

## **BILL ANALYSIS**

Senate Research Center  
81R1243 MCK-D

S.B. 266  
By: Hinojosa  
Government Organization  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Ensuring long-term access to state documents is an open government concern. Proprietary format tends to "rot," and organizations are becoming aware that newer software, even newer versions of the same software, cannot open files created by older software. These concerns create an imperative for the state to adopt open, published file formats for the archiving and creation of documents to ensure that information is accessible over a multi-decade horizon. The state has a vested interest in avoiding vendor lock-in. Proprietary document formats lock the state to particular software providers, and put the state at risk of being unable to access its own documents should those providers go out of business, drop compatibility with their older document formats, or raise prices above the level the state can afford. Adopting published, open standards ensures that multiple providers are available when selecting software products and that, in the eventuality that present software that can access our documents ceases to be available, the ability to read the state's archived documents is not lost due to the proprietary encoding of the documents.

As proposed, S.B. 266 establishes the Client Information Interchange Standards Committee to conduct a study that will make obtaining information resources technology that complies with open standards and open format requirements a goal of the state. This bill requires the committee to define "open standards" and "open formats" that meet the needs of the state and share the definitions with Client Information Interchange Standards Committee not later than September 1, 2010; issue a policy statement that identifies open standards and open formats technology features specifically desired by the state; and publish and make use of planning processes and procurement processes for information resources technologies and commodity items that emphasize open standards and open formats technology and share the information with the public, state agencies, and the Client Information Interchange Standards Committee not later than September 1, 2010.

### **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 2054.091, Government Code, by adding Subsection (e) to require that the state strategic plan for information resources management make obtaining information resources technology that complies with open standards and open formats requirements a goal of the state.

SECTION 2. Amends Subchapter F, Chapter 2054, Government Code, by adding Section 2054.133, as follows:

Sec. 2054.133. OPEN DOCUMENT FORMAT. (a) Requires the Texas Department of Information Resources (DIR), in consultation with the Client Information Interchange Standards Committee (committee) to define open standards and open formats that meet the needs of the state and share the definitions with the committee not later than September 1, 2010; issue a policy statement that identifies open standards and open formats technology features specifically desired by the state; and publish and make use of planning processes and procurement processes for information resources technologies and commodity items, as defined by Section 2157.068 (Purchase of Information

Technology Commodity Items), that emphasize open standards and open formats technology, and share the information with the public, state agencies, and the committee not later than September 1, 2010.

(b) Provides that this section expires September 1, 2011.

SECTION 3. Amends Chapter 2054, Government Code, by adding Subchapter N, as follows:

SUBCHAPTER N. INTERAGENCY SHARING OF INFORMATION

Sec. 2054.501. DEFINITION. Defines "committee."

Sec. 2054.502. DEVELOPMENT OF INFORMATION SHARING STANDARDS; PUBLICATION. (a) Requires DIR to develop standards for sharing information electronically among state agencies.

(b) Requires that the data sharing standards developed by DIR under this section include certain criteria.

(c) Requires DIR to publish the standards for data sharing on DIR's Internet website and to notify the presiding officer of each house of the legislature of the publication of the data sharing standards.

(d) Requires DIR, in developing the data sharing standards under this section, to consult with the committee.

Sec. 2054.503. SHARING INFORMATION AMONG STATE AGENCIES. Requires a state agency, in developing, procuring, and maintaining electronic and information resource systems, to conform to certain standards developed by DIR whenever possible to allow for the sharing of information among state agencies to identify and coordinate the provision of necessary services to individuals in the state.

Sec. 2054.504. CLIENT INFORMATION INTERCHANGE STANDARDS COMMITTEE. (a) Sets forth the composition of the committee.

(b) Requires the representative of DIR to serve as the presiding officer of the committee.

(c) Requires the committee to meet at least quarterly at the call of the presiding officer.

(d) Provides that service on the committee by a state officer or employee is an additional duty of the member's office or employment. Provides that a member of the committee is not entitled to additional compensation for services on the committee, but is entitled to reimbursement of travel expenses incurred by while conducting the business of the committee, as provided by Chapter 660 (Travel Expenses) and the General Appropriations Act.

(e) Requires DIR to provide the staff and administrative support necessary for the committee to perform its duties.

(f) Requires the committee to perform certain duties.

(g) Provides that this section, Section 2054.501, and Section 2054.502(d) expire September 1, 2015.

SECTION 4. Amends Section 2157.068, Government Code, by adding Subsection (j) to require DIR to give a preference to commodity items that comply with open standards and open formats requirements.

SECTION 5. Amends Section 2157.125, Government Code, by adding Subsection (e), to require DIR to give a preference to a system that complies with open standards and open formats requirements in evaluating proposals for the purchase of an automated information system.

SECTION 6. Requires DIR to publish the standards required by Section 2054.502, Government Code, as added by this Act, not later than September 1, 2010.

SECTION 7. Effective date: upon passage or September 1, 2009.