

Bill as Introduced

HB 418-FN - AS INTRODUCED

2011 SESSION

11-0741
05/10

HOUSE BILL ***418-FN***

AN ACT requiring state agencies to consider open source software when acquiring new software.

SPONSORS: Rep. Cohn, Merr 6; Rep. Pratt, Hills 7; Rep. Lambert, Hills 27; Rep. Cox, Merr 6; Rep. B. MacMahon, Rock 10; Rep. Davenport, Rock 12

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill requires state agencies to consider open source software when acquiring new software.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struckthrough.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT requiring state agencies to consider open source software when acquiring new software.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Statement of Purpose and Findings.

2 I. The general court finds that:

3 (a) The cost of obtaining software for the state's computer systems has become a
4 significant expense to the state;

5 (b) The personnel costs of maintaining the software on the state's computers has also
6 become a significant expense to the state;

7 (c) It is necessary for the functioning of the state that computer data owned by the state
8 be permanently available to the state throughout its useful life;

9 (d) To guarantee the succession and permanence of public data, it is necessary that the
10 state's accessibility to that data be independent of the goodwill of the state's computer system
11 suppliers and the conditions imposed by these suppliers;

12 (e) It is in the public interest to ensure interoperability of computer systems through the
13 use of software and products that promote open, platform-neutral standards;

14 (f) It is also in the public interest that the state be free, to the greatest extent possible, of
15 conditions imposed by parties outside the state's control on how, and for how long, the state may use
16 the software it has acquired; and

17 (g) It is not in the public interest and it is a violation of the fundamental right to privacy
18 for the state to use software that, in addition to its stated function, also transmits data to, or allows
19 control and modification of its systems by, parties outside of the state's control.

20 II. The general court further finds that:

21 (a) The acquisition and widespread deployment of open source software can significantly
22 reduce the state's costs of obtaining and maintaining software;

23 (b) Open source software guarantees that its encoding of data is not tied to a single provider;

24 (c) Open source software enables interoperability through adherence to open, platform-
25 neutral standards;

26 (d) Open source software contains no restrictions on how, or for how long, it may be used;
27 and

28 (e) Since open source software fully discloses its internal operations, it can be audited, at
29 any time and by anyone of the state's choosing, for internal functions that are contrary to the public's
30 interests and rights.

1 III. Therefore, it is in the public interest that the state of New Hampshire consider using
2 open source software in its public computing functions.

3 2 New Subdivision; Department of Information Technology; Open Source Software. Amend
4 RSA 21-R by inserting after section 9 the following new subdivision:

5 Open Source Software

6 21-R:10 Definitions. In this subdivision:

7 I. "Open source software" means software that guarantees the user, without further cost:

- 8 (a) Unrestricted use of the software for any purpose;
9 (b) Unrestricted access to the respective source code;
10 (c) Exhaustive inspection of the working mechanisms of the software;
11 (d) Use of the internal mechanisms and arbitrary portions of the software, to adapt them
12 to the needs of the user;
13 (e) Freedom to make and distribute copies of the software; and
14 (f) Modification of the software and freedom to distribute modifications of the new
15 resulting software, under the same license as the original software.

16 II. "Open standards" means specifications for the encoding and transfer of computer data that:

- 17 (a) Is free for all to implement and use in perpetuity, with no royalty or fee;
18 (b) Has no restrictions on the use of data stored in the format;
19 (c) Has no restrictions on the creation of software that stores, transmits, receives, or
20 accesses data codified in such way;
21 (d) Has a specification available for all to read, in a human-readable format, written in
22 commonly accepted technical language;
23 (e) Is documented, so that anyone can write software that can read and interpret the
24 complete semantics of any data file stored in the data format;
25 (f) If it allows extensions, ensures that all extensions of the data format are themselves
26 documented and have the other characteristics of an open data format;
27 (g) Allows any file written in that format to be identified as adhering or not adhering to
28 the format; and
29 (h) If it includes any use of encryption, provides that the encryption algorithm is
30 usable in a royalty-free, nondiscriminatory manner in perpetuity, and is documented so that
31 anyone in possession of the appropriate encryption key or keys is able to write software to
32 unencrypt the data.

