



## **Status of Bills Related to Open Government**

As of March [217](#), 2014

*[Sine Die](#)*

By Toby Nixon

Chair, Government Committee, Washington Coalition for Open Government

### **BILLS REVIEWED TO DATE ([34583475](#))**

**House Bills:** HB 1000-~~2798~~[2804](#)

**House Joint Memorials:** 4000-4004

**House Joint Resolutions:** 4200-4217

**House Concurrent Resolutions:** 4400-~~4415~~[4416](#)

**Senate Bills:** SB 5000-~~6576~~[6584](#)

**Senate Joint Memorials:** 8000-8016

**Senate Joint Resolutions:** 8200-8215

**Senate Concurrent Resolutions:** 8400-~~8409~~[8411](#)

**TOTAL BILLS BEING TRACKED: 161**

**NEW BILLS (0)**

## ACTIVE BILLS (~~26~~27)

### *Bills introduced in 2014, and 2013 bills with 2014 activity*

**HB 1005** ([link](#)) - **Concerning responsibilities and funding of the public disclosure commission (Moeller)** – Amends the Ethics in Public Service Act (RCW 42.52) and the Public Disclosure Act (RCW 42.17A) to unify ethics enforcement under a single agency, primarily to reduce costs. The separate Executive Ethics board and Legislative Ethics Board would be eliminated (the Commission on Judicial Conduct remains independent). The PDC is expanded from five to seven members. Eliminates the prohibition on PDC members making political contributions, but requires immediate reporting to the PDC and posting on the PDC web site. Improves disclosure of campaign finance by requiring electronic filing of reports by lobbyists. Requires all political committees, lobbyists, lobbyist employers, and elected officials receiving compensation over \$10,000 per year to pay a fee (usually \$200 per year) to fund the changes.

- **Comments:** It's hard to say how this change will affect the independence of ethics investigations. There's no question, though, that funding for the PDC does need to be increased to take on these additional functions. The electronic filing of reports by lobbyists will make it much easier to search the data and compile reports of total lobbyist expenditures. There is sure to be resistance from elected officials to being charged \$200 per year for the right to file PDC reports. The substitute bill preserves the Legislative Ethics Board as a separate entity, and considers elected official's salaries only (not other compensation) in determining whether they need to pay the fee. The 3rd Substitute eliminates all provisions except the mandatory electronic filing of reports from agencies. The floor amendment changed only the effective date.
- **Recommended Action:** **SUPPORT** the improved disclosure of lobbyist spending. **NEUTRAL** on consolidation of the ethics board with the Public Disclosure Commission, increasing the size of the PDC, allowing PDC members to make political contributions, and the funding mechanism.
- **Status:** Prefiled 12/3/12. Introduced 1/14/13. Referred to Government Operations & Elections. Scheduled for public hearing on 1/22/13 at 8AM. Executive session scheduled 2/5/13 at 8AM. Executive action taken by committee on 2/12/13. **Substitute bill voted out of committee 6-5 on 2/12/13.** Referred to Appropriations. Public hearing scheduled 2/19/13 at 3:30PM. **Second substitute bill voted out of committee 18-13 on 2/28/13. Died in Rules.** Reintroduced by resolution 1/13/14. Referred to Appropriations. **3rd Substitute bill voted out of committee 30-0 2/10/14.** Referred to Rules. **Engrossed bill Passed House 97-0 2/17/14.** Referred to Senate Governmental Operations. **Public hearing scheduled 2/27/14 5:30PM. Voted out of committee 5-2 2/28/14.** Referred to Ways & Means. [Died in committee.](#)

**HB 1013** ([link](#)) [**Companion Bill SB 5260**] - **Authorizing regular meetings of county legislative authorities to be held at alternate locations within the county (Appleton)** – Amends RCW 36.32.080 to allow county councils and commissions to hold *regular* meetings outside the county seat.

- **Comments:** It is a good idea to allow county councils and commissions to hold their meetings at various locations around the county from time to time to increase opportunities for public participation. However, the bill is flawed because it does not mandate any public notice of the change in location. Citizens assume that *regular* meetings will be held at the body's *regular* meeting location. A change of location can be made by declaring a *special* meeting, which requires public notice, but then the body cannot act on any business that is not in the meeting notice, unlike a regular meeting which allows any business to be conducted. It would be very unfortunate for one or more citizens to travel a long distance to the county seat only to find that the meeting they wanted to attend has been moved to another location a long distance away.
- **Recommended Action:** **CONCERNS.** Request committee to amend the bill to require notice of the change of location. Ideally, this should go in the Open Public Meetings Act, RCW 42.30, and apply to *all* changes in the date, time, or place of any regular meeting, not just for counties. The notice must be done in a manner designed to provide ample notice directly to the public who may be planning to attend, not simply 24 hours in advance and only to news media who have asked to be informed. WCOG's proposed amendments were not included in the bill voted out of committee. The engrossed bill includes amendments suggested by WCOG that require public notice of relocated regular meetings, so WCOG's position is now **NEUTRAL**.
- **Status:** Prefiled 12/4/12. Introduced 1/14/13. Referred to Local Government. Public hearing held on 1/15/13. **Voted out of committee 6-2 on 1/24/13.** Referred to Rules. **Engrossed bill Passed House 62-36 on 3/9/13.** Referred to Senate Governmental Operations. Public hearing scheduled 4/1/13 at 10AM. **Died in committee.** Reintroduced by resolution 1/13/14. **Passed House 65-32 on 2/17/14.** Referred to Senate Governmental Operations. **Public hearing scheduled 2/27/14 530PM. Voted out of committee 7-0 2/28/14.** Referred to Rules. [Died in Rules.](#)

**HB 1298** ([link](#)) [**Companion Bill SB 5169**] - **Implementing the recommendations of the sunshine committee (Springer; Requested by Public Records Exemptions Accountability Committee)** – Includes the 2010 Recommendations of the Sunshine Committee. Amends RCW 42.56.230(5) to exempt from disclosure a broader range of

personal financial information as defined in the identity theft law (RCW 9.35) including social security numbers wherever they appear in public records. Amends RCW 42.56.250 to eliminate the exemption for applications for employment of finalists for the highest management position of an agency, and to exclude volunteer service on boards and commissions from the definition of "employment". Amends RCW 42.56.330 to reduce the information on users of ride-share programs that is made available to other program participants, and to eliminate access to individual transit-pass user information that could be previously disclosed to news media. Amends RCW 48.37.060 to require the Insurance Commissioner to make market conduct examination reports public, whereas such release was previously discretionary. Amends RCW 70.148.060 to narrow the existing exemption for examination reports by the Washington Pollution Liability Insurance Program to exempt only proprietary information.

- **Comments:** These are common-sense updates that should be implemented. The amendment to 42.56.250 is likely to be controversial, as agencies believe that public knowledge regarding finalists being considered for top positions could result in some qualified persons choosing not to apply in order to avoid raising questions with their current employer. Substitute bill removes the disclosure of applications for finalists for top management positions, removes the disclosure of market conduct examination reports, modifies the exemption for child victims of sexual assault, adds an exemption for information in local and regional gang database, and clarifies when information about guardians ad litem may be disclosed. The amendment passed in Senate Governmental Operations would terminate the Sunshine Committee on August 1, 2013. This amendment is likely outside the scope and object of the bill because such termination was not recommended by the Sunshine Committee. The 2014 amendment proposed in Senate Governmental Operations expands the information required to be provided by guardians ad litem and requires disclosure of GAL background check reports, expands the definition of disclosable legislative records to include "policy, fiscal, and operational" committees, and adds the "ethics defense trust fund" content from SB 6448 which had previously failed to pass the Senate. The amendment may be ruled outside the scope and object of the bill because it adds language that is unrelated to the Sunshine Committee recommendations; it would likely not be accepted in the House.
- **Recommended Action:** **SUPPORT. STRONGLY OPPOSE** the amendment passed in Senate Governmental Operations in 2013.
- **Status:** Introduced 1/22/13. Referred to Government Operations & Elections. Public hearing scheduled 2/5/13 at 8AM. Executive session scheduled 2/14/13 at 10AM. **Substitute bill voted out of committee unanimous 2/14/13.** Placed on 2nd Reading Calendar 3/1/13. **Passed House 97-0 on 3/4/13.** Referred to Senate Governmental Operations. Public hearing scheduled 3/28/13 at 10AM. **Voted out of committee with amendments 4-3 on 4/2/13.** Referred to Rules. **Died in committee.** Referred to House Rules Committee. Reintroduced by resolution 1/13/14. Referred to Government Operations & Elections. Executive session scheduled 2/5/14 1:30PM. **Voted out of committee 11-0 on 2/5/14.** Referred to Rules. **Passed House 96-0 2/13/14.** Referred to Governmental Operations. **Public hearing scheduled 2/25/14 10AM. Amended bill voted out of committee 7-0 2/28/14.** Referred to Rules. [Died in Rules.](#)

**HB 1651** ([link](#)) – **Concerning access to juvenile records (Kagi)** – Provides that juvenile offender records, including all existing records, are confidential unless the juvenile has been adjudicated for a serious violent offense; the court may release juvenile records for inspection upon good cause shown. Provides that juvenile offender records may not be published, distributed or sold.

- **Comments:** This is entirely contrary to Article 1 Section 10 of the state constitution, which requires justice to be administered openly. It would allow the entire juvenile justice system to operate in the dark, with little ability for the public to be aware of how juvenile offenses are handled or to hold public officials accountable for the decisions they make with regard to juvenile offenders. The 2014 Senate amendment removes the confidentiality provision and automatic sealing, but requires courts to conduct a sealing hearing 30 days after completion of diversion, confinement, or parole, where the records are required to be sealed unless compelling reasons are provided for the records to remain unsealed or for certain serious offenses. Sealing is required after completing diversion, acquittal, or if charges are not filed. These changes remain inconsistent with Article 1 Section 10.
- **Recommended Action:** **STRONGLY OPPOSE.** Floor amendments expanded the crimes that will result in records remaining open, but did not change the fundamental flaws with the bill. Amendments in Senate Human Services & Corrections allow records of cases resulting in convictions to remain open, but all of the fundamental flaws continue with regard to cases that do not result in conviction – which is where many abuses can occur. The 2nd substitute bill changes the effective date of confidentiality provisions to align with existing court computer system update projects, to save IT implementation costs.
- **Status:** Introduced 2/4/13. Referred to Early Learning & Human Services. Public hearing 2/12/13. Executive session scheduled 2/19/13 at 1:30PM. **Substitute bill voted out of committee 9-2 on 2/22/13.** Referred to Appropriations Subcommittee on General Government. Public hearing and executive session scheduled 2/25/13 at 1:30PM. **Substitute bill voted out of committee 5-4 on 2/25/13.** Referred to Rules. **Engrossed bill Passed House 97-0 on 3/6/13.** Referred to Senate Human Services & Corrections. Public hearing scheduled 3/19/13 at 10AM. **Voted out of committee with amendments on 3/28/13.** Referred to Ways & Means. **Voted out of**

**committee 16-6 on 4/9/13.** Placed on 2nd Reading on 4/10/13. **Failed to pass Senate.** Referred to Senate Rules "X" file. Referred to House Rules Committee. Reintroduced by resolution 1/13/14. Referred to Appropriations. **Public hearing scheduled 1/29/14 at 3:30PM. 2nd substitute bill voted out of committee 7-2 on 1/29/14.** Referred to Rules. **Passed House 96-0 2/14/14.** Referred to Senate Human Services & Corrections. **Public hearing scheduled 2/24/14/10AM. Amended bill Voted out of committee 4-1.** Referred to Rules. [Engrossed bill Passed Senate 48-0 3/7/14. House concurred in Senate amendments. Engrossed bill Passed House 97-1 3/11/14. Delivered to Governor.](#)

**HB 2029 ([link](#)) - Eliminating economic development-related agencies, boards, and commissions (Morris) –** Eliminates the Economic Development Commission and Innovate Washington, and merges their functions into the Department of Commerce. Eliminates the board of directors of the Washington Global Health Technologies and Product Development Competitiveness Program, and merges its functions into the Life Sciences Discovery Fund. Eliminates the Washington Tourism Commission in its entirety. Section 202 amends the Open Public Meetings Act to eliminate the executive session provision specific to Innovate Washington. Section 203 amends the Public Records Act to eliminate the exemption specific to Innovate Washington.

- **Comments:** WCOG has no position on whether it is good policy to eliminate these entities or consolidate them into others. However, if the PRA exemption related to Innovate Washington is good public policy now, then it would probably still be good public policy if those same functions are being handled by the Department of Commerce. Likely exempt from cutoff dates as being necessary to implement the budget. The 2nd Substitute does not modify the open government provisions. The engrossed bill does not modify the open government provisions. The Senate TED amendment retains InnovateWashington and eliminates the related sections.
- **Recommended Action:** NEUTRAL as to the elimination of these entities.
- **Status:** Introduced 4/12/13. Referred to Appropriations. **Substitute bill voted out of committee 27-4 on 4/23/13.** Referred to Rules. Reintroduced by resolution 1/13/14. Referred to Appropriations. Executive session scheduled 1/21/14 3:30PM and 1/23/14 3:30PM. **2nd Substitute Bill Voted out of committee 27-3 on 1/21/14.** Referred to Rules. Placed on 2nd Reading calendar 2/7/14. **Engrossed bill Passed House 88-9 2/13/14.** Referred to Senate Trade & Economic Development. Public hearing 2/20/14. Executive session scheduled 2/27/14 8AM. **Amended bill Voted out of committee 5-0 2/25/14.** Referred to Ways & Means. [Amended bill Voted out of committee unanimously 3/3/14. Engrossed bill Passed Senate 49-0 3/7/14. Engrossed bill Passed House 97-1 3/13/14. Delivered to Governor.](#)

**HB 2105 ([link](#)) - Promoting transparency in government by requiring public agencies with governing bodies to post their agendas online in advance of meetings (Hawkins) –** Adds a section to the Open Public Meetings Act, RCW 42.30, to require agencies to post the agendas of all regular meetings on their web site at least 24 hours before the meeting, unless they don't have a web site or has fewer than five FTEs.

- **Comments:** Makes it easier for people to decide if they want to attend meetings, although items can always be added to the agendas of regular meetings without any notice whatsoever. It may be beneficial to require the agendas of regular meetings to include an indication that business at the meeting is not limited by the agenda. The substitute bill raises the number of FTEs from five to ten, and disallows the awarding of attorney fees or issuance of writ of mandamus or injunction for failure to post agendas.
- **Recommended Action:** **SUPPORT.** WCOG prefers the original bill over the substitute.
- **Status:** Prefiled 12/3/13. Introduced 1/13/14. Referred to Government Operations & Elections. **Public hearing scheduled** on 1/14/14 at 10AM. Executive session scheduled 1/21/14 10AM. **Substitute bill voted out of committee 7-4 on 1/22/14.** Referred to Rules. Placed on 2nd Reading calendar 1/30/14. **Passed House 85-13 2/12/14.** Referred to Senate Governmental Operations. **Public hearing scheduled 2/24/14 10AM. Voted out of committee 5-0 2/24/14.** Referred to Rules. [Passed Senate 41-6 3/5/14. Delivered to Governor.](#)

**HB 2149 ([link](#)) - Concerning medical marijuana (Cody) –** Updates the state medical marijuana law. Requires the department of health to create a registration program, including identification card, for medical marijuana patients and providers. Section 6 **creates a new exemption** from disclosure under the Public Records Act for information maintained in the registration program. The bill also begins alignment of the medical and recreational marijuana laws by enabling marijuana retailers to obtain a license endorsement so they can also sell medical marijuana.

- **Comments:** The exemption is consistent with provisions for the privacy of health care information. The substitute bill does not change the PRA provisions in Section 6. The 2nd substitute bill also does not change the open government provisions.
- **Recommended Action:** NEUTRAL.
- **Status:** Prefiled 1/6/14. Introduced 1/13/14. Referred to Health Care & Wellness. **Public hearing scheduled** 1/15/14 at 8AM. **Substitute bill voted out of committee 11-6 on 1/23/14.** Referred to Appropriations. **Public hearing scheduled 2/7/14 1:30PM.** Executive session scheduled 2/10/14. **2nd Substitute bill voted**

out of committee 26-4 2/10/14. Referred to Rules. **Engrossed bill Passed House 67-29 2/17/14.** Referred to Senate Health Care. **Public hearing scheduled 2/27/14 10AM.** Referred to Ways & Means 2/28/14. [Died in Committee.](#)

**HB 2196** ([link](#)) - **Concerning the use of the judicial information system by courts before granting certain orders (Jinkins)** – Provides that courts may consult JIS database before issuing an order, to determine the parties criminal history, pendency of other proceedings. Section 2 of the bill says that the court must disclose when it consults the JIS database and “any particular matters relied upon by the court in rendering the decision”, and requires that “a copy of the document relied upon must be filed, as a confidential document, within the court file.”

- **Comments:** Article 1 Section 10 of the state constitution requires justice to be administered openly. That includes the right of the public to know what information a court uses in making its decisions. Requiring this information to be automatically confidential constitutes automatic sealing of a portion of the court record without an *Ishikawa* hearing. Such a hearing should be held to determine the public interest before sealing any portion of a case record. The substitute bill *further expands* redaction requirements, making the bill worse.
- **Recommended Action: OPPOSE.**
- **Status:** Prefiled 1/10/14. Introduced 1/13/14. Referred to Judiciary. **Public hearing scheduled** on 1/16/14 at 8AM. Executive session scheduled 1/21/14 1:30PM. **Substitute bill voted out of committee 10-3 on 1/21/14.** Referred to Rules. **Passed House 75-22 2/17/14.** Referred to Senate Law & Justice. **Public hearing scheduled 2/26/14 6:30PM. Voted out of committee 7-0 2/28/14.** Referred to Rules. [Died in Rules.](#)

**HB 2201** ([link](#)) - **Improving fiscal accountability and transparency standards with respect to state tax preferences (Carlyle)** – Improves collection of data on use of tax preferences, improves Department of Revenue reporting on tax preferences including expanding the tax preferences to which annual reporting requirements apply, and expands public disclosure of tax preference data specific to certain companies including making the data available through an online database. The open data portal is to be created by the Office of the Chief Information Officer, to include both state and local data sets.

- **Comments:** This should help the legislature and the public to know if tax preferences (exemptions, deductions, credits, preferential rates, etc.) are achieving the goals originally claimed for them, such as generating more overall tax revenue than would have otherwise been created without the exemption.
- **Recommended Action: SUPPORT.**
- **Status:** Prefiled 1/10/14. Introduced 1/13/14. Referred to Finance. **Public hearing scheduled 1/23/14 1:30PM.** Executive session scheduled 2/10/14 8AM and 2/11/14 8AM. **Substitute bill voted out of committee 9-0 on 2/11/14.** Referred to Rules. **Passed House 52-45 2/18/14.** Referred to Senate Ways & Means. [Died in Committee.](#)

**HB 2336** ([link](#)) - **Increasing transparency in higher education by requiring certain departmental budget detail to be available online (Zeiger)** – Requires public colleges and universities to post departmental budgets on their web sites within 60 days of approval of the overall institution’s budget.

- **Comments:** This data is likely to be of interest to many people. Proactively posting it online will save time and money by not requiring each interested person to make a PRA request and the institution to respond to each request. It will also simplify comparisons of how different institutions use the funding available to them. The substitute bill requires the Education Data Center to post the information online rather than each institution. The Senate amendment removes the ERDC from the bill and instead requires each institution of higher education to post department-level, budget unit-level, division-level, school-level, or college-level expenditure information on their respective websites.
- **Recommended Action: SUPPORT.**
- **Status:** Introduced 1/15/14. Referred to Higher Education. **Public hearing scheduled 1/24/14 8AM.** Executive session scheduled 1/28/14 10AM. **Substitute bill voted out of committee 14-4 on 2/5/14.** Referred to Rules. Placed on 2nd Reading Calendar 2/7/14. **Passed House 95-3 2/11/14.** Referred to Senate Higher Education. Public hearing held 2/20/14. **Amended bill Voted out of committee 4-1 2/26/14.** Referred to Ways & Means. [Died in committee.](#)

**HB 2461** ([link](#)) [**Companion Bill SB 6391**] - **Addressing the financial solvency of insurance companies (Kirby; by request of the Insurance Commissioner)** – Repeals chapter 48.31B RCW (insurer holding company act) and chapter 48.31C RCW (holding company act for health care service contractors and health maintenance organizations). Creates the insurer holding company act and the risk management and solvency assessment act. Section 9 makes records obtained by the commissioner during an examination or investigation confidential, not subject to subpoena, not subject to discover, not admissible as evidence, and “not subject to chapter 42.56 RCW”. Sections 17 and 18 **create a new exemption** from disclosure under the PRA for the same records.

- **Comments:** Such records are confidential proprietary financial records of the companies submitting them, and thus exemptions from disclosure are consistent with the handling of many similar records submitted to regulatory agencies. **However**, making records “not subject to chapter 42.56” seems substantially different from creating an exemption from disclosure; this language could be interpreted as defining these records out of the PRA entirely, so that not only do they not need to be disclosed, but that they don’t even need to be enumerated in an exemption log if requested. This is extraordinary, and potentially very damaging if such a practice were to spread. Virtually no other investigative record receives such treatment. The substitute bill does not change the open government provisions. The Senate amendment expands the exemption further to cover more sources of information. The inclusion of the records as an exemption in RCW 42.56.400 is inconsistent with their description as being “not subject to chapter 42.56”.
- **Recommended Action:** **CONCERNS** regarding the intent of the language, and whether the records are to be treated as defined out of the PRA or simply exempt from disclosure. WCOG should request an amended to say that the records “not subject to disclosure under chapter 42.56” rather than “not subject to chapter 42.56”.
- **Status:** Introduced 1/17/14. Referred to Business & Financial Services. **Public hearing scheduled 1/21/14 10AM. Executive session scheduled 1/22/14 1:30PM.** Executive action taken 1/31/14. **Substitute bill voted out of committee 12-0 1/31/14.** Referred to Appropriations Subcommittee on General Government & Information Technology. Public hearing held and executive action taken 2/6/14. **Voted out of committee 7-2 2/6/14.** Referred to Rules. **Passed House 82-14 2/17/14.** Referred to Senate Financial Institutions, Housing & Insurance. **Public hearing scheduled 2/25/14 1:30PM. Amended bill Voted out of committee 6-2 2/28/14.** Referred to Rules. [Engrossed bill Passed Senate 39-10 3/7/14. House did not concur in Senate amendments. Died for lack of concurrence.](#)

**HB 2515** ([link](#)) [**Companion Bill SB 6006**] - **Concerning the treatment of population enumeration data, including exempting it from public inspection and copying (Christian; by request of Office of Financial Management)** – Amends the Public Records Act, RCW 42.56, to **create a new exemption** for raw population enumeration data collected for census taken of areas annexed by cities, and by counties and school districts. The enumeration data is declared confidential and must be destroyed after it is used.

