

BILL ANALYSIS

Senate Research Center

S.B. 365
By: Armbrister
State Affairs
4-2-97
Committee Report (Amended)

DIGEST

Currently, the Department of Information Resources (DIR), which was created in 1989 by the 71st Legislature, is responsible for planning the strategic direction of state government information resources and for overseeing how state agencies and universities invest in information technology. DIR also assists state agencies by providing them with technical assistance in information technology. DIR carries out its programs and functions through a staff located at the agency's central office in Austin. To carry out these programs, DIR had a budget of \$8,423,821 and 131 employees for fiscal year 1996.

DIR is subject to the Sunset Act and will be abolished September 1, 1997, unless continued by the legislature. As a result of its review of DIR, the Sunset Advisory Commission recommended continuation and several statutory modifications that are contained in this legislation.

PURPOSE

As proposed, S.B. 365 outlines provisions regarding the continuation and functions of the Department of Information Resources.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Department of Information Resources under SECTIONS 9, 13, 14, 15, 18, and 19 (Sections 2054.035(c), 2054.095(d), 2054.097(a), 2054.100(c), 2054.153(a), 2054.155, and 2054.203(e) and (f), Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2054.005, Government Code, to provide that this chapter expires September 1, 2009, rather than 1997, unless continued in existence as provided by that chapter.

SECTION 2. Amends Section 2054.021, Government Code, as follows:

Sec. 2054.021. New heading: COMPOSITION OF BOARD; TERMS; TRAINING. Provides that the Department of Information Resources (DIR) is governed by the Board of the Department of Information Resources (board) composed of six, rather than nine, voting members appointed by the governor with the advice and consent of the senate. Deletes text describing the previous composition of the board. Requires one member to be employed by an institution of higher education as defined by Section 61.003, Education Code. Deletes text authorizing the governor to make additional appointments to the board. Provides that voting member, rather than members, of the board serve for staggered six-year terms with two, rather than three, members' terms expiring February 1 of each odd-numbered year. Sets forth the composition of the board. Sets forth terms for members of the board. Authorizes an ex-officio member to designate the information resources manager of the member's agency to serve in the member's place. Adds standard language developed by the Sunset Commission regarding appointments and training.

SECTION 3. Amends Section 2054.022, Government Code, to update standard language developed by the Sunset Commission regarding conflict of interest.

SECTION 4. Amends Section 2054.025(c), Government Code, to update standard language developed by the Sunset Commission regarding grounds for removing a board member and notification of a potential ground for removal.

SECTION 5. Amends Section 2054.029, Government Code, by amending Subsection (b) and adding Subsection (c), to update standard language developed by the Sunset Commission regarding qualifications for office or employment. Adds standard language developed by the Sunset Commission regarding policymaking responsibilities.

SECTION 6. Amends Section 2054.030, Government Code, to update standard language developed by the Sunset Commission regarding development of a system of annual performance evaluations.

SECTION 7. Amends Section 2054.031, Government Code, to update standard language developed by the Sunset Commission regarding development of an intraagency career ladder program.

SECTION 8. Amends Section 2054.032, Government Code, to update standard language developed by the Sunset Commission regarding development of an equal employment policy.

SECTION 9. Amends Chapter 2054B, Government Code, by adding Sections 2054.034-2054.036, as follows:

Sec. 2054.034. DEPARTMENT FINANCES. Adds standard language developed by the Sunset Commission regarding DIR's funds and preparation of an annual financial report.

Sec. 2054.035. PARTICIPATION AND ACCESSIBILITY. Adds standard language developed by the Sunset Commission regarding public appearance before the board, preparation and distribution of information to the public, and compliance with state and federal program and facility accessibility laws and development of a plan for non-English speaking persons access to DIR's programs.

Sec. 2054.036. COMPLAINTS. Adds standard language developed by the Sunset Commission regarding information about complaints.

SECTION 10. Amends Section 2054.074, Government Code, as follows:

Sec. 2054.074. New heading: RESPONSIBILITY TO PREPARE OPERATING PLANS.

SECTION 11. Amends Section 2054.075, Government Code, to require each state agency to provide that its information resources manager is part of the agency's executive management and report directly to a person with a title functionally equivalent to executive director or deputy executive director. Requires each state agency to report to DIR the extent and results of its compliance with this subsection, and DIR is required to report the extent and results of state agencies' compliance to the legislature.

SECTION 12. Amends Section 2054.076, Government Code, as follows:

Sec. 2054.076. New heading: TRAINING AND CONTINUING EDUCATION. Sets forth requirements regarding training and continuing education for information resource managers. Makes conforming changes.

SECTION 13. Amends Section 2054.095(d), Government Code, to require DIR to send the instructions to each state agency not later than the date prescribed by DIR rule, rather than February 1, of each even-numbered year.

SECTION 14. Amends Sections 2054.097(a) and (b), Government Code, to require the state agency to send its strategic plan to DIR for review and approval not later than the date prescribed by DIR rule, rather than January 1 of each odd-numbered year. Requires DIR to prescribe the date so that it aligns with the date a state agency is required to submit its strategic plan under Chapter 2056. Requires DIR to review and approve or disapprove each agency strategic plan not later than

the 90th day after the date DIR receives the plan, rather than April 15 of each odd-numbered year.

SECTION 15. Amends Section 2054.100(c), Government Code, to require an agency to amend its biennial operating plan to reflect significant new or changed information resources initiatives or information resources technologies initiatives contained in the agency's legislative appropriations request at a minimum. Requires an agency to submit an amended plan to reflect new or changed initiatives contained in the agency's legislative appropriations request not later than the date prescribed by DIR rule.

