

# SENATE BILL REPORT

## ESHB 2483

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As Reported By Senate Committee On:  
Energy & Utilities, February 26, 1998

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

**Brief Description:** Exempting specified computer software from public disclosure.

**Sponsors:** House Committee on Government Administration (originally sponsored by Representatives Dunn, Wolfe and D. Schmidt; by request of Department of Information Services).

**Brief History:**

**Committee Activity:** Energy & Utilities: 2/24/98, 2/26/98 [DPA].

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### SENATE COMMITTEE ON ENERGY & UTILITIES

**Majority Report:** Do pass as amended.

Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Rossi, T. Sheldon and Strannigan.

**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 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 Amended Bill:** Computer software source code or object code developed or owned by or for state agencies is exempt from public inspection and copying.

Data files, records, or information contained in or accessible through such computer software that is not otherwise exempt remains subject to public disclosure.

**Amended Bill Compared to Substitute Bill:** The findings that were made in ESHB 2483, that computer software is a strategic public asset and central to plans to improve service delivery to the public, are deleted from the amended bill. The intent to protect taxpayer investment, encourage public-private cooperation and ensure that Washington state is competitive with other states that was stated in the original bill is removed from the amended bill.

The amended bill applies only to software developed or owned by state agencies. The original bill applied to software developed and owned by state agencies or together with private entities.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Concerns have been raised and the parties are attempting to address them.

**Testimony Against:** None.

**Testified:** Todd Sander, Paul Taylor, Department of Information Services; Rowland Thompson, Allied Daily Newspapers (concerns).