

GOVERNMENT CODE
CHAPTER 2055. ELECTRONIC GOVERNMENT PROGRAM MANAGEMENT
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2055.001. DEFINITIONS. In this chapter:

(1) "Board," "department," "electronic government project," "executive director," "local government," "major information resources project," "quality assurance team," and "TexasOnline" have the meanings assigned by Section 2054.003.

(2) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(3) "Office" means the Electronic Government Program Management Office of the department.

(4) "State agency" has the meaning assigned by Section 2054.003, except that the term does not include a university system or institution of higher education or an agency identified in Section 531.001(4).

(5) "Consortia project" means an electronic government project involving multiple state agencies and designed to establish common information resources infrastructure.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001. Amended by Acts 2003, 78th Leg., ch. 198, Sec. 2.40, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1246, Sec. 15, eff. Sept. 1, 2003; Acts 2005, 79th Leg., ch. 862, Sec. 1, eff. Sept. 1, 2005.

Sec. 2055.002. APPLICABILITY TO INSTITUTIONS OF HIGHER EDUCATION OR HEALTH AND HUMAN SERVICES AGENCIES. (a) Except as provided by Subsection (b), the requirements of this chapter regarding electronic government projects do not apply to institutions of higher education or a health and human services agency identified in Section 531.001(4), Government Code.

(b) Subject to approval by the office, an institution of higher education or a health and human services agency may elect to participate regarding an electronic government project of that institution or agency in the same manner as a state agency under this chapter. If the institution or health and human services agency makes this election and the office approves the election, the institution or health and human services agency:

(1) shall comply with this chapter regarding that electronic government project in the same manner as a state agency; and

(2) may not withdraw the project from management by the office unless the office approves the withdrawal.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001. Amended by Acts 2003, 78th Leg., ch. 198, Sec. 2.41, eff. Sept. 1, 2003.

Sec. 2055.003. SUNSET PROVISION. The office is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished September 1, 2009.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001. Amended by Acts 2003, 78th Leg., ch. 1112, Sec. 3.03, eff. Sept. 1, 2003.

SUBCHAPTER B. DEPARTMENT OF INFORMATION RESOURCES; PROGRAM
MANAGEMENT OFFICE

Sec. 2055.051. CREATION; OVERSIGHT. (a) The department shall manage an Electronic Government Program Management Office within the department to direct and facilitate the implementation of electronic government projects selected under this chapter.

(b) The office is under the direct authority and oversight of the department.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001. Amended by Acts 2003, 78th Leg., ch. 1246, Sec. 17, eff. Sept. 1, 2003.

Sec. 2055.052. GENERAL POWERS AND DUTIES. The department shall:

(1) establish and support standard business practices for electronic government projects;

(2) coordinate and establish standards for implementation of electronic government projects;

(3) identify and incorporate best practices for electronic government projects in such areas as:

(A) the procurement of hardware, software, and technology services;

(B) project support;

(C) implementation strategies;

(D) project planning and scheduling;

- (E) quality assurance;
- (F) overall team coordination;
- (G) status reporting; and
- (H) technical standards; and

(4) establish, direct, and provide risk management and quality assurance services for electronic government projects, including consortia projects.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001. Amended by Acts 2003, 78th Leg., ch. 1246, Sec. 18, eff. Sept. 1, 2003.

Sec. 2055.053. LOCAL GOVERNMENT AND FEDERAL PROJECTS. The office may coordinate electronic government projects involving:

- (1) local government; or
- (2) the federal government.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001.

Sec. 2055.054. COORDINATION AMONG STATE AGENCIES; APPROVAL OF SPENDING. (a) In coordination with the Legislative Budget Board and the governor, the department shall:

(1) identify the resources necessary for projects and opportunities among multiple state agencies for the coordination of electronic government projects; and

(2) approve spending of money for electronic government projects by affected state agencies under Section 2055.101.

(b) The office, in coordination with state agency information resources managers, shall create state agency coordination teams, as appropriate, to reduce information technology expenditures and eliminate unnecessary duplication.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001. Amended by Acts 2003, 78th Leg., ch. 1246, Sec. 19, eff. Sept. 1, 2003.

