

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 349  
By: Armbrister  
State Affairs  
3/12/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Under current Texas law, the Department of Information Resources (department) does not have the explicit authority to acquire or hold intellectual property rights through patents, copyrights, trademarks, and other intellectual property rights. As a result, the department is unable to copyright and trademark parts of its intellectual property and derive revenue from it. C.S.S.B. 349 amends the Government Code to give the department that explicit authority, and to require any revenue acquired from intellectual property to be paid to the general revenue fund. In addition, C.S.S.B. 349 repeals Section 2054.124, which requires each state agency to perform a biennial audit of software licenses for software installed in the agency's computers.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2054.052, Government Code, by adding Subsections (e) and (f), as follows:

(e) Authorizes the Department of Information Resources (department) to acquire, apply for, register, secure, hold, protect and renew under the laws of the State of Texas, the United States, any state in the United States, or any nation certain patents, copyrights, trademarks, or other certain intellectual property rights; and to contract with a person or entity for the reproduction, distribution, advertising, sale, marketing or other related distribution of the department's intellectual property. Provides for certain other state agency intellectual property matters.

(f) Requires money paid to the department under this section to be deposited to the credit of the general revenue fund except as provided under Section 2054.115(c) (relating to the sale or release of software).

SECTION 2. Repealer: Section 2054.124, Government Code (State Agency Software License Audit).

SECTION 3. Effective date: September 1, 2003.

### **SUMMARY OF COMMITTEE CHANGES**

In SECTION 2: Replaces SECTION 2 from the original bill, which altered the frequency of state agency software license audits called for by Section 2054.124, Government Code, with a provision that repeals that section altogether.