

SECOND REGULAR SESSION

SENATE BILL NO. 994

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Read 1st time February 12, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6311S.01I

AN ACT

To repeal sections 37.110 and 488.5320, RSMo, and to enact in lieu thereof fifteen new sections relating to the modernization of state technology resources.

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Section A. Sections 37.110 and 488.5320, RSMo, are repealed and fifteen
2 new sections enacted in lieu thereof, to be known as sections 37.110, 37.1050,
3 37.1051, 37.1052, 37.1053, 37.1054, 37.1055, 37.1056, 37.1057, 37.1058, 37.1059,
4 37.1060, 217.1000, 488.5320 and 488.5321, to read as follows:

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, 2019.

37.1050. As used in sections 37.1050 to 37.1060 the following
2 terms shall mean:

3 (1) "Big data", data sets that are so large or complex that
4 traditional data processing applications are inadequate;

5 (2) "Chief innovation officer" or "CIO", the person primarily
6 responsible for managing the process of innovation in the state of
7 Missouri;

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

8 (3) "Commercial off-the-shelf technology" or "COTS", any
9 packaged solutions that are adapted to satisfy the needs of the
10 purchasing organization;

11 (4) "Commissioner", the commissioner of administration;

12 (5) "In-state travel", travel between cities or counties in Missouri,
13 or travel within a city or county;

14 (6) "Request for information" or "RFI", a process to collect written
15 information about the capabilities of various suppliers;

16 (7) "Request for proposal" or "RFP", a negotiated procurement;

17 (8) "Statewide advantage for Missouri" or "SAM II", the state of
18 Missouri's integrated financial, human resources, and payroll system;

19 (9) "Travel", any in-state, out-of-state, or international travel;

20 (10) "Virtual desktop", any desktop or thin client that stores an
21 individual's user interface in a virtualized environment on a remote
22 server or data center.

 37.1051. 1. The office of administration shall implement a
2 statewide video project in all departments using existing department
3 travel budgets to fund the purchase of video hardware and software to
4 supplant physical meetings and travel with video conferencing. Using
5 fiscal year 2018 travel expenditures as a baseline, the office of
6 administration shall purchase enough video conferencing hardware and
7 software to shift at least five percent of total travel from physical
8 travel to video conferencing in each department. Beginning January
9 1, 2020, this percentage of travel shall be increased to reach an optimal
10 balance between meetings that need to occur in person versus those
11 that may be performed with video conferencing. For the purposes of
12 this section, physical travel expenditures include, but are not limited
13 to, the following:

14 (1) Expenses related to state vehicles, including fuel, fluids,
15 maintenance, or repairs;

16 (2) Mileage reimbursement;

17 (3) Lodging;

18 (4) Meals;

19 (5) Location rental;

20 (6) The number of hours each full-time employee spends
21 traveling to and from the meeting;

22 (7) The hourly dollar rate for each full-time employee attending

23 the meeting. The rate shall be calculated by dividing the full-time
24 employee's salary plus estimated dollar percentage for benefits, as
25 calculated by the standard office of administration budgeted benefit
26 percentage for a state employee, divided by 2,080; and

27 (8) Any other expenses that can be directly or indirectly
28 attributed to the cost of holding a meeting in person.

29 2. There is hereby created in the state treasury the "Statewide
30 Video Purchase Fund", which shall consist of moneys collected under
31 subsection 5 of this section. The state treasurer shall be custodian of
32 the fund. In accordance with sections 30.170 and 30.180, the state
33 treasurer may approve disbursements. The fund shall be a dedicated
34 fund and, upon appropriation, moneys in the fund shall be used solely
35 for the administration of sections 37.1050 to 37.1060.

36 3. Notwithstanding the provisions of section 33.080 to the
37 contrary, any moneys remaining in the fund at the end of the biennium
38 shall not revert to the credit of the general revenue fund.

39 4. The state treasurer shall invest moneys in the fund in the
40 same manner as other funds are invested. Any interest and moneys
41 earned on such investments shall be credited to the fund.