- **Comments:** The data collected is very detailed and considered to be intrusive. Those residents from whom the data is collected have historically been promised that the data is only for the purpose of determining population and that their personal information would be kept confidential, despite the fact that no actual confidentiality provision appeared in statute. Failure to provide for confidentiality could result in reluctance to provide accurate information. Federal census data is required to be kept confidential for 72 years. Treating the data as confidential makes it difficult for citizens to hold OFM accountable for the accuracy of their work. It also eliminates a potentially valuable historical resource, but one that largely duplicates federal census data.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/20/14. Referred to Government Operations & Elections. **Public hearing scheduled 1/28/14 at 10AM. Voted out of committee 10-0 1/31/14.** Referred to Rules. Placed on 2nd Reading Calendar 2/7/14. **Passed House 96-0 2/14/14.** Referred to Senate Governmental Operations. Executive session scheduled 2/24/14 10AM. **Voted out of committee 4-0 2/24/14.** Referred to Rules. **Passed Senate 49-0 2/26/14. [Delivered to Governor.](#)**

**HB 2572** ([link](#)) - **Concerning the effectiveness of health care purchasing and transforming the health care delivery system (Code; by request of the Governor)** – Requires the Office of Financial Management to establish an all-payer health care claims database, and requires health insurance issuers and state-purchased health care to submit paid claims data to the database, among other provisions. Section 8(2) **creates a new exemption** from disclosure under the Public Records Act for “federally protected confidential patient-protected data or data protected by the health information portability and accountability act provided by an entity to the statewide database” and also for the entire database itself.

- **Comments:** The exempted records would most likely be exempt under HIPPA without any new language added to Washington law. The substitute bill significant expands the privacy requirements applicable to the database by declaring that all data submitted to the database, the database itself, and any raw data received from the database are not public records and that all information is strictly confidential. It also provides that data are not subject to subpoena and a person with access to the data may not be compelled to testify. This is evidence of a disturbing trend to define data is *not a public record* so that it is completely outside the scope of the PRA and its existence does not even have to be acknowledged. In the 2nd substitute bill, the new exemption is now in Section 11. The Senate committee amendment eliminates creation of the all-payer health care claims database and the PRA exemption associated with it; WCOG’s position will change to NEUTRAL if the amendment is adopted and the House concurs.
- **Recommended Action:** **CONCERNS.** Request that the new exemption be referenced from and new subsection in RCW 42.56.360.

- **Status:** Introduced 1/21/14. Referred to Health Care & Wellness. **Public hearing scheduled 1/27/14 1:30PM.** Executive session scheduled 2/3/14 6PM and 2/5/14 8AM. **Substitute bill voted out of committee 9-8 2/5/14.** Referred to Appropriations. **Public hearing scheduled 2/10/14 10AM. 2nd substitute bill voted out of committee 19-11 2/10/14.** Referred to Rules. **Engrossed bill Passed House 55-41 2/19/14.** Referred to Senate Health Care. **Public hearing scheduled 2/27/14 10AM. Amended bill Voted out of committee 5-3 2/27/14.** Referred to Ways & Means. [Amended bill Voted out of committee 18-3 3/11/14.](#) [Engrossed bill Passed Senate 32-17 3/13/14.](#) [Engrossed bill Passed House 70-27 3/13/14.](#) [Delivered to Governor.](#)

**HB 2651** ([link](#)) - **Requiring creation of a higher education transparency web site (Hansen)** – Creates a new higher education transparency web site, managed by the Student Achievement Council (formerly the Higher Education Coordinating Board), to provide to the public information on revenues and expenditures for every public institution of higher education. Requires public higher education institutions to provide the data to populate the web site, and to prominently link to the site from their web sites. Section 2(2)(b) requires the council to “ensure data is collected and displayed in accordance with laws relating to confidentiality and public records in chapter 42.56 RCW”.

- **Comments:** It’s good to proactively make this information available online to help the public hold their institutions accountable. It’s not clear, though, what Section 2(2)(b) is attempting to achieve by the reference to RCW 42.56. RCW 42.56 relates to request for access to public records, and in few cases applies to information that is proactively provided by agencies online. If the intent is that any information exempt from disclosure under the PRA be withheld or redacted from the new web site, then the bill should explicitly say this. The substitute bill requires the Education Data Center to post the information online. The Senate committee amendment requires OFM rather than ERDC to host the web site, and eliminate the added confidentiality provisions.
- **Recommended Action:** **SUPPORT**, but request the bill be amended to clarify the intent of the reference to RCW 42.56.
- **Status:** Introduced 1/23/14. Referred to Higher Education. **Public hearing scheduled 1/31/14 8AM.** Executive session scheduled 2/4/14 10AM. **Substitute bill voted out of committee 17-1 2/5/14.** Referred to Rules. Placed on 2nd Reading Calendar 2/7/14. **Passed House 97-1 2/11/14.** Referred to Senate Higher Education. Public hearing held 2/20/14. **Amended bill Voted out of committee 5-0 2/26/14.** Referred to Ways & Means. [Died in committee.](#)

**HB 2724** ([link](#)) [**Companion Bill SB 6480**] - **Exempting information concerning archaeological resources and traditional cultural places from public disclosure (Ortiz-Self)** – Amends the Public Records Act, RCW 42.56.300, to **create a new exemption** for “Any information related to historical archaeological resources, traditional cultural places, or archaeological resources obtained by an agency from another agency, a tribal government, or pursuant to any data-sharing agreement with the department of archaeology and historic preservation”.

- **Comments:** RCW 42.56.300 currently exempts records that identify the *locations* of archaeological sites, to prevent looters from digging at the sites and removing artifacts. The proposed language is a huge, broad expansion, and could make virtually everything done in the area of archaeology and historic preservation by any government agency unavailable for public oversight. The language should be narrowed to exempt from disclosure only information that puts resources at risk, without hiding everything these agencies do. The substitute bill exemption language is less broad but needs analysis to ensure it is narrowly focused on records that would aid thieves in finding artifacts. [The Senate amendment significant narrowed and clarified the exemption to apply only to “Any site form, report, specific fields and tables relating to site form data within a database, or geographic information systems spatial layer” related to archaeological sites, resources, and historical places.](#)
- **Recommended Action:** **OPPOSE.** Request narrowing of the exemption. [WCOG is NEUTRAL on the bill with the Senate amendment.](#)
- **Status:** Introduced 1/28/14. Referred to Community Development, Housing & Tribal Affairs. **Public hearing scheduled 2/4/14 1:30PM.** Executive session scheduled 2/5/14 3:30PM. **Substitute bill voted out of committee 8-1 2/5/14.** Referred to Rules. **Passed House 97-0 2/13/14.** Referred to Senate Governmental Operations. **Public hearing scheduled 2/27/14 10AM. Voted out of committee 4-1 2/27/14.** Referred to Rules. [Engrossed bill Passed Senate 47-2 3/7/14.](#) [Engrossed bill Passed House 98-0 3/10/14.](#) [Delivered to Governor.](#)

**SB 5964 – WCOG PRIORITY** ([link](#)) [**Companion Bill HB 2121**] - **Concerning training public officials and employees regarding public records, records management, and open public meetings requirements (Fain; by request of the Attorney General)** – Amends the Open Public Meetings Act, RCW 42.30, to require all members of governing bodies to receive OPMA training shortly after taking office and at most every four years thereafter. Amends the Public Records Act, RCW 42.56, to require all elected officials and public records officers to receive training in records retention and disclosure shortly after taking office and at most every four years thereafter. Training may be remote or online.

- **Comments:** This is a WCOG legislative priority. Improved training will help to avoid many of the inadvertent errors that cause loss of access, conflicts, lawsuits, and high costs to agencies. The bill does fall somewhat short in that it does not require *all* government employees to receive basic training in their records retention and disclosure responsibilities, but that can be pursued later. The substitute bill makes training optional for elected officials, which is a significant weakening of the bill. The engrossed bill restored the training mandate. The House committee amendment adds the training requirement to RCW 40.14, but could kill the bill because it would require Senate concurrence.
- **Recommended Action:** **STRONGLY SUPPORT. CONCERNS** about weakening of the substitute bill.
- **Status:** Prefiled 12/12/13. Introduced 1/13/14. Referred to Government Operations. **Public hearing scheduled 1/16/14 at 10:00AM. Substitute bill voted out of committee 6-0 2/6/14.** Referred to Rules. Substitute bill NOT substituted. **Engrossed bill Passed Senate 45-2 2/18/14.** Referred to House Government Operations & Elections. **Public hearing scheduled 2/25/14 10AM.** Executive session scheduled 2/26/14 1:30PM. **Amended bill Voted out of committee 6-5 2/26/14.** Referred to Rules. [Committee amendment not adopted on floor. Passed House 66-31 3/7/14. Delivered to Governor.](#)

**SB 6007** ([link](#)) [**Companion Bill HB 2114**] - **Clarifying the exemption in the public records act for customer information held by public utilities (Rivers)** – Amends the Public Records Act, RCW 42.56.330(2), to **expand an existing exemption** for information on customers of public utility districts to include all telephone numbers (not just residential numbers), “electronic contact information, and customer-specific utility usage and billing information in increments less than a billing cycle or monthly, whichever is greater”.

- **Comments:** PUDs complain that this same information held by investor-owned utilities is not subject to disclosure, and that customers are reluctant to provide them electronic contact information if it is subject to disclosure. Also, new technology is enabling finely-detailed recording of utility usage on a real-time basis or hour by hour, including charging different rates at different times of day; customers consider disclosure of such detailed usage information to be a violation of privacy and security.
- **Recommended Action:** **CONCERNS.** It’s one thing to exempt email addresses from disclosure when they are used only for providing electronic billing, and factual information such as on outages. But if the email addresses are also used to advance the positions of the PUD board regarding ballot measures or proposed actions, opponents of such actions currently have the ability to request access to email lists and to use them to distribute contrary opinions, which ability would be lost under the current language of the bill.
- **Status:** Prefiled 1/10/14. Introduced 1/13/14. Referred to Government Operations. **Public hearing held 1/28/14 10AM. Substitute bill voted out of committee 7-0 1/30/14.** Referred to Rules. Placed on 2nd Reading calendar 2/11/14. **Passed Senate 48-0 2/12/14.** Referred to House Local Government. Public hearing held 2/19/14. Executive sessions scheduled 2/24/14 1:30PM. **Voted out of committee 9-0 2/26/14.** Referred to Rules. [Passed House 98-0 3/5/14. Delivered to Governor.](#)

**SB 6059** ([link](#)) – **Concerning charges for scanning public records (Brown)** – Amends the Public Records Act, RCW 42.56.120, to state that scanning of records is treated basically the same as copying. Including the provision that if the agency does not do the work to calculate the actual cost of scanning, it may charge a default price of 15 cents per page.

- **Comments:** Most of the bill is common sense, and in fact most agencies already treat scanning as just another form of copying. **However**, the simple fact is that scanning cost less than copying. Most modern copies are in fact a scanner and printer combined into a single device; they first scan a document and then print it to make copies. Most have the capability to omit the printing phase and make the scanned document available over a network for storage (and subsequent delivery to a requester). Clearly, scanning and printing should *not* cost the same, because scanning does not incur the costs of paper and toner. The default price for scans should be significantly less than copying. Most agencies inaccurately calculate the cost of scanning today by failing the separate the job setup cost from the actual per-page cost (the real per-page cost is much lower), thereby resulting in charging too little for small jobs and too much for large jobs. An appropriate reform would be to require agencies, for both scanning and copying, to charge separately for the labor involved in setup up the scanning or copying job (going to and from the device, placing the document in the feeder, pressing Start) and the actual scanning (the automatic feeding of the document through the scanner, which generally proceeds very quickly and without human intervention).
- **Recommended Action:** **OPPOSE** and recommend a more realistic calculation of copying and scanning costs.
- **Status:** Introduced 1/15/14. Referred to Governmental Operations. **Public hearing scheduled 1/23/14 10AM. Voted out of committee 7-0 1/30/14.** Referred to Rules. **Passed Senate 48-0 2/14/14.** Referred to Senate Government Operations & Elections. **Public hearing scheduled 2/25/14 10AM.** Executive session scheduled 2/26/14 1:30PM. **Voted out of committee 11-0 2/26/14.** Referred to Rules. [Died in Rules.](#)



**SB 6062** ([link](#)) – **Requiring internet access to public school data and expenditure information (Hill)** – Requires public schools to post collective bargaining agreements online through a portal to be established by the Superintendent of Public Instruction. Specifies the specific data to be extracted from the agreements and enumerated online.

- **Comments:** The collective bargaining agreements are available through public records requests already. Requiring them to be posted online will save time and money for school districts by avoiding the need for handling of requests for the agreements. The requirement to separate out key data will make it much easier for the public to compare agreements across districts. The substitute bill extends the time for districts to submit contracts to OSPI from 20 days to 60 days. The 2nd substitute bill clarifies that it also applies to charter and tribal schools. The House committee amendment eliminates the OSPI portal and the extraction and tabulation of data, requiring instead that each school district public their collective bargaining agreements on their own web site.
- **Recommended Action:** **SUPPORT**.
- **Status:** Introduced 1/15/14. Referred to Early Learning & K-12 Education. **Public hearing scheduled 1/20/14 1:30PM. Substitute bill voted out of committee 9-1 on 1/24/14.** Referred to Ways & Means. **Public hearing scheduled 2/4/14 3:30PM. 2nd substitute bill voted out of committee 19-2 2/5/14.** Referred to Rules. **Passed Senate 40-9 2/13/14.** Referred to House Education. Public hearing held 2/19/14. Executive session scheduled 2/26/14 8AM. **Amended bill Voted out of committee 15-4 2/26/14.** Referred to Rules. [Engrossed bill Passed House 91-5 3/7/14. Engross bill Passed Senate 47-1 3/11/14. Delivered to Governor.](#)

**SB 6094** ([link](#)) – **Authorizing the use of jail data for research purposes in the public interest (Hargrove)** – Amends RCW 70.48.100, which makes jail registers (the list of who is in jail) confidential and available only to law enforcement agencies, to also make the registers available to the Washington Association of Sheriffs and Police Chiefs, and to various other state agencies for research purposes.

- **Comments:** This is a good start. Most states simply make the register of who is in jail open to public disclosure; Washington should do so as well. The substitute bill adds several agencies to the list of those able to access jail registers.
- **Recommended Action:** **SUPPORT**, but recommend simply making the register open to the public.
- **Status:** Introduced 1/15/14. Referred to Human Services & Corrections. **Public hearing scheduled 1/20/14 10AM. Substitute bill voted out of committee 1/27/14.** Referred to Rules. Placed on 2nd Reading Calendar 2/4/14. **Passed Senate 48-1 2/12/14.** Referred to House Government Operations & Elections. Public hearing held 2/19/14. Executive session scheduled 2/25/14 10AM. **Voted out of committee 8-3 2/25/14.** Referred to Rules. [Placed on second reading 2/26/14. Failed to pass House.](#)

**SB 6134** ([link](#)) [**Companion Bill HB 2452**] – **Addressing nondepository institutions regulated by the department of financial institutions (Hobbs; by request of Department of Financial Institutions)** – Clarifies the statute of limitations for enforcement actions, sharing of information with federal and state regulatory authorities, and requiring call reports for nondepository institutions regulated by the department of financial institutions. Section 8 **creates a new exemption** from disclosure under the Public Records Act, by declaring "the requirements under any federal law or laws of another state regarding the privacy or confidentiality of any information or material provided to the department, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to that information or material, continues to apply to the information or material after the information or material has been disclosed to the department" and "when the department is a party to a memoranda of understanding or enforcement order issued by the consumer financial protection bureau, the privacy, confidentiality, or privilege accorded to the document by federal law continues to apply even after the memoranda or order has been signed by the director or a designee", and then saying that these provisions supersede the disclosure requirements of the Public Records Act. Sections 33 and 40 create comparable confidentiality provisions for "own risk and solvency assessments" filed with the commissioner, and Sections 42 and 43 **create a new exemption** from disclosure under the PRA for such assessments.

- **Comments:** These provisions enable many mechanisms other than Washington state or federal statute to cause records to be exempt from disclosure, including statutes of other states, court rules, and even memorandums of understanding and enforcement orders issued by regulatory agencies. DFI should explain why it is necessary that this potentially very broad group of records should be exempt from disclosure.
- **Recommended Action:** **CONCERNS**.
- **Status:** Introduced 1/16/14. Referred to Financial Institutions, Housing & Insurance. **Public hearing scheduled 1/21/14 1:30PM. Voted out of committee 7-0 on 1/23/14.** Referred to Rules. Placed on 2nd Reading calendar 1/28/14. **Passed Senate 48-0 2/12/14.** Referred to House Business & Financial Services. Public hearing held 2/19/14. **Voted out of committee 13-0 2/21/14.** Referred to Rules. [Passed House 97-1 3/5/14. Delivered to Governor.](#)

**SB 6135** ([link](#)) [**Companion Bill HB 2141**] - **Addressing banks and trust companies (Benton; by request of Department of Financial Institutions)** – Modernizes, clarifies, reorganizes, and amends laws regarding nondepository trust companies, fiduciary activities and trust business of state commercial banks, alien banks, state savings banks, and state savings associations, and fiduciary activities and trust business of other trust institutions and persons engaging in trust business. Section 325 **creates a new exemption** to disclosure under the Public Records Act for confidential portions of applications to create a new state trust company, including “the financial statement of a proposed officer, director, manager, or managing participant”.

- **Comments:** This exemption is consistent with personal financial information submitted with similar applications for other financial institutions regulated by the department.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/16/14. Referred to Financial Institutions, Housing & Insurance. **Public hearing scheduled** 1/21/14 at 1:30PM. **Voted out of committee 7-0 on 1/23/14.** Referred to Rules. Placed on 2nd Reading calendar 1/28/14. **Passed Senate 49-0 2/12/14.** Referred to House Business & Financial Services. Public hearing held 2/19/14. Executive action taken 2/21/14. **Voted out of committee 13-0 2/21/14.** Referred to Rules. [Passed House 98-0 3/5/14. Delivered to Governor.](#)

**SB 6141** ([link](#)) - **Concerning the confidentiality of certain records filed with the utilities and transportation commission or the attorney general (Roach)** – Adds a new section to RCW 81.77 (Solid Waste Collection Companies) that **creates a new exemption** from public disclosure for records “filed with the commission or the attorney general from any person that contain valuable commercial information, including trade secrets or confidential marketing, cost, or financial information, or customer-specific usage information” if, within ten days of the filing, the filer obtains a court order declaring the records to be confidential. Section 2 of the bill amends RCW 42.56.330 to reference the new exemption.

- **Comments:** This bill is essentially the same as HB 1697 which WCOG fought hard to kill during the 2013 session, except that this time the intent is cloaked with a new innocuous-sounding title instead of the somewhat more accurate title of HB 1697 (“Exempting from disclosure and copying valuable commercial information in records pertaining to solid waste collection companies in possession of the Washington utilities and transportation commission”), and the exemption is placed in RCW 42.56.330 instead of RCW 42.56.270. The effect of the bill is the same – it enables regulated companies to hide from the public any cross-subsidization of non-regulated affiliates. The records should be open for inspection so that the public can verify that regulated monopolies with guaranteed rates are using revenues only for permitted purposes. The House committee amendment provides that in order to determine that records are not subject to disclosure, the court must determine the records are not necessary for further public review and comment on the appropriate allocation of costs and revenues, in addition to determining that disclosure is likely to result in private loss.
- **Recommended Action:** **OPPOSE.** [With the House amendment, the bill is technically no longer an exemption but an opportunity for the subject of the records to petition the court to enjoin their release under some circumstances, so WCOG is NEUTRAL.](#)
- **Status:** Introduced 1/16/14. Referred to Governmental Operations. Public hearing 1/23/14. **Voted out of committee 6-0 2/6/14.** Referred to Rules. **Passed Senate 45-3 2/17/14.** Referred to House Government Operations & Elections. **Public hearing scheduled 2/25/14 10AM.** Executive session scheduled 2/26/14 1:30PM. **Amended bill Voted out of committee 11-0 2/26/14.** Referred to Rules. [Engrossed bill Passed House 96-2 3/5/14. Engrossed bill Passed Senate 49-0. Delivered to Governor.](#)

**SB 6517** ([link](#)) [**Companion Bill HB 2376**] - **Exempting agency employee driver's license numbers, identicard numbers, and identification numbers from public inspection and copying (Roach)** – Amends the Public Records Act, RCW 42.56.250, to **expand an existing exemption** from disclosure for the “driver's license numbers, identicard numbers, employee identification numbers” of public employees.

- **Comments:** Public employees have expressed concern that these numbers can be used for identity theft and to access a state-run service that allows their computer passwords to be changed. The State Archivist has repeatedly and strongly stated that the likelihood of this information being used for identity theft is extremely small. Driver licenses are widely used as identification and so their numbers are available to many people in many ways besides public records requests; any credit grantors who depend on the security of driver license numbers to verify identity in granting of credit have a seriously flawed process. The password-updated service is likewise fundamentally flawed if simple possession of an employee identification number enables telephonic modification of employee passwords. The flawed design of a particular state telephone service should not be the basis for reducing the ability for the public to hold government employees accountable by making it difficult to differentiate between employees who have similar names, or to verify that a public employee mentioned in one record is the same as one mentioned in another. The substitute bill removes the exemption for employee identification numbers. The floor amendment corrected the title to reflect the substitute bill. [The House floor amendment restructured the language to clarify that the exemption applies only to information that is maintained in agency personnel records, volunteer rosters, or mailing lists, and not in other records.](#)

- **Recommended Action: OPPOSE.**
- **Status:** Introduced 1/30/14. Referred to Governmental Operations. **Public hearing scheduled 2/6/14 10AM. Substitute bill voted out of committee 4-0 2/6/14.** Referred to Rules. **Engrossed bill Passed Senate 48-0 2/17/14.** Referred to House Governmental Operations & Elections. **Public hearing scheduled 2/26/14 1:30PM.** Executive session scheduled 2/26/14 1:30PM. **Voted out of committee 9-2 2/26/14.** Referred to Rules. [Engrossed bill Passed House 91-6 3/6/14. Engrossed bill Passed Senate 49-0 3/12/14. Delivered to Governor.](#)

**SB 6518** ([link](#)) - **Transferring technology-based economic development programs from innovate Washington to the department of commerce (Chase)** – Abolishes innovate Washington as a separate agency and transfers its powers, duties, and functions to an “innovate Washington program” in the Department of Commerce. Section 9 amends the Open Public Meetings Act, RCW 42.30.110(1)(o) to refer to the program in Commerce instead of the standalone agency. Section 10 likewise amends the Public Records Act, RCW 42.56.270(21).