SECTION 16. Amends Section 2054.103, Government Code, to require each state agency to send a copy of its biennial operating plan and of any amendments to the plan, as approved by DIR, to the governor, the Legislative Budget Board, and the state auditor not later than the 30th day after the date DIR approves the plan or amendment, as applicable.

SECTION 17. Amends Section 2054.118, Government Code, to require DIR to assist the Legislative Budget Board in evaluating the determinations about comparative costs and benefits that state agencies make under Subsection (c). Sets forth information a state agency that proposes to spend appropriated funds for a major information resources project is required to first determine. Makes a conforming change.

SECTION 18. Amends Chapter 2054, Government Code, by adding Subchapter G, as follows:

SUBCHAPTER G. INTERNAL QUALITY ASSURANCE

Sec. 2054.151. PURPOSE AND FINDINGS. Provides that the legislature intends that state agency information resources and information resources technologies projects will be successfully completed on time and within the budget and that the projects will function and provide benefits in the manner the agency projected in its plans submitted to DIR and in its appropriations request submitted to the legislature. Provides that the legislature finds that to ensure the successful completion of all but the smallest or lowest risk projects, each state agency must develop and implement its own internal quality assurance procedures.

Sec. 2054.152. DEFINITION. Defines "internal quality assurance procedures."

Sec. 2054.153. DEPARTMENT GUIDELINES. Sets forth requirements for the establishment of DIR guidelines.

Sec. 2054.154. DEPARTMENT ASSISTANCE. Requires DIR to establish a comprehensive technical assistance program to aid state agencies in developing and implementing their own internal quality assurance procedures.

Sec. 2054.155. EXEMPTION FOR CERTAIN PROJECTS. Authorizes DIR, by rule, to exempt state agency projects that fall below minimum cost and risk thresholds established by DIR from the requirement to implement internal quality assurance procedures.

Sec. 2054.156. STATE AGENCY DUTIES. Sets forth requirements regarding state agency duties.

Sec. 2054.157. OVERSIGHT BY DEPARTMENT. Authorizes DIR to make formal recommendations to a state agency regarding the agency's need to develop, implement, or improve its internal quality assurance procedures. Requires DIR to report on state agencies' progress in developing and implementing internal quality assurance procedures as part of DIR's biennial performance report.

SECTION 19. Amends Chapter 2054, Government Code, by adding Subchapter H, as follows:

SUBCHAPTER H. TELECOMMUNICATIONS PLANNING GROUP

Sec. 2054.201. COMPOSITION. Sets forth the composition of the telecommunications planning group. Authorizes each group member to designate an employee of the member's agency to serve in the member's place.

Sec. 2054.202. ADMINISTRATIVE PROVISIONS. Requires the telecommunications planning group to post notice of its meetings in accordance with the open meetings law, Chapter 551, in the manner required for a state governmental body under that chapter. Requires DIR to coordinate the staff and administrative support provided to the telecommunications planning group by DIR, by the comptroller, and by the General Services Commission. Authorizes the telecommunications planning group to periodically elect one of its members to serve as presiding officer of the group.

Sec. 2054.203. TELECOMMUNICATIONS PLANNING AND POLICY. Sets forth requirements and outlines provisions regarding telecommunications planning and policy.

Sec. 2054.204. DEVELOPMENT OF PLAN FOR STATE TELECOMMUNICATIONS NETWORK. Sets forth requirements regarding the development of a plan for state telecommunications network.

Sec. 2054.205. DEVELOPMENT OF SYSTEM. Sets forth requirements regarding the development of a statewide system of telecommunications services.

Sec. 2054.206. ADVISORY AGENCIES. Sets forth state agencies required to advise the telecommunications planning group and send representatives to meetings of the group.

Sec. 2054.207. REPORT. Requires the telecommunications planning group to report biennially to the legislature not later than October 1 of each even-numbered year on the status of the current plan for a state telecommunications network and on the progress state government has made towards accomplishing the goals of the plan.

SECTION 20. Repealers: Sections 2054.059, 2054.072, 2170.054, 2170.055, and 2170.060, Government Code.

SECTION 21. (a) Provides that this section governs the transition from a voting nine-member governing board of the Department of Information Resources to a board composed of six voting members and two rotating groups of three nonvoting ex officio members in accordance with the changes in law made by this Act.

(b) Makes application of this Act prospective.

(c) Provides that the three voting board positions with terms that expire February 1, 1999, are abolished on that date.

(d) Provides that on February 1, 1999, the first two-year terms on the board begin for the members of the nonvoting ex officio group composed of the executive director of the Texas Workers' Compensation Commission, the commissioner of health and human services, the executive director of the Texas Department of Criminal Justice, and the executive director of the Parks and Wildlife Department.

(e) Requires the governor to appoint one voting member to the board for a term expiring February 1, 2003, one voting member for a term expiring February 1, 2005, and one voting member for a term expiring February 1, 2007, in appointing voting members of the board to terms scheduled to begin February 1, 2001.

(f) Requires the governor to appoint one voting member to the board for a term expiring February 1, 2005, one voting member for a term expiring February 1, 2007, and two voting members for terms expiring February 1, 2009, in appointing voting members of the board to terms scheduled to begin February 1, 2003.

SECTION 22. Effective date: September 1, 1997.

SECTION 23. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Page 4, lines 6-27 and page 5, lines 1-25, amend text to strike proposed SECTION 3 and add a new SECTION 3, regarding conflict of interest.