

SENATE BILL REPORT

ESHB 1245

As Reported By Senate Committee On:
State & Local Government, March 29, 1999

Title: An act relating to exemption of certain financial and proprietary information from public disclosure.

Brief Description: Exempting certain financial and proprietary information from public disclosure.

Sponsors: House Committee on State Government (originally sponsored by Representatives Morris, Dunn and Rockefeller; by request of Department of Community, Trade, and Economic Development).

Brief History:

Committee Activity: State & Local Government: 3/25/99, 3/29/99 [DP].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Staff: Diane Smith (786-7410)

Background: The open public records law was approved by state voters in 1972 as part of Initiative Measure No. 276. All public records of state agencies and local governments are open to public inspection and copying, unless a law expressly excludes the public records from public inspection and copying. This disclosure requirement is liberally construed, and any exception is narrowly constructed.

Among other express exclusions, the following public records are not available for inspection and copying by the public: (1) personal information in files the disclosure of which would violate the right to privacy; (2) certain taxpayer information; (3) certain financial and commercial information supplied by individuals applying for various programs; and (4) residential addresses and residential telephone numbers of public utility customers.

In a few instances information in public records is provided with more extensive protection from public disclosure by being declared to be confidential or is prohibited from being disclosed. For example, financial or proprietary information supplied by entrepreneurs to the Department of Community, Trade, and Economic Development (CTED) may not be made available to the public. This also includes the identity of child victims of sexual assault.

Summary of Bill: The exemption from public disclosure of financial or proprietary information about a business only applies to the Office of the Governor and CTED.

Information on siting and the identity of the business may be disclosed once a siting decision has been made or if no written contract between CTED and the business has been made for 60 days.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill makes CTED and the Governor's office more effective in recruiting new business to our state. A prospective new company's proprietary information is protected even after the siting decision is made but the identity of the company and the potential sites are made public once the siting decision is made. This gives the company protection in a window while various sites are under consideration.

Testimony Against: None.

Testified: Rep. Jeff Morris, prime sponsor (pro); John Savich, Peter McMillan, CTED (pro).