- **Comments:** [The PRA amendment makes sense, because the confidential proprietary and research data continues to have the same sensitivities under Commerce as it had with the standalone agency. However, the OPMA amendment does not make sense. The OPMA only applies to the multimember governing boards of agencies and committees thereof under certain circumstances, but the Department of Commerce nor its innovate Washington program will be governed by a multimember board. Instead, RCW 42.30.110\(1\)\(o\) should simply be repealed. Did not die in Ways & Means due to being Necessary to Implement the Budget. The final bill deleted 42.30.110\(1\)\(o\) as we proposed.](#)
- **Recommended Action:** [NEUTRAL on the substance of the bill, but request an amendment to the OPMA amendment.](#)
- **Status:** [Introduced 1/31/14. Referred to Trade & Economic Development. Public hearing held 2/6/14. Substitute bill voted out of committee 5-0 2/6/14. Referred to Ways & Means. Died in Ways & Means. Second substitute bill Voted out of committee 23-0 2/27/14. Engrossed bill Passed Senate 47-0 3/4/14. Second Engrossed bill Passed House 97-0 3/12/14. Second Engrossed bill Passed Senate 47-0 3/13/14. Delivered to Governor.](#)

**SB 6519** ([link](#)) - **Concerning public school employees' insurance benefits reporting (Litzow)** – Requires the Insurance Commissioner to share with the state health care authority, collected data, information, and documents regarding public school employees' insurance benefits. HCA must include this information in reports to the governor, legislature, and JLARC. Amends the Public Records Act, RCW 42.56.400(21), to **expand an existing exemption** from disclosure for the records provided to the Insurance Commissioner under the act.

- **Comments:** This is consistent with similar exemptions for other health care coverage information received by the insurance commissioner.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/31/14. Referred to Health Care. **Public hearing scheduled 2/6/14 10AM.** Executive session scheduled 2/6/14 10AM. **Voted out of committee 8-0 2/6/14.** Referred to Rules. **Passed Senate 40-8 2/17/14.** Referred to House Appropriations. **Public hearing and executive action 3/1/14.** [Placed on Second Reading Calendar 3/5/14. Failed to pass House.](#)

**SB 6522** ([link](#)) - **Restricting the use of personal information gathered during the claims resolution structured settlement agreement process (Holmquist Newbry)** – Amends the Public Records Act, RCW 42.56.230, to **create a new exemption** from disclosure for “All information related to individual claims resolution structured settlement agreements submitted to the board of industrial insurance appeals under RCW 51.04.063, other than final orders from the board of industrial insurance appeals”.

- **Comments:** Since worker compensation claims involve injuries, records associated with them will inevitably include health care information that is confidential and exempt from disclosure under state and federal law. However, the language of the exemption proposed in this bill is very broad – “all information related to”. It is not clear why such a broad exemption is required, and the extent to which it will make it difficult for the public to hold the department accountable for the quality of its work.
- **Recommended Action:** **CONCERNS.**
- **Status:** Introduced 1/31/14. Referred to Commerce & Labor. **Public hearing scheduled 2/5/14 1:30PM. Voted out of committee 7-0 2/7/14.** Referred to Rules. Placed on 2nd Reading Calendar 2/11/14. **Passed Senate 48-0 2/12/14.** Referred to House Labor & Workforce Development. **Public hearing scheduled 2/25/14 1:30PM. Voted out of committee 9-0 2/26/14.** Referred to Rules. [Passed House 97-0 3/6/14. Delivered to Governor.](#)

## BILLS WITH ACTIVITY IN 2014 THAT HAVE DIED (68)

**HB 1037 - WCOG PRIORITY** ([link](#)) - **Establishing a cost-recovery mechanism for public records sought for commercial purposes (Moeller)** – Amends the Public Records Act to allow agencies to recover the cost of retrieving, searching, reviewing, and producing records in some instances. Agencies would be permitted to inquire whether a request is for the purpose of “sale or resale”, “producing a document or database containing all or part of the public record”, or “obtaining names and addresses from such public records for the purpose of solicitation”. If the record is sought for any of these purposes, the agency can charge a fee no more than the actual cost of producing the records. The agency must establish a fee schedule, with notice and public hearing, and publish the schedule and methodology used to develop it. Agencies must provide an estimate of the amount of the fee, and may ask for a deposit up to 10% of the fee. Agencies establishing fees must provide an appeal process. Fees may not be charged to news media, non-profit organizations, educational institutions, if the requester has access to the records by a separate agreement with the agencies or through some statute other than the PRA, if the record is freely available on the agency’s web site, or is needed by the requestor for the purpose of permitting or regulatory compliance.

- **Comments:** The proponents of this bill say it is focused on large interstate data mining companies that obtain public records in bulk and republish them on the internet (either whole or using data extracted from the records) for a fee. Legislators are likely to find attractive the idea that taxpayer dollars should not be used to subsidize these businesses, allowing them to make healthy profits when much of the cost is borne by taxpayers. The bill is not narrowly crafted. In particular, the purpose of “producing a document or database containing all or part of the public record” is extremely broad and ill-defined, and would capture many uses of records that are not at all for “for profit” purposes. The word “solicitation” is also not defined. Leaving it up to individual agencies to subjectively determine how to implement these clauses is a recipe for many requesters who are not for-profit interstate data miners to be socked with substantial charges for accessing records. For example, if an individual opposing a rezone seeks records and creates a database to assist other individuals in joining together to oppose the rezone, and uses the materials to solicit contributions to help the cause, could they be charged a fee? If an attorney seeks records of similarly-situated individuals to aid in the representation of their client, or to invite additional clients to join in an action, is that “solicitation”? The bill must be opposed until these issues are addressed and the bill is more narrowly targeted. The substitute bill narrows the commercial purposes for which a fee is authorized, clarifies the costs that can be considered in setting the fee, specifies how the fee is enforced if the requester denies that the records will be sold or resold and then is found to have done so, clarifies exemptions from the fee, and exempts title companies, realtors, and developers from the fee when seeking records on property they own or are buying.
- **Recommended Action:** **OPPOSE** in current form. Opposing this kind of weakening of the PRA is a WCOG legislative priority for 2013.
- **Status:** Prefiled 1/4/13. Introduced 1/14/13. Referred to Government Operations & Elections. Public hearing scheduled 1/23/13 at 1:30PM. Scheduled for executive session 2/19/13 at 8AM. **Substitute bill voted out of committee 9-2 on 2/19/13.** Referred to Appropriations. **Died in Appropriations.** Reintroduced by resolution 1/13/14. **Public hearing scheduled 2/3/14 3:30PM.** Executive action taken 2/7/14. **Voted out of committee 27-4 2/7/14.** Referred to Rules. Placed on 2nd Reading calendar 2/11/14. **Failed to pass House.**

**HB 1185** ([link](#)) - **Concerning equitable allocation of auditor costs (Takko)** – Amends RCW 36.18.010, which sets the amounts county auditors and recorders can charge for services, to change the amount they can charge for searching for records from \$8 per hour to “the actual cost as established and conspicuously posted by the auditor”. The actual cost may include employee costs such as salary and benefits but may not include general and administrative overhead costs. If the auditor has not determined the actual per hour cost for searching records, the fee is \$8 per hour.

- **Comments:** The Public Records Act, under RCW 42.56.070(7) and 42.56.120, allows agencies to charge the well-documented actual cost of producing copies of records, and RCW 42.56.130 says that if another statute establishes a charge for copying certain types of records, the other statute is not superseded. RCW 36.18.010 is one of those statutes that establishes specific charges for copying certain types of records, which in most cases are higher than what would be allowed under the PRA. RCW 36.18.010 also establishes charges for a number of other services such as recording documents, issuing marriage licenses, etc. One of those additional services in “searching records”, with a fixed hourly charge of \$8 per hour. The PRA does not allow agencies to charge for search time for records requested under the PRA; and the “does not supersede” language in RCW 42.56.130 applies only to copying charges, not search time charges. It is thus unclear which records the per-hour search fee in RCW 36.18.010 applies to – is it all records held by the auditor or recorder, or only those official records that were recorded? Is the intent of the bill that auditors and recorders, but no other public agencies, should be able to charge for search time for records that are held but that weren’t recorded by the public, such as correspondence and other internal departmental records? This needs to be clarified in order to establish

WCOG's position on this bill. If the search fee applies only to publicly recorded records (such as property records), that would be viewed differently from auditors being allow to charge for search time for PRA requests.

- **Recommended Action:** **TO BE DETERMINED** based on the records to which the search fee in RCW 36.18.010 applies.
- **Status:** Introduced 1/18/13. Referred to Local Government. Public hearing scheduled 1/25/13 at 1:30PM. Executive session scheduled 1/31/13 at 8AM. **Voted out of committee 7-1 on 1/31/13.** Referred to Rules. **Died in Rules.** Reintroduced by resolution 1/13/14. Placed on 2nd Reading calendar 2/7/14. **Passed House 83-15 2/12/14.** Referred to Senate Governmental Operations. **Public hearing scheduled 2/25/14 10AM.** **Died in committee.**

**HB 1279** ([link](#)) [**Companion Bill SB 5270**] - **Allowing motor voter preregistration for sixteen and seventeen year olds (Bergquist)** – Allows 16- and 17-year-olds to “pre-register” to vote when they apply for their driver license. Amends the Public Records Act, RCW 42.56.250, to **create a new exemption** for all information submitted to pre-register to vote.

- **Comments:** WCOG has no position on the substance of the bill. We note that much information is currently available under the PRA for registered voters, including the voter's name, address, political jurisdiction, gender, date of birth, voting record, date of registration, and registration number. This bill exempts all of this information for pre-registrations until the pre-registration is converted into an actual registration. While this exemption is consistent with the many other existing exemptions for information related to minors, keeping all of this information concealed could raise questions about accountability for the Secretary of State and county auditors such as whether they are properly handling pre-registration procedures.
- **Recommended Action:** **CONCERNS** regarding the breadth of the exemption. Request sponsors to consider enabling disclosure of sufficient information to hold election officials accountable for proper handling of pre-registrations. Floor amendment changed effective date to 1/1/14 and did not affect open government provisions. 2014 Substitute bill changes effective date to 1/1/15.
- **Status:** Introduced 1/22/13. Referred to Government Operations & Elections. Public hearing scheduled 2/5/13 at 1:30PM. Executive session scheduled 2/12/13 at 8AM. **Voted out of committee 6-5.** Referred to Rules. Placed on 2nd Reading Calendar 3/1/13. **Engrossed bill Passed House 55-42** on 3/7/13. Referred to Senate Governmental Operations. Public hearing scheduled 3/26/13 at 10AM. **Died in committee.** Reintroduced by resolution 1/13/14. Referred to Government Operations & Elections. **Public hearing scheduled 1/14/14 at 10AM.** Executive session scheduled 1/21/14 at 10AM. **Substitute bill vote out of committee 6-5 1/21/14.** Referred to Rules. **Placed on 2nd Reading calendar 1/24/14. Engrossed bill Passed House 54-42 1/27/14.** Referred to Senate Governmental Operations. Public hearing 2/20/14 10AM. **Died in committee.**

**HB 1449** ([link](#)) [**Companion Bill SB 5436**] - **Making specific prosecution and defense documents and materials exempt from public inspection and copying (Bergquist)** – Amends the Public Records Act, RCW 42.56.240, to **create new exemptions** for “Victim impact statements as defined or described in Article I, section 35 of the state Constitution and RCW 7.69.020 and 7.69.030” and for “Documents and other materials provided by the attorney for the defendant, or by the defendant when acting pro se, to the prosecuting attorney, including but not limited to, documents and other materials provided during communications or discussions described under RCW 9.94A.421 or 9.94A.460, proceedings under RCW 9.94A.660, 9.94A.655, 9.94A.670, or 10.95.040 through 10.95.060, or similar exchanges or communications described in court rules.”

- **Comments:** This bill appears to be a direct response to the *Koenig v. Thurston County* case regarding whether victim impact statements and special sex offender sentencing alternative reports are available for public inspection under the PRA. Subsection (10) would exempt victim impact statements from disclosure. Subsection (11) would exempt all documents related to plea agreements, sentencing recommendations, decisions to prosecute, decisions to pursue the death penalty, and death penalty proceedings.
- **Recommended Action:** **OPPOSE.** The public should have access to these records in order to hold prosecutors and courts accountable for the decisions they make.
- **Status:** Introduced 1/28/13. Referred to Government Operations & Elections. Public hearing scheduled 2/12/13 at 8AM. Executive session scheduled 2/19/13 at 8AM. **Voted out of committee unanimously on 2/21/13. Died in Rules,** and companion is also dead. Reintroduced by resolution 1/13/14. Referred to Government Operations & Elections. **Public hearing scheduled 1/21/14 10AM.** Executive session scheduled 1/22/14 1:30PM. **Voted out of committee 10-1 1/22/14.** Referred to Rules. **Died in Rules.**

**HB 1579** ([link](#)) [**Companion Bill SB 5424**] - **Concerning paint stewardship (Goodman)** – Would establish a mandatory statewide paint recycling program. Section 9 requires paint producers and sellers to submit detailed reports on their recycling program participation, including detailed information on sales volume and other confidential proprietary financial information Subsection 9(2) **creates a new exemptions** for the confidential proprietary financial portions of the reports submitted. Section 14 amends the Public Records Act, RCW 42.56.270, to reference the exemption created in subsection 9(2).

- **Comments:** This exemption is consistent with other similar exemptions for confidential proprietary financial information provided by regulated entities to regulatory agencies.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/31/13. Referred to Environment. **Died in committee**, but companion bill was voted out of committee. Reintroduced by resolution 1/13/14. **Public hearing scheduled 1/15/14 at 1:30PM.** Executive session scheduled 2/4/14 10AM and 2/5/14 1:30PM. **Substitute bill voted out of committee 8-5 2/5/14.** Referred to Appropriations Subcommittee on General Government & Information Technology. **Voted out of committee 5-4 2/6/14.** Referred to Rules. **Died in Rules.**

**HB 1771** ([link](#)) - **Establishing standards for the use of public unmanned aircraft systems (Taylor)** – Establishes policies and regulations regarding the use by public agencies of unmanned aerial vehicles (“drones”). Prohibits any state agency from acquiring or using drones without approval of the legislature, and prohibits local agencies from using drones without approval of the governing body of the agency. Prohibits collection of personal information without a criminal warrant. Several sections of the bill prohibit disclosure of information collected by drones, such as sections 10, 11, and 12. Section 13 makes it a felony to disclose information obtained by a drone without authority of law.

- **Comments:** Several sections of the bill could be deemed to **create a new exemption** from disclosure under the PRA. These exemptions seem reasonable to protect personal privacy. Information obtained by drones under required search warrants would be available under the PRA once they are not subject to the investigatory records exemption. Compared SB 5782, which is similar but not noted as a companion bill.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 2/8/13. Referred to Public Safety. Public hearing scheduled 2/21/13 at 10AM. **Substitute bill voted out of committee 9-1 on 2/21/13.** Placed on 2nd Reading Calendar 3/1/13. **Failed to Pass House.** Referred to Rules. **Died in Rules.** Reintroduced by resolution 1/13/14. Placed on 2nd Reading Calendar 1/20/14. **Failed to Pass House.**

**HB 2104** ([link](#)) - **Providing contract information online for state capital and transportation projects (Hawkins)** – Requires contract and subcontract documents for state capital and transportation projects to be linked from the LEAP statewide project map.

- **Comments:** Expands information proactively made available without the need to submit a public records request, to make it easier for people to hold state government accountable for expenditures.
- **Recommended Action:** **SUPPORT.**
- **Status:** Prefiled 12/3/13. Introduced 1/13/14. Referred to Government Operations & Elections. **Public hearing scheduled 2/5/14 1:30PM. Died in committee.**

**HB 2114** ([link](#)) [**Companion Bill SB 6007**] - **Clarifying the exemption in the public records act for customer information held by public utilities (Kretz)** – Amends the Public Records Act, RCW 42.56.330(2), to **expand an existing exemption** for information on customers of public utility districts to include all telephone numbers (not just residential numbers), “electronic contact information, and customer-specific utility usage and billing information in increments less than a billing cycle or monthly, whichever is greater”.

- **Comments:** PUDs complain that this same information held by investor-owned utilities is not subject to disclosure, and that customers are reluctant to provide them electronic contact information if it is subject to disclosure. Also, new technology is enabling finely-detailed recording of utility usage on a real-time basis or hour by hour, including charging different rates at different times of day; customers consider disclosure of such detailed usage information to be a violation of privacy and security. (The substitute bill clarifies that the exemption applies to all customers and not just residential customers.)
- **Recommended Action:** **CONCERNS.** It’s one thing to exempt email addresses from disclosure when they are used only for providing electronic billing, and factual information such as on outages. But if the email addresses are also used to advance the positions of the PUD board regarding ballot measures or proposed actions, opponents of such actions currently have the ability to request access to email lists and to use them to distribute contrary opinions, which ability would be lost under the current language of the bill.
- **Status:** Prefiled 12/10/13. Introduced 1/13/14. Referred to Local Government. **Public hearing scheduled 1/13/14 at 1:30PM.** Executive session scheduled 1/15/14 at 8:00AM and 1/16/14 at 10:00AM. **Substitute bill voted out of committee 7-1 on 1/16/14.** Referred to Rules. **Placed on 2nd Reading Calendar 1/24/14. Failed to pass House.**

**HB 2121 – WCOG PRIORITY** ([link](#)) [**Companion Bill SB 5964**] - **Concerning training public officials and employees regarding public records, records management, and open public meetings requirements (Pollet; by request of the Attorney General)** – Amends the Open Public Meetings Act, RCW 42.30, to require all members of governing bodies to receive OPMA training shortly after taking office and at most every four years thereafter. Amends the Public Records Act,

RCW 42.56, to require all elected officials and public records officers to receive training in records retention and disclosure shortly after taking office and at most every four years thereafter. Training may be remote or online.

- **Comments:** This is a WCOG legislative priority. Improved training will help to avoid many of the inadvertent errors that cause loss of access, conflicts, lawsuits, and high costs to agencies. The bill does fall somewhat short in that it does not require *all* government employees to receive basic training in their records retention and disclosure responsibilities, but that can be pursued later. The substitute bill also adds the training requirements to RCW 40.14.
- **Recommended Action: STRONGLY SUPPORT.**
- **Status:** Prefiled 12/12/13. Introduced 1/13/14. Referred to Government Operations & Elections. **Public hearing scheduled** 1/14/14 at 10:00AM. Executive session scheduled 1/21/14 10AM. **Substitute bill voted out of committee 6-5 on 1/21/14.** Referred to Rules. Placed on 2nd Reading calendar 2/7/14. **Passed House 64-34 2/12/14.** Referred to Senate Governmental Operations. **Public hearing scheduled 2/25/14 10AM. Died in Committee.**

**HB 2128** ([link](#)) - **Creating a public disclosure exemption for global positioning system data that shows the residence of an employee or agent of a criminal justice agency (Dahlquist)** – Amends the Public Records Act, RCW 42.56.240, to **create a new exemption** for “Global positioning system data that shows the residence of an employee or agent of a criminal justice agency as such agency is defined in RCW 10.97.030”, with the data defined as “global positioning system coordinates or approximate addresses corresponding to points located within a three mile distance from the employee’s or agent’s residential address at the time of request”.

- **Comments:** There are few clues as to the intent of the bill. Many law enforcement vehicles are currently tracked using GPS locators in real time, with the data recorded so that the position of vehicles can be displayed at any time in the past. Some law enforcement agencies allow officers to drive their vehicles home when they are off duty. An agency that does both of these could be concerned that a public records request for vehicle positioning data could disclose the residences of officers. But the way the language is currently written could be interpreted to create an exemption zone six miles across centered around the home of *every* law enforcement officer; in many cities, that could make *all* such GPS data exempt from disclosure. Access to this GPS data can be important for government accountability in disclosing the positioning of vehicles at the time of an event.
- **Recommended Action: OPPOSE** in current form. Request amendments to clarify the exclusion zone and what GPS data can be withheld.
- **Status:** Prefiled 12/19/13. Introduced 1/13/14. Referred to Government Operations & Elections. **Public hearing scheduled** 1/15/14 at 1:30PM. **Died in committee.**

**HB 2139** ([link](#)) [**Companion Bill SB 5980**] - **Creating a quality improvement program for the licensees of the medical quality assurance commission (Harris)** – Requires the Medical Quality Assurance Commission to establish a quality improvement program to address deficits or concerns in the practice of physicians and physician assistants. Permits the Commission to use professional development plans, letters of guidance, informal interviews, and quality assessments as part of the quality improvement program. Commission meetings to discuss or adopt a non-disciplinary resolution are not subject to the Administrative Procedures Act or the Open Public Meetings Act (see Section 3(2)). **Creates a new exemption** to disclosure under the Public Records Act for records related to matters investigated and actions taken under the quality improvement program (see Section 3(3) and Section 8(5)) and such actions are not admissible in a civil, criminal, or administrative action, except a disciplinary proceeding.

- **Comments:** The existing PRA exemptions under 42.56.240(1) would cover investigative records during the investigation, but not after the investigation is completed. These “quality improvement” programs when operated by individual hospitals have all the same protections mentioned in this bill in order to encourage voluntary participation by medical professionals. But making all of this information secret also makes it difficult for people to learn which doctors are having problems, reducing their ability to select the best possible care.
- **Recommended Action: CONCERNS.** Review bill reports and talk to sponsors to determine why the secrecy is necessary. The substitute bill, which changes to a pilot program, eliminates the new PRA exemption, so WCOG’s position is changed to **NEUTRAL**.
- **Status:** Prefiled 12/31/13. Introduced 1/13/14. Referred to Health Care & Wellness. **Public hearing scheduled** 1/13/14 at 1:30PM. **Substitute bill Voted out of committee 17-0 1/23/14.** Referred to Rules. **Died in Rules.**

**HB 2141** ([link](#)) [**Companion Bill SB 6135**] - **Addressing banks and trust companies (Kirby; by request of Department of Financial Institutions)** – Modernizes, clarifies, reorganizes, and amends laws regarding nondepository trust companies, fiduciary activities and trust business of state commercial banks, alien banks, state savings banks, and state savings associations, and fiduciary activities and trust business of other trust institutions and persons engaging in trust business. Section 325 **creates a new exemption** to disclosure under the Public Records Act for confidential portions

of applications to create a new state trust company, including “the financial statement of a proposed officer, director, manager, or managing participant”.

