CHAPTER 81
HB 1622 - FINAL VERSION

22Feb2018... 0192h

2018 SESSION

18-2542
05/01

HOUSE BILL ***1622***

AN ACT **relative to organization of the department of information technology.**

SPONSORS: **Rep. L. Ober, Hills. 37; Rep. Eaton, Ches. 3; Rep. Emerick, Rock. 21; Sen. Carson, Dist 14; Sen. Reagan, Dist 17**

COMMITTEE: **Executive Departments and Administration**

ANALYSIS

This bill aligns the 4 divisions of the department of information technology with the department's statewide strategic plan; adds members to the information technology council; revises the policies governing open source software; and repeals a statutory reference to the inventory of agency software.

The bill is a request of the department of information technology.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to organization of the department of information technology.

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

81:1 Department of Information Technology; Division Directors. RSA 21-R:3, II is repealed and reenacted to read as follows:

II. The department shall consist of 4 divisions, which shall be under the direction of the commissioner. The commissioner shall nominate 4 division directors, who shall be appointed by the governor, with the consent of the council. Division directors shall serve for a term of 4 years; provided that a division director serving on the effective date of this paragraph may continue to serve in such capacity until appointed or replaced. The division directors shall be qualified to hold their respective positions by reason of education and relevant experience.

81:2 Department of Information Technology; Divisions Established. RSA 21-R:5 is repealed and reenacted to read as follows:

21-R:5 Divisions Established. The commissioner shall establish 4 divisions, which shall be in alignment with the department's statewide strategic plan. Each division shall be under the supervision of a division director appointed pursuant to RSA 21-R:3.

81:3 New Subparagraphs; Information Technology Council; Members Added. Amend RSA 21-R:6, II by inserting after subparagraph (m) the following new subparagraphs:

(n) The secretary of state, or designee.

(o) One representative of the administrative office of the courts, appointed by the chief justice of the supreme court.

81:4 Use of Open Source Software and Technology Solutions by State Agencies. Amend RSA 21-R:11 to read as follows:

21-R:11 Use of [~~Open Source Software~~] *Technology Solutions* by State Agencies.

I. For all [~~software~~] *technology* acquisitions, each state agency, in consultation with the department of information technology, shall:

(a) Consider [~~whether proprietary or open source software offers~~] the most cost effective [~~software~~] *technology* solution for the agency, based on consideration of all associated acquisition, support, maintenance, and training costs;

(b) Except as provided in subparagraphs (d) and (e), acquire [~~software products~~] *technology solutions* primarily on a value-for-money basis, based on consideration of the cost factors as described in subparagraph (a);

(c) Provide a brief analysis of the purchase decision, including consideration of the cost factors in subparagraph (a), to the chief information officer;

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

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

II. All state procurement documents related to [~~software~~] *technology* acquisitions shall include language that requires adherence to this section.

81:5 Use of Open Standards and Open Data Formats. Amend the introductory paragraph of RSA 21-R:13, I to read as follows:

I. The commissioner shall assist state agencies in the purchase or creation of [~~data processing devices or systems~~] *technology solutions* that comply with open standards for the accessing, storing, or transferring of data. The commissioner shall:

8l:6 Use of Open Standards and Open Data Formats. Amend RSA 21-R:13, I(c) to read as follows:

(c) Reexamine existing data stored in a restricted format to which the state of New Hampshire does not own the rights [~~every 4 years~~] *during re-procurement cycles* to determine if the format has become open and, if not, whether an appropriate open standard exists.

81:7 Salaries; Department of Information Technology; Division Directors. Amend RSA 94:1-a, I(b) to read as follows:

I. In salary grade GG:

GG Department of information technology director [~~of technical support services~~]

GG Department of information technology director [~~of web support~~]

II. In salary grade HH:

HH Department of information technology director [~~of agency software~~]

HH Department of information technology director [~~of operations~~]

81:8 Repeal. RSA 21-R:12, relative to the inventory of agency software, is repealed.

81:9 Effective Date. This act shall take effect upon its passage.

Approved: May 25, 2018
Effective Date: May 25, 2018