33 III. "Proprietary software" means software that does not fulfill all of the guarantees provided
34 by open source software.

35 IV. "State agency" means any department, commission, board, institution, bureau, office, or
36 other entity, by whatever name called, including the legislative and judicial branches of state
37 government, established in the state constitution, statutes, session laws, or executive orders.

1 21-R:11 Consideration of Open Source Software by State Agencies. For all new software
2 acquisitions, each state agency, in consultation with the department of information technology, shall:

3 I. Consider acquiring open source software products and services as an alternative to
4 proprietary software products and services;

5 II. Except as provided in paragraphs IV and V, acquire software products primarily on a
6 value-for-money basis;

7 III. Provide justification whenever a proprietary software product is acquired rather than
8 open source software;

9 IV. Avoid the acquisition of products that do not comply with open standards for
10 interoperability or data storage; and

11 V. Avoid the acquisition of products that are known to make unauthorized transfers of
12 information to, or permit unauthorized control of or modification to state government's computer
13 systems by, parties outside the control of state government.

14 3 Effective Date. This act shall take effect 60 days after its passage.

HB 418-FN - AS INTRODUCED

- Page 4 -

LBAO
11-0741
01/19/11

HB 418-FN - FISCAL NOTE

AN ACT requiring state agencies to consider open source software when acquiring new software.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

LBAO
11-0741
Revised 03/03/11

HB 418 FISCAL NOTE

AN ACT requiring state agencies to consider open source software when acquiring new software.

FISCAL IMPACT:

The Department of Information Technology states this bill may decrease state expenditures by \$33,160 in FY 2012, \$17,490 in FY 2013, \$2,565 in FY 2014, and may increase state expenditures by \$14,441 in FY 2015. There will be no fiscal impact on state, county, and local revenues, or county and local expenditures.

METHODOLOGY:

This bill requires state agencies, in consultation with the Department of Information Technology; to consider acquiring open source software products and services as an alternative to proprietary software products and services; acquire software products primarily on a value for money basis; provide justification whenever a proprietary software product is acquired rather than open source software; avoid the acquisition of products that do not comply with open standards for interoperability or data storage; and to avoid the acquisition of products that are known to make unauthorized transfers of information to, or permit unauthorized control or modification to state government's computer systems by outside parties. The Department of Information Technology assumes that all software procurement will be reviewed by the Department to determine if there is a viable open source software alternative. The Department states proprietary solutions will require agency justification to the Department and approval of the proprietary solution by the Department's Chief Information Officer. The Department states the implementation of open source software can be done strategically which will allow its implementation to be cost neutral to the state. The Department of Information Technology states to determine viable solutions and to deploy open source software, the Department would need to establish a team that would be responsible for researching the various options that exist for comparison review and assessment of open source software options. This team would also be responsible for system testing and assuring that any open source software options meet the necessary functionality and business requirements prior to acquisition. Based on an assumption that only new software applications would require review, the Department states the team would require the following personnel to achieve these objectives:

- One Developer – System Development Specialist VI (LG 30)
- One Business Analyst II (LG 30)
- One Technical Support Specialist V (LG 29)

The Department estimates the costs associated with the developer, business analyst, and technical support specialist will increase state expenditures by \$266,840 in FY 2012, by \$282,510 in FY 2013, by \$297,435 in FY 2014, and by \$313,441 in FY 2015. The Department also estimates, based on a review of the FY 2012 and FY 2013 budget, state expenditures could decrease by approximately \$300,000 in FY 2012 and each fiscal year thereafter through the implementation of open source software.

In addition, the Department anticipates additional costs which they are unable to quantify as they are dependent upon the nature of any open source software options that may be implemented. The Department states these costs will be influenced by such factors as the quantity of system review and testing necessary to validate features and functionality as well as the extent of coding changes that may be necessary to adapt open source software options to meet specific state business needs. These costs include:

- Agency personnel to define the business requirements and functionality and to test the viability of open source products.
- A Financial Manager to analyze the total cost of ownership of open source software solutions.
- Yearly security audits.
- Agency costs to provide training and support for open source software in the same manner that proprietary software is currently supported.