- **Comments:** This exemption is consistent with personal financial information submitted with similar applications for other financial institutions regulated by the department.
- **Recommended Action:** NEUTRAL.
- **Status:** Prefiled 12/3/13. Introduced 1/13/14. Referred to Business & Financial Services. **Public hearing scheduled 1/17/14 at 8AM. Executive session scheduled 1/21/14 10AM. Voted out of committee 14-0 on 1/21/14.** Referred to Rules. Placed on 2nd Reading Calendar 2/14/14. **Failed to pass House.**

**HB 2142** ([link](#)) - **Concerning registration of persons providing debt settlement services (Kirby)** – Requires the Department of Financial Institutions to regulate “debt settlement services”, including registering such services operating in the state and imposing requirements on such services. Section 16 of the bill enables DFI to investigate complaints against debt settlement service providers. Section 21 amends the Public Records Act, RCW 42.56.230, to **create a new exemption** from disclosure for any information that comes into the possession of DFI regarding individuals who have agreements with providers of debt settlement services.

- **Comments:** This exemption is consistent with similar exemptions for personal information of consumers that comes into the possession of state regulators in the course of examining or investigating regulated businesses.
- **Recommended Action:** NEUTRAL.
- **Status:** Prefiled 1/6/14. Introduced 1/13/14. Referred to Business & Financial Services. **Died in committee.**

**HB 2179** ([link](#)) - **Regarding government surveillance conducted with extraordinary sensing devices (Morris)** – Creates a new chapter of law to regulate the use of “extraordinary sensing devices”, which prohibits state and local agencies from using such devices except under prescribed circumstances. Section 4 of the bill **creates a new exemption** from disclosure under the Public Records Act (or disclosure for any other reason) for any data collected on an individual or area other than the target of a valid search warrant, and requires such illegally collected data to be destroyed.

- **Comments:** It is reasonable to require data that was illegally acquired to not be disclosed under the PRA between the time it is obtained and when it is destroyed. Presumably, data that is legally collected under the law would also be exempt from disclosure under existing investigative records exemptions. The substitute bill does not change the public records provisions.
- **Recommended Action:** NEUTRAL.
- **Status:** Prefiled 1/8/14. Introduced 1/13/14. Referred to Technology & Economic Development. **Public hearing scheduled 1/16/14 at 8AM. Executive session scheduled 1/28/14 1:30PM and 1/30/14 8AM. Substitute bill voted out of committee 9-8 on 1/31/14.** Referred to Appropriations Subcommittee on General Government & Information Technology. Executive action taken by committee 2/6/14. **Voted out of committee 5-4 2/6/14.** Referred to Rules. Placed on 2nd Reading Calendar 2/13/14. **Failed to pass House.**

**HB 2189** ([link](#)) - **Concerning the administration and operation of flood control districts (Takko)** – Amends rules and requirements for flood control district contracts, including authorizing installment payments for maintenance contracts, creating a threshold over which contracts must be competitively bid, updating competitive bid procedures including performance bond requirements. Amends and consolidates provisions relating to the administration and operation of flood control district boards of directors, and including that meetings are subject to the Open Public Meetings Act.

- **Comments:** The Flood Control Districts law was originally adopted in 1937 (more than 30 years before the OPMA was adopted), and contains several specific provisions regarding board meetings that are duplicative of or inconsistent with the OPMA. The bill repeals the meeting provisions of the flood control district act and instead requires them to comply with the OPMA. (The substitute bill does not modify the open government provisions.)
- **Recommended Action:** **SUPPORT** the portions related to consistency with the OPMA; NEUTRAL on other portions.
- **Status:** Prefiled 1/9/14. Introduced 1/13/14. Referred to Local Government. **Public hearing scheduled 1/13/14 at 1:30PM. Executive session scheduled 1/15/14 at 8AM and 1/16/14 at 10AM. Substitute bill voted out of committee 5-3 on 1/16/14.** Referred to Rules. **Died in Rules.**

**HB 2202** ([link](#)) - **Concerning the establishment of an open data policy to facilitate sharing and publication of government data (Carlyle)** – Expands requirements for public data sets to be proactively made available online. Certain types of data are exempt from the proactive online posting requirement even though they are subject to disclosure under the Public Records Act, such as if extensive and costly redaction of the data would have to be done.

- **Comments:** Section 2(6)(a) refers to “any portion of a data set to which an agency may deny access pursuant to the public records act, chapter 42.56 RCW, or any other provision of a federal or state law, rule, or regulation or local law”. The last portion of this is error, because rules, regulations, and local laws cannot create exemptions



to disclosure under the PRA. The substitute bill makes a large number of changes, including exempting the courts and legislature from its provisions

- **Recommended Action:** **SUPPORT**, but ask the sponsor to eliminate the reference to “rules, regulations, and local law”.
- **Status:** Prefiled 1/10/14. Introduced 1/13/14. Referred to Government Operations & Elections. **Public hearing scheduled 1/24/14 8AM.** Executive session scheduled 1/29/14 at 1:30PM. Executive action taken 1/31/14. **Substitute bill voted out of committee 9-1 on 1/31/14.** Referred to Appropriations. **Public hearing scheduled 2/10/14 10AM. 2nd substitute bill voted out of committee 19-11 2/10/14.** Referred to Rules. **Died in Rules.**

**HB 2209** ([link](#)) – **Improving the accuracy of the prevailing rate of wage (Manweller)** – Amends the state prevailing wage law, RCW 39.12, to required that prevailing wages be based on only *non-public* projects within the locality. Section 3 amends the Public Records Act, RCW 42.56.270, to **create a new exemption** for the responses to wage and hour surveys used by the Department of Labor and Industries to establish the prevailing wage.

- **Comments:** The wages paid to employees of private companies on private projects are generally considered confidential financial information of the employers that they would not want disclosed to their competitors. The exemption would thus be consistent with other exemptions for confidential financial information in 42.56.270. However, as with so many other such exemptions, such an exemption will make it impossible for anyone outside the Department of Labor and Industries to verify that the prevailing wage calculation is done accurately, which is a risk because it has a significant impact on the cost of public construction projects.
- **Recommended Action:** **CONCERNS** regarding the transparency of the calculation of prevailing wage rates when the wage and hour survey responses are secret.
- **Status:** Introduced 1/14/14. Referred to Labor & Workforce Development. **Public hearing scheduled 1/28/14 1:30PM. Died in committee.**

**HB 2210** ([link](#)) [**Companion Bill SB 6317**] – **Improving the accuracy of the prevailing rate of wage (Manweller)** – Amends the state prevailing wage law, RCW 39.12, to require that prevailing wages be based on “stratified random sampling methodology”. Section 4 amends the Public Records Act, RCW 42.56.270, to **create a new exemption** for the responses to wage and hour surveys used by the Department of Labor and Industries to establish the prevailing wage.

- **Comments:** The wages paid to employees of private companies may be considered confidential financial information of the employers that they would not want disclosed to their competitors. The exemption would thus be consistent with other exemptions for confidential financial information in 42.56.270. However, as with so many other such exemptions, such an exemption will make it impossible for anyone outside the Department of Labor and Industries to verify that the prevailing wage calculation is done accurately, which is a risk because it has a significant impact on the cost of public construction projects.
- **Recommended Action:** **CONCERNS** regarding the transparency of the calculation of prevailing wage rates when the wage and hour survey responses are secret.
- **Status:** Introduced 1/14/14. Referred to Labor & Workforce Development. **Public hearing scheduled 1/28/14 1:30PM. Died in committee.**

**HB 2222** ([link](#)) – **Providing that legal services provided by a licensed attorney are not regulated campaign contributions or expenditures (Manweller)** – Amends the Public Disclosure Act, RCW 42.17A, to declare that legal services contributed in-kind to political committee for the purpose of defending constitutional rights are not considered campaign contributions or expenditures.

- **Comments:** The stated reason for the change is that the fair market value of in-kind contributions of legal services can quickly exceed campaign contribution limits, with the result that any particular attorney or law firm can contribute very few hours to a particular campaign. The effect of the change is to eliminate any limit on this kind of in-kind contribution, as is already the case for other volunteer labor contributed to campaigns (except for professionals provided the usual services of their profession). The problem is that by defining the contribution of services as neither a contribution nor an expenditure, the value of the services will not appear on reports filed with the PDC *at all*. In effect, legal fees that could be valued in the tens or hundreds of thousands of dollars will not be recorded for public inspection *at all*. The whole purpose of the PDA is so that voters will know who has contributed to candidates and thus who the candidates may be beholden to if they win office; this change would completely eliminate that transparency with regard to legal services donated to candidates.
- **Recommended Action:** **OPPOSE.** A better solution would be to retain the ability to receive in-kind contributions of legal services, but exempt such services from campaign contribution limits.
- **Status:** Introduced 1/14/14. Referred to Government Operations & Elections. **Public hearing scheduled 1/28/14 10AM. Died in committee.**

**HB 2239** ([link](#)) – **Exempting the identity of a caller to an enhanced 911 emergency communications system from the public records act (Johnson)** – Amends the Public Records Act, RCW 42.56.230, to **create a new exemption** for “Any information that would reveal the identity of a person who made a call to an enhanced 911 emergency communications system as defined in RCW 82.14B.020”.

- **Comments:** No findings or other information has been provided with the bill to indicate why the identity of persons who call 911 should be exempt from disclosure. If such a person were a witness to or victim of a crime, or are filing a complaint over 911, their identity is already exempt from disclosure under RCW 42.56.240(2). Unless there is a compelling reason to keep confidential the names of non-witness and non-victims who call 911, those identities should remain subject to disclosure.
- **Recommended Action: OPPOSE.**
- **Status:** Introduced 1/15/14. Referred to Government Operations & Elections. **Public hearing scheduled 1/28/14 10AM. Died in committee.**

**HB 2369** ([link](#)) – **Increasing legislative transparency by providing mandatory notice and waiting periods before legislative action, banning title-only bills, and opening all legislative committees to the public (Taylor)** – Amends the statute governing the legislature to provide that that bills, proposed substitutes, amendments, and conference committee reports be available to the public at least 72 hours before any public hearing or vote; at least 72 hours’ notice before legislative hearings, including listing the bills to be considered; that bills are not eligible for consideration unless they’ve had a public hearing in the same session; that bills must be on the floor calendar at least 48 hours before they are eligible for a floor vote; that bills must be available in their final form before being eligible for a vote on final passage. These provisions may be suspend by two-thirds vote of the whole chamber. Title-only bills are prohibited. Committees of the legislature are made subject to the Open Public Meetings Act, and may not adjourn solely for the purpose of holding caucus meetings for the purpose of discussing a pending vote or amendment prior to executive action.

- **Comments:** WCOG has long supported reforms along these lines to improve legislative transparency and increase opportunities for the public to meaningfully participate in the legislative process.
- **Recommended Action: SUPPORT.**
- **Status:** Introduced 1/16/14. Referred to Government Operations & Elections. **Died in committee.**

**HB 2376** ([link](#)) [Companion Bill SB 6517] – **Exempting agency employee driver's license numbers, identicard numbers, and identification numbers from public inspection and copying (Hayes)** – Amends the Public Records Act, RCW 42.56.250, to **expand an existing exemption** from disclosure for the “driver's license numbers, identicard numbers, employee identification numbers” of public employees.

- **Comments:** Public employees have expressed concern that these numbers can be used for identity theft and to access a state-run service that allows their computer passwords to be changed. The State Archivist has repeatedly and strongly stated that the likelihood of this information being used for identity theft is extremely small. Driver licenses are widely used as identification and so their numbers are available to many people in many ways besides public records requests; any credit grantors who depend on the security of driver license numbers to verify identity in granting of credit have a seriously flawed process. The password-updated service is likewise fundamentally flawed if simple possession of an employee identification number enables telephonic modification of employee passwords. The flawed design of a particular state telephone service should not be the basis for reducing the ability for the public to hold government employees accountable by making it difficult to differentiate between employees who have similar names, or to verify that a public employee mentioned in one record is the same as one mentioned in another. The substitute bill removes employee ID numbers from the proposed exemption, but continues to exempt driver license numbers and identicard numbers. The adopted floor amendment reorganizes the section to clarify the records to which the exemption applies; WCOG supported the amendment but continues to oppose the bill.
- **Recommended Action: OPPOSE.**
- **Status:** Introduced 1/16/14. Referred to Government Operations & Elections. **Public hearing scheduled 1/24/14 8AM. Executive session scheduled 1/29/14 1:30PM. Substitute bill voted out of committee 8-3 2/4/14.** Referred to Rules. **Engrossed bill Passed House 89-8 2/17/14.** Referred to Senate Governmental Operations. **Public hearing scheduled 2/27/14 10AM. Died in Committee.**

**HB 2403** ([link](#)) – **Exempting portions of certain records containing geographic information systems (GIS) data for sewer mains, water mains, and manholes from public disclosure (Takko)** – Amends the Public Records Act, RCW 42.56.420, to **create a new exemption** from disclosure for “Those portions of records containing geographic information systems (GIS) data for sewer mains, water mains, and manholes to the extent that they identify specific system vulnerabilities or where the release of such information may increase the risk to the agency's infrastructure or assets from criminal terrorist acts”.

- **Comments:** The problem with this exemption, as with other similar exemptions regarding records of government infrastructure, is that any disclosure will be deemed to “increase risk of terrorist acts” and thus be

used to withhold the records. We continue down the slippery slope of exempting from disclosure any information about public infrastructure becomes a terrorist *might* be able to use it to plan an attack. In this case, the fact that manholes exist in virtually every street in plain sight, and that access to water and sewer mains is also widely available and easy to find, would seem to argue that withholding records is unlikely to keep a potential terrorist from finding them. Keeping this information secret can create many problems for construction projects, particularly if contractors are required to keep information under lock-and-key and require security clearances for any employees who might have access to the information.

- **Recommended Action: OPPOSE.**
- **Status:** Introduced 1/16/14. Referred to Government Operations & Elections. **Public hearing scheduled 1/28/14 10AM. Died in committee.**

**HB 2452** ([link](#)) [**Companion Bill SB 6134**] – **Addressing nondepository institutions regulated by the department of financial institutions (Vick; by request of Department of Financial Institutions)** – Clarifies the statute of limitations for enforcement actions, sharing of information with federal and state regulatory authorities, and requiring call reports for nondepository institutions regulated by the department of financial institutions. Section 8 **creates a new exemption** from disclosure under the Public Records Act, by declaring "the requirements under any federal law or laws of another state regarding the privacy or confidentiality of any information or material provided to the department, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to that information or material, continues to apply to the information or material after the information or material has been disclosed to the department" and "when the department is a party to a memoranda of understanding or enforcement order issued by the consumer financial protection bureau, the privacy, confidentiality, or privilege accorded to the document by federal law continues to apply even after the memoranda or order has been signed by the director or a designee", and then saying that these provisions supersede the disclosure requirements of the Public Records Act. Sections 33 and 40 create comparable confidentiality provisions for "own risk and solvency assessments" filed with the commissioner, and Sections 42 and 43 **create a new exemption** from disclosure under the PRA for such assessments.

- **Comments:** These provisions enable many mechanisms other than Washington state or federal statute to cause records to be exempt from disclosure, including statutes of other states, court rules, and even memorandums of understanding and enforcement orders issued by regulatory agencies. DFI should explain why it is necessary that this potentially very broad group of records should be exempt from disclosure.
- **Recommended Action: CONCERNS.**
- **Status:** Introduced 1/17/14. Referred to Business & Financial Services. **Public hearing scheduled 1/21/14 10AM. Executive session scheduled 1/22/14 1:30PM. Voted out of committee 15-0 on 1/22/14.** Referred to Rules. Placed on 2nd Reading Calendar 2/7/14. **Failed to pass House.**

**HB 2559** ([link](#)) [**Companion Bill SB 6364**] - **Concerning parental rights and responsibilities of sexual assault perpetrators and survivors (Goodman)** – Creates a court process to restrict parental rights and establish support obligations in cases in which the child was conceived as the result of sexual assault. Section 2(8) requires modification (falsification) of birth certificates to show that the rapist is not a parent, even though the facts prove they were. Section 2(11) requires hearings related to the matter to be closed without an *Ishikawa* hearing, unless the parties and the court agree to open it; it also invokes prior restraint on individuals who attend the hearing to prohibit them from speaking about it.

- **Comments:** The state Supreme Court has repeatedly held that automatic closing of court proceedings without an *Ishikawa* hearing is inconsistent with Article I Section 10 of the state constitution and thus unconstitutional.
- **Recommended Action: OPPOSE.**
- **Status:** Introduced 1/21/14. Referred to Judiciary. **Public hearing scheduled 1/30/14 at 8AM.** Executive session scheduled 2/4/14 1:30PM. **Died in committee.**

**HB 2562** ([link](#)) - **Addressing water system vulnerabilities to hazards such as terrorism and natural disasters (Sawyer)** – Public water systems are required to prepare hazard mitigation plans that identify vulnerabilities to natural disasters, terrorist attacks and other intentional acts, and a prioritized list of needed improvements. Section 2(3) **creates a new exemption** from public disclosure for the *entire* hazard mitigation plan. Section 3 references the new exemption in the PRA.

- **Comments:** The proposed exemption is excessively broad. Vulnerabilities to terrorist attack are already exempt from disclosure under RCW 42.56.420(1) and it is not necessary to duplicate it. Other vulnerabilities, such as to natural disasters, should be fully open to the public so that they are aware of the condition of their infrastructure and the need for mitigations. The list of needed improvements would likely be incorporated into the Capital Improvement Plan of each jurisdiction, and under this bill those CIP projects would be exempt from disclosure.
- **Recommended Action:** NEUTRAL on the substance of the bill. **OPPOSE** the new exemption and request that it be removed from the bill.

- **Status:** Introduced 1/21/14. Referred to Public Safety. **Died in committee.**

**HB 2578** ([link](#)) [**Companion Bill SB 6454**] - **Exempting from public inspection certain public works proposals and documents (Dunshee)** – Amends RCW 39.10, Alternative Public Works Contracting Procedures (which includes Design-Build, GC/CM, and Job Order Contracting) to **create a new exemption** from disclosure under the Public Records Act stating “Proposals submitted in response to a competitive solicitation and related evaluation documents are exempt from disclosure until the public body announces that a contract agreement has been executed or the selection process is terminated.”

- **Comments:** In the traditional bid process, bids are sealed until opened, at which time submissions are fixed and cannot be changed, and competitors can see what each other submitted. In the alternative processes defined in this chapter of law, contractors competing on the basis of experience and qualifications to be selected, with the financial terms of the contract to be negotiated later (either for a single project in the case of Design-Build and GC/CM, or potentially multiple contracts under Job Order Contracting). Trade secrets and other proprietary information submitted by contractors are already exempt from disclosure. This bill greatly expands this to include *all* submitted materials in a competitive solicitation. It also provides that even after the submission period is closed, and even after the contractor is selected, submitted materials remain exempt from disclosure until a contract agreement is actually executed or the project is abandoned. This prevents the public from examining any of the submitted materials and raising concerns until the project is far along in the design process. The existing protections for trade secrets and proprietary information are adequate, and other elements of a submission should continue to be disclosed after the response period closes. The substitute bill changes the time at which records are disclosable to when the highest-scoring responder is announced rather than when a contract is signed.
- **Recommended Action:** ~~OPPOSE~~. If the measure survives consideration, the new exemption should be referenced in RCW 42.56. The substitute bill addresses WCOG’s concern and is consistent with other bidding processes, so the WCOG position is changed to **NEUTRAL**.
- **Status:** Introduced 1/21/14. Referred to Government Operations & Elections. **Public hearing scheduled 1/31/14 8AM.** Executive session scheduled 2/4/14 10AM. **Substitute bill voted out of committee 10-1 2/5/14.** Referred to Rules. **Died in Rules.**

**HB 2588** ([link](#)) - **Concerning employers’ responsibility for the medical assistance costs of employees (Cody)** – Penalizes large employers whose employees qualify for Medicaid due to lack of employer-paid health insurance. Requires the state Health Care Authority, Insurance Commissioner, and Department of Labor and Industries to match records of employees in their databases to determine the number of employees covered and the penalty to be paid. Employers are guilty of a misdemeanor if they lay off workers, reduce their hours, designate them as temporary or independent contractors, ask them about their Medicaid status, require them to unenroll from Medicaid, or otherwise attempt to avoid the penalties. Section 5 **creates a new exemption** from disclosure under the Public Records Act for “Any documents and records that result from matching records with or providing information to the authority or the department”. Section 10 references the new exemption in the PRA by creating a new section.

- **Comments:** The records in question would be compiled from other records that are already exempt from disclosure because they contain confidential proprietary financial information of employers and health care information of employees.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/22/14. Referred to Health Care & Wellness. **Public hearing scheduled 2/3/14 1:30PM.** Executive session scheduled 2/3/14 1:30PM and 2/5/14 8AM. **Died in committee.**

**HB 2606** ([link](#)) – **Restricting the use of automated license plate recognition systems (Condotta)** – Limits the use of automated license plate recognition systems to “official criminal investigations” conducted by law enforcement agencies. Subsection 2(4) **creates a new exemption** from disclosure under the Public Records Act by making confidential “data collected or retained through the use of an automated license plate recognition system”. Subsection 2(6) requires data collected by an automated license plate recognition system that does not become part of an investigation or intelligence data to be deleted within 21 days.

- **Comments:** While the presence of a vehicle in a particular public location (where it can be seen by a license plate scanner) would probably not be considered “private” for purposes of 4th Amendment search and seizure provisions, most people would consider it a violation of their privacy to have the government collect and make available to the public data about where their vehicle was at a particular time. It is also questionable that this data is of legitimate public interest. With the current widespread concern about government surveillance and data mining, requiring license plate data to be purged after a short period of time is reasonable.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/22/14. Referred to Public Safety. **Died in committee.**

**HB 2670** ([link](#)) - **Concerning licensure of persons providing debt settlement services (Kirby)** – Requires the Department of Financial Institutions to regulate “debt settlement services”, including licensing such services operating in the state and imposing requirements on such services. DFI may investigate complaints against debt settlement service providers. Section 34 amends the Public Records Act, RCW 42.56.230, to **create a new exemption** from disclosure for any information that comes into the possession of DFI regarding individuals who have agreements with providers of debt settlement services.

- **Comments:** The bill is similar in many respects to HB 2142 (“Concerning registration of persons providing debt settlement services”), except this bill establishes a licensing program instead of a registration program. The exemption is consistent with similar exemptions for personal information of consumers that comes into the possession of state regulators in the course of examining or investigating regulated businesses.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/24/14. Referred to Business & Financial Services. **Public hearing scheduled 1/28/14 10AM.** Executive session scheduled 1/29/14 1:30PM. **Died in committee.**

**HB 2727** ([link](#)) - **Concerning reporting by lobbyists and lobbyists' employers (S. Hunt)** – Requires lobbyists and lobbyists' employers to file PDC reports electronically.