Sec. 2055.055. COOPERATION; STANDARDS. (a) A state agency shall:

(1) cooperate with the department and the office regarding electronic government projects; and

(2) provide to the department, as often as may be required and in the format required by the department, all information required by the department under this chapter that has not already been submitted to the department.

(b) In requesting cooperation from a state agency under this section, the department shall consider the necessity of the request as well as the cost to the agency in time and resources.

(c) The department, in consultation with the quality assurance team, shall establish standards for state agencies to follow in implementing:

(1) selected electronic government projects to ensure maximum savings through cooperation among agencies;

(2) major information resources projects; and

(3) consortia projects.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001. Amended by Acts 2003, 78th Leg., ch. 1246, Sec. 20, eff. Sept. 1, 2003.

Sec. 2055.056. QUALITY ASSURANCE. (a) In coordination with the Legislative Budget Board, the affected state agency, and, subject to Subsection (b), the state auditor, the office shall provide quality assurance services to monitor electronic government projects selected under Section 2055.101.

(b) Participation by the state auditor under Subsection (a) is subject to approval by the legislative audit committee for inclusion in the audit plan under Section 321.013(c).

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001. Amended by Acts 2003, 78th Leg., ch. 785, Sec. 28, eff. Sept. 1, 2003.

Sec. 2055.057. FUNDING FOR PROGRAM MANAGEMENT OFFICE.

Text of section as amended by Acts 2003, 78th Leg., ch. 785, Sec. 29

(a) In coordination with the comptroller, the Governor's Office of Budget and Planning, the Legislative Budget Board, and, subject to Subsection (c), the state auditor, the office shall develop a model for funding the office from a portion of the money appropriated for projects selected under Section 2055.101, including staff necessary for the office.

(b) The department may include in its appropriations request a proposal for funding projects selected under Section 2055.101.

(c) Participation by the state auditor under Subsection (a) is subject to approval by the legislative audit committee for inclusion in the audit plan under Section 321.013(c).

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001. Amended by Acts 2003, 78th Leg., ch. 785, Sec. 29, eff. Sept. 1, 2003.

For text of section as amended by Acts 2003, 78th Leg., ch. 1246, Sec. 21, see Sec. 2055.057, post.

Sec. 2055.057. FUNDING FOR PROGRAM MANAGEMENT OFFICE AND CERTAIN PROJECTS.

Text of section as amended by Acts 2003, 78th Leg., ch. 1246, Sec.

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(a) In coordination with the governor and the quality assurance team, the department shall develop a model for funding consortia projects and the office from a portion of the money appropriated for projects selected under Section 2055.101, including funding staff necessary for the office. The model must:

(1) describe how to provide the office with the staffing and other resources necessary for the office to manage the projects it selects; and

(2) establish savings, cost avoidance, and other values that result from the consortia projects.

(b) The department, in coordination with the quality assurance team, shall recommend to the Legislative Budget Board and the governor a proposal for funding consortia projects selected under Section 2055.101.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001. Amended by Acts 2003, 78th Leg., ch. 1246, Sec. 21, eff. Sept. 1, 2003.

For text of section as amended by Acts 2003, 78th Leg., ch. 785, Sec. 29, see Sec. 2055.057, ante.

Sec. 2055.058. TEXASONLINE. (a) The division of the department with responsibility for TexasOnline shall coordinate the ongoing development of TexasOnline with the office.

(b) The office shall promote the use of TexasOnline by state agencies.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001.

Sec. 2055.060. PERFORMANCE MEASURES. The department shall consult with the Legislative Budget Board to establish a performance measure for the office to identify and measure the value provided to projects selected under Section 2055.101, including the amount of savings, cost avoidance, and other return on investment criteria that the office achieves.

Added by Acts 2003, 78th Leg., ch. 1246, Sec. 22, eff. Sept. 1, 2003.

