

FIRST REGULAR SESSION

# HOUSE BILL NO. 947

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BERRY.

1803H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 37.110 and 488.5320, RSMo, and to enact in lieu thereof fourteen new sections relating to the state of information technology in Missouri.

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Section A. Sections 37.110 and 488.5320, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 37.110, 37.1050, 37.1051, 37.1052, 37.1053, 37.1054, 37.1055, 37.1056, 37.1057,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

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

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

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

**(1) “Big data”, data sets that are so large or complex that traditional data processing applications are inadequate;**

**(2) “Chief innovation officer” or “CIO”, the person primarily responsible for managing the process of innovation in the state of Missouri;**

**(3) “Commercial off the shelf technology” or “COTS”, any packaged solutions which are adapted to satisfy the needs of the purchasing organization;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 8           (4) “Request for proposal” or “RFP”, a negotiated procurement;
- 9           (5) “Request for information” or “RFI”, a process to collect written information  
10 about the capabilities of various suppliers;
- 11           (6) “Statewide advantage for Missouri” or “SAM II”, the state of Missouri’s  
12 integrated financial, human resources, and payroll system;
- 13           (7) “Travel”, any in-state, out-of-state, or international travel. In-state travel is  
14 defined as travel between cities in Missouri as well as travel within a city or county;
- 15           (8) “Virtual desktop”, any desktop or thin client that stores an individual’s user  
16 interface in a virtualized environment, on a remote server or data center.

37.1051. 1. The office of administration shall implement a statewide video project  
2 in all departments using existing department travel budgets to fund the purchase of video  
3 hardware and software to supplant physical meetings and travel with video conferencing.  
4 Using fiscal year 2017 travel expenditures as a baseline, the office of administration shall  
5 purchase enough video conferencing hardware and software to shift at least five percent  
6 of total travel from physical travel to video conferencing in each department. Beginning  
7 January 1, 2019, this percentage of travel shall be increased to reach an optimal balance  
8 between meetings that need to occur in person versus those that may be performed with  
9 video conferencing. For the purposes of this section, physical travel expenditures include,  
10 but are not limited to, the following:

- 11           (1) Expenses related to state vehicles, including fuel, fluids, maintenance, or  
12 repairs;
- 13           (2) Mileage reimbursement;
- 14           (3) Lodging;
- 15           (4) Meals;
- 16           (5) Location rental;
- 17           (6) The number of hours each full-time employee spends traveling to and from the  
18 meeting;
- 19           (7) The hourly dollar rate for each full-time employee attending the meeting. The  
20 rate shall be calculated by dividing the full-time employee's salary plus estimated dollar  
21 percentage for benefits, as calculated by the standard office of administration budgeted  
22 benefit percentage for a state employee, divided by 2080; and
- 23           (8) Any other expenses that can be directly or indirectly attributed to the cost of  
24 holding a meeting in person.

25           2. There is hereby created in the state treasury the "Statewide Video Purchase  
26 Fund", which shall consist of moneys collected under subsection 5 of this section. The state  
27 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,

28 the state treasurer may approve disbursements. The fund shall be a dedicated fund and,  
29 upon appropriation, moneys in the fund shall be used solely for the administration of  
30 sections 37.1050 to 37.1060.

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

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

37 5. From the fiscal year 2018 budget, the commissioner of administration and the  
38 state budget director shall certify and transfer an amount equal to five percent of fiscal  
39 year 2017 expended travel dollars from each department's appropriations which contain  
40 travel dollars into the statewide video purchase fund. This fund shall be used for the  
41 purchase of video hardware, video software, necessary infrastructure equipment, and  
42 full-time employees to support video meetings, increase usage, manage usage, and drive  
43 demand. The commissioner shall consider a lease purchase if it furthers immediate  
44 implementation and adoption of video conferencing. At all times the commissioner shall  
45 strive to maintain a zero fiscal note.

46 6. The commissioner of administration shall capture and retain video meeting usage  
47 analytics and send them to the house budget chair and the senate appropriations chair and  
48 their respective professional appropriation staff offices. Such analytics shall demonstrate  
49 the level of percentage of usage. The commissioner of administration shall utilize existing  
50 analytics options within the video hardware and software or purchase COTS to capture  
51 the analytics if necessary.

52 7. The state auditor shall have the authority to perform audits to verify the  
53 percentage of travel that has been shifted to video conferencing is a minimum of five  
54 percent. This audit can be performed at the discretion of the auditor, commissioner of  
55 administration, house budget chair, or senate appropriations chair.

