

FINAL BILL REPORT

SHB 1235

C 373 L 97

Synopsis as Enacted

Brief Description: Requiring state agency personal service contracts to specify that the state owns the data generated under the contracts.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Ogden, McMorris, H. Sommers, Carlson, Wolfe, O'Brien, Dunshee, Kenney, Dickerson, Cole, Mason and Robertson; by request of Joint Legislative Audit & Review Committee).

House Committee on Appropriations
Senate Committee on Government Operations

Background: When outside expertise is needed, a state agency may contract with a private consultant to conduct studies and to make reports through a state-funded personal services contract. The contract is reviewed and approved by the Office of Financial Management. In certain instances there has been confusion or disagreement between the state agency and the consultant about what information the personal services contract requires the consultant to provide. At issue is whether the consultant, as a condition of the contract, must provide the state agency with not only the final report but also the background information used to develop it. This may include information such as technical documentation, computer models, assumptions and other data that support the findings, conclusions or recommendations found in the study or report. Without possession or access to this supporting information, findings, conclusions, and recommendations cannot be validated by the state agency or an independent party.

Summary: A state agency may not enter into a personal services contract that permits a consultant to charge additional fees for access to supporting data under the contract. Any data generated by a consultant while performing the requirements of the contract must be provided to the agency, the Joint Legislative Audit and Review Committee, and the State Auditor. If the Joint Legislative Audit and Review Committee and the State Auditor are conducting audits and require access to supporting data from studies and reports, the consultant is prohibited from charging an additional fee. Data is defined as information supporting the findings, conclusions, and recommendations of the consultant's studies and reports.

Votes on Final Passage:

House 96 0
Senate 45 0 (Senate amended)
House 89 0 (House concurred)

Effective: July 27, 1997