This bill does not contain an appropriation or authorize any positions.

Amendments

NOT
ADOPTED

Amendment to HB 418-FN

1 Amend RSA 21-R:11 as inserted by section 2 of the bill by replacing it with the following:

2

3 21-R:11 Consideration of Open Source Software by State Agencies.

4 I. For all new software acquisitions, each state agency, in consultation with the department
5 of information technology, shall:

6 (a) Consider acquiring open source software products and services as an alternative to
7 proprietary software products and services;

8 (b) Except as provided in subparagraphs (d) and (e), acquire software products primarily
9 on a value-for-money basis;

10 (c) Provide justification to the chief information officer whenever a proprietary software
11 product is acquired rather than open source software;

12 (d) Avoid the acquisition of products that do not comply with open standards for
13 interoperability or data storage; and

14 (e) Avoid the acquisition of products that are known to make unauthorized transfers of
15 information to, or permit unauthorized control of or modification to a state agency's computer.

16 II. All state procurement documents related to software acquisitions shall include language
17 that requires adherence to this section.

18

19 Amend section 2 of the bill by inserting after RSA 21-R:11 the following new RSA section:

20

21 21-R:12 Metrics; Inventory of Open Source Software Used by State Agencies. Each state agency
22 shall maintain an inventory of all proprietary and open source software products used by the agency.

Amendment to HB 418-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the use of open source software and open data formats by state agencies
4 and relative to the adoption of a statewide information policy regarding open
5 government data standards.
6

7 Amend the bill by replacing all after section 1 with the following:

8

9 2 New Subdivision; Department of Information Technology; Open Standards. Amend RSA 21-R
10 by inserting after section 9 the following new subdivision:

11 Open Standards

12 21-R:10 Definitions. In this subdivision:

13 I. "Open source software" means software that guarantees the user, without further cost:

14 (a) Unrestricted use of the software for any purpose;

15 (b) Unrestricted access to the respective source code;

16 (c) Exhaustive inspection of the working mechanisms of the software;

17 (d) Use of the internal mechanisms and arbitrary portions of the software, to adapt them
18 to the needs of the user;

19 (e) Freedom to make and distribute copies of the software; and

20 (f) Modification of the software and freedom to distribute modifications of the new
21 resulting software, under the same license as the original software.

22 II. "Open standards" means specifications for the encoding and transfer of computer data
23 that:

24 (a) Is free for all to implement and use in perpetuity, with no royalty or fee;

25 (b) Has no restrictions on the use of data stored in the format;

26 (c) Has no restrictions on the creation of software that stores, transmits, receives, or
27 accesses data codified in such way;

28 (d) Has a specification available for all to read, in a human-readable format, written in
29 commonly accepted technical language;

30 (e) Is documented, so that anyone can write software that can read and interpret the
31 complete semantics of any data file stored in the data format;

32 (f) If it allows extensions, ensures that all extensions of the data format used by the
33 state are themselves documented and have the other characteristics of an open data format;

1 (g) Allows any file written in that format to be identified as adhering or not adhering to
2 the format; and

3 (h) If it includes any use of encryption or other means of data obfuscation, provides that
4 the encryption or obfuscation algorithms are usable in a royalty-free, nondiscriminatory manner in
5 perpetuity, and are documented so that anyone in possession of the appropriate encryption key or
6 keys or other data necessary to recover the original data is able to write software to access the data.

7 III. "Proprietary software" means software that does not fulfill all of the guarantees
8 provided by open source software.

9 IV. "State agency" means any department, commission, board, institution, bureau, office, or
10 other entity, by whatever name called, including the legislative and judicial branches of state
11 government, established in the state constitution, statutes, or executive orders.

12 21-R:11 Use of Open Source Software by State Agencies.

13 I. For all software acquisitions, each state agency, in consultation with the department of
14 information technology, shall:

15 (a) Consider acquiring open source software products and services as an alternative to
16 proprietary software products and services;

17 (b) Except as provided in subparagraphs (d) and (e), acquire software products primarily
18 on a value-for-money basis;

19 (c) Provide justification to the chief information officer whenever a proprietary software
20 product is acquired rather than open source software;

21 (d) Avoid the acquisition of products that do not comply with open standards for
22 interoperability or data storage; and

23 (e) Avoid the acquisition of products that are known to make unauthorized transfers of
24 information to, or permit unauthorized control of or modification to a state agency's computer.