- **Comments:** Lobbyist reports are currently submitted in paper form and are not transcribed by the PDC into a database to enable searching and analysis due to the high cost of transcription. This bill would make lobbyist information much more accessible to the public so they may more fully understand the influences on public officials.
- **Recommended Action:** **SUPPORT.**
- **Status:** Introduced 1/28/14. Referred to Government Operations & Elections. **Died in committee.**

**HB 2764** ([link](#)) – **Enacting recommendations of the sunshine committee (Springer; by request of the Public Records Exemption Accountability Committee)** – Amends the Public Records Act, RCW 42.56.240(2), to move the provision that PDC complaints must be submitted in writing and under oath to RCW 42.17A instead of RCW 42.56. Repeals RCW 42.56.480 (Inactive Programs) and RCW 66.16.090 (Records of individual liquor purchases, both of which are obsolete.

- **Comments:** This is primarily a housekeeping measure. It's unfortunate it was introduced too late for consideration.
- **Recommended Action:** **SUPPORT.**
- **Status:** Introduced 2/4/14. Referred to Government Operations & Elections. **Died in committee.**

**HB 2768** ([link](#)) – **Concerning reporting by lobbyists and lobbyists' employers (S. Hunt)** – Amends RCW 42.17A to require that reports of lobbyist and lobbyist employer expenditures be submitted to the PDC electronically.

- **Comments:** These reports are currently filed in paper form and scanned by the PDC, but not transcribed into an electronic database due to the high cost of transcription. This information should be submitted electronically to make it easier for the public to track lobbyist expenditures and the legislators who are the focus of those expenditures, so they know who is trying to influence legislative decision-making.
- **Recommended Action:** **SUPPORT.**
- **Status:** Introduced 2/5/14. Referred to Government Operations & Elections. **Died in committee.**

**HJR 4217 – WCOG PRIORITY** ([link](#)) - **Amending the Constitution regarding the people's right of access to information concerning the conduct of the people's business (Pollet)** – Amends the state constitution to make access to public records a constitutional right, to require provisions that expand access to be broadly construed and those that restrict access to be narrowly construed, and to require legislative findings of compelling purpose that necessitates any narrowing of access. Requires legislative journals to be fully open, and chamber doors to be open so audiences can view legislative action. Eliminates executive privilege and legislative privilege.

- **Comments:** Amending the constitution to eliminate executive privilege is one of WCOG's legislative priorities for 2014, in response to the recent *Freedom Foundation v. Gregoire* decision.
- **Recommended Action:** **STRONGLY SUPPORT.**
- **Status:** Introduced 1/23/14. Referred to Government Operations & Elections. **Died in committee.**

**SB 5504** ([link](#)) - **Requiring state employees to be truthful when providing employment-related information (Roach)** – Amends the state Ethics in Public Service Act, RCW 42.52, to require that “State employees shall be truthful and forthright when providing information or answering questions related to the scope of their employment, the performance of their duties, and the operations of the agency at which the state employee is employed” and that “State employees shall be truthful when providing information of any kind”. Violation of these provisions would be punishable as an ethics violation.

- **Comments:** These provisions may be applicable to some misrepresentations associated with responses to public records requests and related to compliance with the open public meetings act.
- **Recommended Action:** **SUPPORT.**
- **Status:** Introduced 1/31/13. Referred to Governmental Operations. Public hearing scheduled 2/19/13 at 10AM. **Voted out of committee unanimously 2/20/13. Died in Rules.** Reintroduced by resolution 1/13/14. Moved to Rules White Sheet 1/17/14. **Died in Rules.**

**SB 5887** ([link](#)) - **Concerning the medical use of cannabis (Rivers)** – Amends Chapter 69.51A RCW (Medical Cannabis) to require medical cannabis dispensaries, producers, and processors to be licensed by the Liquor Control Board. The LCB is empowered to establish rules for operation, licensing, enforcement, and regulation of medical cannabis dispensaries, producers, and processors. Tightens qualifications for receiving medical cannabis. Revises requirements for medical cannabis patients to register with the Department of Health and to participate in a collective garden. Creates a “medical cannabis excise tax” of 20% of the wholesale price, but exempts retail sales from sales and use tax. Section 14 of the bill **creates a new exemption** from disclosure under the Public Records Act for “names and addresses of the holders of medical cannabis producer and medical cannabis processor licenses” but allows this information to be released to the Liquor Control Board and law enforcement for criminal and civil investigations of license holders; secondary disclosure is prohibited.

- **Comments:** The exemption is likely intended to try to avoid potential thieves from using public records requests to identify locations where large amounts of marijuana might be growing or stored. This provision is likely to be useless, since it will be difficult to keep such information secret in the long term. Names and addresses are not confidential proprietary business information that would result in a competitive disadvantage to in-state producers over out-of-state producers. Neither is marijuana an endangered species in which locations are required to be kept secret by international treaty (as with ginseng). The exemption is overly broad. Requiring all state and local agencies to keep the names and addresses of medical cannabis producers and processors secret, in databases such as property ownership, property assessment, business licenses, employment security and workers compensation, police reports, vehicle licensing, etc., would be an unreasonable and unnecessary burden. The locations of producers and processors of other medications (including many for which there are active criminal black markets) are not kept secret; cannabis should be treated the same as other medications in this regard. Likely exempt from cutoff dates as being necessary to implement the budget. The substitute bill does not change the open government provisions. The 2nd substitute bill does not change the PRA provisions.
- **Recommended Action:** Neutral on the bill as a whole, but **OPPOSED** regarding the new exemption. Request an amendment removing the exemption from the bill.
- **Status:** Introduced 3/28/13. Referred to Ways & Means. **Died in Committee.** Reintroduced by resolution 1/13/14. Referred to Health Care. **Public hearing scheduled 1/21/14 10AM. Substitute bill voted out of committee 7-1 on 1/23/14.** Referred to Commerce & Labor. **Public hearing scheduled 2/5/14 1:30PM. 2nd substitute bill voted out of committee 6-1 2/7/14.** Referred to Ways & Means. **Died in Ways & Means.**

**SB 5955** ([link](#)) - **Establishing the Washington publicly owned trust in order to create a financing infrastructure to implement Initiative Measure No. 502 that complies with the United States attorney general's guidance letter of August 29, 2013, thereby providing resources for public infrastructure and other public purposes (Hasegawa)** – Creates a state bank that will hold state and local government monies and use them to finance improvements in public infrastructure. Capital would come from federal transportation funds, Taft-Hartley trust funds, revenue bond proceeds, and state reserves. All earnings would be retained by the trust to be used for state purposes. Sections 21 and 22 **create a new exemption** from disclosure under the Public Records Act by adding the trust to RCW 42.56.270(4) so that confidential financial and commercial information of businesses or individuals applying for loans from the trust are exempt from disclosure. Sections 23 and 24 **create a new exemption** to the PRA by adding the trust to RCW 42.56.400(6) so that examination reports obtained by the Department of Financial Institutions regarding the trust are exempt from disclosure. Section 32 is an “emergency clause” which says the bill would take effect immediately upon signing by the governor.

- **Comments:** We’ve seen this bill several times before; this time it is being justified on the basis that marijuana businesses need banking services, and commercial banks are unwilling to provide them due to concerns over being accused of “aiding and abetting” illegal activity under federal law. But all the same problems still exist with the proposal. The trust would be a state agency, and must be subject to as much scrutiny as every other public agency. Certainly examinations of the operations and investment practices of the trust by the Department of Financial Institutions should not be exempt from disclosure as they are with private banks, but should be open to the public. There’s no reason to declare this bill to be an emergency and eliminate the possibility of the people to put it on the ballot as a referendum; it’s been percolating in the legislature for several years, and is not addressing any emergency. The only reason for the emergency clause is to eliminate the possibility of a referendum, which is an inappropriate use of the emergency clause.

- **Recommended Action:** NEUTRAL on the substance of the bill. **OPPOSE** the exemption from disclosure for examination records and other trust records necessary to public accountability. **OPPOSE** the emergency clause.
- **Status:** Prefiled 12/4/13. Introduced 1/13/14. Referred to Financial Institutions, Housing & Insurance. **Public hearing scheduled 1/16/14 at 1:30PM. Died in committee.**

**SB 5980** ([link](#)) [**Companion Bill HB 2139**] - **Creating a quality improvement program for the licensees of the medical quality assurance commission (Cleveland)** – Requires the Medical Quality Assurance Commission to establish a quality improvement program to address deficits or concerns in the practice of physicians and physician assistants. Permits the Commission to use professional development plans, letters of guidance, informal interviews, and quality assessments as part of the quality improvement program. Commission meetings to discuss or adopt a non-disciplinary resolution are not subject to the Administrative Procedures Act or the Open Public Meetings Act (see Section 3(2)). **Creates a new exemption** to disclosure under the Public Records Act for records related to matters investigated and actions taken under the quality improvement program (see Section 3(3) and Section 8(5)) and such actions are not admissible in a civil, criminal, or administrative action, except a disciplinary proceeding.

- **Comments:** The existing PRA exemptions under 42.56.240(1) would cover investigative records during the investigation, but not after the investigation is completed. These “quality improvement” programs when operated by individual hospitals have all the same protections mentioned in this bill in order to encourage voluntary participation by medical professionals. But making all of this information secret also makes it difficult for people to learn which doctors are having problems, reducing their ability to select the best possible care.
- **Recommended Action:** **CONCERNS.** Review bill reports and talk to sponsors to determine why the secrecy is necessary.
- **Status:** Prefiled 12/31/13. Introduced 1/13/14. Referred to Health Care. **Public hearing scheduled 1/23/14 10AM.** Executive session scheduled 2/6/14 10AM. **Died in committee.**

**SB 6006** ([link](#)) [**Companion Bill HB 2515**] - **Concerning the treatment of population enumeration data, including exempting it from public inspection and copying (Roach; by request of Office of Financial Management)** – Amends the Public Records Act, RCW 42.56, to **create a new exemption** for raw population enumeration data collected for census taken of areas annexed by cities, and by counties and school districts. The enumeration data is declared confidential and must be destroyed after it is used.

- **Comments:** The data collected is very detailed and considered to be intrusive. Those residents from whom the data is collected have historically been promised that the data is only for the purpose of determining population and that their personal information would be kept confidential, despite the fact that no actual confidentiality provision appeared in statute. Failure to provide for confidentiality could result in reluctance to provide accurate information. Federal census data is required to be kept confidential for 72 years. Treating the data as confidential makes it difficult for citizens to hold OFM accountable for the accuracy of their work. It also eliminates a potentially valuable historical resource, but one that largely duplicates federal census data.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/13/14. Referred to Governmental Operations. **Public hearing 1/28/14 at 10AM. Voted out of committee 7-0 1/30/14.** Referred to Rules. Placed on 2nd Reading Calendar 2/17/14. **Failed to pass Senate.**

**SB 6097** ([link](#)) – **Facilitating and regulating contributions via text message to political campaigns (Billig)** – Amends the Public Disclosure Act, RCW 42.17A, to facilitate political contributions using text messaging services. Clarifies when the contribution is deemed received by the campaign. Limits aggregate contributions via text message from any person to no more than 50 dollars per campaign (or per year for continuing political committees). Allows person who contribute 50 dollars or less in the aggregate via text message to be omitted from campaign contribution reports, while retaining the provision that persons who contribute 25 dollars or more via other means must continue to be listed on reports. Allows text message contributions to be reported in lump sum rather than having the contributors detailed.

- **Comments:** It is good to consider how to update our campaign finance laws to accommodate new technologies. However, the way this bill is written could enable thousands, even tens or hundreds of thousands of dollars, to flow into campaigns with no public record of the identities of the contributors. Rather than weakening contribution reporting requirements, we should be strengthening them.
- **Recommended Action:** **OPPOSE** with regard to the exclusion of contributions made via text messaging from campaign contribution reports.
- **Status:** Introduced 1/15/14. Referred to Governmental Operations. **Public hearing scheduled 1/23/14 10AM. Died in committee.**

**SB 6098** ([link](#)) – **Increasing transparency of campaign contributions (Billig)** – Amends the Public Disclosure Act, RCW 42.17A, to expand the period before an election in which “electioneering communications” rules apply from 60 to 90 days, and the entire period between a primary and general election. Creates the concept of an “incidental committee” which

includes 501(C) and 527 committees that make contributions to political committees in Washington; incidental committees are required to register as political committees if their aggregate contributions exceed certain thresholds.

- **Comments:** This will help to improve transparency in campaign contributions by reducing the ability to cloak actual contributors by passing contributions through intermediary committees.
- **Recommended Action:** **SUPPORT.**
- **Status:** Introduced 1/15/14. Referred to Governmental Operations. **Public hearing scheduled 1/27/14 10AM. Voted out of committee 5-0 2/3/14.** Referred to Rules. Placed on 2nd Reading Calendar 2/11/14. **Failed to pass Senate.**

**SB 6172** ([link](#)) – **Protecting Washington citizens from warrantless surveillance, reducing liability, and establishing clear standards under which agencies may utilize unmanned aerial vehicles (Hargrove)** – Establishes limitations on when public agencies may use unmanned aerial vehicles (drones) and the circumstances under which the data collected by such systems may be used and disclosed. Sections 3 and 11 **create a new exemption** from disclosure for information collected by drones that pertains to persons or areas other than the target of a warrant that enabled the use of the drone. Section 19 requires agency policies related to the use of drones to be publicly available. Section 20 requires detailed records to be kept of all use of drones. Section 21 requires agencies using drones to make available to the public a comprehensive annual audit of the use of drones.

- **Comments:** The prohibition on disclosure of information that was not legally collected and does not pertain to the target of the surveillance is a reasonable privacy protection, consistent with the definition of privacy in RCW 42.56.050. The substitute bill requires personal data collected without authorization to be destroyed within 30 days.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/16/14. Referred to Law & Justice. **Public hearing scheduled 1/27/14 1:30PM. Substitute bill voted out of committee 7-0 2/6/14.** Referred to Rules. Placed on 2nd Reading Calendar 2/13/14. **Failed to pass Senate.**

**SB 6176** ([link](#)) – **Modifying the tax appeal process (Braun)** – Establishes the Tax Tribunal as an independent agency within the executive branch with tax expertise to resolve disputes between taxpayers and tax authorities. Section 15(3) requires that hearings before the tribunal be open to the public, but says “on motion of either party the tax tribunal must issue a protective order or an order closing part or all of the hearing to the public, if the party shows good cause to protect certain information from being disclosed to the public. Protective orders issued by the tax tribunal have the same authority under the public records act and other state laws as protective orders issued by superior courts.”

- **Comments:** To the extent proceedings of the tribunal are similar to courts, a full Ishikawa hearing should be required before a hearing can be closed to the public or records can be sealed.
- **Recommended Action:** **OPPOSE** with regard to the mechanism for closing hearings or records to the public. Recommend that an Ishikawa-like process be required.
- **Status:** Introduced 1/16/14. Referred to Trade & Economic Development. **Public hearing scheduled 1/21/14 8AM. Died in committee.**

**SB 6178** ([link](#)) – **Aligning the medical marijuana system with the recreational marijuana system (Kohl-Welles)** – Aligns the medical marijuana system with the recreational marijuana system. Convenes an expert group to provide guidance to health care professionals on prescribing medical marijuana. Requires creation of a secure and confidential medical marijuana verification program. Sections 19(9) and 20 **create a new exemption** to disclosure under the PRA for records in the medical marijuana verification program containing names and other personally identifiable information of qualifying patients and designated providers.

- **Comments:** Because these are health care records, these exemptions are consistent with other exemptions for personal health care information. The substitute bill does not change the exemptions.
- **Recommended Action:** NEUTRAL. Recommend that Section 20 of the bill be amended so that instead of create a standalone section in the PRA that the exemption be added to RCW 42.56.360.
- **Status:** Introduced 1/16/14. Referred to Health Care. **Public hearing scheduled 1/21/14 10AM. Substitute bill voted out of committee 7-1 on 1/23/14.** Referred to Commerce & Labor. **Public hearing scheduled 2/5/14 1:30PM. 2nd substitute bill voted out of committee 6-1 2/7/14.** Referred to Ways & Means. **Died in Ways & Means.**

**SB 6183** ([link](#)) – **Requiring public employee collective bargaining sessions to be open meetings (Braun)** – Amends the Open Public Meetings Act, RCW 42.30.140, to eliminate the provision that says that “contract negotiations” are not subject to the OPMA. Creates a separate section in the OPMA that requires contract negotiations to be open to the public, but that “Any individual collective bargaining session may be private if both the employee organization, or its representative, and the public agency, or its representative, agree in writing to waive the open meeting requirement”.



- **Comments:** It is difficult to fathom why the bill tries to make contract negotiations public, but then immediately eviscerates it by allowing negotiations to be made secret again by simple written agreement between the agency and the union *with no opportunity for the public to object*. Opening the negotiations is for the benefit of the public, not for the agency or union, and the public must be a party to any decision to close the meeting.
- **Recommended Action:** **SUPPORT** opening of contract negotiations to the public; **OPPOSE** making it so trivially easy to close contract negotiations to the public.
- **Status:** Introduced 1/16/14. Referred to Governmental Operations. **Public hearing scheduled 1/30/14 at 10AM. Voted out of committee 4-3 2/6/14.** Referred to Rules. **Died in Rules.**

**SB 6190** ([link](#)) – **Clarifying the application of the public records act to county officials (Brown)** – Amends the definition of “Agency” under the Public Records Act to remove “county” and replace it with “county official’s office”.

- **Comments:** This is simply a mind-blowingly bad bill. It is hard to imagine what is to be accomplished by saying that counties are not public agencies, but only the individual offices of county councilmembers, commissioners, auditors, prosecutors, sheriffs, clerks, etc. Huge swaths of counties would be removed from public oversight. This is likely a drafting error.
- **Recommended Action:** **STRONGLY OPPOSE.**
- **Status:** Introduced 1/17/14. Referred to Governmental Operations. **Died in committee.**

**SB 6217** ([link](#)) - **Addressing the disclosure of global positioning system data by law enforcement officers (Roach)** – Amends the Public Records Act, RCW 42.56.240, to **create a new exemption** for “Global positioning system data that shows the residence of an employee or agent of a criminal justice agency as such agency is defined in RCW 10.97.030”, with the data defined as “includes a three mile distance from the employee or worker's residential address”.

- **Comments:** This bill appears to be similar in intent to HB 2128, but they are worded differently and thus not considered companion bills. As with HB 2128, there are few clues as to the intent of the bill. Many law enforcement vehicles are currently tracked using GPS locators in real time, with the data recorded so that the position of vehicles can be displayed at any time in the past. Some law enforcement agencies allow officers to drive their vehicles home when they are off duty. An agency that does both of these could be concerned that a public records request for vehicle positioning data could disclose the residences of officers. But the way the language is currently written could be interpreted to create an exemption zone six miles across centered around the home of *every* law enforcement officer; in many cities, that could make *all* such GPS data exempt from disclosure. Access to this GPS data can be important for government accountability in disclosing the positioning of vehicles at the time of an event.
- **Recommended Action:** **OPPOSE** in current form. Request amendments to clarify the exclusion zone and what GPS data can be withheld.
- **Status:** Introduced 1/17/14. Referred to Governmental Operations. **Public hearing scheduled 1/28/14 at 10AM. Voted out of committee 5-0 1/30/14.** Referred to Rules. **Died in Rules.**

**SB 6250** ([link](#)) - **Requiring submission of digital copies of public employees' collective bargaining agreements (Dammeier)** – Establishes a new web site to which will be posted collective bargaining agreements of all public employees.

- **Comments:** Will make it easier for the public to hold agencies accountable for the agreements they negotiate, including being able to more easily compare with agreements of similar agencies. Will also make agreements more readily available to the public employees bound by them. The substitute bill requires employing agencies rather than labor unions to provide the electronic copies of labor agreements.
- **Recommended Action:** **SUPPORT.**
- **Status:** Introduced 1/20/14. Referred to Commerce & Labor. **Public hearing scheduled 1/24/14 8AM.** Executive session scheduled 1/27/14 1:30PM. **Substitute bill voted out of committee 7-0 1/28/14.** Referred to Rules. **Passed Senate 37-11 2/14/14.** Referred to House Governmental Operations & Elections. **Public hearing scheduled 2/26/14 1:30PM.** Executive session scheduled 2/26/14 1:30PM. **Died in committee.**

**SB 6317** ([link](#)) [**Companion Bill HB 2210**] – **Improving the accuracy of the prevailing rate of wage (Angel)** – Amends the state prevailing wage law, RCW 39.12, to require that prevailing wages be based on “stratified random sampling methodology”. Section 4 amends the Public Records Act, RCW 42.56.270, to **create a new exemption** for the responses to wage and hour surveys used by the Department of Labor and Industries to establish the prevailing wage.

- **Comments:** The wages paid to employees of private companies may be considered confidential financial information of the employers that they would not want disclosed to their competitors. The exemption would thus be consistent with other exemptions for confidential financial information in 42.56.270. However, as with so many other such exemptions, such an exemption will make it impossible for anyone outside the Department of Labor and Industries to verify that the prevailing wage calculation is done accurately, which is a risk because

it has a significant impact on the cost of public construction projects. The substitute bill does not affect these concerns.

- **Recommended Action:** **CONCERNS** regarding the transparency of the calculation of prevailing wage rates when the wage and hour survey responses are secret.
- **Status:** Introduced 1/22/14. Referred to Commerce & Labor. **Public hearing scheduled 1/27/14 1:30PM.** Executive session scheduled 2/3/14 1:30PM **Substitute bill voted out of committee 4-3 2/5/14.** Referred to Rules. **Died in Rules.**

**SB 6348** ([link](#)) - **Concerning personal financial affairs reporting by public hospital district officials (Roach)** – Amends the Public Disclosure Act, RCW 42.17A, to requires the chief executive officer, general counsel, vice presidents, and board of trustees of a public hospital district with a population over one hundred fifty thousand to file a statement of financial affairs with the Public Disclosure Commission.

- **Comments:** This will likely affect only the largest handful of hospital districts in the state. At least one of these districts, Valley Hospital District in King County, has had several significant controversies in recent years, including a “takeover” by UW Medicine that gave away much of the power of the elected hospital commissioners, raising questions about potential conflicts of interest. These disclosure will help the public to determine whether such conflicts exist.
- **Recommended Action:** **SUPPORT.**
- **Status:** Introduced 1/22/14. Referred to Governmental Operations. **Public hearing scheduled 2/3/14 10AM.** **Voted out of committee 5-0 2/3/14.** Referred to Rules. **Died in Rules.**

**SB 6363** ([link](#)) - **Creating the office of the behavioral health ombuds (Kohl-Welles)** – Creates the office of Behavior Health Ombuds within the Office of the Governor, independent of DSHS and HCA. The ombuds is empowered to investigate alleged agency violations of law, rule, or policy. Section 4 requires the ombuds to treat all matters under investigation as confidential, and **creates a new exemption** from disclosure under the Public Records Act for all investigative records. Section 5 goes even further, declaring that the ombuds and staff may not be compelled to testify or produce evidence in any judicial or administrative proceeding, “regarding the exercise of the official duties of the ombuds or of the ombuds’s staff. All related memoranda, work product, notes, and case files of the ombuds's office are confidential, are not subject to discovery, judicial or administrative subpoena, or other method of legal compulsion, and are not admissible in evidence in a judicial or administrative proceeding.”

