

By: Representative Lamar

To: Universities and
Colleges

HOUSE BILL NO. 1429

1 AN ACT TO CREATE THE MISSISSIPPI STATEWIDE OPEN SOURCE
2 SOFTWARE LAW; TO DEFINE CERTAIN TERMS; TO DECLARE THAT THE PURPOSE
3 OF THE LAW IS TO ENCOURAGE THE USE OF OPEN SOURCE SOFTWARE IN THE
4 DEVELOPMENT OF COMPUTER SOFTWARE BY THE STATE INSTITUTIONS OF
5 HIGHER LEARNING AND THE COMMUNITY AND JUNIOR COLLEGES TO BE USED
6 BY STATE AGENCIES IN LIEU OF PROPRIETARY SOFTWARE; TO REQUIRE THE
7 COMMISSIONER OF HIGHER EDUCATION, THE EXECUTIVE DIRECTOR OF THE
8 MISSISSIPPI COMMUNITY COLLEGE BOARD AND THE EXECUTIVE DIRECTOR OF
9 THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES TO
10 CONVENE A GROUP TO STUDY AND REPORT TO THE LEGISLATURE ON MEANS TO
11 ACHIEVE GREATER USE OF OPEN SOURCE SOFTWARE IN STATE AGENCIES; TO
12 REQUIRE THE DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES TO
13 REQUIRE STATE AGENCIES TO ENDEAVOR TO PROCURE NECESSARY SOFTWARE
14 FROM A STATE INSTITUTION OF HIGHER LEARNING OR COMMUNITY OR JUNIOR
15 COLLEGE; TO CREATE AN INCENTIVE FOR INSTITUTIONS OF HIGHER
16 LEARNING AND COMMUNITY AND JUNIOR COLLEGES TO DEVELOP SOFTWARE FOR
17 STATE AGENCIES BY ALLOCATING FIFTY PERCENT OF VERIFIABLE SAVINGS
18 ACHIEVED FROM THE USE OF SUCH SOFTWARE TO THE INSTITUTION OR
19 COLLEGE THAT DEVELOPED THE SOFTWARE; AND FOR RELATED PURPOSES.

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

21 **SECTION 1.** This act shall be known and may be cited as the
22 "Mississippi Statewide Open Source Software Law."

23 **SECTION 2.** As used in this act, the following words and
24 phrases have the meanings ascribed in this section unless the
25 context clearly requires otherwise:



(a) "Department" means the Mississippi Department of Information Technology Services.

(b) "Open Source Software" or "OSS" means computer software for which the human-readable source code is available for use, study, reuse, modification, enhancement and redistribution by the users of that software. The term "open source software" is synonymous with the terms "free software," "libre software," "Free/Open Source Software (FOSS or F/OSS)" and "Free/Libre/Open Source Software (FLOSS)."

(c) "Proprietary software" means computer software that is owned by another, often the publisher of the software, and for which the software's publisher or another person retains the intellectual and property rights, thereby restricting access to and the use and modification of the software.

(d) "State agency" means a state board, commission, committee, council, department, college, university or other unit of state government in Mississippi.

SECTION 3. The Legislature finds that the State of Mississippi allocates considerable resources to procure information technology software and services necessary for the performance of its duties and obligations to the citizens of the state. Further, while state agencies rely on the use of proprietary software, graduates of the state's colleges and universities in computer science are seeking information technology jobs outside Mississippi due to the lack of available



51 jobs to such graduates in the state. It is the determination of
52 the Legislature that Mississippians enrolled in and teaching at
53 the state's colleges and institutions of higher learning possess
54 the requisite talent and skill necessary to develop, through the
55 use of open source software, computer software customized to meet
56 the specific applications of the state agency for which the
57 software is developed, thereby resulting in the improved delivery
58 of the functions of state government while simultaneously reducing
59 costs to the state significantly and creating instate jobs in
60 information technology for the graduates of Mississippi colleges
61 and institutions of higher learning. It is the purpose of this
62 act to encourage and create incentives for the state institutions
63 of higher learning and the community and junior colleges to
64 initiate and participate in the development of open source
65 software to be used in lieu of proprietary software wherever
66 possible in the state agencies of Mississippi.

67 **SECTION 4.** (1) The Board of Trustees of State Institutions
68 of Higher Learning and the Mississippi Community College Board,
69 acting jointly in consultation with the Mississippi Department of
70 Information Technology Services, shall take such steps as may be
71 necessary to establish and implement initiatives in the state
72 institutions of higher learning and community and junior colleges
73 which encourage the development of customized computer programs
74 designed to meet the specific needs of state agencies using open
75 source software for new applications and to replace the use of



76 proprietary software as applicable contracts, agreements or
77 licenses for the use of the proprietary software expire.

78 (2) Before September 1, 2018, the Commissioner of Higher
79 Education, the Executive Director of the Mississippi Community
80 College Board and the Executive Director of the Mississippi
81 Department of Information Technology Services shall convene a
82 meeting for the purpose of establishing a committee to study and
83 make recommendations to the Legislature on how state agencies may
84 better utilize computer software developed using open source
85 software by the institutions of higher learning and community
86 colleges. The commissioner and each executive director shall
87 serve on the committee and shall appoint representatives from
88 their respective agencies who have particular knowledge and
89 expertise in the development of computer software and the
90 information technology needs of the state.

91 (3) The committee shall prepare a report of its findings and
92 recommendations, which report must be submitted to the Legislature
93 before January 1, 2019.

94 **SECTION 5.** Before January 1, 2019, the Mississippi
95 Department of Information Technology Services shall adopt rules
96 and regulations that require any state agency seeking to procure
97 computer software and professional services related to the
98 utilization of the software to determine if the desired software
99 may be developed through the use of open source software by a
100 state institution of higher learning or a community or junior



college and if so, to acquire the software through the state institution or community or junior college. Before any plan for the acquisition of computer software and related services using proprietary software from a private vendor may be approved by the department, the state agency proposing the acquisition of the proprietary software must demonstrate to the satisfaction of the department that it has taken steps to procure the necessary software from a state institution of higher learning or a community or junior college and that it is not possible or feasible for the necessary software and services to be procured in a timely fashion from a state institution of higher learning or community or junior college.

SECTION 6. The state institutions of higher learning and community and junior colleges are encouraged to seek opportunities to develop open source software to meet the specific applications of the various state agencies. As an incentive, for each program using open source software which is developed by a state institution of higher learning or community or junior college and utilized in lieu of proprietary software by a state agency, an amount equal to one-half (1/2) of the verifiable savings amount achieved by the state agency through the use of the open source software will be allocated to that state institution of higher learning or community or junior college in the appropriation of state funds for the fiscal year next succeeding the state agency's acquisition of the software.



126 **SECTION 7.** This act shall take effect and be in force from
127 and after its passage.