25 II. All state procurement documents related to software acquisitions shall include language
26 that requires adherence to this section.

27 21-R:12 Metrics; Inventory of Open Source Software Used by State Agencies. Each state agency
28 shall maintain an inventory of all proprietary and open source software products used by the agency.

29 21-R:13 Use of Open Data Formats by State Agencies.

30 I. The commissioner shall assist state agencies in the purchase or creation of data processing
31 devices or systems that comply with open standards for the accessing, storing, or transferring of
32 data. The commissioner shall:

33 (a) Ensure that any new data standards which the state of New Hampshire defines and
34 to which it owns all rights are open standards compliant.

35 (b) Use open standards unless specific project requirements preclude use of an open data
36 format.

37 (c) Reexamine existing data stored in a restricted format to which the state of

1 New Hampshire does not own the rights every 4 years to determine if the format has become open
2 and, if not, whether an appropriate open standard exists.

3 (d) Make readily accessible, on the state website, documentation on open data formats
4 used by the state of New Hampshire. When data in open format is made available through the
5 state's website, a link shall be provided to the corresponding data format documentation.

6 21-R:14 Statewide Information Policy on Open Government Data Standards.

7 I. The commissioner shall develop a statewide information policy based on the following
8 principles of open government data. According to these principles, open data is data that is:

9 (a) Complete. All public data is made available, unless subject to valid privacy, security,
10 or privilege limitations.

11 (b) Primary. Data is collected at the source, with the highest possible level of
12 granularity, rather than in aggregate or modified forms.

13 (c) Timely. Data is made available as quickly as necessary to preserve the value of the
14 data.

15 (d) Accessible. Data is available to the widest range of users for the widest range of
16 purposes.

17 (e) Machine processable. Data is reasonably structured to allow automated processing.

18 (f) Nondiscriminatory. Data is available to anyone, with no requirement of registration.

19 (g) Nonproprietary. Data is available in a format over which no entity has exclusive
20 control, with the exception of national or international published standards.

21 (h) License-free. Data is not subject to any copyright, patent, trademark, or trade secret
22 regulation. Reasonable privacy, security, and privilege restrictions may be allowed.

23 II. The information policy developed under paragraph I shall include a mechanism for
24 adoption and review by each state agency. Each agency that adopts the policy shall designate a
25 contact person responsible for oversight and implementation of open government data standards for
26 that agency. The contact shall act as a liaison between the department, the implementing agency,
27 and the public in matters related to open government data standards. The commissioner shall
28 include the status of the development and implementation of the statewide information policy based
29 on open government data standards in the quarterly report to the legislative oversight committee
30 under RSA 21-R:9.

31 III. In developing the open data standards policy, the commissioner shall solicit information
32 from the secretary of state relative to state archiving practices and the collection of data for
33 historical purposes.

34 3 Department of Information Technology; Duties of Commissioner Regarding Acquisition of
35 Information Systems. Amend RSA 21-R:4, I to read as follows:

36 I. Providing technical information technology consultation to all executive branch agencies
37 and to any other agency that requests it, including technical advice *consistent with the principles*



1 *of open government data established in RSA 21-R:11 through RSA 21-R:14* during the
2 development or acquisition of information systems.

3 4 Effective Date. This act shall take effect 60 days after its passage.

2011-0733h

AMENDED ANALYSIS

This bill requires state agencies to consider open source software when acquiring software and promotes the use of open data formats by state agencies. This bill also directs the commissioner of information technology to develop a statewide information policy based on principles of open government data.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 418-FN

BILL TITLE: requiring state agencies to consider open source software when acquiring new software.

DATE: 2/10/11

LOB ROOM: 306 **Time Public Hearing Called to Order:** 12:06 pm

Time Adjourned: 12:25 pm

(please circle if present)

Committee Members: Reps. McGuire, Hawkins, Sytek, Day, Gould, Pratt, Vita, Perkins, Winter, Bowers, Whitehead, Hansen, Proulx, F. Schmidt, Pilotte, Judy and Sullivan.

