

# SENATE BILL REPORT

## ESB 5058

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As Passed Senate, March 14, 2001

**Title:** An act relating to public record protection.

**Brief Description:** Protecting records of strategy discussions.

**Sponsors:** Senators Gardner, Hale, Haugen, Horn, Costa, Patterson, Kline and McCaslin.

**Brief History:**

**Committee Activity:** State & Local Government: 1/24/01, 2/7/01 [DP].

Passed Senate: 3/14/01, 47-1.

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### SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

**Majority Report:** Do pass.

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

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

**Background:** The state of Washington has an open disclosure law promoting full access to public records in order to assure continuing public confidence in the fairness of elections and governmental processes as well as to ensure the public interest will be fully protected. Certain personal and public records are exempt from public inspection and copying.

**Summary of Bill:** Any record, the disclosure of which would reveal, directly or indirectly, the strategy or position to be taken by an agency during the course of any collective bargaining, professional negotiations, grievance or mediation proceedings, is exempt from public inspection and copying.

After a person has been arrested and the case has been referred to the prosecuting authority, basic arrest information is no longer exempt from disclosure unless the law enforcement agency's prosecuting attorney or disciplinary authority requests and obtains a court injunction preventing disclosure. After the case has been resolved, the remainder of the file is no longer exempt from public inspection and copying, subject to the same ability of the agency, prosecutor or disciplinary authority to obtain an injunction that would continue the exemption from public disclosure.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This bill is just providing a parallel exemption to what is already in the Open Public Meetings Act. It is important to keep those strategies confidential because they may be useful in future negotiations.

**Testimony Against:** This bill is not appropriate as written because the public is legitimately interested in negotiated contracts with public employees. That is the largest driver of the tax dollar. These strategies should be disclosable once the negotiations are concluded.

**Testified:** Jim Justin, AWC (pro); Rowland Thompson, Allied Daily Newspaper (con).