2.07. The following provisions of the Government
4-31 Code are repealed:

- 4-32 (1) Section 2054.051(d);
- 4-33 (2) Section 2054.0551;
- 4-34 (3) Section 2054.123;
- 4-35 (4) Section 2171.0521; and
- 4-36 (5) Chapter 2177.

4-37 ARTICLE 3. CONFORMING AMENDMENTS

4-38 SECTION 3.01. Section 2151.0041(c), Government Code, is
4-39 amended to read as follows:

4-40 (c) Unless otherwise provided by the legislature by law, on
4-41 September 1, 2011:

4-42 (1) the powers and duties transferred to the
4-43 comptroller under Section 2151.004(d) and under House Bill 3560,
4-44 Acts of the 80th Legislature, Regular Session, 2007, are
4-45 transferred to the Texas Facilities Commission;

4-46 (2) a reference in law to the comptroller relating to a
4-47 power or duty transferred under this subsection means the Texas
4-48 Facilities Commission;

4-49 (3) a rule or form adopted by the comptroller relating
4-50 to a power or duty transferred under this subsection is a rule or
4-51 form of the Texas Facilities Commission and remains in effect until
4-52 altered by the commission;

4-53 (4) all obligations, contracts, proceedings, cases,
4-54 negotiations, funds, and employees of the comptroller relating to a
4-55 power or duty transferred under this subsection are transferred to
4-56 the Texas Facilities Commission;

4-57 (5) all property and records in the custody of the
4-58 comptroller relating to a power or duty transferred under this
4-59 subsection and all funds appropriated by the legislature for
4-60 purposes related to a power or duty transferred under this
4-61 subsection are transferred to the Texas Facilities Commission; and

4-62 (6) Section 122.0011, Human Resources Code, and the
4-63 following provisions of the Government Code expire:

- 4-64 (A) Sections 2151.004(c) and (d);
- 4-65 (B) Section 2155.0011;
- 4-66 (C) Section 2155.086;
- 4-67 (D) Section 2155.087;
- 4-68 (E) Section 2156.0011;
- 4-69 (F) Section 2157.0011;

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

5-10 SECTION 3.02. Section 2155.264, Government Code, is amended
 5-11 to read as follows:

5-12 Sec. 2155.264. AGENCY SOLICITATION OF BIDS OR PROPOSALS FOR
 5-13 ACQUISITION OVER \$15,000. A state agency that proposes to make a
 5-14 purchase or other acquisition that will cost more than \$15,000
 5-15 shall solicit bids or proposals from each eligible vendor on the
 5-16 master bidders list that serves the agency's geographic region. A
 5-17 state agency may also solicit bids or proposals through the use of
 5-18 on-line electronic transmission [~~or the electronic commerce~~
 5-19 ~~network~~].

5-20 SECTION 3.03. Section 2156.003, Government Code, is amended
 5-21 to read as follows:

5-22 Sec. 2156.003. SOLICITATION OF BIDS THROUGH BIDDERS LIST;
 5-23 BID INVITATIONS. (a) The comptroller [~~commission~~] shall
 5-24 electronically maintain a bidders list [~~that is integrated into the~~
 5-25 ~~electronic procurement marketplace established by the Department~~
 5-26 ~~of Information Resources~~]. If the comptroller [~~commission~~]
 5-27 determines that it is in the state's best interest, the comptroller
 5-28 [~~commission~~] may also maintain the list on paper. The comptroller
 5-29 [~~commission~~] may add or delete names from the list according to
 5-30 applicable standards provided by Section 2156.007.

5-31 (b) An [~~In addition to any requirements of Chapter 2177, an~~]
 5-32 invitation to bid on an item to be purchased may be sent
 5-33 electronically to a vendor on the bidders list who has expressed a
 5-34 desire to bid on that type of item.

5-35 (c) The comptroller [~~commission~~] may use the bidders list in
 5-36 making a purchase by any purchase method.

5-37 SECTION 3.04. Section 2156.005, Government Code, is amended
 5-38 to read as follows:

5-39 Sec. 2156.005. BID SUBMISSION AND OPENING; PUBLIC
 5-40 INSPECTION. (a) A bidder must submit a sealed bid to the
 5-41 comptroller [~~commission~~] or to the state agency making a purchase.
 5-42 The bid must be identified on the envelope as a bid.

5-43 (b) Subsection (a) does not apply to bids submitted through
 5-44 the use of facsimile transmission or [~~7~~] on-line electronic
 5-45 transmission [~~7, or the electronic commerce network~~]. The
 5-46 comptroller [~~commission~~] may adopt rules to ensure the
 5-47 identification, security, and confidentiality of bids submitted
 5-48 through the use of facsimile transmission or [~~7~~] on-line electronic
 5-49 transmission [~~7, or the electronic commerce network~~].

5-50 (c) The comptroller [~~commission~~] or other state agency
 5-51 making a purchase shall open bids at the time and place stated in
 5-52 the invitation to bid.

5-53 (d) The comptroller [~~commission~~] shall keep a tabulation of
 5-54 all bids received by the comptroller [~~commission~~] available for
 5-55 public inspection under rules adopted by the comptroller
 5-56 [~~commission~~]. State agencies making purchases shall adopt the
 5-57 comptroller's [~~commission's~~] rules related to bid opening and
 5-58 tabulation.

5-59 SECTION 3.05. Section 2156.063, Government Code, is amended
 5-60 to read as follows:

5-61 Sec. 2156.063. SOLICITATION OF BIDS. The comptroller
 5-62 [~~commission~~] and each state agency making a purchase shall solicit
 5-63 bids under this subchapter by:

- 5-64 (1) direct mail;
 5-65 (2) telephone;
 5-66 (3) telegraph;
 5-67 (4) facsimile transmission; or
 5-68 (5) on-line electronic transmission [~~7, or~~
 5-69 [~~(6)~~] ~~posting on the electronic commerce network~~].

6-1 SECTION 3.06. Section 81.057, Natural Resources Code, is
6-2 amended to read as follows:

6-3 Sec. 81.057. EXEMPTION FROM CERTAIN PURCHASING RULES. The
6-4 commission is not required to follow any purchasing procedures
6-5 prescribed by or under Subchapter E, Chapter 2155, Government Code,
6-6 ~~[the following laws]~~ when the commission makes a purchase in
6-7 connection with the remediation of surface locations or well
6-8 plugging[+]

6-9 [~~(1) Subchapter E, Chapter 2155, Government Code, and~~
6-10 [~~(2) Subchapters B and C, Chapter 2177, Government~~
6-11 ~~Code]~~].

6-12 SECTION 3.07. The following provisions are repealed:

- 6-13 (1) Section 2155.508(c), Government Code; and
- 6-14 (2) Section 271.083(c), Local Government Code.

6-15 ARTICLE 4. EFFECTIVE DATE

6-16 SECTION 4.01. This Act takes effect September 1, 2009.

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