

FIRST REGULAR SESSION

SENATE BILL NO. 506

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SILVEY.

Read 1st time March 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1862S.011

AN ACT

To repeal sections 37.110 and 488.5320, RSMo, and to enact in lieu thereof twelve new sections relating to the internal operations of state government.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 37.110 and 488.5320, RSMo, are repealed and twelve
2 new sections enacted in lieu thereof, to be known as sections 26.550, 37.110,
3 37.201, 37.211, 37.221, 37.231, 37.251, 37.261, 37.271, 37.281, 37.291, and
4 488.5320, to read as follows:

**26.550. 1. There is hereby established the position of chief
2 operating officer of the state of Missouri, who shall be appointed by the
3 governor with the advice and consent of the senate.**

4 2. The chief operating officer shall:

**5 (1) Advise the governor and general assembly on the operations
6 of executive departments and make recommendations to the governor,
7 general assembly, and the executive departments as to their
8 organization and operation;**

**9 (2) Work with executive departments to improve performance
10 and eliminate waste, fraud, abuse, and redundancy wherever possible;
11 and**

**12 (3) Identify best practices from the federal government as well
13 as other state governments, and outline those practices in
14 recommendations made to the governor, the general assembly, and the
15 departments.**

**16 3. Budgeting and appropriations for the salary of the chief
17 operating officer, as well as any expenses accrued on his or her behalf**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 **in the course of conducting official business, shall fall under the office**
19 **of the governor.**

37.110. 1. The commissioner of administration shall establish the
2 information technology services division within the office, and this division shall
3 make recommendations and suggestions to all agencies and departments, and to
4 the general assembly. No state data processing equipment shall be added or
5 disposed of by any state agency by sale, lease or otherwise without the approval
6 of this unit.

7 **2. All executive department, executive, legislative, and judicial**
8 **branch, and all otherwise state-owned data centers shall become**
9 **consolidated to the information technology services division state data**
10 **center by October 1, 2018.**

11 **3. The commissioner may establish a program which allows**
12 **political subdivisions to store or host their data in the state data**
13 **center. The commissioner may also deliver services he or she deems**
14 **appropriate to be delivered from the data center to a political**
15 **subdivision. The commissioner shall establish and charge appropriate**
16 **rates for any service provided from the data center.**

37.201. 1. Sections 37.201 to 37.291 shall be known, and may be
2 cited as, the "Show Me Efficient Government Act."

3 **2. For the purpose of sections 37.201 to 37.291, the following**
4 **terms and phrases shall mean:**

5 **(1) "Analytics" and "analytical services", analytics technologies**
6 **such as predictive modeling, real-time fraud detection, complex**
7 **competitive analysis, call center optimization, or other techniques,**
8 **technologies, or services offered and used to analyze, curate, manage,**
9 **or process data, including large amounts of data or large data sets,**
10 **including prescriptive, predictive, diagnostic, and descriptive analytics;**

11 **(2) "Commissioner", the commissioner of the office of**
12 **administration;**

13 **(3) "Data center", a group of networked computer servers used**
14 **for the remote storage, processing, or distribution of large amounts of**
15 **data;**

16 **(4) "Data silo", separate databases or sets of data files;**

17 **(5) "Enterprise resource planner", a software management**
18 **information system that integrates planning, purchasing, inventory,**
19 **financial, payroll, and personnel functions;**

20 (6) "Travel", any travel within the state of Missouri, outside the
21 state of Missouri, or outside the United States;

22 (7) "Travel expenditures", any expenditure made in connection
23 with travel shall include, but not be limited to, expenses related to the
24 following:

25 (a) Expenses related to state vehicles, including fuel,
26 maintenance, and repairs;

27 (b) Mileage reimbursement;

28 (c) Lodging;

29 (d) Meals;

30 (e) Meeting location rental;

31 (f) Any expenses that can be directly or indirectly attributed to
32 the cost of holding a meeting in person, including any wages paid to
33 employees, as well as the number of hours expended by employees
34 during the meeting as well as in the course of traveling to and from
35 such meetings;

36 (8) "Virtual desktop", an individual user interface that is stored
37 on a remote server as opposed to being stored locally.

