

By: Elkins

H.B. No. 3093

A BILL TO BE ENTITLED

AN ACT

relating to information resources technologies of state agencies.

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

SECTION 1. Section 2054.051, Government Code, is amended by adding Subsections (h), (i), and (j) to read as follows:

(h) The department shall establish a method of accounting for state agency expenditures for information resources technologies, including creating common definitions for information resources technologies investments and purchases.

(i) The department shall:

(1) coordinate with the quality assurance team, comptroller, and Legislative Budget Board to develop contracting standards for information resources technologies acquisition and purchased services; and

(2) work with state agencies to ensure deployment of standardized contracts.

(j) The department, using independent technical staff support and independent technical and financial information, shall review all information resources technologies within state government, including an information resources project or service provided by a public or private provider.

SECTION 2. Section 2054.055, Government Code, is amended by amending Subsection (b) and adding Subsection (b-2) to read as follows:

1 (b) The report must:

2 (1) assess the progress made toward meeting the goals  
3 and objectives of the state strategic plan for information  
4 resources management;

5 (2) describe major accomplishments of the state or a  
6 specific state agency in information resources management;

7 (3) describe major problems in information resources  
8 management confronting the state or a specific state agency;

9 (4) provide a summary of the total expenditures for  
10 information resources and information resources technologies by  
11 the state;

12 (5) make recommendations for improving the  
13 effectiveness and cost-efficiency of the state's use of information  
14 resources;

15 (6) describe the status, progress, benefits, and  
16 efficiency gains of the state electronic Internet portal project,  
17 including any significant issues regarding contract performance;

18 (7) provide a financial summary of the state  
19 electronic Internet portal project, including project costs and  
20 revenues;

21 (8) provide a summary of the amount and use of  
22 Internet-based training conducted by each state agency and  
23 institution of higher education;

24 (9) provide a summary of agency and statewide results  
25 in providing access to electronic and information resources to  
26 individuals with disabilities as required by Subchapter M; ~~and~~

27 (10) assess the progress made toward accomplishing the

1 goals of the plan for a state telecommunications network and  
2 developing a system of telecommunications services as provided by  
3 Subchapter H;

4 (11) identify proposed major information resources  
5 projects for the next state fiscal biennium, including project  
6 costs through stages of the project and across state fiscal years  
7 from project initiation to implementation;

8 (12) examine major information resources projects  
9 completed in the previous state fiscal biennium to determine the  
10 performance of the implementing state agency, cost and value  
11 effectiveness, timeliness, and other performance criteria  
12 necessary to assess the quality and value of the investment; and

13 (13) examine major information resources projects  
14 after the second anniversary of the project's completion to  
15 determine progress toward meeting performance goals and operating  
16 budget savings.

17 (b-2) The information required under Subsection (b)(11)  
18 must include:

19 (1) final total cost of ownership budget data for the  
20 entire life cycle of the major information resources project,  
21 including capital and operational costs that itemize staffing  
22 costs, contracted services, hardware purchased or leased, software  
23 purchased or leased, travel, and training;

24 (2) the original project schedule and the final actual  
25 project schedule;

26 (3) data on the progress toward meeting the original  
27 goals and performance measures of the project, specifically those

1 related to operating budget savings;

2 (4) lessons learned on the project, performance  
3 evaluations of any vendors used in the project, and reasons for  
4 project delays or cost increases; and

5 (5) the benefits, cost avoidance, and cost savings  
6 generated by major technology resources projects.

7 SECTION 3. Subchapter C, Chapter 2054, Government Code, is  
8 amended by adding Sections 2054.065, 2054.066, and 2054.067 to read  
9 as follows:

10 Sec. 2054.065. PILOT PROGRAM OF PRIVATE PROVIDERS. (a) The  
11 department, in consultation with the quality assurance team,  
12 comptroller, and Legislative Budget Board, shall develop and  
13 execute a pilot program to contract with one or more private  
14 providers for:

15 (1) the delivery, support, maintenance, and operation  
16 of information resources technologies through application managed  
17 services or other similar programs across one or more functional  
18 areas of information resources technologies; or

19 (2) the information resources technologies needs of  
20 one or more state agencies.

21 (b) In selecting a private provider for the pilot program,  
22 the department must engage in a competitive bidding process or  
23 request for proposals process.

24 (c) The pilot program shall assess:

25 (1) the biennial operating plan and planned  
26 procurement schedule of each state agency participating in the  
27 pilot program;

1           (2) opportunities to use best practices identified by  
2 the department; and

3           (3) whether each state agency should proceed with  
4 application managed services or other similar programs based on the  
5 results of the assessment.

6           (d) The department shall prepare a report on the assessments  
7 under Subsection (c) not later than June 1, 2014, and a final report  
8 on the pilot program not later than December 31, 2014. The final  
9 report must identify short-term and long-term costs, risks,  
10 benefits, and other organizational impacts of implementing  
11 application managed services or other similar programs within the  
12 state agencies participating in the pilot program.

13           (e) The department shall submit the final report to the  
14 Legislative Budget Board, comptroller, governor, lieutenant  
15 governor, and speaker of the house of representatives.

16           (f) This section expires January 1, 2016.

