

2023 -- H 5746

LC001793

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES

Introduced By: Representatives Baginski, Biah, and Finkelman

Date Introduced: February 21, 2023

Referred To: House Innovation, Internet, & Technology

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 37-2 of the General Laws entitled "State Purchases" is hereby
2 amended by adding thereto the following section:

3 **37-2-82. Prohibiting state agencies from entering into contracts limiting ability to**
4 **install or run certain software.**

5 (a) As used in this section:

6 (1) "State agency" means any department, commission, council, board, bureau, committee,
7 institution, or other governmental entity of the executive or judicial branch of this state not
8 otherwise established as a body corporate and politic, and includes, without limitation, the council
9 on postsecondary education, except for purchases which are funded by restricted, sponsored, or
10 auxiliary monies, the university of Rhode Island board of trustees, except for all purchases which
11 are funded by restricted, sponsored, or auxiliary monies, and the council on elementary and
12 secondary education.

13 (2) "State contract" means all types of agreements, including grants and orders, for the
14 purchase or disposal of supplies, services, construction, or any other item, entered into by a state
15 agency the cost or price of which is to be paid, in whole or in part, with or out of state funds. It
16 includes awards; contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or incentive type; contracts
17 providing for the issuance of job or task orders; leases; letter contracts; purchase orders; and
18 construction management contracts. It also includes supplemental agreements with respect to any
19 of the foregoing documents.

1 (b) The terms of a state contract entered into by a state agency for the licensing of software
2 applications designed to run on generally available desktop or server hardware shall not limit the
3 ability of the state agency to install or run the software on the hardware of the state agency's
4 choosing.

5 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would provide that if a state agency enters into a state contract for the licensing of
2 software applications designed to run on generally available desktop or server hardware, the terms
3 of the software contract would not limit the ability of the state agency to install or run the software
4 on the hardware of the state agency's choosing.

5 This act would take effect upon passage.

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