

HOUSE BILL ANALYSIS

HB 1235

Brief Description: State ownership of data generated under personal services contracts with private consultants.

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 would 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: Language is added to the statute governing personal services contracts that clarifies state ownership of all data generated by the private contractor under the contract, and assures that the state shall either take possession of or have reasonable access to this data. The Office of Financial Management is given the authority to grant exceptions to the statute upon written request by the state agency.

Fiscal Note: Requested.

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