

SENATE BILL REPORT

HB 1042

As Reported By Senate Committee On:
Energy, Technology & Telecommunications, March 23, 1999

Title: An act relating to state agency and local government-owned software.

Brief Description: Exempting certain computer software from public inspection.

Sponsors: Representatives Dunn, Wolfe and Romero; by request of Department of Information Services.

Brief History:

Committee Activity: Energy, Technology & Telecommunications: 3/18/99, 3/23/99 [DP].

SENATE COMMITTEE ON ENERGY, TECHNOLOGY & TELECOMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Brown, Chair; Goings, Vice Chair; Fairley, Fraser and Roach.

Staff: Karen Kirkpatrick (786-7403)

Background: Under current law, it is unclear whether computer software developed by state agencies is subject to investigation and copying under public disclosure laws.

Computer software is developed by and for agencies at significant taxpayer expense. It has been suggested that, if computer software is subject to disclosure, this public investment is jeopardized because a private company could request a copy 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 private-sector 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.

Thirty-three states have legislation protecting computer software. The Department of Information Services (DIS) is requesting this legislation to clarify that state-owned computer software is protected, to protect substantial taxpayer investment, and to ensure the state's competitive position in attracting private-sector partners.

Summary of Bill: Computer source code or object code obtained by an agency is exempt from public inspection and copying for five years if the requested disclosure would produce private gain and public loss.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This legislation is needed to protect intellectual property rights of agencies and private entities partnering with agencies.

Testimony Against: None.

Testified: PRO: Steve Kolodney, Erika Lim, Department of Information Services.