SENATE BILL REPORT

SSB 6251

As Passed Senate, February 12, 1998

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

Brief Description: Exempting specified computer software from public disclosure.

Sponsors: Senate Committee on Energy & Utilities (originally sponsored by Senators Horn, T. Sheldon, Patterson and Rossi; by request of Department of Information Services).

Brief History:
  Committee Activity: Energy & Utilities: 1/26/98, 2/2/98 [DPS].
  Passed Senate, 2/12/98, 48-0.

SENATE COMMITTEE ON ENERGY & UTILITIES

Majority Report: That Substitute Senate Bill No. 6251 be substituted therefor, and the substitute bill do pass.
    Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, 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 (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 or developed by agencies or in conjunction with private entities is exempted 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 and data files, records or information contained in or accessible through the use of the computer software that are not otherwise exempt remain subject to public disclosure.

The intent of the Legislature is identified and other technical and clarifying changes are made.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Computer software is developed by and for agencies at significant taxpayer expense. This public investment is jeopardized because private-sector companies can request copies of the software at the cost of duplication without contributing to its development costs and the state will be unable to attract partners because it cannot provide sufficient protections. The bill will open the door for private-public partnerships to develop and protect taxpayer investment. It is important that the data files accessed through the protected software remain subject to public disclosure and that only the source or object code of the software remain exempt.

Testimony Against: None.

Testified: PRO: Steve Kolodney, DIS; Jim Justin, AWC; Roland Thompson, Allied Daily Newspapers.