SUBCHAPTER C. MANAGEMENT OF ELECTRONIC GOVERNMENT PROJECTS

Sec. 2055.101. SELECTION OF ELECTRONIC GOVERNMENT PROJECTS.

Text of subsection (a) as amended by Acts 2003, 78th Leg., ch. 785,

Sec. 30

(a) The office, in coordination with the governor, the Legislative Budget Board, and, subject to Subsection (d), the state auditor, shall develop selection criteria for the type of electronic government projects that require direct oversight by the office. The criteria must include:

(1) issues related to interagency cooperation and implementation;

(2) costs, including reimbursement strategies;

(3) requirements for authentication and security implications; and

(4) the state's strategic vision regarding electronic government projects.

Text of subsection (a) as amended by Acts 2003, 78th Leg., ch. 1246,

Sec. 24

(a) The department, in coordination with the governor and the quality assurance team, shall develop selection criteria for the type of electronic government projects that require direct oversight by the office. The criteria must include:

(1) issues related to interagency cooperation and implementation;

(2) costs, including reimbursement strategies;

(3) requirements for authentication and security implications; and

(4) the state's strategic vision regarding electronic

government projects.

(b) The office shall submit the criteria developed under Subsection (a) to the department. The department shall adopt the criteria by rule.

Text of subsection (c) as amended by Acts 2003, 78th Leg., ch. 785, Sec. 30

(c) Based on any selection criteria adopted under Subsection (b) and in coordination with the governor, the Legislative Budget Board, and, subject to Subsection (d), the state auditor, the office may select proposed or existing electronic government projects.

Text of subsection (c) as amended by Acts 2003, 78th Leg., ch. 1246, Sec. 24

(c) Based on any selection criteria adopted under Subsection (b), the department may select proposed or existing electronic government projects, including consortia projects.

(d) Participation by the state auditor under Subsections (a) and (c) is subject to approval by the legislative audit committee for inclusion in the audit plan under Section 321.013(c). Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001. Amended by Acts 2003, 78th Leg., ch. 785, Sec. 30, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1246, Sec. 24, eff. Sept. 1, 2003.

Sec. 2055.102. APPEAL OF SELECTION. (a) A state agency that disagrees with the selection of an electronic government project under Section 2055.101 may appeal to the executive director of the department. If the agency disagrees with the executive director's decision, the agency may then appeal to the board. If the agency disagrees with the board's decision, the agency may then appeal to the governor. The governor's decision regarding selection is final.

(b) The department by rule shall adopt appeal procedures. Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001.

Sec. 2055.103. USE OF TEXASONLINE. (a) To the extent possible, the office shall use TexasOnline for electronic government projects that it manages.

(b) The office shall evaluate current and potential electronic government projects to determine whether they are suitable for TexasOnline.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001.

Sec. 2055.104. ENTERPRISE RESOURCE PLANNING; USE OF OFFICE REQUIRED. (a) As used in this section, "enterprise resource planning" includes the administration of an entity's:

- (1) general ledger;
- (2) accounts payable;
- (3) accounts receivable;
- (4) budgeting;
- (5) inventory;
- (6) asset management;
- (7) billing;
- (8) payroll;
- (9) projects;
- (10) grants; and
- (11) human resources, including performance measures,

time spent on tasks, and other personnel and labor issues.

(b) In coordination with the Health and Human Services Commission and the comptroller, the office shall establish standards for implementing an electronic government project for enterprise resource planning systems in this state. The standards must build on the models developed by the commission.

(c) A state agency that chooses to implement or modify an electronic government project for an enterprise resource planning system must comply with the standards developed by the office under this section.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001.

Sec. 2055.105. ONLINE SERVICE FOR NEW BUSINESSES. (a) The office, with assistance from the business permit office of the Texas Department of Economic Development and any other affected state agencies, shall develop and implement a plan for the creation of an electronic government project to provide new businesses in this state a single source for information and permitting.

(b) The project must:

- (1) be integrated with TexasOnline; and
- (2) provide comprehensive and relevant information for a new business, including:
 - (A) steps and information necessary to start a new business;
 - (B) general business regulations;
 - (C) information on licensing and permitting; and
 - (D) relevant telephone numbers and Internet addresses for seeking further information.