- **Comments:** Section 4 is similar to how investigative records are treated for other ombuds in state government. Section 5, however, is a complete blanket of secrecy on all operation of the ombuds, since the office cannot be compelled to produce any records whatsoever.
- **Recommended Action:** NEUTRAL on the substance of the bill, but **OPPOSE** the sweeping cloak of secrecy created by Section 5.
- **Status:** Introduced 1/22/14. Referred to Human Services & Corrections. **Died in committee.**

**SB 6364** ([link](#)) [**Companion Bill HB 2559**] - **Concerning parental rights and responsibilities of sexual assault perpetrators and survivors (Kohl-Welles)** – Creates a court process to restrict parental rights and establish support obligations in cases in which the child was conceived as the result of sexual assault. Section 2(8) requires modification (falsification) of birth certificates to show that the rapist is not a parent, even though the facts prove they were. Section 2(11) requires hearings related to the matter to be closed without an *Ishikawa* hearing, unless the parties and the court agree to open it; it also invokes prior restraint on individuals who attend the hearing to prohibit them from speaking about it.

- **Comments:** The state Supreme Court has repeatedly held that automatic closing of court proceedings without an *Ishikawa* hearing is inconsistent with Article I Section 10 of the state constitution and thus unconstitutional.
- **Recommended Action:** **OPPOSE.**
- **Status:** Introduced 1/22/14. Referred to Law & Justice. **Public hearing scheduled 2/6/14 at 5:30PM.** **Died in committee.**

**SB 6371** ([link](#)) - **Removing the requirement that candidates and authorized political committees must file contribution and expenditure reports electronically (Roach)** – Eliminates the requirement that candidates who accept more than \$5,000 in contributions or who spend more than \$5,000 on their campaign file campaign finance reports electronically, allowing them to file reports (including handwritten reports) by email or fax instead.

- **Comments:** This change would result in the loss of the ability for the public to easily search or view summaries of candidate campaigns and expenditures online, unless the PDC staffed up (spending significant funds) to transcribe the received reports into electronic form. Since the vast majority of campaigns maintain records electronically anyway, it simply makes sense to require them to submit data electronically rather than force the state to pay to transcribe the data into the PDC database.
- **Recommended Action:** **OPPOSE.**

- **Status:** Introduced 1/22/14. Referred to Governmental Operations. **Public hearing scheduled 1/28/14 10AM. Died in committee.**

**SB 6391** ([link](#)) [**Companion Bill HB 2461**] – **Addressing the financial solvency of insurance companies (Fain; by request of the Insurance Commissioner)** – Repeals chapter 48.31B RCW (insurer holding company act) and chapter 48.31C RCW (holding company act for health care service contractors and health maintenance organizations). Creates the insurer holding company act and the risk management and solvency assessment act. Section 9 makes records obtained by the commissioner during an examination or investigation confidential, not subject to subpoena, not subject to discover, not admissible as evidence, and “not subject to chapter 42.56 RCW”. Sections 17 and 18 **create a new exemption** from disclosure under the PRA for the same records.

- **Comments:** Such records are confidential proprietary financial records of the companies submitting them, and thus exemptions from disclosure are consistent with the handling of many similar records submitted to regulatory agencies. **However**, making records “not subject to chapter 42.56” seems substantially different from creating an exemption from disclosure; this language could be interpreted as defining these records out of the PRA entirely, so that not only do they not need to be disclosed, but that they don’t even need to be enumerated in an exemption log if requested. This is extraordinary, and potentially very damaging if such a practice were to spread. Virtually no other investigative record receives such treatment.
- **Recommended Action:** **CONCERNS** regarding the intent of the language, and whether the records are to be treated as defined out of the PRA or simply exempt from disclosure.
- **Status:** Introduced 1/23/14. Referred to Financial Institutions, Housing & Insurance. **Public hearing scheduled 2/4/14 1:30PM. Substitute bill voted out of committee 6-2 2/6/14.** Referred to Rules. Placed on 2nd Reading Calendar 2/17/14. **Failed to pass Senate.**

**SB 6399** ([link](#)) - **Creating an office of corrections ombuds (Darneille)** – Creates a Corrections Ombuds in the Office of the Governor, independent of the Department of Corrections. The ombuds has power to investigate complaints regarding actions of the department. Section 7(2) **creates a new exemption** from disclosure under the Public Records Act for investigative records. Such records are *not* considered privileged or exempt from discover in criminal proceedings or civil litigation if otherwise discoverable under rules of civil procedure.

- **Comments:** This is one of the most limited ombuds investigatory exemptions we’ve seen proposed, and is much more reasonable than what is proposed in SB 6363 above.
- **Recommended Action:** NEUTRAL on the substance of the bill and complimentary toward the narrowness of the proposed exemption.
- **Status:** Introduced 1/23/14. Referred to Human Services & Corrections. **Public hearing scheduled 2/3/14 10AM. Voted out of committee 5-0 2/5/14.** Referred to Ways & Means. **Died in Ways & Means.**

**SB 6403** ([link](#)) - **Concerning the availability of juvenile offender court records (Sheldon)** – Mandates that juvenile court records be available for bulk distribution from the Judicial Information System, and that AOC include juvenile court records in the online case index.

- **Comments:** This is clearly a response to recent actions by the Data Dissemination Subcommittee with proposed to prohibit bulk distribution of juvenile case records and to remove all juvenile cases from online indexes.
- **Recommended Action:** **STRONGLY SUPPORT.**
- **Status:** Introduced 1/23/14. Referred to Human Services & Corrections. **Died in committee.**

**SB 6414** ([link](#)) - **Improving lobbyist reporting and disclosure (Fain)** – Requires agencies, lobbyists, and lobbyists’ employers to file PDC reports electronically. Requires ethics boards to define the limits of accepting gifts in the form of food or beverage. Requires lobbyists who are required to report entertainment expenditures to the PDC to pay an annual fee of two hundred dollars.

- **Comments:** Lobbyist reports are current submitted in paper form and are not transcribed by the PDC into a database to enable searching and analysis due to the high cost of transcription. This bill would make lobbyist information much more accessible to the public so they may more fully understand the influences on public officials.
- **Recommended Action:** **SUPPORT.**
- **Status:** Introduced 1/24/14. Referred to Governmental Operations. **Died in committee.**

**SB 6427** ([link](#)) - **Creating the Puget Sound port authority (Hasegawa)** – Requires the Port of Seattle and the Port of Tacoma to be governed under a single authority. Establishes the governance, powers, purposes, and finances for the authority. Section 401 specifies various laws that apply to the authority and its officials “including, but not limited to, applicable requirements under chapters 42.17A, 42.23, 42.30, 42.41, and 43.09 RCW.”

- **Comments:** The Public Records Act, RCW 42.56, is a glaring omission from this list. Of course, the PRA would apply whether or not it is listed. It would probably be best to just delete this list so that there is no confusion about it being intentionally omitted.
- **Recommended Action:** NEUTRAL. Propose an amendment to delete the list of applicable laws, or at least to add the PRA.
- **Status:** Introduced 1/24/14. Referred to Trade & Economic Development. **Died in committee.**

**SB 6448** ([link](#)) - **Authorizing establishment of ethics defense trust funds (Padden)** – Authorizes any state elected official against whom an ethics complaint has been filed to establish an “ethics defense trust fund”. Any person may contribute *unlimited* amounts to the trust fund, which can then be used to pay for legal defense costs and any penalties assessed for the ethics violation, including expenses incurred before the trust was established. Contributions to the trust are not treated as gifts and may be made at any time.

- **Comments:** There are no provisions in the bill for public reporting of contributions or expenditures from the “ethics defense trust fund”. The effect of the bill is that a legislator or other official who has had an ethics charge filed against them or penalties assessed can open an account and put the squeeze on lobbyists and others to “contribute” to their trust account to completely pay all of their legal defense costs and penalties, with no public record that this great favor was done for them. These expenses and penalties would otherwise have to be paid from the elected official’s personal funds, so these contributions are tantamount to large cash gifts to the official (because money is fungible). This is entirely contrary to the intent of the Public Disclosure Act, which is that the people who know who is giving money to benefit elected officials and candidates. The substitute bill requires PDC reporting and applies the same contribution limits as campaign contributions.
- **Recommended Action:** **STRONGLY OPPOSE.** The substitute bill addresses WCOG’s concerns, so our position is changed to **NEUTRAL**.
- **Status:** Introduced 1/27/14. Referred to Law & Justice. **Public hearing scheduled 2/3/14 at 1:30PM. Substitute bill voted out of committee 7-0 2/6/14.** Referred to Rules. Placed on 2nd Reading Calendar 2/13/14. **Failed to pass Senate.**

**SB 6454** ([link](#)) [**Companion Bill SB 2578**] - **Exempting from public inspection certain public works proposals and documents (Keiser)** – Amends RCW 39.10, Alternative Public Works Contracting Procedures (which includes Design-Build, GC/CM, and Job Order Contracting) to **create a new exemption** from disclosure under the Public Records Act stating “Proposals submitted in response to a competitive solicitation and related evaluation documents are exempt from disclosure until the public body announces that a contract agreement has been executed or the selection process is terminated.”

- **Comments:** In the traditional bid process, bids are sealed until opened, at which time submissions are fixed and cannot be changed, and competitors can see what each other submitted. In the alternative processes defined in this chapter of law, contractors competing on the basis of experience and qualifications to be selected, with the financial terms of the contract to be negotiated later (either for a single project in the case of Design-Build and GC/CM, or potentially multiple contracts under Job Order Contracting). Trade secrets and other proprietary information submitted by contractors are already exempt from disclosure. This bill greatly expands this to include *all* submitted materials in a competitive solicitation. It also provides that even after the submission period is closed, and even after the contractor is selected, submitted materials remain exempt from disclosure until a contract agreement is actually executed or the project is abandoned. This prevents the public from examining any of the submitted materials and raising concerns until the project is far along in the design process. The existing protections for trade secrets and proprietary information are adequate, and other elements of a submission should continue to be disclosed after the response period closes. The substitute bill address WCOG’s concerns by making the information disclosable when the selected contractor is announced rather than waiting to the end of contract negotiations.
- **Recommended Action:** **OPPOSE.** If the measure survives consideration, the new exemption should be referenced in RCW 42.56. The recommendation is changed to **NEUTRAL** for the substitute bill.
- **Status:** Introduced 1/27/14. Referred to Governmental Operations & Elections. **Public hearing scheduled 2/3/14 10AM. Substitute bill voted out of committee 5-0 2/6/14.** Referred to Rules. Placed on 2nd Reading Calendar 2/14/14. **Failed to pass Senate.**

**SB 6460** ([link](#)) - **Exempting the names and e-mail addresses of persons on public agency e-mail distribution lists from disclosure (Tom)** – Amends the Public Records Act, RCW 42.56.230, to **create a new exemption** from disclosure for “The names and e-mail addresses of persons on public agency e-mail distribution lists”.

- **Comments:** This bill is poorly drafted and overly broad. As written, it would exempt the agency email addresses of agency employees from disclosure. While it may be appropriate to exempt *some* citizen email address from disclosure, such as, for example, last year’s HB 1576, which exempted from disclosure email addresses provided to county auditors for the sole purpose of receiving property assessment notices by email.

But this language would also exempt agency email lists that are used to promote agency initiatives. Citizen opponents of those initiatives who want to express their views to the same audience as the agency can currently request the email list from the agency and do an email broadcast, and this would become impossible if the bill were to pass – which would reduce the opportunity for public discourse and sharing of ideas and perspectives.

- **Recommended Action: OPPOSE** in current form. Suggest a more limited exemption that excludes general-purpose email lists that are used to promote agency positions.
- **Status:** Introduced 1/27/14. Referred to Governmental Operations. **Died in committee.**

**SB 6469 – WCOG PRIORITY** ([link](#)) - **Concerning access to juvenile records (Hargrove)** – Automatically seals all records of proceedings in juvenile court except for sex offenses, serious violent offenses, and several other enumerated offenses. Automatically seals all records after completed diversion, that result in acquittal, or if charges are not filed within 72 hours.

- **Comments:** This bill is similar to HB 1651. Automatic sealing of records is contrary to Article I Section 10 of the state constitution, which requires justice to be administered openly. If most juvenile court records are automatically sealed, it becomes impossible for the people to hold the courts accountable for their decisions, and to see that juveniles are being treated fairly and without discrimination on the basis of race, national origin, gender, sexual orientation, religion, economic status, or political connections. A better solution, that would not create a secret court system, would be to prohibit discrimination on the basis of certain juvenile court records after a specified period of time.
- **Recommended Action: STRONGLY OPPOSE.**
- **Status:** Introduced 1/28/14. Referred to Human Services & Corrections. **Died in committee.**

**SB 6480** ([link](#)) [Companion Bill HB 2724] - **Exempting information concerning archaeological resources and traditional cultural places from public disclosure (McCoy)** – Amends the Public Records Act, RCW 42.56.300, to create a new exemption for “Any information related to historical archaeological resources, traditional cultural places, or archaeological resources obtained by an agency from another agency, a tribal government, or pursuant to any data-sharing agreement with the department of archaeology and historic preservation”.

- **Comments:** RCW 42.56.300 currently exempts records that identify the *locations* of archaeological sites, to prevent looters from digging at the sites and removing artifacts. The proposed language is a huge, broad expansion, and could make virtually everything done in the area of archaeology and historic preservation by any government agency unavailable for public oversight. The language should be narrowed to exempt from disclosure only information that puts resources at risk, without hiding everything these agencies do.
- **Recommended Action: OPPOSE.** Request narrowing of the exemption.
- **Status:** Introduced 1/29/14. Referred to Governmental Operations. **Died in committee.**

**SB 6493 – WCOG PRIORITY** ([link](#)) - **Concerning access to juvenile records (Chase)** – Automatically seals all records of proceedings in juvenile court except for sex offenses, serious violent offenses, and several other enumerated offenses. Prohibits distribution and sale of juvenile records.

- **Comments:** This bill is similar to HB 1651. Automatic sealing of records is contrary to Article I Section 10 of the state constitution, which requires justice to be administered openly. If most juvenile court records are automatically sealed, it becomes impossible for the people to hold the courts accountable for their decisions, and to see that juveniles are being treated fairly and without discrimination on the basis of race, national origin, gender, sexual orientation, religion, economic status, or political connections. A better solution, that would not create a secret court system, would be to prohibit discrimination on the basis of certain juvenile court records after a specified period of time.
- **Recommended Action: STRONGLY OPPOSE.**
- **Status:** Introduced 1/29/14. Referred to Human Services & Corrections. **Died in committee.**

~~**SB 6518** ([link](#)) – **Transferring technology-based economic development programs from innovate Washington to the department of commerce (Chase)** – Abolishes innovate Washington as a separate agency and transfers its powers, duties, and functions to an “innovate Washington program” in the Department of Commerce. Section 9 amends the Open Public Meetings Act, RCW 42.30.110(1)(e) to refer to the program in Commerce instead of the standalone agency. Section 10 likewise amends the Public Records Act, RCW 42.56.270(21).~~

- ~~• **Comments:** The PRA amendment makes sense, because the confidential proprietary and research data continues to have the same sensitivities under Commerce as it had with the standalone agency. However, the OPMA amendment does not make sense. The OPMA only applies to the multimember governing boards of agencies and committees thereof under certain circumstances, but the Department of Commerce nor its innovate Washington program will be governed by a multimember board. Instead, RCW 42.30.110(1)(e) should simply be repealed.~~

- ~~• **Recommended Action:** NEUTRAL on the substance of the bill, but request an amendment to the OPMA amendment.~~
- ~~• **Status:** Introduced 1/31/14. Referred to Trade & Economic Development. Public hearing held 2/6/14. Substitute bill voted out of committee 5-0 2/6/14. Referred to Ways & Means. Died in Ways & Means.~~

**SB 6560** ([link](#)) - **Increasing legislative transparency by providing mandatory notice and waiting periods before legislative action, banning title-only bills, and opening all legislative committees to the public (Holmquist Newbry)** – Requires bills, proposed substitutes, striking amendments, etc., to be available to the public at least 72 hours prior to any public hearing or vote. Requires at least 72 hours notice of public hearings, including listing of all bills to be considered. Mandates public hearings before further legislative action on bills. Requires bills to sit on the floor calendar 48 hours prior to voting. Bills must be available in final form at least 24 hours prior to final action. Title-only bills are prohibited. All legislative committee meetings are subject to the Open Public Meetings Act. Closed committee caucuses are prohibited.

- **Comments:** Nice bill, but introduced too late to be considered.
- **Recommended Action:** **SUPPORT.**
- **Status:** Introduced 2/10/14. Referred to Governmental Operations. **Died in committee.**

**SB 6561** ([link](#)) - **Requiring notice of legislative committee hearings (Chase)** – Requires at least five days notice of legislative hearings, including the list of bills to be heard. Prohibits hearings on draft bills unless they are available to the public at least 24 hours before the hearing.

- **Comments:** Nice bill, but introduced too late to be considered.
- **Recommended Action:** **SUPPORT.**
- **Status:** Introduced 2/11/14. Referred to Governmental Operations. **Died in committee.**

**SJR 8214 – WCOG PRIORITY** ([link](#)) - **Amending the state Constitution to state that the Governor is subject to public records requests (Roach)** – Adds a new section to Article III of the state constitution saying “The Governor shall be subject to public records requests. The Governor does not possess an executive privilege to deny a public records request for any basis not expressly adopted by the legislature or the people of the state of Washington.”

- **Comments:** This would overturn the recent Supreme Court decision that found an “executive privilege” implied in the separation of powers in the state constitution.
- **Recommended Action:** **STRONGLY SUPPORT.** This text is different from the draft being prepared for introduction in the House, and they will need to be reconciled.
- **Status:** Introduced 1/16/14. Referred to Governmental Operations. **Public hearing scheduled 2/4/14 10AM.** The bill was voted out of committee, but senators failed to sign the report and so the vote was nullified. **Died in committee.**

## BILLS REINTRODUCED FROM 2013 SESSION THAT HAVE NOT YET SEEN ACTION IN 2014 (52)

**HB 1019 - WCOG PRIORITY** ([link](#)) - **Regarding identification of requestors of public records (Haler)** – Amends the Public Records Act, RCW 42.56.080, to allow agencies to “require persons making requests to identify themselves and require that an agent or representative of a person disclose the identity of the person on whose behalf the request is being made”. In its declaration of purpose, the bill says that the primary purpose of this is so that third parties named in a record can seek an injunction blocking release of the records, and so that agencies can seek injunctions blocking inmates from releasing a record.

- **Comments:** While it is often in the best interest of the requester to identify themselves when making a request so that they may be informed of the progress of processing the request, respond to requests for clarification, receive produced records, and be included as a party in any injunction sought by a third party, it is a mistake to *require* requesters to identify themselves and to allow agencies to reject a request because they believe the requester has provided a false identity, failed to produce acceptable identification, or may be making the request on behalf of an unidentified third party. The bill does not define what it means for a requester to “identify themselves”; could the agency require the requester to appear in person with government-issued photo ID to establish their identity? An agency who required a lawyer representing a requester to identify the person they were acting on behalf of would be asking the lawyer to violate attorney-client privilege. Individuals have a First Amendment right to request records on their own behalf – for any reason or no reason – and subsequently decide to provide copies to someone else (or the world) without declaring in advance their intention to do so. There are often circumstances under which requesters – including news media – do not want an agency suspected of wrongdoing to know who is making the request, since the very expression of interest in the records could result in the disappearance of the records. Third parties seeking to block release of records should not base their decision to do so on the identity of the requester, once the records are released they can immediately be made available to the world online. Named parties should make their decision on whether to seek an injunction, and courts should make their decision on whether or not to grant an injunction, without any reference to the identity of the requester. The alleged concern about prisoners who can be enjoined under RCW 42.56.565 making anonymous requests is a red herring, because prisons will not allow mail to leave the institution unless the inmate properly identifies themselves and the institution both in the letter and the return address so the recipient knows it is from a prisoner. The simple fact is that this bill would enable agencies to violate both the spirit and letter of the PRA – RCW 42.56.080 does not allow agencies to distinguish among persons requesting records. The primary purpose for knowing the identity of the requester is to be able to do a background check on the web and otherwise try to determine why they might be interested in the records, so the agency can delay production (or worse) because of who is asking or why. Agencies shouldn’t be asking, or trying to guess, “why does he want these records?” at all.
- **Recommended Action: STRONGLY OPPOSE.** Opposing this kind of weakening of the PRA is a WCOG legislative priority for 2013.
- **Status:** Prefiled 12/17/12. Introduced 1/14/13. Referred to Government Operations & Elections. Public hearing scheduled 1/23/13 at 1:30PM. **Died in committee.** Reintroduced by resolution 1/13/14.

**HB 1128 - WCOG PRIORITY** ([link](#)) - **Regarding local agencies' responses to public records requests (Takko)** – Amends the Public Records Act to allow agencies to seek injunctions to block requests deemed to be for the purpose of harassing or intimidating the agency or its employees, in retaliation or punishment for agency actions or proposed actions, if “the public record request create an undue burden” on the agency, if fulfilling the request would threaten the safety of the agency staff or facilities, or to assist in criminal activity. Also provides a “safe harbor” provision that if an agency fulfills certain requirements (such as posting budgets, agendas, minutes, salary schedule of all employees, resolutions, ordinances, and contracts online), spending 1% of the agency’s operating budget on handling public records request will be deemed “reasonable” under RCW 42.56.100 as “not interfering with the other essential functions of the agency”.

- **Comments:** The injunction provision extends the injunction power in RCW 42.56.565 to cover all requesters and not just those who are incarcerated. The AG’s position on 565 was based fundamentally on the concept that incarcerated felons lose their civil rights – that they are “legally dead” – and that the state can choose which “rights” they have, including depriving them of the right to access public records. This argument would, of course, not stand with ordinary citizens, who have a sovereign right to know what the government they created is doing. The injunction proceeding is “summary”, based on affidavits or declarations, so the requester may not even get their “day in court” to argue in person. The injunction provision is far too subjective to be tolerable; even though agencies claim that judges make these kind of subjective decisions all the time, at the very least there need to be more sideboards on the allowed circumstances under which an injunction can be granted. The second section of the bill, which puts some parameters around the RCW 42.56.100 provision requiring agencies

to “adopt and enforce reasonable rules and regulations... to prevent excessive interference with other essential functions of the agency”, has the *potential* to be reasonable. Nobody, including WCOG, thinks an agency should be able to be bankrupted by public records requests, or required to set aside all of its other important work and focus only on responding to requests. The question is, what is a “reasonable” amount to require an agency to “spend”? One percent of operating budget might be vanishingly small for some agencies, and wildly excessive for others. “Reasonable” in this context means that “reason” should have been applied to the budgetary decision; agencies should be required to make findings and legislative declarations documenting the basis for the amount they believe they can reasonably spend responding to PRA requests, rather than picking an arbitrary number out of the air. Although the bill requires every agency to spend at least five hours per month responding to requests, there is still the distinct possibility that an agency might burn through a very limited PRA budget and refuse to do any more work. That burn rate could be largely due to agency inefficiency in storing, indexing, retrieving, reviewing, and processing records – even failure to properly destroy records that have reached the end of their retention period – rather than having anything to do with the volume or complexity of PRA requests they receive. Agencies should not be rewarded for their inefficiency by being allowed to impose lengthy delays on requests. No arbitrary “safe harbor” amount can ever be reasonable for all agencies.

