

HOUSE BILL REPORT

HB 1537

As Passed House:
March 11, 2019

Title: An act relating to sunshine committee recommendations.

Brief Description: Concerning sunshine committee recommendations.

Sponsors: Representatives Springer and Van Werven.

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/8/19, 2/19/19 [DP].

Floor Activity:

Passed House: 3/11/19, 96-0.

Brief Summary of Bill

- Provides that employment applications for vacancies in elective office are no longer exempt from disclosure under the Public Records Act (PRA).
- Provides that membership lists of timeshares and condominiums in the possession of the Department of Licensing are no longer exempt from disclosure under the PRA.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 9 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton, Dolan, Hudgins, Mosbrucker and Smith.

Staff: Jason Zolle (786-7124).

Background:

The Public Records Act (PRA) generally requires state and local agencies to make many government records available to the public upon request. There are, however, over 500 statutory exemptions for certain records or information contained in records. The Office of

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the Code Reviser is required to annually compile a list of all public disclosure exemptions in Washington statutes.

Washington created a Public Records Exemption Accountability Committee, known as the Sunshine Committee, in 2007 to review these exemptions from public disclosure and provide recommendations as to whether exemptions should be continued, modified, or terminated.

The Sunshine Committee consists of 13 members appointed to staggered four-year terms:

- one member representing the Governor, appointed by the Governor;
- one member representing local government, appointed by the Governor;
- one member representing the Attorney General, appointed by the Attorney General;
- one member representing a statewide media association, appointed by the Attorney General;
- four legislators—one from each of the two largest caucuses in each house of the Legislature, appointed by the respective majority leaders; and
- four members of the public, appointed by the Governor.

The Sunshine Committee meets in public and considers input from interested parties. By November 15 of each year, it provides a report to the Legislature with its annual recommendations.

In its 2017 report, the Sunshine Committee recommended an amendment to the PRA exemption for applications for public employment, which exempts from disclosure the names of applicants, resumes, and other application materials. The Sunshine Committee also recommended eliminating the exemption for membership lists of timeshares and condominiums in the possession of the Department of Licensing (DOL) because the DOL does not actively collect those lists.

Summary of Bill:

The exemption from public disclosure for public employment applications is modified to exclude applications for vacancies in elective office. In other words, employment applications for vacancies in elective office are no longer exempt from disclosure under the PRA.

The exemption from public disclosure for membership lists of timeshares and condominiums in the possession of the DOL is removed.

Appropriation: None.

Fiscal Note: Not requested.

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 current exemption for employment applications was designed to protect applications from public disclosure so that someone applying to a job opening with a rival

entity could keep it private. The Sunshine Committee recommendation in this bill seeks to limit that exemption so that if the job opening is for an elected position, the application information is public.

(Opposed) None.

Persons Testifying: Representative Springer, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.