

1 H.516

2 Introduced by Representatives Davis of Washington, Atkins of Winooski,
3 Browning of Arlington, Jewett of Ripton, Macaig of Williston,
4 McFaun of Barre Town, Poirier of Barre City, Sharpe of
5 Bristol, South of St. Johnsbury, Wizowaty of Burlington and
6 Zuckerman of Burlington

7 Referred to Committee on

8 Date:

9 Subject: Executive; administration; information technology

10 Statement of purpose: This bill proposes to require the department of
11 information and innovation to advise against the acquisition by a state agency
12 of proprietary software or software that operates by means of proprietary
13 protocols when acceptable functionality can be achieved with open source
14 software and open standard protocols and to ensure that the expected total
15 life-cycle costs of software are fully evaluated prior to acquisition.

16 An act relating to comparing the costs and benefits of downloading free
17 open source software with purchasing proprietary computer software

18 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 22 V.S.A. § 901 is amended to read:

2 § 901. CREATION OF DEPARTMENT

3 There is created the department of information and innovation within the
4 agency of administration. The department shall have all the responsibilities
5 assigned to it by law, including the following:

6 * * *

7 (12) to provide technical support and services to the departments of
8 human resources and of finance and management for the statewide central
9 accounting and encumbrance system, the statewide budget development
10 system, the statewide human resources management system, and other agency
11 of administration systems as may be assigned by the secretary;

12 (13)(A) to advise against the acquisition by a state agency of proprietary
13 software or software that operates by means of proprietary protocols when
14 acceptable functionality can be achieved with open source software and open
15 standard protocols;

16 (B) to ensure that the expected total life cycle costs of software are
17 fully evaluated prior to acquisition; and

18 (C) to encourage state agencies to participate in the development of
19 free software and open source software and to develop custom software
20 in-house or by contractors licensed to develop such software. All custom

1 software developed in-house or by contractors for state government shall be
2 licensed as free software or open source software.

3 (D) For the purposes of this subdivision (13), the term “open source
4 software” requires compliance with the following criteria:

5 (i) The license for the software shall not restrict any party from
6 selling or giving away the software as a component of an aggregate software
7 distribution containing programs from several different sources. The license
8 shall not require a royalty or other fee for the sale.

9 (ii) The software program shall include source code, and shall
10 allow distribution in source code as well as compiled form. Where some form
11 of a product is not distributed with source code, there shall be a
12 well-publicized means of obtaining the source code for no more than a
13 reasonable reproduction cost preferably, downloading via the Internet without
14 charge. The source code shall be the preferred form in which a programmer
15 would modify the program. Deliberately obfuscated source code shall not be
16 allowed. Intermediate forms such as the output of a preprocessor or translator
17 shall not be allowed.

18 (iii) The software license shall allow modifications and derived
19 works and shall allow them to be distributed under the same terms as the
20 license of the original software.

1 (iv) The software license may restrict source code from being
2 distributed in modified form only if the license allows the distribution of
3 “patch files” with the source code for the purpose of modifying the program at
4 build time. The license shall explicitly permit distribution of software built
5 from modified source code. The license may require derived works to carry a
6 different name or version number from the original software.

7 (v) The license shall not discriminate against any person or group
8 of persons.

9 (vi) The license shall not restrict anyone from making use of the
10 program in a specific field of endeavor. For example, it may not restrict the
11 program from being used in a business or from being used for genetic research.

12 (vii) The rights attached to the program shall apply to all to whom
13 the program is redistributed without the need for execution of an additional
14 license by those parties.

15 (viii) The rights attached to the software program shall not depend
16 on the program’s being part of a particular software distribution. If the
17 program is extracted from that distribution and used or distributed within the
18 terms of the program’s license, all parties to whom the program is redistributed
19 shall have the same rights as those that are granted in conjunction with the
20 original software distribution.

1 (ix) The license shall not place restrictions on other software that
2 is distributed along with the licensed software. For example, the license shall
3 not insist that all other programs distributed on the same medium be
4 open-source software.

5 (x) No provision of the license may be predicated on any
6 individual technology or style of interface.