

SENATE BILL REPORT

SB 5437

As Reported By Senate Committee On:
Government Operations & Elections, February 5, 2007

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: Senators Pflug, Swecker and Kauffman; by request of Attorney General.

Brief History:

Committee Activity: Government Operations & Elections: 1/29/07, 2/05/07 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5437 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Kline and Pridemore.

Staff: Sharon Swanson (786-7447)

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.

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 included in the PRA were incorporated by reference from the statutes related to campaign finance reporting located in RCW 42.17.

Summary of Bill: Agency, person, public record, state office, and writing are defined.

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.

The Small Business Economic Impact Statements exemption is removed from its current category of exemptions, insurance or financial institutions, and placed in the category of exemptions that relate to financial, commercial, and proprietary information.

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.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Government Operations & Elections): The definition of the term writing is amended to include any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means including, but not limited to, communication via electronic mail, Internet-based communications, pager service, cell phones, and electronic text messaging.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill adds to the PRA some provisions that were inadvertently left out such as specific definitions and a statement of statutory intent.

Persons Testifying: PRO: Senator Cheryl Pflug, prime sponsor; Greg Overstreet, Office of the Attorney General.