

SENATE BILL REPORT

SHB 1650

AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS, APRIL 2, 1993

Brief Description: Directing the attorney general to study the implementation of RCW 42.17.325.

SPONSORS: House Committee on State Government (originally sponsored by Representatives Romero, Campbell, Rayburn, Chappell, Ludwig, Jacobsen, Voloria and Pruitt)

HOUSE COMMITTEE ON STATE GOVERNMENT

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Owen, and Winsley.

Staff: Barbara Howard (786-7410)

Hearing Dates: March 30, 1993; April 2, 1993

BACKGROUND:

The state's public disclosure law requires public records to be available for public inspection and copying. Any state or local agency receiving a request for an identifiable public record must make it promptly available. Accessible documents may be stored in a wide variety of formats, including diskettes and data compilations from which information may be extracted or translated.

An agency must respond to a public record request within five business days of receiving a public record request by: (1) providing the record; (2) acknowledging that the agency has received the request and providing a reasonable estimate of the time the agency will require to respond to the request; or (3) denying the public record request. If a state agency denies a request, the person may ask the Attorney General to review the matter. The Attorney General must provide a written opinion on whether the record is exempt from public access.

SUMMARY:

The Attorney General must examine the implementation of current law which allows members of the public to request the review by the Attorney General of a decision by a state agency to deny access to a record. The Attorney General must report to the Legislature by December 31, 1993, the results of the examination and any recommendations regarding the review process.

SUMMARY OF PROPOSED SENATE AMENDMENT:

The striking amendment adds a provision that allows the Department of Revenue to release confidential tax information to law enforcement officers and prosecuting attorneys in response to a court order or for the purpose of criminal tax enforcement.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR (Original Bill):

The Attorney General has made a study of the entire process of denying access to public records a high priority for her first year. This is a matter of concern throughout the state, and three senior assistant attorney generals have been assigned to it. Access to public records is critical for public participation in governmental activities, and seeking redress for unfair penalties.

TESTIMONY FOR (Amendment):

Prosecuting attorneys and law enforcement officers have been in the ironic position of having to take court action against the Department of Revenue to pursue significant tax evasion cases and other criminal activities, such as profiteering and money laundering.

TESTIMONY AGAINST (Original Bill):

Getting access to a public record should not require a request for an Attorney General's Opinion, which has always received a low priority and is never received in a timely fashion. There also should be no need for a study.

TESTIFIED: Representative Romero, prime sponsor of original bill; Kathleen Spong, Deputy Attorney General (pro original bill); Christopher Stearns, Washington State Democratic Judicial Review Board Member (pro original bill); Pat Sainsbury, Chief Deputy Prosecuting Attorney, King County (pro amendment); Steve Frisch (pro amendment); Jack Darragh, Gene Morain, LIMIT (against original bill)