

# SENATE BILL REPORT

## ESHB 2453

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As Reported By Senate Committee On:  
State & Local Government, February 28, 2002

**Title:** An act relating to exemptions from public inspection.

**Brief Description:** Protecting veterans' records.

**Sponsors:** 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).

**Brief History:**

**Committee Activity:** State & Local Government: 2/25/02, 2/28/02 [DP].

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### SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

**Majority Report:** Do pass.

Signed by Senators Gardner, Chair; Hale, Haugen, Keiser, Kline, McCaslin, Roach, T. Sheldon and Swecker.

**Staff:** Diane Smith (786-7410)

**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 exempt from disclosure.

Some veterans have filed their military service discharge form (DD-214) with their county auditors.

**Summary of Bill:** The discharge papers of a veteran of the Armed Forces of the United States filed at county auditor offices are exempt from release to the public provided that the veteran files a "request for exemption from public disclosure of discharge papers" with the county auditor. Exempted discharge papers may only be released to the veteran filing the papers or to persons that the veteran has designated, in writing, to receive the papers.

The Washington State Department of Veterans Affairs, in consultation with the Washington State Association of County Auditors, develops and distributes to county auditors the exemption form.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** These wonderful veterans did not fight for this freedom for anyone off the street to steal their discharge information so that identity fraud could be perpetrated upon them. We register our discharge papers so that if we lose them we can get a certified copy. Getting them from St. Louis takes three to six months.

**Testimony Against:** This bill was hastily thrown together. Having private records intermingled with public records weakens the system of a continuous series of records. These records are relied upon by the title companies, banks, attorneys, and the public. It could cost \$3,000,000 statewide. Recording is, by definition, to make public.

**Testified:** Oria Berndt, VAAC (pro); Brownie Brownsteiner, VAAC and Pierce County A. Council; Keith Sherman, VLC (pro); Dave Harris, Vet. Lg Coalition (pro); Suzanne Sinclair, Island Co. Auditor (concerns); Vern Spatz, Grays Harbor County Auditor (concerns, con); Heidi Audette WA Dept. of Veterans Affairs (pro).