

HOUSE BILL REPORT

HB 1901

As Reported by House Committee On:
Government Operations & Elections

Title: An act relating to limiting use and disclosure of population enumeration data.

Brief Description: Limiting use and disclosure of population enumeration data.

Sponsors: Representatives Hunt and Ryu; by request of Office of Financial Management.

Brief History:

Committee Activity:

Government Operations & Elections: 2/20/13 [DP].

Brief Summary of Bill

- Exempts from disclosure actual enumeration data collected for purposes of annexations and population determinations and retained by the Office of Financial Management.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass. Signed by 11 members: Representatives Hunt, Chair; Bergquist, Vice Chair; Buys, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Alexander, Carlyle, Fitzgibbon, Kristiansen, Manweller, Orwall and Van De Wege.

Staff: Marsha Reilly (786-7135).

Background:

Annexations.

Annexations by cities and towns and annexations by code cities, while governed by separate statutes, share a common requirement for the annexing jurisdiction to determine the resident population of the territory to be annexed. Actual enumeration must be used to account for the population of territory to be annexed if:

- the annexing city has a population of 10,000 or fewer inhabitants;
- the territory to be annexed consists entirely of one or more partial census blocks; or

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- the annexation does not occur within the 12 months immediately following release of the 2010 federal decennial census data.

An annexing city may always choose to use actual enumeration to determine the population of territory to be annexed.

Population Determinations.

Population determinations made through actual enumeration must be conducted in accordance with the practices and policies, and subject to the approval of, the Office of Financial Management (OFM), which uses the information supplied through the annexation process in annually calculating the population of all cities and towns in the state.

State-shared revenues from the gasoline tax, liquor board profits, and the liquor excise tax are distributed to cities on the basis of population as determined by the OFM. For a city to have its population adjusted for an annexation for purposes of state-shared revenue distributions, the OFM must certify the annexation, after which it notifies the appropriate state agencies of the population change.

For purposes of distributing funds based on the population of a county, the population must be determined by the most recent census, population estimate by the OFM, or special county census as certified by the OFM.

Federal Census Blocks.

The United States (U.S.) Census counts every resident in the U.S. It is mandated by Article I, section 2 of the U.S. Constitution, takes place every 10 years, and must be accomplished using actual enumeration. Among other purposes, decennial census data is used to determine the distribution of congressional seats to states, to make decisions about what community services to provide, and to distribute federal funds to local, state, and tribal governments.

Census blocks are the smallest geographic area for which the U.S. Census Bureau (Bureau) collects and tabulates decennial census data. Generally, they are formed by streets, roads, railroads, streams and other bodies of water, other visible physical and cultural features, and the legal boundaries shown on Bureau maps.

Summary of Bill:

Actual enumeration data collected for annexation of unincorporated areas and by code cities and for purposes of population determinations by the OFM may only be used and retained by the OFM. The enumeration data collected is confidential and not subject to public disclosure pursuant to the Public Records Act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The state has a strong interest in accurate counts for annexations because millions of dollars of state funds are distributed based on population counts. The OFM is concerned that the accuracy of the annexation census process will be compromised if respondents know that their names and address will not be protected by law. A decline in response rate of just a few percent will make the data essentially useless.

(In support with amendments) This information is very valuable for purposes of annexation and, with the exception of the OFM, no one should be able to see it and the bill needs to adequately reflect that. Enumeration data would be valuable for those opposed to annexation. In order to keep things equal, the information should not be disclosed.

(With concerns) Records used by the government should be available to everybody, unless there is good reason to exempt it.

(Opposed) None.

Persons Testifying: (In support) Marc Baldwin, Office of Financial Management.

(In support with amendments) Rowland Thompson, Allied Daily Newspapers.

(With concerns) Arthur West.

Persons Signed In To Testify But Not Testifying: None.