HOUSE BILL NO. 1432

99TH GENERAL ASSEMBLY

AN ACT

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

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Section A. Sections 37.110 and 488.5320, RSMo, are repealed and fifteen new sections
2 enacted in lieu thereof, to be known as sections 34.540, 37.110, 37.1050, 37.1051, 37.1052,
3 37.1053, 37.1054, 37.1055, 37.1056, 37.1057, 37.1058, 37.1059, 37.1060, 488.5320 and
4 488.5321, to read as follows:

34.540. 1. A contract subject to this chapter shall require a contractor to use
2 **software to verify that hours billed for work under the contract that are performed on a**
3 **computer are legitimate. The contract shall specify that the department or agency shall**
4 **not pay for hours worked on a computer unless those hours are verifiable by the software**
5 **or by data collected by the software. The software shall do the following:**
6 **(1) Permit the department or agency or an auditor of the agency to have real-time**
7 **or retroactive access to data collected or provided by the software;**
8 **(2) Automatically take a screenshot of state-funded activity at least once every three**
9 **minutes, and make the screenshots available to the department, agency, or an auditor of**
10 **either the department or agency in real time;**
11 **(3) Provide to the department or agency or an auditor of the agency automated**
12 **real-time cost status of each task;**
13 **(4) Provide to the department or agency professional biographical information that**
14 **is not private or confidential regarding individuals performing state-funded work;**
15 **(5) Not collect any data that is private or confidential; and**

16   **(6) Permit the department or agency to provide immediate feedback to the**
17 **contractor on work in progress.**
18   **2. The contractor shall store, or contract with another to store, data collected by**
19 **the software for a period of seven years after the department or agency has remitted**
20 **payment to the contractor for the work. The contractor shall retrieve data on request of**
21 **the department or agency, in a format requested by the department or agency, at any time**
22 **during the seven year storage period.**
23   **3. The contractor shall not charge the department or agency or an auditor of either**
24 **the department or agency for access to or use of the work verification software, or for**
25 **access to retrievals of data collected by the software.**

       37.110. **1.** The commissioner of administration shall establish the information
2 technology services division within the office, and this division shall make recommendations and
3 suggestions to all agencies and departments, and to the general assembly. No state data
4 processing equipment shall be added or disposed of by any state agency by sale, lease or
5 otherwise without the approval of this unit.
6   **2. All executive departments; the executive, legislative, and judicial branches; and**
7 **all otherwise state-owned data centers shall become consolidated to the information**
8 **technology services division state data center by October 1, 2019.**

       37.1050. As used in sections 37.1050 to 37.1060 the following terms shall mean:
2   **(1) "Chief innovation officer" or "CIO", the person primarily responsible for**
3 **managing the process of innovation in the state of Missouri;**
4   **(2) "Commercial off-the-shelf technology" or "COTS", any packaged solutions**
5 **which are adapted to satisfy the needs of the purchasing organization;**
6   **(3) "Data services", the software services that encapsulates operations on key data**
7 **entities;**
8   **(4) "Data mining", the practice of examining large databases in order to generate**
9 **new information;**
10   **(5) "Request for information" or "RFI", a process to collect written information**
11 **about the capabilities of various suppliers;**
12   **(6) "Request for proposal" or "RFP", a negotiated procurement;**
13   **(7) "Statewide advantage for Missouri" or "SAM II", the state of Missouri's**
14 **integrated financial, human resources, and payroll system;**
15   **(8) "Travel", any in-state, out-of-state, or international travel. In-state travel is**
16 **defined as travel between cities in Missouri as well as travel within a city or county;**
17   **(9) "Virtual desktop", any desktop or thin client that stores an individual's user**
18 **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 2018 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, 2020, 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 2,080; 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 2019 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 2018 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, 2018. The**
10 **commissioner of administration shall release the RFP for a new enterprise resource**
11 **planner before January 1, 2019.**

   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 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 shall help reduce the purchase of incompatible hardware and software and**
9 **shall 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 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 data services to assist state departments in improving**
5 **business operations and make data-driven decisions that improve the outcomes of**
6 **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 data services. If confidential data**
9 **is being data mined, the state department shall redact the data prior to the mining process.**
10 **If a state department finds indications or incidents of fraud as a result of data mining, both**
11 **state departments shall cooperate with the appropriate law enforcement or anti-fraud**
12 **entities to identify the individuals who are suspected of committing fraud.**

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

21 **5. Unless specifically prohibited elsewhere in statute, the results of data projects are**
22 **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 each 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, the commissioner shall keep a log of every**

5   **discussion. The log shall include the date, time, and the names of those included in the**

6   **discussion. The commissioner shall have the right to record the telephone calls. If no**

7   **confidential bidder information was disclosed during the telephone call, the commissioner**

8   **shall publish the recording or transcribe the telephone call and make it available to other**

9   **vendors if it would clarify 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 nonresponsive, so long as the bidder's response is not beyond the original intent**

13   **of the 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 intends to submit an RFP or RFI with**

16   **an alternative proposal, they shall send written notification to the commissioner of**

17   **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 shall also deliver services they deem appropriate to be delivered from the**
4 **data center to a political subdivision. The commissioner shall establish appropriate rates**
5 **for any services provided by the data 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 that 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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