- **Recommended Action:** **STRONGLY OPPOSE** Section 1 (injunctions). **OPPOSE** Section 2 in its current form and work with sponsors to fix the problems, if possible (enabling agencies to budget for the public records disclosure function). Opposing this kind of weakening of the PRA is a WCOG legislative priority for 2013. The substitute bill removes persons to whom the record pertains from the list of entities that can seek an injunction, excludes news media from being able to be enjoined, removes “retaliation or punishment” as a cause of a court to grant an injunction, removes “undue burden” as a cause for granting an injunction and replaces it with a requirement for clear and convincing evidence that a request will materially interfere with the work of the agency, requires that requesters have an opportunity to respond and not simply a summary motion, declares injunctive relief to be an “extraordinary remedy”, authorizes courts to award up to \$15,000 in attorney fees to a requester who prevails in an injunction action if it is found that the action was filed in bad faith or is frivolous, removes salary schedules and names of all employees from list of documents that must be posted online to use the safe harbor provision in Section 2, permits agencies to post a list of all pending records requests on their web site, and increases the minimum number of hours to be spent on handling records requests from 5 to 12. **WCOG position is that these changes are NOT sufficient to redeem the bill.**
- **Status:** Introduced 1/16/13. Referred to Local Government. Public hearing scheduled 1/25/13 at 1:30PM. Executive session scheduled 1/31/13 at 8AM and 2/1/13 at 1:30PM. **Substitute bill voted out of committee 8-0 on 2/8/13.** Referred to Rules. **Died in Rules.** Reintroduced by resolution 1/13/14.

**HB 1189** ([link](#)) - **Ensuring a balanced representation of interests on the fish and wildlife commission (Lytton)** – Amends RCW 77.04 (Department of Fish and Wildlife) to require members of the fish and wildlife commission to be selected based on actual representation of various interests, rather than requiring the governor to only “seek” such a distribution in making appointments to the commission. Subsection 2(3) of the bill amends the current requirement that members of the commission “shall comply with the provisions of chapters 42.52 and 42.17 RCW” to instead say “chapters 42.52 and 42.56 RCW”.

- **Comments:** WCOG doesn’t have a position on the substance of the bill. We do support updating statutes to correct references to the Public Disclosure Act (former RCW 42.17, now 42.17A) to the Public Records Act (RCW 42.56) when appropriate. In this case, this change appears to be incorrect. The PRA generally applies to agencies, not individuals. Subsection 2(3) is referring to *individual* compliance with the Ethics in Public Service Act (RCW 42.52) and the *individual* requirements on the Public Disclosure Act (RCW 42.17A) such as personal financial disclosure, rather than to the public records disclosure provisions of the PRA (which were formerly in the PDA).
- **Recommended Action:** NEUTRAL on the bill. Request the sponsor to consider whether it would be appropriate to amend subsection 2(3) to refer to RCW 42.17A instead of RCW 42.56.
- **Status:** Introduced 1/18/13. Referred to Agriculture & Natural Resources. Public hearing scheduled 1/30/13 at 8AM. Executive session scheduled 2/6/13 at 8AM, but no action taken. **Died in committee.** Reintroduced by resolution 1/13/14.

**HB 1197 - WCOG PRIORITY** ([link](#)) - **Concerning open public meetings (Pollet)** – Amends the Open Public Meetings Act, RCW 42.30, to require agencies to provide an opportunity for public comment at an open public meeting prior to final action on any ordinance, resolution, rule, regulation, order, or directive, and that materials related to the matter be available to the public prior to the time for public comment, preferably on the agency web site at least twenty-four hours in advance.

- **Comments:** The OPMA currently does not require agencies to provide *any* public comment period, although in some cases other statutes include such requirements for certain types of legislations (budgets, zoning or comprehensive plan changes, etc.). Also, some agencies that do provide for public comment today have their



comment periods at the *end* of the meeting, after the business is conducted and when it is too late for the public comments to have any impact on the vote. This bill would for the first time require public comment periods before *every* significant vote to be taken by governing bodies, after materials on proposals are available to the public.

- **Recommended Action: STRONGLY SUPPORT.** This bill is one of WCOG's 2013 legislative priorities.
- **Status:** Introduced 1/18/13. Referred to Government Operations & Elections. Public hearing scheduled 1/31/13 at 10AM. Executive session scheduled 2/19/13 at 8AM, but no action taken. **Died in committee.** Reintroduced by resolution 1/13/14.

**HB 1198 - WCOG PRIORITY** ([link](#)) - **Requiring training of public officials and employees regarding public records and open public meetings (Pollet)** – Amends the Open Public Meetings Act, RCW 42.30, and the Public Records Act, RCW 42.56, to require the Attorney General to develop training programs for each of the laws. All members of governing bodies subject to the OPMA would be required to take the OPMA training within 90 days of taking office, with refreshers every two years. The basic PRA training, which is to include training on records retention under RCW 40.14, must be taken by all elected and appointed state and local officials with 90 days of taking offices, with refreshers every two years. The more detailed training developed for Public Records Officers must be taken by such officers within 90 days of assuming PRO duties, with refreshers at least every three years.

- **Comments:** WCOG's observation is that many violations of the OPMA or PRA occur due to lack of awareness of the law, and that significant costs and liability could be avoided with proper training. The training can be provided online, not requiring travel costs or any significant time away from usual work. Training materials are already available from the Attorney General, the State Archives, and non-profit organizations such as WCOG and the Washington Association of Public Records Officers. Substitute bill removes the training requirement on records preservation and destruction, allows training to be done by agencies and associations if approved by AG, removes requirement that training be interactive, removes accreditation requirement, and requires training to legislators to be provided by Chief Clerk and Secretary of the Senate specific to legislative duties.
- **Recommended Action: STRONGLY SUPPORT.** This bill is one of WCOG's 2013 legislative priorities.
- **Status:** Introduced 1/18/13. Referred to Government Operations & Elections. Public hearing scheduled 1/23/13 at 1:30PM. Executive session scheduled 2/7/13 at 10AM. Executive action taken on 2/12/13. **Substitute bill voted out of committee 10-1 on 2/12/13.** Referred to Appropriations. Public hearing 2/23/13. Executive session scheduled 2/25/13 at 1:30PM. **Died in committee.** Reintroduced by resolution 1/13/14.

**HB 1297** ([link](#)) [**Companion Bill SB 5170**] - **Implementing a recommendation of the sunshine committee (Springer; Requested by Public Records Exemptions Accountability Committee)** – Amends RCW 13.34.100 to require that when a guardian ad litem is appointed, the parties and their attorney will be provided background information that includes the Washington State Patrol criminal background check.

- **Comments:** This expands the information currently available as part of the background information provided.
- **Recommended Action: SUPPORT.**
- **Status:** Introduced 1/22/13. Referred to Government Operations & Elections. Public hearing scheduled 2/5/13 at 8AM. **Died in committee,** and companion also died. Reintroduced by resolution 1/13/14.

**HB 1299** ([link](#)) [**Companion Bill SB 5171**] - **Implementing the recommendations of the sunshine committee (Springer; Requested by Public Records Exemptions Accountability Committee)** – Includes the 2011 Recommendations of the Sunshine Committee. Amends RCW 42.56.240(5) to expand the exemption for information revealing the identity of child victims of sexual assault. Amends RCW 42.56.240(6) to exempt local and regional gang databases in addition to the statewide gang database. Repeals RCW 42.56.400 (10), which exempts from disclosure certain information and reports regarding closed medical malpractice claims.

- **Comments:** These are reasonable changes to these exemptions.
- **Recommended Action: SUPPORT.**
- **Status:** Introduced 1/22/13. Referred to Government Operations & Elections. Public hearing scheduled 2/5/13 at 8AM. **Died in committee,** but companion was voted out of committee. Reintroduced by resolution 1/13/14.

**HB 1340** ([link](#)) - **Addressing debt management services (Kirby; Requested by Uniform Laws Commission)** – Creates the "Uniform Debt Management Services Act" to require providers of debt management services to register with the state, post a bond, identify trust accounts, carry insurance, and other requirements. Providers must submit a great deal of information, some of which is considered confidential and proprietary, such as financial statements, criminal background checks of officers, and compensation of the five highest-paid employees. Section 11(3) **creates an exemption** for this confidential proprietary information. Section 46 amends RCW 42.56.230 to **create an exemption** from disclosure for information about customers of debt management services that comes into possession of the Department of Financial

Institutions. Section 47 amends RCW 42.56.270, to refer to the new exemption for confidential proprietary information of the providers.

- **Comments:** The new exemptions are consistent with existing exemptions for similar information personal information of customers of regulated businesses, and for confidential proprietary financial information of regulated businesses.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/23/13. Referred to Business & Financial Services. Public hearing scheduled 2/6/13 at 1:30PM. Executive session scheduled 2/19/13 at 8AM, but no action taken. **Died in committee.** Reintroduced by resolution 1/13/14.

**HB 1359** ([link](#)) [**Companion Bill SB 5055**] - **Regarding the state archivist (Van De Wege)** – Amends the State Archives Act, RCW 40.14, to establish minimum professional qualifications for the state archivist including a master's degree in a relevant field and five years previous experience as an archivist. Also adds several statutory purposes for the state archives, including consultant services on archival programs for agencies, supervising regional archives and the digital archives, to demand return of any original official records held illegally by any entity, to serve as liaison to the legislature and judiciary as well as other executive departments and to consult on public records to local and state government agencies, and to make recommendations on improvement of laws, rules, and policies pertaining to records management.

- **Comments:** WCOG supports insuring that the state archivist has the appropriate skills and experience to manage the critical functions of the archives, and that the position of archivist does not become a political appointment. WCOG also supports the additional functions identified for the archivist, many of which are already being performed.
- **Recommended Action:** **SUPPORT.**
- **Status:** Introduced 1/24/13. Referred to Government Operations & Elections. Public hearing scheduled 2/6/13 at 1:30PM. Executive session scheduled 2/14/13 at 10AM. **Voted out of committee 6-5 on 2/14/13.** Placed on 2nd Reading Calendar 3/1/13. **Passed House 52-44 on 3/5/13.** Referred to Senate Governmental Operations. **Died in committee.** Reintroduced by resolution 1/13/14.

**HB 1393** ([link](#)) [**Companion Bill SB 5353**] - **Providing information to assist in unemployment insurance overpayment recovery (Hunt; Requested by Employment Security Department)** – Amends RCW 42.56.430(3) to require the Department of Fish and Wildlife to disclose personal identifying information of license holders to the Employment Security Department for purposes of recovering unemployment insurance overpayments.

- **Comments:** This bill is probably completely unnecessary. The information held by DFW is simply exempt from disclosure and not prohibited from disclosure, so nothing stops DFW from providing the information to ESD today except that they fail to understand the difference between an exemption and a prohibition.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/25/13. Referred to Government Operations & Elections. Public hearing scheduled 2/7/13 at 10AM. Executive session scheduled 2/14/13 at 10AM. **Voted out of committee 6-5 on 2/14/13. Died in Rules,** and companion bill is also dead. Reintroduced by resolution 1/13/14.

**HB 1418** ([link](#)) - **Regarding hours of availability of cities, towns, and special purpose districts for inspection and copying of public records (Hunt)** – Amends RCW 42.56.090, which currently requires all agencies to provide access to public records a minimum of 30 hours per week, to accommodate agencies that aren't open to the public that many hours. Agencies that are open fewer hours must post instructions on how to submit public records requests to the agency. A records request is deemed received at the next regularly scheduled meeting, and the five-day response requirement in RCW 42.56.520 commences at the next regularly scheduled meeting.

- **Comments:** There are a variety of problems with this. Even though an agency may have fewer than 30 office hours a week, it should not be able to defer responding to public records requests until the next meeting of its governing board. For example, if the office is open one day a week, that is ample time for the agency's clerk, director, or administrator to receive the request and issue an initial response meeting the requirements of RCW 42.56.520, which could say that the request will be considered at the next meeting of the government board and a specific estimate of the response time provided. But worse, this language doesn't even define what is meant by "next regularly scheduled meeting". Not every agency subject to the PRA has a multimember governing board, so what meeting is it referring to? The substitute bill requires posting of instructions for making records requests on *both* the agency web site (if it has one) and at the agency headquarters.
- **Recommended Action:** **CONCERNS.** Request amendment to define what is meant by "next regularly scheduled meeting" and require a 42.56.520 response earlier if staff is available.
- **Status:** Introduced 1/25/13. Referred to Government Operations & Elections. Public hearing scheduled 2/12/13 at 8AM. Executive session scheduled 2/19/13 at 8AM. **Substitute bill voted out of committee unanimously 2/19/13.** Placed on 2nd Reading Suspension Calendar 3/1/13. **Passed House 98-0 on 3/4/13.** Referred to Senate Governmental Operations. Public hearing scheduled 3/18/13 at 10AM. **Voted out of**

**committee unanimously on 3/18/13.** Referred to Rules. **Died in committee.** Referred to House Rules Committee. Reintroduced by resolution 1/13/14.

**HB 1446** ([link](#)) [**Companion Bill SB 5135**] - **Concerning judicial proceedings and forms (Kirby)** – Amends several sections related to judicial proceedings and forms. Section 1 amends RCW 2.36.095 eliminates the requirement that county clerks notify county auditors when a jury summons is returned as undeliverable. Section 3 amends RCW 26.26.610 so that in a parentage adjudication, not only is the final order open to the public, but also “all subsequent documents or pleadings”.

- **Comments:** Section 1 seems to be related to the recent Ringhofer case, in which jury summons forms were requested under the PRA. It’s not clear that this is an open government issue, but it clearly impacts on election integrity if the auditor does not have the ability to update voter records based on returns of jury summons. Section 3 expands access to certain court records.
- **Recommended Action:** SUPPORT based on the expansion of access in Section 3.
- **Status:** Introduced 1/28/13. Referred to Judiciary. Public hearing scheduled 2/7/13 at 1:30PM. Executive session scheduled 2/12/13 at 10AM. **Substitute bill voted out of committee 11-1 on 2/12/13. Died in Rules,** but companion bill is still alive. Reintroduced by resolution 1/13/14. Referred to Judiciary.

**HB 1473** ([link](#)) - **Requiring certain entities to report payments for construction services (Sells)** – Requires businesses to report to the Department of Labor and Industries any payments to “construction service providers” of \$600 or more in a year. Failure to report can result in the business being prohibited from bidding on public works contracts for a year. Section 3 of the bill **creates a new exemption** in the PRA for the reports, but creates it in a separate section inconsistent with the structure of the PRA.

- **Comments:** This exemption is similar to other exemptions for confidential proprietary financial information reported to the state for regulatory purposes. However, there’s no need for the exemption to be in its own section of the PRA; it should be added as a subsection to RCW 42.56.270.
- **Recommended Action:** **CONCERNS.** Request the exemption be placed in RCW 42.56.270. The floor amendments did not change the open government provisions.
- **Status:** Introduced 1/28/13. Referred to Labor & Workforce Development. Public hearing held 1/31/13 at 1:30PM. **Voted out of committee 5-4 on 2/7/13.** Referred to Rules. Placed on 2nd Reading Calendar 3/1/13. **Engrossed bill Passed House 51-47 on 3/9/13.** Referred to Senate Commerce & Labor. Public hearing scheduled 4/3/13 at 1:30PM. **Died in committee.** Reintroduced by resolution 1/13/14.

**HB 1491** ([link](#)) – **Concerning debt adjusting services (Ryu)** – Limits debt adjusting services to nonprofit social service agencies and consumer credit counseling agencies that are licensed by the Department of Financial Institutions. Establishes licensing requirements and information to be included in license applications. Limits fees for debt adjusting services. Section 6 of the bill requires submission of annual reports to DFI; subsection (5) requires the contents of the annual report to be confidential and **creates a new exemption** from disclosure under the Public Records Act.

- **Comments:** This exemption is consistent with similar exemptions for confidential proprietary financial information. It is not necessary for the *entire* report to be exempt from disclosure, but only the portions containing confidential proprietary information, which can be redacted. The new exemption is not cross-referenced from RCW 42.56. Compare to SB 5527 which is similar but not listed as a companion.
- **Recommended Action:** NEUTRAL. Request a cross-reference from the PRA to the new exemption. Request an amendment to allow the portions of the annual report that do not contain confidential proprietary financial information to be disclosed.
- **Status:** Introduced 1/29/13. Referred to Business & Financial Services. Public hearing held 2/6/13. **Died in committee.** Reintroduced by resolution 1/13/14.

**HB 1497** ([link](#)) - **Concerning the use of nonconviction records for employment and housing opportunities (Moscoso)** – Requests the state Supreme Court to adopt court rules to redact or seal non-conviction court records including the index, to conceal from the public court actions that landlords and employers have used in the past to exclude certain applicants. Also prohibits employers and landlords from using non-conviction records to exclude applicants. Creates a right of action in court for applicants who believe the law has been violated.

- **Comments:** If employers and landlords are prohibited from considering non-conviction records, then there’s no need to seal them from the public. Section 2, the request to the Supreme Court, should be eliminated. Also, instead of creating a right of action in court, the prohibition on discrimination based on non-conviction records should simply be added to the state Law Against Discrimination. This would enable the Human Rights Commission to be the venue for resolving disputes, instead of aggrieved persons having to bring an action in court. Compare to SB 5341, which is very similar but not listed as a companion.
- **Recommended Action:** **OPPOSE** in current form due to the demand for sealing of court records. Request the changes suggested above.

- **Status:** Introduced 1/29/13. Referred to Judiciary. Public hearing scheduled 2/14/13 at 1:30PM. Executive session scheduled 2/21/13 at 1:30PM, but no action taken. **Died in committee**, and SB 5341 also died. Reintroduced by resolution 1/13/14.

**HB 1523** ([link](#)) [**Companion Bill SB 5510**] - **Concerning the abuse of vulnerable adults (Moeller; by request of the Department of Social and Health Services)** – Amends RCW 74.34 (“Abuse of Vulnerable Adults”) to strengthen protections and allow DSHS to share information with other investigatory agencies, with the goal of preventing abusers from gaining access to victims. Section 3(6) of the bill states that “Reports of abuse, abandonment, neglect, self-neglect, and financial exploitation are confidential under RCW 74.34.095 and other laws, and secondary disclosure of information shared under this section is prohibited.”

- **Comments:** The language in Section 3(6) is not a new exemption but a restatement of an existing exemption in RCW 74.34.095. What’s new is the provision that other investigatory agencies that obtain access to information from DSHS are also required to keep it confidential.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/29/13. Referred to Health Care & Wellness. **Died in committee**, but companion bill was voted out of committee. Reintroduced by resolution 1/13/14.

**HB 1543** ([link](#)) [**Companion Bill SB 5434**] - **Addressing the filing and public disclosure of health care provider compensation (Schmick)** – Health insurance carriers must file copies of all health care provider contacts and compensation agreements with the Insurance Commissioner thirty days before use. The commissioner must approve the agreements as to form, but not the compensation or reimbursement amounts. Subsection 5 **creates a new exemption** under the PRA for all such agreements filed with the commissioner.

- **Comments:** This exemption is consistent with existing exemptions for confidential proprietary financial information filed with regulatory agencies.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/30/13. Referred to Health Care & Wellness. **Died in committee**, but companion bill was voted out of committee. Reintroduced by resolution 1/13/14.

**HB 1641** ([link](#)) - **Creating a statewide school district for the purpose of improving performance of the most persistently lowest achieving schools (Pettigrew)** – Creates a “Renewal District” office within the Office of Superintendent of Public Instruction that will take direct control over struggling schools, temporarily transferring them from their original school district. Oversight of these “Renewal Schools” will be from Olympia rather than their geographic school district and board of directors. Section 8 of the bill exempts Renewal Schools from all state statutes applicable to schools except for certain statutes listed in the section; subsection 8(2)(h) says that Renewal Schools must “Comply with the open public meetings act in chapter 42.30 RCW and open public records requirements in RCW 42.56.040”.

- **Comments:** It’s not clear if the reference to “42.56.040” is intentional or a typographical error. If it is intentional, it would be a *huge* loss of access to records related to these schools, because RCW 42.56.040 would require only the publication of a minimal set of records. The effect is to **create an expansive new exemption** for the vast majority of records associated with the Renewal District and Renewal Schools. The last thing the state needs is for this experiment to be conducted in secret with no meaningful public access to records. Compare this bill to SB 5329, which is similar but not a companion.
- **Recommended Action:** **STRONGLY OPPOSE** with regard to Subsection 8(2)(h). Demand that the bill be amended to require the Renewal District and Renewal Schools be subject to RCW 42.56 in its entirety.
- **Status:** Introduced 2/4/13. Referred to Education. **Died in committee**, but SB 5329 was voted out of committee. Reintroduced by resolution 1/13/14.

**HB 1657** ([link](#)) [**Companion Bill SB 5312**] - **Authorizing small consumer installment loans (Stanford)** – Licenses and regulates small loan lenders (“pay day lenders”) to require, among other things, that they offer repayment over longer terms and at interest rates not to exceed 36% (as opposed to the over 400% annual rates charged by some pay day lenders today). Section 23 of the bill requires lenders to submit financial statements and other confidential proprietary financial information to the Department of Financial Institutions, and **creates an exemption** from disclosure for the information submitted.

- **Comments:** The exemption is similar to others for confidential proprietary information submitted by regulated financial institutions. However, the new exemption is not cross-referenced from RCW 42.56.
- **Recommended Action:** NEUTRAL. Request an amendment to cross-reference the new exemption from RCW 42.56.
- **Status:** Introduced 2/5/13. Referred to Business & Financial Services. Public hearing scheduled 2/19/13 at 8AM. **Died in committee**, but companion bill was voted out of committee. Reintroduced by resolution 1/13/14.

