(g) In lieu of claiming the exemption and complying with the labeling requirements provided by Subsection (a)(9), a person to whom Section 162.201 applies may elect to collect and remit the tax otherwise imposed under this subchapter on the materials described by Subsection (a)(9) as if the materials were taxable diesel fuel. The labeling requirements provided by Subsection (a)(9) do not apply to a dealer who sells taxable diesel fuel blended with materials described by Subsection (a)(9) on which tax has been paid as provided by this subsection. Materials described by Subsection (a)(9) on which tax has been paid as provided by this subsection are not exempt from tax under Subsection (a)(9) on a subsequent sale, and a license holder or other purchaser is not entitled to a refund or credit under Subsection (a)(9) for a purchase of taxable diesel fuel blended with those materials.

SECTION 2. The change in law made by this Act does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION 3. This Act takes effect September 1, 2013.

Passed by the House on May 8, 2013: Yeas 146, Nays 1, 2 present, not voting; passed by the Senate on May 21, 2013: Yeas 30, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 1051

H.B. No. 3093

AN ACT

relating to the powers and duties of the Department of Information Resources and the Legislative Budget Board regarding 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 Subsection (h) to read as follows:

(h) The department shall:

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

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

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

(b) The report must:

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

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

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

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

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

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

(7) provide a financial summary of the state electronic Internet portal project, including project costs and revenues;
(8) provide a summary of the amount and use of Internet-based training conducted by each state agency and institution of higher education;

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

(10) assess the progress made toward accomplishing the goals of the plan for a state telecommunications network and developing a system of telecommunications services as provided by Subchapter H;

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

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

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

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

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

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

(3) data on the progress toward meeting the original goals and performance measures of the project, specifically those related to operating budget savings;

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

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

SECTION 3. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.066 to read as follows:

Sec. 2054.066. DEPARTMENT REVIEW. (a) The department, in consultation with the quality assurance team, the Information Technology Council for Higher Education, and the Legislative Budget Board, shall review existing statutes, procedures, data, and organizational structures to identify opportunities to increase efficiency, customer service, and transparency in information resources technologies. The department must:

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

(2) review best practices in information resources technologies governance, including private sector practices and lessons learned from other states; and

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

(b) The department shall report its findings and recommendations to the governor, lieutenant governor, speaker of the house of representatives, Senate Committee on Government Organization, and House Technology Committee not later than December 1, 2014.

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

(b-1) The Legislative Budget Board, in consultation with the department and the Information Technology Council for Higher Education, shall establish criteria to evaluate state agency biennial operating plans. In developing the criteria, the board shall include criteria on:
(1) the feasibility of proposed information resources projects for the biennium;
(2) the consistency of the plan with the state strategic plan;
(3) the appropriate provision of public electronic access to information;
(4) evidence of business process streamlining and gathering of business and technical requirements; and
(5) services, costs, and benefits.

SECTION 5. This Act takes effect September 1, 2013.

Passed by the House on May 4, 2013: Yeas 138, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3093 on May 23, 2013, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 3093 on May 26, 2013: Yeas 140, Nays 0, 3 present, not voting; passed by the Senate, with amendments, on May 20, 2013: Yeas 27, Nays 4; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 3093 on May 26, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.
Effective September 1, 2013.

CHAPTER 1052

H.B. No. 3096

AN ACT relating to an exemption from the use of an emergency notification system by certain public service providers.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 418.192(h), Government Code, is amended to read as follows:

(h) The requirements of this section do not apply to:

(1) a public service provider serving 250,000 or fewer customers; or
(2) an emergency notification system that is in use by a public service provider on June 1, 2011.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on May 2, 2013: Yeas 147, Nays 0, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.
Effective June 14, 2013.

CHAPTER 1053

H.B. No. 3097

AN ACT relating to the election of directors of the board of the Ector County Hospital District.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1024.053, Special District Local Laws Code, is amended to read as follows: