

## **BILL ANALYSIS**

Senate Research Center

S.B. 1579  
By: Carona  
State Affairs  
4/3/2003  
As Filed

### **DIGEST AND PURPOSE**

Currently, most state agencies rely on proprietary software, which incurs a considerable cost through licensing fees and maintenance. Copyright laws on the software restrict its use and modification, preventing agencies from adapting the software to their needs. As proposed, S.B. 1579 allows state agencies to choose software products on a “value-for-money” basis, rather than being limited to traditional products on the market.

### **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 Chapter 2054F, Government Code, by adding Section 2054.114, as follows:

Sec. 2054.114. ACQUISITION OF SOFTWARE. (a) Defines “open source software,” “open standards,” and “proprietary software.”

(b) Requires a state agency, for all new software acquisitions, to consider open source in addition to proprietary software products; acquire software products primarily on a value-for-money basis with exceptions; provide justification whenever a proprietary software product is acquired instead of open source software; avoid acquiring products that do not comply with open standards for interoperability or data storage; and avoid acquiring products that are known to make unauthorized transfers of information to, or permit unauthorized control of or modification to the state government’s computer systems by, parties outside the control of the state government.

SECTION 2. Amends Section 2054.056, Government Code, to require the Department of Information Resources to comply with Section 2054.114 if an interagency contract for service is for software acquisition.

SECTION 3. Amends Section 2055.052, Government Code, to provide that in this section, “best practices” includes compliance with Section 2054.114 for the electronic government program management office.

SECTION 4. Amends Section 2155.062, Government Code, by adding Subsection (e) to require the Texas Building and Procurement Commission to comply with Section 2054.114 in purchasing software.

SECTION 5. Amends Section 2157.003, Government Code, to make a conforming change.

SECTION 6. Amends Sections 2157.068(a) and (e), Government Code, to make conforming changes and to provide that any rules adopted under this section are required to comply with Section 2054.114.

SECTION 7. Amends Section 2157.125(c), Government Code, to make a conforming change.

SECTION 8. Amends Section 2177.051, Government Code, to require a software procurement contract under this section to comply with Section 2054.114.

SECTION 9. Amends Section 487.303, Government Code, to require the purchase of software under this section to be made in compliance with Section 2054.114.

SECTION 10. Amends Section 531.0273(e), Government Code, to make a conforming change.

SECTION 11. Effective date: January 1, 2004.

Makes application of this Act prospective to January 1, 2004.