37.211. 1. There is hereby created in the state treasury the
2 "Statewide Video Purchase Fund", which shall consist of money
3 collected under this section. The state treasurer shall be custodian of
4 the fund. In accordance with sections 30.170 and 30.180, the state
5 treasurer may approve disbursements. The fund shall be a dedicated
6 fund and money in the fund shall be used solely by the office of
7 administration for the purpose of purchasing video hardware, video
8 software, and the necessary infrastructure equipment and full-time
9 employees to support, manage, and increase the usage of video conferee
10 meetings.

11 2. Notwithstanding the provisions of section 33.080 to the
12 contrary, any moneys remaining in the fund at the end of the biennium
13 shall not revert to the credit of the general revenue fund.

14 3. The state treasurer shall invest moneys in the fund in the
15 same manner as other funds are invested. Any interest and moneys
16 earned on such investments shall be credited to the fund.

17 4. Beginning July 1, 2018, the commissioner and the state budget
18 director shall certify and transfer an amount equal to five percent of
19 the funds used by each department and agency of the state for travel

20 expenditures during the previous fiscal year into the fund.

37.221. 1. The office of administration shall purchase video
2 conferencing hardware and software sufficient to shift a minimum of
3 five percent of meetings held each fiscal year from in person meetings
4 to video conference meetings. The commissioner may consider a
5 lease-purchase agreement if it furthers immediate implementation and
6 usage of video conference meetings.

7 2. The commissioner shall retain video conference meeting usage
8 analytics and transmit such information to the chairs of the budget
9 committee of the house of representatives and the appropriations
10 committee of the senate, the staff of senate appropriations, and the
11 staff of house appropriations. Such analytics shall, at minimum,
12 demonstrate the number of meetings conducted by video conference by
13 each agency and department of the state compared with the number of
14 meetings conducted in person. The commissioner shall utilize existing
15 analytics options within the video hardware and software, provided
16 that the commissioner may purchase commercial off the shelf
17 technology to capture the analytics, if necessary.

18 3. The state auditor, on his or her initiative and as often as he
19 or she deems necessary, may make or cause to be made audits of the
20 office of administration to ensure compliance with sections 37.201 to
21 37.291. The commissioner, the chair of the house of representatives
22 appropriations committee, or the chair of the senate appropriations
23 committee may request the state auditor to audit the office of
24 administration at any time to ensure compliance with sections 37.201
25 to 37.291.

37.231. 1. The commissioner shall enter into and maintain one
2 or more contracts for the purchase of all computer hardware, software,
3 and services. Services shall include but not be limited to application
4 development, hardware installation, software installation, security, and
5 data analytics services.

6 2. Any contract entered into by the commissioner shall require
7 the vendor to maintain a physical facility within the state of Missouri
8 that allows the testing of hardware and software prior to
9 purchase. Such facility shall have the ability to duplicate the state of
10 Missouri's computing environment.

11 3. Any request for proposals for a contract shall not exceed

12 thirty percent of total points available in scoring the request for
13 proposals.

14 4. For technology purchases, the commissioner may enter into
15 verbal discussions and negotiations with potential bidders during the
16 request for proposal or request for information purchasing process,
17 including any best and final offer discussions. If the commissioner
18 chooses to exercise this option, he or she shall keep a record of every
19 discussion. The record shall include at a minimum the date and time
20 of the discussion, as well as all persons involved in the discussion. The
21 commissioner shall have the right to record calls made and taken as
22 part of the discussion and negotiation process, and shall inform any
23 individuals involved in the call as to whether or not the call is being
24 recorded. If no bidder confidential information was disclosed during
25 the call, the commissioner may publish the recording or transcription
26 and make it available to other vendors if it would clarify or enhance
27 the understanding of the provisions of the request for proposal or
28 request for information. The information gathered pursuant to this
29 section shall be considered a public record, as that term is defined in
30 section 610.010, after a bid has been awarded.