Bill Sponsors: Rep. Cohn, Merr 6; Rep. Pratt, Hills 7; Rep. Lambert, Hills 27; Rep. Cox, Merr 6; Rep. B. MacMahon, Rock 10; Rep. Davenport, Rock 12

TESTIMONY

Rep. Seth Cohn -- Introduction

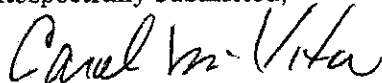
Bill McGonigle -- Proprietary Software -- PSD Computing
2006-HB 1197 Cataldo -- ITL 15-1
No tech interest to look into it

Rep. Hansen -- Tech backup?

Rep. Cohn -- Open source tech

Rep. Lamert -- If you have a problem -- open office can take care of it.
EDF was brought out by GM

Respectfully submitted,



Carol M. Vita, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 418-FN

BILL TITLE: requiring state agencies to consider open source software when acquiring new software.

DATE: 5/10/11

LOB ROOM: 306

Time Public Hearing Called to Order: 1206

Time Adjourned: 1225

(please circle if present)

Committee Members: Reps. McGuire, Hawkins, Sytek, Day, Gould, Pratt, Vita, Perkins, Winter, Bowers, P. Brown, Hansen, Proulx, P. Schmidt, Pilotte, Jeudy and Sullivan.

Bill Sponsors: Rep. Cohn, Merr 6; Rep. Pratt, Hills 7; Rep. Lambert, Hills 27; Rep. Cox, Merr 6; Rep. B. MacMahon, Rock 10; Rep. Davenport, Rock 12

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

REP SETH COHN. INTRODUCTION

REP GEORGE LAMBERT

BILL MCGONNIGLE. PSD COMPUTING ^{OWNS}

2/24
2/310

Proprietary Software
PSID Computing

2006-11-19 Cataldo-172 15-1

NO TECH INTEREST TO LOOK INTO IT

Hanson Tech Backup?

COHN

ORACLE

SYTEK

do
truly what you think w/microsoft

COHN

OPEN SOURCE TECH

LAMBERT

IF YOU HAVE A PROBLEM. OPEN SOURCE CAN
TAKE CARE OF IT. OFFICE

EDF was bought out by GM

Sub-Committee Actions

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION ON HB 418-FN

BILL TITLE: requiring state agencies to consider open source software when acquiring new software.

DATE: 3/1/11

Subcommittee Members: Reps. Pratt, Proulx, Sullivan, Winter, Whitehead

Comments and Recommendations:

Amendments:

Sponsor: Rep. Winter	OLS Document #:	2011	0589h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP (OTP/A), ITL, Retained (Please circle one.)

Moved by Rep. Winter

Seconded by Rep. Whitehead

Vote: 3-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Calvin D. Pratt
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION ON HB 418-FN

BILL TITLE: requiring state agencies to consider open source software when acquiring new software.

DATE: 3/3/11

Subcommittee Members: Reps. Pratt, Proulx, Sullivan, Winter, Whitehead

Comments and Recommendations:

Amendments:

Sponsor: Rep. <i>Winter</i>	OLS Document #: <i>2011-0589h</i>
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: ~~OTP~~ OTP/A /ITL, Retained (Please circle one.)

Moved by Rep. ~~Pratt~~ *Winter*

Seconded by Rep. *Whitehead*

Vote: *3-0*

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. *C. D. Pratt*
Subcommittee Chairman/Clerk

Amendment to HB 418-FN

1 Amend RSA 21-R:11 as inserted by section 2 of the bill by replacing it with the following:

2

3 21-R:11 Consideration of Open Source Software by State Agencies.

