

FINAL BILL REPORT

ESHB 2453

C 224 L 02

Synopsis as Enacted

Brief Description: Protecting veterans' records.

Sponsors: By House Committee on State Government (originally sponsored by Representatives Bush, Haigh, Schmidt, Simpson, Conway, Reardon, Mielke, Wood, Talcott, Miloscia, Cairnes, McIntire, Campbell, Orcutt, Pflug, Cooper, Nixon, Jackley, Ahern, Rockefeller, Van Luven, Esser, Ogden and Woods).

House Committee on State Government
Senate Committee on State & Local Government

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. Examples of records exempted in statute include:

- personal information on students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;
- information revealing the identity of persons who are witnesses to or victims of crime;
- test questions, scoring keys, and other examination data used to administer a licence, employment, or academic examination;
- financial and valuable trade information; and
- credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds.

Exemptions from disclosure do not apply if private or vital government information can be deleted from the public record or if disclosure is ordered by the Superior Court.

Summary:

Veterans' discharge papers filed with county auditors after June 30, 2002, are no longer public records. Discharge papers filed with county auditors prior to June 30, 2002, that are not commingled with other records are exempt from disclosure.

Discharge papers filed prior to June 30, 2002, that are commingled with other records are exempt from disclosure if the veteran files a "request for exemption from public

disclosure of discharge papers" with the county auditor. County auditors may charge a basic recording fee and preservation fee, not to exceed \$7 in total, to veterans who file this request. The Washington State Department of Veterans Affairs, in consultation with the Washington State Association of County Auditors, will develop and distribute to county auditors the exemption form.

Non-public or exempted veterans' discharge papers may be released only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records. County auditors will develop a form for requestors of military discharge papers to verify that the requestor is authorized to receive or view the military discharge papers.

Votes on Final Passage:

House 97 0

Senate 49 0 (Senate amended)

House 94 0 (House concurred)

Effective: March 28, 2002 (Section 1)

June 13, 2002