(c) The Texas Department of Economic Development, secretary of state, Texas Natural Resource Conservation Commission, Texas Department of Licensing and Regulation, Texas Department of Transportation, comptroller, and any other state agency involved in issuing permits to new businesses shall assist the office in the development and operation of the project.

(d) State agencies shall cooperate with the office to structure their procedures to facilitate participation in the project.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001.

SUBCHAPTER D. ADDITIONAL PLANNING, OVERSIGHT, AND REPORTS

Sec. 2055.151. ELECTRONIC GOVERNMENT PROGRAM MANAGEMENT OFFICE ADVISORY COMMITTEE. (a) The board shall create an Electronic Government Program Management Office Advisory Committee under Section 2054.033 to provide ongoing direction for the operation of the office.

(b) The board shall appoint not more than 15 members to the committee. The committee must include:

- (1) one member from a large state agency;
- (2) one member from a small state agency;
- (3) one member from a state agency not described by Subdivision (1) or (2);
- (4) one member from a local government;
- (5) one member from an institution of higher education;
- (6) one member from the comptroller's office;
- (7) one member from the governor's office;
- (8) one member from the state auditor's office;
- (9) one member from the Legislative Budget Board; and
- (10) at least two public members, including one member who represents a business.

(c) The committee shall assist the office to:

- (1) establish:
 - (A) procedures;
 - (B) project priorities; and
 - (C) reporting requirements; and
- (2) provide:
 - (A) guidance, direction, and perspective about the office's operations; and
 - (B) recommendations for implementing electronic government projects in this state.

(d) A governmental member of the committee may be reimbursed for expenses only from money available to the governmental entity the member represents.

(e) Participation by the state auditor on the committee is subject to approval by the legislative audit committee for inclusion in the audit plan under Section 321.013(c).

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001. Amended by Acts 2003, 78th Leg., ch. 785, Sec. 31, eff. Sept. 1, 2003.

Sec. 2055.152. STRATEGIC AND BIENNIAL OPERATING PLANS. The office shall review state agency plans prepared under Sections 2054.095 and 2054.100 to:

- (1) identify electronic government projects that should be selected by the office for management; and
- (2) recommend any changes to those plans or the instructions for those plans to ensure that electronic government projects are consistent with the state strategic plan.

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001.

Sec. 2055.153. REPORTS ON ELECTRONIC GOVERNMENT PROJECTS.

Text of subsection (a) as amended by Acts 2003, 78th Leg., ch. 785, Sec. 32

(a) In coordination with the quality assurance team of the Legislative Budget Board and, subject to Subsection (c), the state

auditor, the office shall establish a state agency reporting system that requires state agencies to report to the office on:

(1) electronic government projects selected under Section 2055.101 so that the office may effectively monitor those projects; and

(2) all other electronic government projects for that agency.

Text of subsection (a) as amended by Acts 2003, 78th Leg., ch. 1246, Sec. 25

(a) The department shall establish a state agency reporting system that requires state agencies to report to the office on:

(1) electronic government projects selected under Section 2055.101 so that the office may effectively monitor those projects; and

(2) all other electronic government projects for that agency.

(b) The reports established under Subsection (a)(1) must include an analysis of:

(1) efficiencies achieved by the project;

(2) costs and benefits; and

(3) the scope of the project, including persons affected by the project.

(c) Participation by the state auditor under Subsection (a) is subject to approval by the legislative audit committee for inclusion in the audit plan under Section 321.013(c).

Added by Acts 2001, 77th Leg., ch. 1272, Sec. 1.01, eff. June 15, 2001. Amended by Acts 2003, 78th Leg., ch. 785, Sec. 32, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1246, Sec. 25, eff. Sept. 1, 2003.

Sec. 2055.154. REPORT ON FUNDING MODEL AND PERFORMANCE MEASURES. The office shall track its progress against the funding model established under Section 2055.057 and the performance measures established under Section 2055.060. The office shall regularly report on the progress to:

(1) each state agency with a project selected under Section 2055.101;

(2) the quality assurance team;

(3) the governor;

(4) the speaker of the house of representatives;

(5) the lieutenant governor; and

(6) the presiding officer of each committee in the legislature with primary oversight over the department.