31 5. During the request for proposal or request for information
32 process, if a bidder reasonably believes there are alternative methods
33 to achieve the results and goals of the request for proposal or request
34 for information, such bidder may respond to the request for proposal
35 or request for information without being deemed nonresponsive. The
36 commissioner shall have the final authority to determine if the
37 response provided is so far beyond the original intent of the request for
38 proposal or request for information that it becomes unacceptable to the
39 state. If a bidder is planning on submitting a request for proposal or
40 request for information with an alternative proposal, such bidder shall
41 send written notification to the commissioner notifying that such a
42 response will be submitted. Such notification shall be made within an
43 amount of time which is fifty percent of the initial time the request for
44 proposal or request for information was to be open to response. Any
45 extensions granted which change the due date of the request for
46 proposal or request for information shall increase by one-half the
47 length of time allowed for notification. The information gathered
48 pursuant to this section shall be considered a public record, as that

49 term is defined in section 610.010, after a bid has been awarded.

50 6. If the commissioner receives such notification, they may at
51 their discretion, enter into verbal discussions with the bidder to
52 determine the alternative method being proposed. As a result of the
53 discussion, the commissioner may modify the request for proposal or
54 request for information to accommodate an alternative method. The
55 information gathered pursuant to this section shall be considered a
56 public record, as that term is defined in section 610.010, after a bid has
57 been awarded.

37.251. 1. The commissioner shall direct the state chief
2 information officer to develop a statewide enterprise plan and solution
3 for video security cameras, hardware and software installation, usage,
4 and support for state facilities.

5 2. The director of facilities management shall utilize and
6 implement the plan set forth by the state chief information officer.

37.261. 1. The commissioner, with assistance from the state
2 treasurer, shall develop a review process for procurement or
3 development of an enterprise resource planner to replace the statewide
4 integrated financial, personnel, and payroll system used by the state
5 during the fiscal year ending on June 30, 2017.

6 2. The commissioner may use their best judgment to determine
7 the best solution for the state, but should prioritize speed of
8 implementation, cost savings and avoidance, and transparency.

9 3. The state treasurer shall produce a report and a proposed
10 request for proposals language in conjunction with the commissioner
11 no later than February 1, 2018. The commissioner shall release a
12 request for proposals for a new enterprise resource planner by April 1,
13 2018.

37.271. 1. The commissioner, with input from the chief
2 information officer, may determine whether a state employee shall
3 receive a physical computer or a virtual desktop for their work.

4 2. Each department and agency of the state shall pay for the cost
5 of each virtual desktop at a rate set by the commissioner. If the
6 department or agency receives a physical computer, it shall bear the
7 cost of the computer, any other full-time employee support costs, and
8 any other cost determined necessary by the chief information
9 officer. The commissioner shall set a rate for physical computers for

10 each state department or agency with cost input from the chief
11 information officer.

12 3. The state auditor may audit the rates and methodology used
13 in setting rates under this section.

37.281. 1. All state departments and agencies shall implement
2 use of analytics wherever appropriate and may utilize any reasonable
3 analytical services. All state departments and agencies shall share data
4 with other state departments and agencies unless directed otherwise
5 by statute.

6 2. If data contains person-specific information, the state
7 department or agency may remove necessary identifiers as needed if it
8 reasonably believes the information is being or has been compromised,
9 and shall cooperate with appropriate law enforcement or agencies to
10 identify any persons who may have compromised the information.

11 3. If a state department or agency believes their data cannot be
12 efficiently analyzed when requested by another state department or
13 agency, then the commissioner and the attorney general shall
14 determine whether the data shall be shared with the intent to allow the
15 greatest amount of department and agency coordination without
16 compromising personal information to the public. The commissioner
17 and attorney general shall take the broadest view when determining if
18 the data can be shared. The determination shall be given in writing
19 and shall be considered a "public record", as that term is defined in
20 section 610.010. If a determination is made that data cannot be shared,
21 then that written decision shall be sent to the president pro tempore of
22 the senate and speaker of the house of representatives.

23 4. Unless specifically prohibited elsewhere in statute, the results
24 of analytical service projects shall be considered a "public record", as
25 that term is defined in section 610.010. Such projects shall not include
26 any personally identifiable information when released as a public
27 record.