4 I. For all new software acquisitions, each state agency, in consultation with the department
5 of information technology, shall:

6 (a) Consider acquiring open source software products and services as an alternative to
7 proprietary software products and services;

8 (b) Except as provided in subparagraphs (d) and (e), acquire software products primarily
9 on a value-for-money basis;

10 (c) Provide justification to the chief information officer whenever a proprietary software
11 product is acquired rather than open source software;

12 (d) Avoid the acquisition of products that do not comply with open standards for
13 interoperability or data storage; and

14 (e) Avoid the acquisition of products that are known to make unauthorized transfers of
15 information to, or permit unauthorized control of or modification to a state agency's computer.

16 II. All state procurement documents related to software acquisitions shall include language
17 that requires adherence to this section.

18

19 Amend section 2 of the bill by inserting after RSA 21-R:11 the following new RSA section:

20

21 21-R:12 Metrics; Inventory of Open Source Software Used by State Agencies. Each state agency
22 shall maintain an inventory of all proprietary and open source software products used by the agency.

Sub-Committee Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION ON HB 418-FN

BILL TITLE: requiring state agencies to consider open source software when acquiring new software.

DATE: 2/24/11

Subcommittee Members: Reps. Pratt, Whitehead, Winter, Proulx

Comments and Recommendations: Hold until March 1, 2011

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

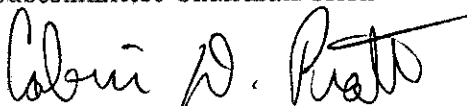
Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Calvin Pratt
Subcommittee Chairman/Clerk



HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION ON HB 418-FN

BILL TITLE: requiring state agencies to consider open source software when acquiring new software.

DATE: 2-24

Subcommittee Members: Reps. PRATT, WHITEHEAD, WINTER, PROULX

Comments and Recommendations: HOLD 'TIL Mar. 1

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 418-FN

BILL TITLE: requiring state agencies to consider open source software when acquiring new software.

DATE: 3/9/11

LOB ROOM: 306

Amendments:

Sponsor: Rep. Cohn	OLS Document #:	2011	0733h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP, OTPA, ITL, Interim Study (Please circle one.)

Moved by Rep. Pratt

Seconded by Rep. Winter

Vote: 11-2 (Please attach record of roll call vote.)

Motions: ~~OTP~~, OTPA, ITL, Interim Study (Please circle one.)

Moved by Rep. Pratt

Seconded by Rep. Winter

Vote: 11-2 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Carol Vita, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 418-FN

BILL TITLE: requiring state agencies to consider open source software when acquiring new software.

DATE: 3/9/11

LOB ROOM: 306

Amendments:

Sponsor: Rep.

Pratt

OLS Document #:

Sponsor: Rep.

Winter

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Pratt

Seconded by Rep.

Winter

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

11-2

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Carol Vita, Clerk

Rep Carol Vita

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: 418 Title: STATE AGENCIES TO CONSIDER OPEN SOURCE

PH Date: 3 / 1 / 11

Exec Session Date: 1 / 1 / 11

Motion: OTOP/A *AMENDMENT*
~~ESTATE~~

Amendment #: 733

MEMBER	YEAS	NAYS
McGuire, Carol M, Chairman	✓	
Hawkins, Kenneth, V Chairman		✓
Sytek, John J	✓	
Day, Russell C	A	
Gould, Kenneth H	✓	
Pratt, Calvin D	✓	
Vita, Carol M, Clerk		✓
Perkins, Lawrence B	A	
Winter, Steven J	✓	
Bowers, Spec	✓	
Hansen, Peter T	✓	
Proulx, Mark L	✓	
Whitehead, Randall A	✓	
Schmidt, Peter B	A	
Pilotte, Maurice L	✓	
Jeudy, Jean L	✓	
Sullivan, Daniel J	A	

TOTAL VOTE:

Printed: 1/28/2011

11

2

PRATT 1
BOWERS 2

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: 418 Title: STATE AGENCIES TO CONSIDER OPEN SOURCE