Added by Acts 2003, 78th Leg., ch. 1246, Sec. 26, eff. Sept. 1, 2003.

SUBCHAPTER E. GRANTS ASSISTANCE PROJECT

Sec. 2055.201. DEFINITION. In this subchapter, "state grant assistance" means assistance provided by a state agency that is available to a resident of this state, another state agency, a local government, or a nonprofit or faith-based organization, including a grant, contract, loan, loan guarantee, cooperative agreement, or direct appropriation, property, or another method of disbursement. Added by Acts 2005, 79th Leg., ch. 862, Sec. 2, eff. Sept. 1, 2005.

Sec. 2055.202. ESTABLISHMENT OF PROJECT. The department shall establish an electronic government project to develop an Internet website accessible through TexasOnline that:

(1) provides a single location for state agencies to post electronic summaries of state grant assistance opportunities with the state agencies;

(2) enables a person to search for state grant assistance programs provided by state agencies;

(3) allows, when feasible, electronic submission of state grant assistance applications;

(4) improves the effectiveness and performance of state grant assistance programs;

(5) streamlines and simplifies state grant assistance application and reporting processes; and

(6) improves the delivery of services to the public.

Added by Acts 2005, 79th Leg., ch. 862, Sec. 2, eff. Sept. 1, 2005.

Sec. 2055.203. ESTABLISHING AND OPERATING PROJECT; COORDINATION. (a) In establishing and operating the electronic government project under this subchapter, the department, in coordination with the office of the governor, shall direct, coordinate, and assist state agencies in establishing and using:

(1) a common electronic application and reporting system, including:

(A) a standard format for announcing state grant assistance opportunities;

(B) standard data elements for use in creating state grant assistance opportunity announcement summaries, including existing electronic grants programs and search functions; and

(C) a common application form for a person to use in applying for state grant assistance from multiple state grant assistance programs that serve similar purposes and are administered by different state agencies; and

(2) an interagency process for:

(A) improving interagency and intergovernmental coordination of information collection and sharing of data between persons responsible for delivering services relating to a state grant assistance program; and

(B) improving the timeliness, completeness, and quality of information received by a state agency from a recipient of state grant assistance.

(b) A state agency shall provide the department and the office of the governor financial and functional information about any existing or potential systems that in any way provide the functions described in Section 2055.202.

Added by Acts 2005, 79th Leg., ch. 862, Sec. 2, eff. Sept. 1, 2005.

Sec. 2055.204. USE OF ELECTRONIC GRANT SYSTEM. (a) A state agency may not expend appropriated money to implement or design a new system that provides the functions described in Section 2055.202 without obtaining prior approval from the executive director.

(b) The executive director shall determine whether to approve a state agency's continued operation of an existing system or to integrate the system into the project created under this subchapter. The executive director may provide conditional approval of ongoing expenditures while developing appropriate project plans and funding models for the project.

(c) A state agency shall incorporate common grant application forms developed under Section 2055.203 into the agency's grant application and review processes.

(d) If the department determines that money should be consolidated in the development of this project, the department shall provide a funding model to the Legislative Budget Board and the governor as required by Section 2055.057. A state agency with an existing system approved or conditionally approved under Subsection (b) is exempt from this subsection.

Added by Acts 2005, 79th Leg., ch. 862, Sec. 2, eff. Sept. 1, 2005.

Sec. 2055.205. EXEMPT AGENCIES. (a) The executive director may exempt a state agency or state grant assistance program from the requirements of this subchapter if the executive director determines that the state agency does not have a sufficient number of state grant assistance programs.

(b) The governor, with the assistance of the department, shall make a list of exempted agencies and information about programs exempted from this subchapter available to the public through the office of the governor's Internet website.

Added by Acts 2005, 79th Leg., ch. 862, Sec. 2, eff. Sept. 1, 2005.