

SENATE BILL REPORT

SB 6251

As of January 23, 1998

Title: An act relating to the protection of taxpayer funded computer software.

Brief Description: Exempting specified computer software from public disclosure.

Sponsors: Senators Horn, T. Sheldon, Patterson and Rossi; by request of Department of Information Services.

Brief History:

Committee Activity: Energy & Utilities: 1/26/98.

SENATE COMMITTEE ON ENERGY & UTILITIES

Staff: Karen Kirkpatrick (786-7403)

Background: Under current law, computer software developed by state agencies is subject to investigation and copying under public disclosure laws. Computer software is developed by and for the agencies at significant taxpayer expense.

It has been suggested that this public investment is jeopardized because private-sector companies could request copies of the software at the cost of duplication without contributing to its development costs.

It has also been suggested that the state would be unable to attract partners because it cannot provide sufficient protections of the private entity's rights, or its own rights, to the software it develops so long as the software itself is considered a public record.

Over 20 states have legislation protecting computer software. The Department of Information Services (DIS) is requesting this legislation to protect substantial taxpayer investment, the strategic assets of the state, and to ensure Washington State's competitive position in attracting private-sector partners.

Summary of Bill: Computer software owned by agencies or in conjunction with private entities is exempt from public inspection and copying.

Computer software is defined as the programming source code or object code necessary for the operation of a computer program. Records accessible through the use of the computer program that are not otherwise exempt remain subject to public disclosure.

The intent of the Legislature is clarified to state that (1) computer software is a strategic public asset that needs to be managed as such, (2) development of software is central to many of the Legislature's plans to improve service to the public, and that (3) it is the intent of the Legislature to (a) protect the significant taxpayer investment in software development, (b) encourage public-private cooperation, (c) ensure that Washington State is able to compete

for private partners, and (d) ensure that copies of software be available to support the full range of the public's business, including public access to records otherwise subject to disclosure.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.