42 5. From the fiscal year 2019 budget, the commissioner and the
43 state budget director shall certify and transfer an amount equal to five
44 percent of fiscal year 2018 travel expenditures from each agency or
45 department's appropriations that contain travel expenditures into the
46 statewide video purchase fund. The statewide video purchase fund
47 shall be used for the purchasing of video hardware, video software,
48 necessary infrastructure equipment, and full-time employees to support
49 video meetings, increase usage, manage usage, and drive demand. The
50 commissioner shall consider a lease-purchase if it furthers immediate
51 implementation and adoption of video conferencing. At all times the
52 commissioner shall strive to maintain a zero fiscal note.

53 6. The commissioner shall capture and retain video meeting
54 usage analytics and send them to the chair of the house budget
55 committee and the chair of the senate appropriations committee and
56 their respective appropriation staff offices. Such analytics shall
57 demonstrate the level of percentage of usage. The commissioner shall
58 utilize existing analytics options within the video hardware and
59 software or purchase COTS to capture the analytics if necessary.

60 7. The state auditor may perform audits to verify that the
61 percentage of travel that has been shifted to video conferencing is at
62 least five percent. This audit may be performed at the discretion of the
63 auditor, or upon request of the commissioner, the house budget chair,
64 or the senate appropriations chair.

 37.1052. 1. The commissioner and the state treasurer shall begin
2 the review process to replace the current SAM II system with a new
3 enterprise resource planner.

4 2. During the review process, options to purchase a new
5 enterprise resource planner as software as a solution shall be preferred
6 for their speed of implementation, cost savings, cost avoidance, and
7 greater transparency into the state's spending as well as the ability to
8 gain better control over the state's spending.

9 3. The state treasurer shall produce a report and propose
10 language for an RFP in conjunction with the commissioner by
11 November 1, 2018. The commissioner shall release the RFP for a new
12 enterprise resource planner by January 1, 2019.

 37.1053. 1. The commissioner shall maintain a contract for the
2 purchase of all computer hardware, software, and services. Services
3 shall include, but are not limited to, application development, hardware
4 installation, software installation, security, or big data analytics
5 services.

6 2. The contract shall require a vendor to maintain a physical
7 facility within the state of Missouri that allows the testing of hardware
8 and software prior to purchase. Such facility shall have the ability to
9 duplicate the state of Missouri's computing environment. The facility
10 shall help reduce the purchase of incompatible hardware and software
11 and shall speed up the onboarding and implementation of new systems.

12 3. Any RFP for a contract entered into under this section shall
13 not exceed thirty percent of total points available in scoring the
14 RFP. The commissioner shall place a priority on the quality of the
15 services delivered on the RFP and shall implement reasonable
16 commercially required provisions that assure maximized value for the
17 dollar and not the lowest price.

 37.1054. 1. All state departments and agencies shall utilize big
2 data services to address the massive volume of both structured and
3 unstructured data that is too large to process using traditional

4 database and software techniques.

5 2. State departments and agencies shall utilize big data services
6 to assist state departments and agencies in improving business
7 operations and make data-driven decisions that improve the outcomes
8 of programs and services.

9 3. All state departments and agencies shall share data with other
10 state departments and agencies to assist in the elimination of data silos
11 and further the usefulness of big data services. If confidential data is
12 being mined by big data services, the department or agency shall
13 redact the data prior to the mining process. If a department or agency
14 finds indications or incidents of fraud as a result of big data mining,
15 the departments or agencies shall cooperate with the appropriate law
16 enforcement or antifraud entities to identify the individuals who are
17 suspected of committing fraud.

18 4. If a state department or agency believes its data cannot be
19 mined when requested by another state department or agency, the
20 commissioner or the attorney general shall make the final
21 determination of whether the data can be shared. The commissioner
22 and attorney general shall take the broadest view possible when
23 determining if the data can be shared. The determination shall be
24 given in writing and shall be subject to chapter 610. If a determination
25 is made that data cannot be shared, that written decision shall be sent
26 to the president pro tempore of the senate and speaker of the house of
27 representatives.

28 5. Unless specifically prohibited elsewhere in statute, the results
29 of big data projects shall be subject to the provisions of chapter 610.

30 37.1055. 1. The commissioner and the CIO shall have the
2 authority to determine whether a state employee receives a traditional
3 desktop computer or a virtual desktop for their work.

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

11 3. The state auditor may audit the rates and methodology behind

12 each rate set.

37.1056. 1. The commissioner shall direct the CIO to develop a
2 state-wide enterprise plan and solution for video security camera
3 hardware and software installation, usage, and support for state
4 facilities.

