

HOUSE BILL REPORT

SHB 1504

As Passed Legislature

Title: An act relating to public record protection.

Brief Description: Protecting records of strategy discussions.

Sponsors: By House Committee on Government Administration (originally sponsored by Representatives McMorris, Boldt, Honeyford and Dunn).

Brief History:

Committee Activity:

Government Administration: 2/12/97, 3/4/97 [DPS].

Floor Activity:

Passed House: 3/11/97, 97-0;

Passed House: 1/16/98, 94-0.

Senate Amended.

House Concurred.

Passed Legislature.

HOUSE COMMITTEE ON GOVERNMENT ADMINISTRATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives D. Schmidt, Chairman; D. Sommers, Vice Chairman; Scott, Ranking Minority Member; Gardner, Assistant Ranking Minority Member; Doumit; Dunn; Dunshee; Murray; Reams; Smith; L. Thomas; Wensman and Wolfe.

Staff: Steve Lundin (786-7127).

Background: Each state and local agency is required to make all public records available for public inspection and copying unless the record is exempted from disclosure. The Legislature has enacted a number of such exemptions, including: preliminary drafts, notes, recommendations, and intra-agency memos in which opinions are expressed or policies are formulated, unless the agency publicly cites the document in an agency action; and the contents of real estate appraisals made for the acquisition or sale of property until the sale is abandoned or finalized.

Although strategy sessions pertaining to collective bargaining, professional negotiations, and grievance and mediation proceedings are exempt from the provisions

of the Open Public Meetings Act, records pertaining to such sessions are not expressly exempt from public inspection and copying under the Public Disclosure Act.

Summary of Bill: Records which would reveal, either directly or indirectly, the strategy or position that the agency will take before and during the course of collective bargaining, professional negotiations, or grievance or mediation proceedings, are exempt from public inspection and copying. These records are disclosable after the conclusion of the bargaining, labor negotiations, or grievance or mediation proceedings.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This keeps a level playing field between employees and the government. The government cannot get access to the employees' strategy during negotiations.

Testimony Against: The proposed exemption is broader than what is necessary. Many of these items affect the budget.

Testified: Jim Justin, Association of Washington Cities (pro); and Rowland Thompson, Allied Daily Newspapers (con original bill).