37.291. The commissioner may, at his or her discretion, contract
2 to procure products or services which operate on the internet when he
3 or she deem it the most cost-effective method. The commissioner shall
4 consider security of data when determining whether to contract to
5 procure such products or services.

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed

2 a charge for their services rendered in criminal cases and in all proceedings for
3 contempt or attachment, as required by law, the sum of seventy-five dollars for
4 each felony case or contempt or attachment proceeding, ten dollars for each
5 misdemeanor case, and six dollars for each infraction, including cases disposed
6 of by a violations bureau established pursuant to law or supreme court
7 rule. Such charges shall be charged and collected in the manner provided by
8 sections 488.010 to 488.020 and shall be payable to the county treasury; except
9 that, those charges from cases disposed of by a violations bureau shall be
10 distributed as follows: one-half of the charges collected shall be forwarded and
11 deposited to the credit of the MODEX fund established in subsection 6 of this
12 section for the operational cost of the Missouri data exchange (MODEX) system,
13 and one-half of the charges collected shall be deposited to the credit of the inmate
14 **prisoner detainee** security fund, established in section 488.5026, of the county
15 or municipal political subdivision from which the citation originated. If the
16 county or municipal political subdivision has not established an inmate security
17 fund, all of the funds shall be deposited in the MODEX fund.

18 2. [Notwithstanding subsection 1 of this section to the contrary, sheriffs,
19 county marshals, or other officers in any county with a charter form of
20 government and with more than nine hundred fifty thousand inhabitants or in
21 any city not within a county shall not be allowed a charge for their services
22 rendered in cases disposed of by a violations bureau established pursuant to law
23 or supreme court rule.

24 3.] The sheriff receiving any charge pursuant to subsection 1 of this
25 section shall reimburse the sheriff of any other county or the City of St. Louis the
26 sum of three dollars for each pleading, writ, summons, order of court or other
27 document served in connection with the case or proceeding by the sheriff of the
28 other county or city, and return made thereof, to the maximum amount of the
29 total charge received pursuant to subsection 1 of this section.

30 [4.] 3. The charges provided in subsection 1 of this section shall be taxed
31 as other costs in criminal proceedings immediately upon a plea of guilty or a
32 finding of guilt of any defendant in any criminal procedure. The clerk shall tax
33 all the costs in the case against such defendant, which shall be collected and
34 disbursed as provided by sections 488.010 to 488.020; provided, that no such
35 charge shall be collected in any proceeding in any court when the proceeding or
36 the defendant has been dismissed by the court; provided further, that all costs,
37 incident to the issuing and serving of writs of scire facias and of writs of fieri

38 facias, and of attachments for witnesses of defendant, shall in no case be paid by
39 the state, but such costs incurred under writs of fieri facias and scire facias shall
40 be paid by the defendant and such defendant's sureties, and costs for attachments
41 for witnesses shall be paid by such witnesses.

42 [5.] 4. Mileage shall be reimbursed to sheriffs, county marshals and
43 guards for all services rendered pursuant to this section at the rate prescribed by
44 the Internal Revenue Service for allowable expenses for motor vehicle use
45 expressed as an amount per mile.

46 [6.] 5. (1) There is hereby created in the state treasury the "MODEX
47 Fund", which shall consist of money collected under subsection 1 of this
48 section. The fund shall be administered by the peace officers standards and
49 training commission established in section 590.120. The state treasurer shall be
50 custodian of the fund. In accordance with sections 30.170 and 30.180, the state
51 treasurer may approve disbursements. The fund shall be a dedicated fund and,
52 upon appropriation, money in the fund shall be used solely for the operational
53 support and expansion of the MODEX system.

54 (2) Notwithstanding the provisions of section 33.080 to the contrary, any
55 moneys remaining in the fund at the end of the biennium shall not revert to the
56 credit of the general revenue fund.

57 (3) The state treasurer shall invest moneys in the fund in the same
58 manner as other funds are invested. Any interest and moneys earned on such
59 investments shall be credited to the fund.

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