

HOUSE BILL REPORT

HB 1445

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to making adjustments to the recodification of the public records act.

Brief Description: Making adjustments to the recodification of the public records act.

Sponsors: Representatives Kessler, Rodne, Chandler, Hunt, Upthegrove and Miloscia; by request of Attorney General.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 2/2/07, 2/6/07 [DPS].

Brief Summary of Substitute Bill

- Adds definitions to the public records statute.
- Adds a statement of statutory intent.
- Reorganizes some existing exemptions.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green, McDermott, Miloscia and Ormsby.

Staff: Marsha Reilly (786-7135).

Background:

In 1972, voters approved Initiative 276. The initiative called for disclosure of campaign finances, lobbyist activities, financial affairs of elective officers and candidates, and access to public records.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The public records disclosure statutes were codified between the statutes on campaign finance reporting and campaign contribution limits, making responsibility for enforcement of the public records disclosure status unclear.

In 2005, the Legislature enacted HB 1133 to move the public records portions of the Public Disclosure Act into a new chapter, RCW 42.56, the Public Records Act (PRA). Definitions relating to the PRA were incorporated by reference to RCW 42.17.

Summary of Substitute Bill:

Agency, public record, and writing are defined. Previous references to definitions in Chapter 42.17 RCW are referenced to Chapter 42.56 RCW.

The statement of statutory intent is amended to state that in the event of a conflict between the provisions of the PRA and any other act, the provisions of the PRA must govern.

An exemption for small business economic impact statements is removed from the category of exemptions for insurance or financial institutions and placed in the category of exemptions relating to financial, commercial, and proprietary information.

The exemption relating to the conditions in which law enforcement may request a person's utility records is restored to its meaning prior to recodification of the PRA.

Substitute Bill Compared to Original Bill:

The substitute bill removes the definition for "person" and "state office;" makes technical corrections to refer to the new definitions; and restores the law enforcement request for utility records to its intended meaning prior to recodification of the PRA.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed, except for Section 4, relating to financial, commercial, and proprietary information, which takes effect June 30, 2008.

Staff Summary of Public Testimony:

(In support) The purpose of the bill is to take care of some technical problems as a result of the recodification of the Public Records Act. Some technical concerns have been raised that need to be addressed. The definition for "writing" should not be modernized.

The Tacoma public schools have a concern that the bill creates an ambiguity relating to attorney client privilege.

The Washington Coalition for Open Government supports the bill. The bill places the needed definitions directly in Chapter 42.56 RCW and expands the statement of intent. It also relocates one exemption to a different category. There are other bills that make corrections to the definitions in Chapter 42.17 RCW that should be removed.

(Opposed) None.

Persons Testifying: Representative Kessler, prime sponsor; Lorraine Wilson, Tacoma Public Schools; and Toby Nixon, Washington Coalition for Open Government.

Persons Signed In To Testify But Not Testifying: None.