

BILL ANALYSIS

Senate Research Center
80R1700 MCK-D

S.B. 446
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State Affairs
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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. 446 adopts a standard of non-proprietary encoded software for state documents in order for them to be stored in a manner that preserves them over the long term and prevents the state from being locked to a specific software provider.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter F, Chapter 2054, Government Code, by adding Section 2054.124, as follows:

Sec. 2054.124. OPEN DOCUMENT FORMAT REQUIRED. (a) Defines "state agency."

(b) Requires each electronic document created, exchanged, or maintained by a state agency to be created, exchanged, or maintained in an open, Extensible Markup Language based file format specified by the Department of Information Resources (department), that meets certain requirements.

(c) Requires each state agency to be able to receive electronic documents in a Extensible Markup Language based file format for office applications and prohibits the agency from changing documents to a format used by only one vendor.

(d) Requires the department to develop guidelines for state agencies to follow in determining whether existing electronic documents must be converted to an open, Extensible Markup Language based file format. Requires the department, in developing guidelines, to consider certain factors.

SECTION 2. Requires the department to develop the guidelines required by Section 2054.124(d), Government Code, as added by this Act, no later than September 1, 2008.

SECTION 3. Applies this Act to electronic documents created, exchanged, or maintained before the effective date of this Act only to the extent required by the guidelines developed by the department under Section 2054.124(d), Government Code, as added by this Act.

SECTION 4. Effective date: December 1, 2007.