

ENGROSSED HOUSE
BILL NO. 1287

By: Reynolds and Wesselhoft of
the House

and

Myers of the Senate

An Act relating to public finance; prohibiting contracts for certain computer software unless the source code is provided; requiring certain documentation; directing the State Purchasing Director to provide advice and assistance; providing definitions; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 41.5u of Title 62, unless there is created a duplication in numbering, reads as follows:

A. No state agency, as defined by Section 250.3 of Title 75 of the Oklahoma Statutes, nor the Purchasing Division of the Department of Central Services, unless otherwise provided by federal law, shall enter into a contract for the acquisition of computer software developed exclusively for the agency or the state, unless the vendor agrees to provide to the agency or the state the source code for the software.

B. The State Purchasing Director or the procurement officers of the state agencies not subject to the Central Purchasing Act shall not process any state agency request for the acquisition of computer software developed exclusively for the agency unless the proposed vendor provides documentation that complies with subsection A of this section.

C. The State Purchasing Director shall provide advice and assistance, as may be required, in order for state agencies to comply with the provisions of this section.

D. As used in this section:

1. "State agency" shall include all state agencies, whether subject to the Central Purchasing Act or not; and

2. "Source code" means the programming instruction for a computer program in its original form, created by a programmer with a text editor or a visual programming tool and saved in a file.

SECTION 2. This act shall become effective July 1, 2005.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 15th day of March, 2005.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2005.

Presiding Officer of the Senate