PH Date: 3, 11, 11 Exec Session Date: 3, 10, 11

Motion: OTR Amendment #: ~~733~~ 0741

MEMBER	YEAS	NAYS
McGuire, Carol M, Chairman	✓	
Hawkins, Kenneth, V Chairman		✓
Sytek, John J	✓	
Day, Russell C	A	
Gould, Kenneth H	✓	
Pratt, Calvin D	✓	
Vita, Carol M, Clerk		✓
Perkins, Lawrence B	A	
Winter, Steven J	✓	
Bowers, Spec	✓	
Hansen, Peter T	✓	
Proulx, Mark L	✓	
Whitehead, Randall A	✓	
Schmidt, Peter B	A	
Pilotte, Maurice L	✓	
Jeudy, Jean L	✓	
Sullivan, Daniel J	A	

TOTAL VOTE: YEAS 11 NAYS 2
 Printed: 1/28/2011

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB 418 Title: REG STATE AGENCIES TO CONSIDER OPEN SOURCE SOFTWARE

PH Date: 3/1/11

Exec Session Date: 3/10/11

Motion: RECONSIDER

Amendment #: FISCAL NOTE 110741

MEMBER	YEAS	NAYS
McGuire, Carol M, Chairman		
Hawkins, Kenneth, V Chairman		✓
Sytek, John J		
Day, Russell C		
Gould, Kenneth H		
Pratt, Calvin D		
Vita, Carol M, Clerk		
Perkins, Lawrence B		
Winter, Steven J		
Bowers, Spec		
Hansen, Peter T		
Proulx, Mark L		
Whitehead, Randall A		
Schmidt, Peter B		
Pilotte, Maurice L		
Jeudy, Jean L		
Sullivan, Daniel J		
TOTAL VOTE:	12	1

Committee Report

REGULAR CALENDAR

March 10, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on EXECUTIVE DEPARTMENTS AND
ADMINISTRATION to which was referred HB418-FN,**

**AN ACT requiring state agencies to consider open
source software when acquiring new software. Having
considered the same, report the same with the following
amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D Pratt

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	EXECUTIVE DEPARTMENTS AND ADMINISTRATION
Bill Number:	HB418-FN
Title:	requiring state agencies to consider open source software when acquiring new software.
Date:	March 10, 2011
Consent Calendar:	NO
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill codifies a process that is already being used at the discretion of the states' information technology workers. Although it would require a three person team to fully implement, the cost would be offset by software savings resulting in a cost neutral program going forward. This bill was supported by the Department of Information Technology and the Archivist's office.

Vote 11-2.

Rep. Calvin D Pratt
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB418-FN, requiring state agencies to consider open source software when acquiring new software.
OUGHT TO PASS WITH AMENDMENT.

Rep. Calvin D Pratt for EXECUTIVE DEPARTMENTS AND ADMINISTRATION. This bill codifies a process that is already being used at the discretion of the states' information technology workers. Although it would require a three person team to fully implement, the cost would be offset by software savings resulting in a cost neutral program going forward. This bill was supported by the Department of Information Technology and the Archivist's office. **Vote 11-2.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: ED + A

BILL NUMBER: HB 418

TITLE: _____

DATE: 3/10 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. <u>0733</u>

STATEMENT OF INTENT:

COMMITTEE VOTE: 11-2

RESPECTFULLY SUBMITTED,

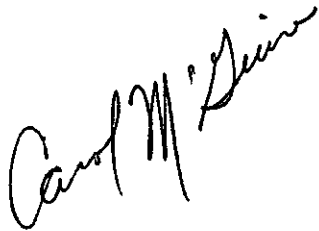
- | |
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| <ul style="list-style-type: none">• Copy to Committee Bill File• Use Another Report for Minority Report |
|--|

Rep. _____
For the Committee

HB 418

This bill codifies a process that is already being used at the discretion of the states' information technology workers. Although it would require a three person team to fully implement, the cost would be offset by software savings resulting in a cost neutral program going forward. This bill was supported by the Department of Information Technology and the Archivist's office.

Rep. Calvin D. Pratt for the Committee

A handwritten signature in black ink, reading "Calvin D. Pratt". The signature is written in a cursive style and is positioned diagonally on the page.



State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

HB 418

This bill codifies a process that is already being used at the discretion of the states' IT workers. Although it would require a three person team to ~~be~~ fully implement, the cost would be offset by software savings resulting in a cost neutral program going forward. This bill was supported by the Department of Information Technological and the Historical Archivists' office.

C. D. Prato