17           Sec. 2054.066. INDEPENDENT CONSULTANT FOR CONSOLIDATED  
18 STATE DATA CENTER. (a) The department shall contract with an  
19 independent consultant to:

20           (1) conduct a technical and financial analysis for a  
21 single consolidated state data center;

22           (2) develop a strategic business plan outlining the  
23 various options for use of the site that maximize taxpayer value  
24 consistent with the terms of the lease and related agreements; and

25           (3) assess:

26           (A) the total capital and operating costs for the  
27 proposed data center;

1           (B) the occupancy rate for the consolidated state  
2 data center compared to total capacity that will result in revenue  
3 exceeding total capital and operating expenses;

4           (C) the potential reallocation of resources that  
5 could result from the consolidation of state data centers and  
6 office space; and

7           (D) the potential return on investment for the  
8 consolidated state data center that may be realized without  
9 impairing any existing contractual rights under the terms of the  
10 lease and related agreements.

11           (b) The consultant shall submit a report on the review and  
12 analysis conducted under this section to the department, quality  
13 assurance team, Legislative Budget Board, comptroller, governor,  
14 lieutenant governor, speaker of the house of representatives, and  
15 House Technology Committee not later than December 1, 2014.

16           (c) This section expires January 1, 2016.

17           Sec. 2054.067. DEPARTMENT REVIEW. (a) The department, in  
18 consultation with the quality assurance team, comptroller, and  
19 Legislative Budget Board, shall review existing statutes,  
20 procedures, data, and organizational structures to identify  
21 opportunities to increase efficiency, customer service, and  
22 transparency in information resources technologies. The  
23 department must:

24           (1) identify and address financial data needed to  
25 comprehensively evaluate information resources technologies  
26 spending from an enterprise perspective;

27           (2) review best practices in information resources

1 technologies governance, including private sector practices and  
2 lessons learned from other states; and

3 (3) review existing statutes regarding information  
4 resources technologies governance, standards, and financing to  
5 identify inconsistencies between current law and best practices.

6 (b) The department shall report its findings and  
7 recommendations to the governor, lieutenant governor, speaker of  
8 the house of representatives, and House Technology Committee not  
9 later than December 1, 2014.

10 (c) This section expires January 1, 2016.

11 SECTION 4. Section 2054.102, Government Code, is amended by  
12 adding Subsection (b-1) to read as follows:

13 (b-1) The Legislative Budget Board, in consultation with  
14 the department, shall establish criteria to evaluate state agency  
15 biennial operating plans. In developing the criteria, the board  
16 shall include criteria on:

17 (1) the feasibility of proposed information resources  
18 projects for the biennium;

19 (2) the consistency of the plan with the state  
20 strategic plan;

21 (3) the appropriate provision of public electronic  
22 access to information;

23 (4) evidence of business process streamlining and  
24 gathering of business and technical requirements; and

25 (5) services, costs, and benefits.

26 SECTION 5. Subchapter E, Chapter 2054, Government Code, is  
27 amended by adding Section 2054.105 to read as follows:

1       Sec. 2054.105. ENTERPRISE-BASED STRATEGY. (a) The  
2 department, in consultation with the quality assurance team,  
3 Legislative Budget Board, and comptroller, shall develop an  
4 enterprise-based strategy for information resources technologies  
5 in state government based on information resources technologies  
6 expenditure information collected from state agencies under this  
7 chapter.

8       (b) In developing the enterprise-based strategy for the  
9 state, the department must consider the following opportunities to  
10 achieve greater efficiency:

11           (1) developing personal computer replacement policies  
12 for the state, with consideration given to alternative models of  
13 personal computer use for state government, including thin client,  
14 software as a service, browser-based functionality, mobile  
15 computing, and other models that are less dependent on traditional  
16 computing;

17           (2) pursuing shared services initiatives across  
18 functional areas, including e-mail, telephony, and data storage;

19           (3) pursuing pilot programs, including a pilot program  
20 to demonstrate the value of application management services, to  
21 identify opportunities to achieve operational efficiencies;

22           (4) developing recommended data storage policies and  
23 record retention requirements and schedules for state agencies, in  
24 consultation with the state auditor, the state archivist, the state  
25 records administrator, and the Texas State Library and Archives  
26 Commission;

27           (5) reviewing existing software maintenance contracts



1 to identify opportunities to renegotiate the price of those  
2 contracts or the level of service; and

3 (6) partnering with private providers for commonly  
4 used information resources technologies.

5 (c) A department, commission, board, office, council,  
6 authority, or other agency of the legislative branch may coordinate  
7 with and participate in shared service initiatives, pilot programs,  
8 and the development of the enterprise-based strategy, where  
9 appropriate.

10 (d) The department, quality assurance team, comptroller,  
11 and Legislative Budget Board shall work with state agencies to  
12 improve the acquisition and delivery of information resources  
13 technologies products and services.

14 SECTION 6. Section 2054.118, Government Code, is amended by  
15 adding Subsection (a-1) to read as follows:

16 (a-1) The department, in consultation with the quality  
17 assurance team and Legislative Budget Board, shall establish  
18 policies and standards governing the funding of major information  
19 resources projects.

20 SECTION 7. Subchapter F, Chapter 2054, Government Code, is  
21 amended by adding Section 2054.123 to read as follows:

22 Sec. 2054.123. STATE MASTER CONTRACT FOR WIRELESS DEVICE OR  
23 SERVICE. (a) The department and the comptroller shall develop and  
24 implement a state master contract for the purchase of wireless  
25 devices or services.

26 (b) A state agency that purchases a wireless device or  
27 service shall purchase the device or service through participation

1 in the state master contract unless the agency provides to the  
2 department and the comptroller evidence that the state agency is  
3 securing the device or service from another source at a lower cost  
4 than the cost of purchasing the device or service through  
5 participation in the state master contract.

6 SECTION 8. This Act takes effect September 1, 2013.