

HOUSE BILL REPORT

SHB 1235

As Passed Legislature

Title: An act relating to personal service contracts.

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).

Brief History:

Committee Activity:

Appropriations: 2/13/97, 3/7/97 [DPS].

Floor Activity:

Passed House: 3/14/97, 96-0.

Senate Amended.

House Concurred.

Passed Legislature.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 29 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Dyer; Grant; Keiser; Kenney; Kessler; Linville; Lisk; Mastin; McMorris; Parlette; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

Staff: Jim Lux (786-7152).

Background: When outside expertise is needed, state agencies may contract with private consultants to conduct studies and to make reports through state-funded personal services contracts. The contracts are 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 of Bill: State agencies may not enter into personal services contracts that permit consultants to charge additional fees for access to supporting data under the contract. Any data generated by consultants while performing the requirements of the contract must be provided to the agency, the Joint Legislative Audit and Review Committee, and the State Auditor. In circumstances where 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.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: When state agencies contract with private consultants for a study, they need access to supporting data in order to independently verify the findings, conclusions and recommendations resulting from the study. Current statutes need to be clarified to ensure that the state owns or has reasonable access to this supporting data.

Testimony Against: The legislation isn't broad enough. The public should have access to this information, as required in other circumstances under the Open Public Records Act.

Testified: Representative Ogden, prime sponsor (pro); and Rowland Thompson, Allied Daily Newspapers (concerns).