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

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

8           **3. The state treasurer shall produce a report and propose language for an RFP in**  
9 **conjunction with the commissioner of administration before November 1, 2017. The**  
10 **commissioner of administration shall release the RFP for a new enterprise resource**  
11 **planner before January 1, 2018.**

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

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

10          **3. Any RFP for such contract shall not exceed thirty percent of total points**  
11 **available in scoring the RFP. The state of Missouri places a priority on the quality of the**  
12 **services delivered on the RFP and shall implement reasonable commercially required**  
13 **provisions that assure Missouri maximizes value for the dollar and not the lowest price.**

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

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

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

14          **4. If a state department believes their data cannot be mined when requested by**  
15 **another state department, then the commissioner of administration or the attorney general**  
16 **shall make the final determination of whether the data can be shared. The commissioner**  
17 **of administration and attorney general shall take the broadest view possible when**  
18 **determining if the data can be shared. The determination shall be given in writing and is**  
19 **subject to chapter 610. If a determination is made that data cannot be shared, then that**

20 written decision shall be sent to the president pro tempore of the senate and speaker of the  
21 house of representatives.

22 **5. Unless specifically prohibited elsewhere in statute, the results of big data projects**  
23 **are subject to the provisions of chapter 610.**

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

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

10 **3. The state auditor shall have the authority to audit the rates and methodology**  
11 **behind each rate set.**

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

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

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

10 **2. If a bidder believes there are alternative methods to achieve the results and goals**  
11 **of the RFP or RFI, they shall be allowed to respond to the RFP or RFI without being**  
12 **deemed non-responsive, so long as their response is not beyond the original intent of the**  
13 **RFP or RFI. The commissioner of administration shall have the final authority to**  
14 **determine if the response provided is so far beyond the original intent of the RFP or RFI**  
15 **that it becomes unacceptable to the state. If a bidder is planning on submitting an RFP or**  
16 **RFI with an alternative proposal, they shall send written notification to the commissioner**

17 of administration notifying that such a response is going to be submitted. The notification  
18 shall be made within the first half of the time allowed for an RFP or RFI response. If an  
19 extension is granted that changes the due date of the RFP or RFI, the commissioner of  
20 administration shall adjust the time allowed for notification to allow for at least half of the  
21 extension time.

22 **3. If the commissioner of administration receives such notification, they may at  
23 their discretion enter into verbal discussions with the bidder to determine the alternative  
24 method being proposed. As a result of the discussion, the commissioner of administration  
25 may modify the RFP or RFI to accommodate an alternative method.**

26 **4. Any RFP for the purchase of technology shall not exceed thirty percent of total  
27 points available in scoring the RFP. The state of Missouri places a priority on the quality  
28 of the services delivered on the RFP and shall implement reasonable commercially  
29 required provisions that assure Missouri maximizes value for the dollar and not the lowest  
30 price.**

31 **5. The commissioner of administration shall have some flexibility in exercising RFP  
32 development versus a direct purchase, taking into account the opportunity costs of savings  
33 that may be lost.**

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

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

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

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

**488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for  
2 their services rendered in criminal cases and in all proceedings for contempt or attachment, as  
3 required by law, the sum of seventy-five dollars for each felony case or contempt or attachment**

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

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

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

26 ~~[4.]~~ 3. The charges provided in subsection 1 of this section shall be taxed as other costs  
27 in criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant  
28 in any criminal procedure. The clerk shall tax all the costs in the case against such defendant,  
29 which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided,  
30 that no such charge shall be collected in any proceeding in any court when the proceeding or the  
31 defendant has been dismissed by the court; provided further, that all costs, incident to the issuing  
32 and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses  
33 of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri  
34 facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for  
35 attachments for witnesses shall be paid by such witnesses.

36 ~~[5.]~~ 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all  
37 services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service  
38 for allowable expenses for motor vehicle use expressed as an amount per mile.

39           ~~[6.]~~ 5. (1) There is hereby created in the state treasury the "MODEX Fund", which shall  
40 consist of money collected under subsection 1 of this section. The fund shall be administered  
41 by the peace officers standards and training commission established in section 590.120. The  
42 state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,  
43 the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon  
44 appropriation, money in the fund shall be used solely for the operational support and expansion  
45 of the MODEX system.

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

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

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

**5           2. Any information in MODEX which is open under the provisions of chapter 610  
6 is considered open and shall not be considered criminal records information. Any  
7 information in MODEX shall be shared with any other law enforcement or anti-fraud unit.**

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