5 2. The director of facilities management shall utilize and
6 implement the plan set forth by the CIO.

37.1057. 1. The commissioner may enter into verbal discussions
2 and negotiations with potential bidders during the RFP or RFI process
3 of all technology purchasing, including any best and final offer
4 discussions. If the commissioner chooses to exercise this option, the
5 commissioner shall keep a log of every discussion. The log shall
6 include the date, time, and the names of those included in the
7 discussion. The commissioner may record the telephone calls. If no
8 confidential bidder information was disclosed during the telephone
9 call, the commissioner shall publish the recording or transcribe the
10 telephone call and make it available to other vendors if it would clarify
11 the understanding of the provisions of the RFP or RFI.

12 2. If a bidder believes there are alternative methods to achieve
13 the results and goals of the RFP or RFI, such bidder shall be allowed
14 to respond to the RFP or RFI without being deemed nonresponsive, so
15 long as the bidder's response is not beyond the original intent of the
16 RFP or RFI. The commissioner shall have the final authority to
17 determine if the response provided is so far beyond the original intent
18 of the RFP or RFI that it becomes unacceptable to the state. If a bidder
19 intends to submit an RFP or RFI with an alternative proposal, such
20 bidder shall send written notification to the commissioner notifying
21 that such a response is going to be submitted. The notification shall be
22 made within the first half of the time allowed for an RFP or RFI
23 response. If an extension is granted that changes the due date of the
24 RFP or RFI, the commissioner shall adjust the time allowed for
25 notification to allow for at least half of the extension time.

26 3. If the commissioner receives such notification, he or she may,
27 at their discretion, enter into verbal discussions with the bidder to
28 determine the alternative method being proposed. As a result of the
29 discussion, the commissioner may modify the RFP or RFI to
30 accommodate an alternative method.

31 4. Any RFP for the purchase of technology shall not exceed thirty
32 percent of total points available in scoring the RFP. The commissioner
33 shall place a priority on the quality of services delivered on the RFP
34 and shall implement reasonable commercially required provisions that
35 assure maximized value for the dollar and not the lowest price.

36 5. The commissioner shall have some flexibility in exercising
37 RFP development versus a direct purchase, taking into account the
38 opportunity costs of savings that may be lost.

39 6. The information gathered under this section shall be subject
40 to the provisions of chapter 610 after a bid has been awarded.

 37.1058. The commissioner shall utilize products and services
2 that are internet based and provide shared processing resources and
3 data to computers and other devices on demand. This shall be done in
4 the most cost-effective method and shall assure the security of data.

 37.1059. The commissioner shall establish a program that allows
2 political subdivisions to store or host their data in the state's data
3 center. The commissioner shall also deliver services they deem
4 appropriate to be delivered from the data center to a political
5 subdivision. The commissioner shall establish appropriate rates for
6 any services provided by the data center.

 37.1060. The position of "Chief Innovation Officer" shall be
2 created within the office of administration. This officer shall work
3 closely with the commissioner to originate new ideas and also
4 recognize innovative ideas generated by other people.

 217.1000. 1. The commissioner of administration, in conjunction
2 with the director shall implement beginning July 1, 2019, a commercial-
3 off-the-shelf-based electronic scheduling and timekeeping system for
4 the full-time employees within the division of adult institutions. Such
5 system shall have a multiyear proven successful track record in the
6 public sector.

7 2. Beginning January 1, 2020, the department shall not use any
8 scheduling or timekeeping system that is paper-driven and relies solely
9 upon full-time state employees.

10 3. The commissioner of administration, in conjunction with the
11 director, shall determine the number of full-time employees that can be
12 reduced as a result of operational efficiencies gained by implementing
13 a commercial-off-the-shelf electronic scheduling and timekeeping

14 **system.**

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] 5 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 **prisoner**
17 **detainee** security 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.

488.5321. 1. The MODEX fund may accept funds from federal,
2 state, local, and private entities that utilize the information from
3 MODEX to fight fraud and other activities that are in the best interest
4 of law enforcement, state government, or the taxpayers of Missouri.

5 2. Any information in MODEX that is considered an open record
6 under the provisions of chapter 610 shall be considered open and shall
7 not be considered criminal records information. Any information in
8 MODEX shall be shared with any other law enforcement or antifraud
9 unit.