

HOUSE BILL REPORT

SB 5862

As Reported By House Committee On:
State Government

Title: An act relating to public record protection.

Brief Description: Protecting records of strategy discussions.

Sponsors: Senators Gardner, Horn, Patterson, McCaslin and Haugen.

Brief History:

Committee Activity:

State Government: 3/23/99, 4/2/99 [DPA].

Brief Summary of Bill
(As Amended by House Committee)

- Before and during the course of collective bargaining, professional negotiations, or grievance or mediation proceedings records that would reveal the strategy or position being taken by an agency are exempt from public inspection and copying.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass as amended. Signed by 8 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Staff: Steve Lundin (786-7127).

Background:

Each state and local agency is required under the Open Public Records Act to make all public records available for public inspection and copying unless the record is exempted from disclosure. Among others, the following records are exempt from public inspection and disclosure: (1) preliminary drafts, notes, recommendations; (2) intra-agency memos in which opinions are expressed or policies are formulated,

unless the agency publicly cites the document in an agency action; and (3) the contents of real estate appraisals made for the acquisition or sale of property until the sale is abandoned or finalized.

Multi-member bodies, boards, and commissions are required under the Open Public Meetings Act to take actions in open sessions. However, executive sessions may be held on a variety of matters. Collective bargaining sessions and planning or strategy sessions associated with collective bargaining are not subject to the open public meeting requirement.

Summary of Amended Bill:

Before and during the course of collective bargaining, professional negotiations, or grievance or mediation proceedings, records that would reveal the strategy or position being taken by an agency are exempt from public inspection and copying.

Amended Bill Compared to Original Bill: Rather than exempting these public records from disclosure and copying, without regard to the status of the bargaining, negotiations, or proceedings, these public records are only expressly exempt from public inspection and copying before and during the course of the bargaining, negotiations, or proceedings.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Releasing these records would chill collective bargaining. This retains an even playing field. This fills an anomaly in state law. This provides for a limited exception.

Testimony Against: We want to see what concessions were made. This bill is unnecessary.

Testified: (In support - original bill) Senator Gardner, prime sponsor; Jim Justin, Association of Washington Cities; Bob Mack, city of Bellevue; and Bill Vogler, Washington State Association of Counties.

(Opposed - original bill) Roland Thompson, Allied Daily Newspapers.