

AMENDED IN ASSEMBLY MAY 24, 2007

AMENDED IN ASSEMBLY MAY 1, 2007

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1668**

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**Introduced by Assembly Member Leno**

February 23, 2007

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An act to add Section 11543.5 to the Government Code, and to add Section 12103.6 to the Public Contract Code, relating to information technology.

LEGISLATIVE COUNSEL'S DIGEST

AB 1668, as amended, Leno. Information technology: use of approved open file format software.

Existing law sets forth the requirements for the acquisition of information technology goods and services, and establishes the duties and responsibilities of the State Chief Information Officer, the Department of Technology Services, and the Department of General Services.

This bill would require the Director of Technology Services, in conjunction with the State Chief Information Officer and other specified state entities, to implement a project examining the use of an open file format with no more than 3 state agencies or departments. *This bill would further require the State Chief Information Officer, in conjunction with other specified state entities, to report on the results of the project no later than January 10, 2009.* This bill would also require the Department of General Services, in consultation with the State Chief Information Officer, to consider specific modifications to the standards

used for the state to acquire information technology and to report its findings to the Legislature no later than October 1, 2008.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11543.5 is added to the Government  
 2 Code, to read:

3 11543.5. (a) The Director of Technology Services, in  
 4 conjunction with the State Chief Information Officer, the  
 5 Legislative Analyst, and the Office of Legislative Counsel, or their  
 6 designees, shall conduct a demonstration project to examine the  
 7 use of an open file format by state agencies and departments for  
 8 creating, exchanging, maintaining, and preserving electronically  
 9 produced text documents, spreadsheets, and presentations. The  
 10 demonstration *project* shall be conducted in up to three agencies  
 11 or departments of state government. *The demonstration project*  
 12 *shall be for no longer than six months and completed by September*  
 13 *30, 2008.*

14 (b) *The purpose of the demonstration project is to allow the*  
 15 *participating state agencies and departments to evaluate open file*  
 16 *formats on the following criteria:*

17 (1) *The availability of an open file format that is all of the*  
 18 *following:*

19 (A) *Interoperable among diverse platforms and applications.*

20 (B) *Fully published and available royalty-free.*

21 (C) *Fully and independently implementable by multiple software*  
 22 *providers on multiple platforms without any intellectual property*  
 23 *restrictions for necessary technology. An “intellectual property*  
 24 *restriction” does not include a right retained by the holder of a*  
 25 *patent or copyright to terminate a license or covenant with any*  
 26 *person or entity that brings a claim of patent or copyright*  
 27 *infringement against the holder.*

28 (D) *Developed and maintained by an open standards*  
 29 *organization with a well-defined inclusive process for evolution*  
 30 *of the standard.*

31 (2) *Licensing costs of software.*

32 (3) *Hardware costs.*

33 (4) *Training.*

1 (5) *Support service requirements.*

2 (6) *Cost and availability of necessary file conversion.*

3 (c) *The State Chief Information Officer shall convene an initial*  
4 *meeting of him or her, the Director of Technology Services, the*  
5 *Legislative Analyst, and the Legislative Counsel, or their designees,*  
6 *on \_\_\_\_\_.*

7 (d) *At the conclusion of the six month demonstration project,*  
8 *the State Chief Information Officer, the Director of Technology*  
9 *Services, the Legislative Analyst, and the Legislative Counsel, or*  
10 *their designees, shall prepare a report that compiles the findings*  
11 *of the participating state agencies and departments on the open*  
12 *file formats based on criteria set forth in subdivision (b). The report*  
13 *shall also do all of the following:*

14 (1) *Identify and describe available format and implementation*  
15 *options considered by each participating agency or department*  
16 *to accept, create, exchange, maintain, and preserve electronically*  
17 *produced text documents, spreadsheets, and presentations in an*  
18 *open file format.*

19 (2) *Provide an explanation for accepting or rejecting the options*  
20 *identified, including, but not limited to, both of the following:*

21 (A) *Instances where software necessitates the purchase of new*  
22 *hardware.*

23 (B) *The ease with which an implementation path can be*  
24 *implemented.*

25 (e) *The State Chief Information Officer shall deliver the report*  
26 *described in subdivision (d) to the Legislature on or before January*  
27 *10, 2009.*

28 SEC. 2. Section 12103.6 is added to the Public Contract Code,  
29 to read:

30 12103.6. (a) The department, in consultation with the State  
31 Chief Information Officer, shall consider modifications to the  
32 standards used for reviewing the appropriateness of proposed  
33 information technology procurements, set forth in Section 12103.5,  
34 for the purpose of ensuring that the department's assessment  
35 weighs the leveraging of existing information technology  
36 investments against the state's archival needs, business and  
37 interoperability needs, and the public's right to access government  
38 information.

39 (b) Modifications considered by the department and the State  
40 Chief Information Officer shall be for the purpose of assuring that

1 the review standards do not create a preference for a particular  
2 type of technology.  
3 (c) On or before October 1, 2008, the department shall report  
4 to the Legislature on its deliberations and findings pursuant to this  
5 section.

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