

SENATE BILL REPORT

SHB 1133

As Reported By Senate Committee On:
Government Operations & Elections, March 28, 2005

Title: An act relating to creating the public records act by recodifying and making technical changes to existing law.

Brief Description: Reorganizing public disclosure law.

Sponsors: House Committee on State Government Operations & Accountability (originally sponsored by Representatives Nixon, Haigh and Shabro).

Brief History: Passed House: 3/04/05, 96-0.

Committee Activity: Government Operations & Elections: 3/17/05, 3/28/05 [DP, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore.

Minority Report: That it be referred without recommendation.

Signed by Senators Roach, Ranking Minority Member; and Mulliken.

Staff: Mac Nicholson (786-7445)

Background: Voters approved Initiative 276 in 1972. The initiative, codified at RCW chapter 42.17, calls for disclosure of campaign finances, lobbyists activities, financial affairs of elective officers and candidates, and access to public records. The Public Disclosure Commission administers the provisions of chapter 42.17, except for the public records disclosure statutes.

The public records disclosure statutes, located between the statutes for campaign finance reporting and campaign finance contribution limits, are administered by the Attorney General and the State Auditor. There are over 58 exemptions to public disclosure listed in one statute, organized in no particular manner.

Summary of Bill: The public records provisions in chapter 42.17 are recodified and reorganized as new sections in Title 42, to be cited as the Public Records Act. Exemptions from disclosure are reorganized into separate sections and, where possible, grouped by discrete subjects, as follows:

- personal information;
- employment and licensing;
- investigative, law enforcement, and crime victim information;
- licensing and employment information;
- real estate;

- financial, commercial, and proprietary information;
- education information;
- public utilities and transportation information;
- health care information;
- agricultural and livestock information;
- insurance and financial institutions information;
- fish and wildlife information; and
- security information.

Statutes referencing chapter 42.17 are changed to reference the new chapter. No exemptions are modified, deleted, or added.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2006.

Testimony For: Putting the public disclosure statutes into their own chapter elevates the importance of public disclosure. Public disclosure is neither administered nor enforced by the Public Disclosure Commission (PDC), and taking the disclosure statutes out of RCW 42.17 will help the public understand that the PDC has no enforcement authority over public disclosure. There are numerous exemptions to public disclosure that are organized in no particular manner, which makes them difficult to find and understand. The bill groups related exemptions together, making it easier to manage and work with the public disclosure statutes.

Testimony Against: None.

Who Testified: PRO: Representative Nixon, prime sponsor; Vickie Rippie, Public Disclosure Commission; Rowland Thompson, Allied Daily Newspapers.