

## Section 1 Header

2023 SESSION

23-0193.1  
06/05

HOUSE BILL            *[bill number]*

AN ACT                relative to the duties of the information technology council.

SPONSORS:           [sponsors]

COMMITTEE:         [committee]

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### ANALYSIS

This bill adds duties to the information technology council to include advising the commissioner about the use of free and open source software.

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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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twenty Three*

AN ACT                    relative to the duties of the information technology council.

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

1            1 Department of Information Technology; Information Technology Council. Amend RSA 21-R:6,  
2 I to read as follows:

3            I. There is hereby established the information technology council. The council shall~~[-advise~~  
4 ~~the commissioner on the following]~~:

5                    (a) ***Advise the commissioner on the following:***

6                    ~~[(a)]~~ **(1)** Statewide strategic technology plans.

7                    ~~[(b)]~~ **(2)** Outsourcing relationships, including the purchase of technology equipment  
8 and contracts with technology vendors.

9                    ~~[(c)]~~ **(3)** Computer systems consolidation.

10                   ~~[(d)]~~ **(4)** Implementation of centralized services.

11                   ~~[(e)]~~ **(5)** Information technology resource changes, including changes in quantity of  
12 resources allocated to executive branch agencies, location of information technology resources, and  
13 allocation of information technology personnel.

14                   ~~[(f)]~~ **(6)** Statewide information technology policies and standards.

15                   ~~[(g)]~~ **(7)** Information technology budgeting and resource allocation.

16                   ~~[(h)]~~ **(8)** The security of data shared with the federal government, methods to  
17 improve state data security practices, and suggested legislation, policies, and procedures to limit  
18 data sharing when its confidentiality cannot be assured.

19                   **(9) *The potential cost and feasibility of replacing all proprietary software***  
20 ***used by state agencies with free software including all the relevant compliance and***  
21 ***security concerns associated with making such a transition and timeline for***  
22 ***implementation.***

23                   **(b) *Explore the scope and application of free software, including copyleft***  
24 ***licenses, in the public and private sector.***

25                   **(c) *Examine legal protection for copyleft licensees, including limits on***  
26 ***noncompete clauses and presumptions in favor of copyleft licensees.***

27                   **(d) *Study the state's ability to develop and release open source software and***  
28 ***consider ways to reduce the mandatory use of proprietary software.***

29                   **(e) *Develop a program and funding mechanism to provide legal assistance to***  
30 ***developers of free software.***

Section 3 Header

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1                    *(f) Review and develop recommendations for the expansion of the statewide*  
2                    *information policy on open government data standards in RSA 21-R:14.*

3                    *(g) Enact, adopt, and implement, when feasible, a policy to ensure the right to*  
4                    *data portability.*

5                    2 Effective Date. This act shall take effect 60 days after its passage.