**HB 1663** ([link](#)) - **Extending the sales and use tax exemption for hog fuel used to produce electricity, steam, heat, or biofuel (Tharinger)** – Delays until June 30, 2024, the expiration of the sales and use tax exemption for hog fuel used to produce electricity, steam, heat, or biofuel. Requires taxpayers claiming the exemption to file a complete annual survey with the Department of Revenue. Subsection 4(4) **creates a new exemption** from disclosure for most of the information contained in the annual survey responses.

- **Comments:** The new exemption is consistent with existing exemptions for confidential proprietary financial information provided by regulated entities to regulatory agencies.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 2/5/13. Referred to Technology & Economic Development. Public hearing on 2/12/13. Executive session scheduled 2/19/13 at 10AM. **Voted out of committee unanimously on 2/19/13.** Referred to Finance. Public hearing scheduled 2/26/13 at 8AM. **Voted out of committee unanimously on 2/26/13.** **Passed House 97-0 on 3/6/13.** Referred to Senate Ways & Means. Executive session scheduled 3/27/13, but no action taken. **Voted out of committee on 4/9/13.** Referred to Rules. **Died in committee.** Referred to House Rules Committee. Reintroduced by resolution 1/13/14. Referred to Technology & Economic Development.

**HB 1697** ([link](#)) - **Exempting from disclosure and copying valuable commercial information in records pertaining to solid waste collection companies in possession of the Washington utilities and transportation commission (Hunt)** – Adds a new section to RCW 81.77 (Solid Waste Collection Companies) that **creates a new exemption** from public disclosure for records “filed with the commission or the attorney general from any person that contain valuable commercial information, including trade secrets or confidential marketing, cost, or financial information, or customer-specific usage information” if, within ten days of the filing, the filer obtains a court order declaring the records to be confidential. Section 2 of the bill amends RCW 42.56.270 to reference the new exemption.

- **Comments:** The new exemption is consistent with other exemptions for confidential proprietary financial information provided by regulated entities to regulatory agencies, although the requirement to obtain a court order for the exemption to become effective is unusual. Substitute bill significantly broadens the exemption to include records that are not generally considered to be confidential financial information, and eliminates the requirement to seek a protective order for records to be considered confidential.
- **Recommended Action:** **OPPOSE.**
- **Status:** Introduced 2/6/13. Referred to Government Operations & Elections. Executive session and public hearing scheduled 2/20/13 at 1:30PM. **Substitute bill voted out of committee unanimously on 2/21/13.** Placed on 2nd Reading Calendar 3/11/13. **Failed to pass House.** Referred to Rules. **Died in Rules.** Reintroduced by resolution 1/13/14.

**HB 1714 – WCOG PRIORITY** ([link](#)) - **Changing open public meetings provisions (Pollet; by request of the State Auditor)** – Amends the Open Public Meetings Act to **create a new exemption** for recordings of executive sessions from disclosure under the Public Records Act unless explicitly authorized by resolution of the governing body. A court may order an agency to record executive sessions in response to an intentional violation of the OPMA. Clarifies that the Attorney General may provide OPMA training or approve training programs offered by other entities.

- **Comments:** This is a WCOG priority bill.
- **Recommended Action:** **STRONGLY SUPPORT.** Request that a subsection be added to the Public Records Act referencing the new exemption.
- **Status:** Introduced 2/6/13. Referred to Government Operations & Elections. Public hearing scheduled 2/19/13 at 8AM. **Died in committee.** Reintroduced by resolution 1/13/14.

**HB 1715** ([link](#)) [**Companion Bill SB 5810**] - **Allowing the department of corrections to exempt information contained in the internal database on security threat group data from dissemination under the public records act (Klippert; by request of the Department of Corrections)** – Amends RCW 72.09 (Department of Corrections) to allow DOC to “collect, evaluate, collate, and analyze data and specific investigative information concerning the existence, structure, activities, and operations of security threat groups, drugs, and violence within department facilities and the participants involved therein under the jurisdiction of the department” and store the collected information in a centralized database. Subsection (3) **creates a new exemption** from public disclosure for the entire contents of the database.

- **Comments:** The title of the bill is simply incorrect – it doesn’t allow the DOC to exempt the information in the database, it creates the exemption directly. It’s wrong to imply that agencies can create their own exemptions. That said, the exemption makes sense, because its purpose would be largely defeated if criminal organizations in prisons could obtain the content of the database. The exemption should be referenced from the PRA.
- **Recommended Action:** **CONCERNS.** Request the title of the bill to be corrected, and a cross-reference to the new exemption be included in the PRA. The striking amendment in Senate Human Services and Corrections adds the cross-reference in the PRA.

- **Status:** Introduced 2/6/13. Referred to Government Operations & Elections. Public hearing scheduled 2/21/13 at 10AM. **Voted out of committee unanimously on 2/21/13. Passed House 95-0 on 3/12/13.** Referred to Senate Human Services & Corrections. Public hearing scheduled 3/26/13 at 10AM. **Voted out of committee with amendments unanimously on 3/28/13.** Referred to Rules. Placed on 2nd Reading on 4/10/13. **Failed to pass Senate.** Referred to Senate Rules "X" file. Referred to House Rules Committee. Reintroduced by resolution 1/13/14. Referred to Government Operations & Elections.

**HB 1721** ([link](#)) - **Establishing a period of public and legislative review of appropriations legislation (Pike)** – Requires that the final text (after all amendments) for budget bills in the legislature be available for public review 72 hours prior to a final adoption vote.

- **Comments:** Improves the ability of the public *and legislators* to review and understand what is contained in budget bills, which in the past have all too frequently been rushed through the process after leadership negotiations with little opportunity for feedback.
- **Recommended Action:** **SUPPORT.**
- **Status:** Introduced 2/6/13. Referred to Appropriations. **Died in committee.** Reintroduced by resolution 1/13/14.

**HB 1733** ([link](#)) - **Requiring capital and transportation project investments to be searchable by the public for certain detailed information (Ricelli)** – Expands requirements for the LEAP state expenditure information web site to include location coding by legislative district and county, and allow searching based on a map. Also requires OFM to establish objectives and performance measures for capital projects, including jobs created or retained and a number of other metrics, and to have these reported on the LEAP state expenditure web site.

- **Comments:** This will expand the information available and make it much more useful to the public.
- **Recommended Action:** **SUPPORT.**
- **Status:** Introduced 2/6/13. Referred to Government Operations & Elections. Public hearing and executive session scheduled 2/21/13 at 10AM. **Voted out of committee 10-1 on 2/21/13.** Placed on 2nd Reading Calendar 3/1/13. **Engrossed bill Passed House 96-0 on 3/5/13.** Referred to Senate Ways & Means. Public hearing held 3/19/13. Executive session scheduled 3/27/13, but no action taken. **Voted out of committee with amendments on 4/9/13.** Referred to Rules. **Passed Senate with committee amendment 37-11 on 4/17/13.** House refused to concur in Senate amendments 4/22/13. Referred to House Rules Committee. Reintroduced by resolution 1/13/14. Referred to Government Operations & Elections.

**HB 1763** ([link](#)) - **Regarding hours of availability of special purpose districts for inspection and copying of public records (Klippert)** – Amends the Public Records Act, RCW 42.56.090, to add "Special purpose districts that customarily do not maintain office hours for a minimum of thirty hours per week are not required to do so and must post on the agency headquarters location or web site directions on how to contact agency personnel to inspect or copy public records."

- **Comments:** This is a reasonable clarification for special purpose districts with little or no staff that do not maintain regular office hours, so that they do not need to establish an office and have it open a minimum of 30 hours per week simply to have someone waiting to receive a public records request. Compare this bill to HB 1418, which in addition to this simple clarification also unnecessarily significantly modifies the timeline for PRA responses from such agencies. This bill is preferred over HB 1418.
- **Recommended Action:** **SUPPORT.**
- **Status:** Introduced 2/8/13. Referred to Government Operations & Elections. **Died in committee.** Reintroduced by resolution 1/13/14.

**HB 1832** ([link](#)) [**Companion Bill SB 5591**] - **Concerning confidential license plates, drivers' licenses, identicards, and vessel registrations (Klippert; by request of Department of Licensing)** – Grants DOL authority to issue confidential driver licenses and identicards to law enforcement agencies for law enforcement purposes, including undercover or covert law enforcement activities. DOL must perform background investigations on employees who have access to confidential vessel registration, license plates, driver licenses, and identicards. Section 3 of the bill amends the PRA, RCW 42.56.230, to **create new exemptions** for records related to confidential vessel registration, license plates, driver licenses, and identicards.

- **Comments:** This is a very narrow exemption specifically for these special registrations created for undercover law enforcement investigations. It makes sense that criminals should not be able to use the PRA to discover the registration or license information of undercover vehicles, vessels, or individuals.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 2/12/13. Referred to Government Operations & Elections. **Died in committee,** but companion bill is still alive. Reintroduced by resolution 1/13/14.

**HB 1833** ([link](#)) - **Exempting tax information from public inspection and copying (Bergquist; by request of Department of Licensing)** – Amends RCW chapters 82.36 (Motor Vehicle Fuel Tax), 82.38 (Special Fuel Tax), and 82.42 (Aircraft Fuel Tax) to **create new exemptions** from disclosure under the PRA for tax information, tax returns, supporting schedules, documents accompanying tax returns, audit files, and records of tax liabilities, and make all of that information confidential and privileged. Records that do not disclose specific taxpayer identities are not exempt. The PRA, RCW 42.56.230, is amended to reference the new exemptions.

- **Comments:** There are many other exemptions for taxpayer information, but these provisions are particularly broad and encompassing. It's not clear why these taxes have not had similar confidentiality provisions in the past and why they're being requested now; hopefully that information will be provided at the public hearing.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 2/12/13. Referred to Government Operations & Elections. Referred to Transportation. Public hearing scheduled 2/27/13 at 1:30PM. **Voted out of committee unanimously 2/28/13.** Referred to Rules. **Died in Rules.** Reintroduced by resolution 1/13/14. Referred to Transportation.

**HB 1901** ([link](#)) - **Limiting use and disclosure of population enumeration data (Hunt; by request of Office of Financial Management)** – Amends RCW 35.13.260 (Annexation of Unincorporated Areas), 35A.14.700 (Annexation by Code Cities), and RCW 36.13.030 (Classification of Counties) to **create new exemptions** for census enumerations conducted to determine the actual population of annexed areas.

- **Comments:** These provisions would be consistent with USC Title 13 which protects individual information collected for the U.S. Census.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 2/15/13. Referred to Government Operations & Elections. Public hearing and executive session scheduled 2/20/13 at 1:30PM. **Voted out of committee unanimously on 2/21/13. Died in Rules.** Reintroduced by resolution 1/13/14.

**SB 5029** ([link](#)) - **Creating the Washington investment trust (Hasegawa)** – Creates a state bank that will hold state and local government monies and use them to finance improvements in public infrastructure. Capital would come from federal transportation funds, Taft-Hartley trust funds, revenue bond proceeds, and state reserves. All earnings would be retained by the trust to be used for state purposes. Sections 17, 22, and 23 of the bill exempt many records of the trust from public disclosure. Section 22 adds the trust to RCW 42.56.270(4) so that confidential financial and commercial information of businesses or individuals applying for loans from the trust are exempt from disclosure. Section 23 adds the trust to RCW 42.56.400(6) so that examination reports obtained by the Department of Financial Institutions regarding the trust are exempt from disclosure. Section 27 is an "emergency clause" which says the bill would take effect immediately upon signing by the governor.

- **Comments:** The Trust would be a state agency, and must be subject to as much scrutiny as every other public agency. Certainly examinations of the operations and investment practices of the trust by the Department of Financial Institutions should not be exempt from disclosure as they are with private banks, but should be open to the public. There's no reason to declare this bill to be an emergency and eliminate the possibility of the people to put it on the ballot as a referendum; it's been percolating in the legislature for several years, and is not addressing any emergency. The only reason for the emergency clause is to eliminate the possibility of a referendum, which is an inappropriate use of the emergency clause.
- **Recommended Action:** NEUTRAL on the substance of the bill. **OPPOSE** the exemption from disclosure for examination records and other trust records necessary to public accountability. **OPPOSE** the emergency clause.
- **Status:** Introduced 1/15/13. Referred to Financial Institutions & Insurance. Public hearing scheduled 2/14/13 at 1:30PM. **Died in committee.** Reintroduced by resolution 1/13/14.

**SB 5055** ([link](#)) [**Companion Bill HB 1359**] - **Regarding the state archivist (Honeyford)** – Amends the State Archives Act, RCW 40.14, to establish minimum professional qualifications for the state archivist including a master's degree in a relevant field and five years previous experience as an archivist. Also adds several statutory purposes for the state archives, including consultant services on archival programs for agencies, supervising regional archives and the digital archives, to demand return of any original official records held illegally by any entity, to serve as liaison to the legislature and judiciary as well as other executive departments and to consult on public records to local and state government agencies, and to make recommendations on improvement of laws, rules, and policies pertaining to records management.

- **Comments:** WCOG supports insuring that the state archivist has the appropriate skills and experience to manage the critical functions of the archives, and that the position of archivist does not become a political appointment. WCOG also supports the additional functions identified for the archivist, many of which are already being performed.
- **Recommended Action:** **SUPPORT.**
- **Status:** Introduced 1/16/13. Referred to Governmental Operations. Public hearing on 1/24/13. **Died in committee,** but companion bill was voted out of committee. Reintroduced by resolution 1/13/14.

**SB 5063** ([link](#)) - **Regarding ethics in public service (Carrell)** - Amends the Ethics in Public Service Act, RCW 42.52. Section 3 amends 42.52.050(4) to add a definition of "intentionally concealing a record" as "the state officer or state employee knew the record was required to be released under chapter 42.56 RCW, knew of the record's existence, and intentionally did not provide the record to the requestor within the time frame established by the agency". Section 4 adds "knowing acquiescence" in ethical violations by employees to be a separate violation. Section 5 requires state officers and employees to have received ethics training within the past two years (among several other existing requirements) before they are eligible for the exemption allowing them to benefit from contracts or grants outside their official duties. Sections 6 and 7 allow the ethics boards to delegate the authority to issue complaints to their executive directors. Section 8 authorizes ethics boards to investigate additional ethical violations they may discover in the course of investigating a complaint, even if the complaint does not specify the additional violations. Section 10 requires all state agencies to designate ethics advisors to informally assist agency officers and employees on compliance with ethics laws. Section 10 also requires every state officer or employee to receive ethics training approved by the appropriate ethics board within 60 days of taking office or employment, with refreshers at least every three years. Section 11 eliminates the possibility of ethics hearings being held before an administrative law judge rather than the appropriate ethics board.

- **Comments:** The change in 42.52.050(4) is probably OK, although "the time frame established by the agency" is vague and provides too much discretion to the agency; it should be changed to refer to the response time requirements in RCW 42.56. Other than that, the bill appears to strengthen enforcement of ethics laws. The training requirement is particularly important.
- **Recommended Action: SUPPORT.** Contact the sponsor and express **CONCERNS** regarding the time frame for production of records.
- **Status:** Introduced 1/16/13. Referred to Governmental Operations. Public hearing scheduled 2/19/13 at 10AM. **Died in committee.** Reintroduced by resolution 1/13/14.

**SB 5169** ([link](#)) [**Companion Bill HB 1298**] - **Implementing the recommendations of the sunshine committee (Roach; Requested by Public Records Exemptions Accountability Committee)** - Includes the 2010 Recommendations of the Sunshine Committee. Amends RCW 42.56.230(5) to exempt from disclosure a broader range of personal financial information as defined in the identity theft law (RCW 9.35) including social security numbers wherever they appear in public records. Amends RCW 42.56.250 to eliminate the exemption for applications for employment of finalists for the highest management position of an agency, and to exclude volunteer service on boards and commissions from the definition of "employment". Amends RCW 42.56.330 to reduce the information on users of ride-share programs that is made available to other program participants, and to eliminate access to individual transit-pass user information that could be previously disclosed to news media. Amends RCW 48.37.060 to require the Insurance Commissioner to make market conduct examination reports public, whereas such release was previously discretionary. Amends RCW 70.148.060 to narrow the existing exemption for examination reports by the Washington Pollution Liability Insurance Program to exempt only proprietary information.

- **Comments:** These are common-sense updates that should be implemented. The amendment to 42.56.250 is likely to be controversial, as agencies believe that public knowledge regarding finalists being considered for top positions could result in some qualified persons choosing not to apply in order to avoid raising questions with their current employer.
- **Recommended Action: SUPPORT.**
- **Status:** Introduced 1/22/13. Referred to Governmental Operations. Public hearing scheduled 2/7/13 at 10AM. **Substitute bill voted out of committee unanimously 2/12/13.** Referred to Rules. **Died in Rules.** Reintroduced by resolution 1/13/14.

**SB 5170** ([link](#)) [**Companion Bill HB 1297**] - **Implementing a recommendation of the sunshine committee (Roach; Requested by Public Records Exemptions Accountability Committee)** - Amends RCW 13.34.100 to require that when a guardian ad litem is appointed, the parties and their attorney will be provided background information that includes the Washington State Patrol criminal background check.

- **Comments:** This expands the information currently available as part of the background information provided.
- **Recommended Action: SUPPORT.**
- **Status:** Introduced 1/22/13. Referred to Human Services & Corrections. Public hearing scheduled 1/28/13 at 10AM. **Died in committee,** and companion bill also died. Reintroduced by resolution 1/13/14.

**SB 5171** ([link](#)) [**Companion Bill HB 1299**] - **Implementing the recommendations of the sunshine committee (Roach; Requested by Public Records Exemptions Accountability Committee)** - Includes the 2011 Recommendations of the Sunshine Committee. Amends RCW 42.56.240(5) to expand the exemption for information revealing the identity of child victims of sexual assault. Amends RCW 42.56.240(6) to exempt local and regional gang databases in addition to the statewide gang database. Repeals RCW 42.56.400 (10), which exempts from disclosure certain information and reports regarding closed medical malpractice claims.



- **Comments:** These are reasonable changes to these exemptions.
- **Recommended Action:** **SUPPORT.**
- **Status:** Introduced 1/22/13. Referred to Governmental Operations. Public hearing 2/11/13 at 10AM. **Voted out of committee unanimously on 2/12/13.** Referred to Rules. **Died in Rules.** Reintroduced by resolution 1/13/14.

**SB 5177** ([link](#)) - **Creating an office of corrections ombuds (Carrell)** – Creates an ombudsman within the Department of Corrections to avoid occurrences in the department that expose it to litigation. Section 7(2) **creates an exemption** to disclosure under the Public Records Act for investigative records of the ombudsman.

- **Comments:** This new exemption is similar to others contained in other ombuds statutes. However, the new exemption is not cross-referenced from RCW 42.56.
- **Recommended Action:** NEUTRAL on the substance of the bill. Request that the new exemption be cross-referenced from RCW 42.56.
- **Status:** Introduced 1/22/13. Referred to Human Services & Corrections. Public hearing scheduled 1/31/13 at 10AM. **Voted out of committee unanimously 2/5/13.** Referred to Ways & Means. **Died in committee.** Reintroduced by resolution 1/13/14.

**SB 5198** ([link](#)) [**Companion Bill HB 1203**] - **Exempting personal information relating to children from public inspection and copying (Darneille; requested by Department of Early Learning)** – Amends the existing disclosure exemption in RCW 42.56.230(2) pertaining to personal information of participants in public or non-profit programs such as early learning, child care, parks and recreation programs, youth development programs, and after school programs, to specifically call out “for a child enrolled in licensed child care in any files maintained by the department of early learning”. Also removes the clause providing examples of “personal information”, which currently says “including but not limited to, addresses, telephone numbers, personal electronic mail addresses, social security numbers, emergency contact and date of birth information”.

- **Comments:** It’s not clear why the change to the list of “personal information” is needed; it already says “including but not limited to”, so the list is not restrictive. The other change expands the exemption to cover not only children enrolled in “public or nonprofit” programs, but also for-profit licensed child care, to the extent those records come into the possession of the Department, such as through inspection or subsidy programs.
- **Recommended Action:** NEUTRAL. Although this bill **expands an existing exemption**, it is consistent with other exemptions related to personal information such as for public school students and welfare recipients. The amendment added in House Government Operations & Elections adds the content of HB 1901 to create an exemption for census enumeration data (HB 1901 previously died in Rules); it’s questionable whether the title of the bill is actually broad enough for this amendment to be added.
- **Status:** Introduced 1/23/13. Referred to Human Services & Corrections. Public hearing scheduled 2/5/13 at 10AM. **Voted out of committee unanimously on 2/8/13.** Referred to Rules. **Placed on 2nd Reading Calendar 2/8/13. Passed Senate 46-0 on 2/25/13.** Referred to House Government Operations & Elections. Public hearing scheduled 3/19/13 at 8AM. Executive session scheduled 3/26/13 at 9AM. **Voted out of committee with amendments 10-1 on 3/26/13.** Referred to Rules. **Failed to pass House.** Referred to Senate Rules. Reintroduced by resolution 1/13/14. Moved to Senate Rules “X” file 2/4/14.

**SB 5260** ([link](#)) [**Companion Bill HB 1013**] - **Authorizing regular meetings of county legislative authorities to be held at alternate locations within the county (Schlicher)** – Amends RCW 36.32.080 to allow county councils and commissions to hold *regular* meetings outside the county seat.

- **Comments:** It is a good idea to allow county councils and commissions to hold their meetings at various locations around the county from time to time to increase opportunities for public participation. However, the bill is flawed because it does not mandate any public notice of the change in location. Citizens assume that *regular* meetings will be held at the body’s *regular* meeting location. A change of location can be made by declaring a *special* meeting, which requires public notice, but then the body cannot act on any business that is not in the meeting notice, unlike a regular meeting which allows any business to be conducted. It would be very unfortunate for one or more citizens to travel a long distance to the county seat only to find that the meeting they wanted to attend has been moved to another location a long distance away.
- **Recommended Action:** **CONCERNS.** Request committee to amend the bill to require notice of the change of location. Ideally, this should go in the Open Public Meetings Act, RCW 42.30, and apply to *all* changes in the date, time, or place of any regular meeting, not just for counties. The notice must be done in a manner designed to provide ample notice directly to the public who may be planning to attend, not simply 24 hours in advance and only to news media who have asked to be informed.
- **Status:** Introduced 1/24/13. Referred to Governmental Operations. Public hearing 2/11/13 at 10AM. **Died in committee,** but companion bill was voted out of committee. Reintroduced by resolution 1/13/14.

**SB 5269** ([link](#)) [**Companion Bill HB 1035**] - **Addressing title insurance rate filings (Benton)** – Allows the insurance commissioner to use a statistical reporting agent for title insurance. Requires title insurers and agents to file reports with the reporting agent. Requires the reporting agent to file information with the Insurance Commissioner. Requires the costs and expenses of a reporting agent to be borne by insurers and insurance agents. Sections 2 and 5 of the bill **creates a new exemption** from public inspection for the rate filing information obtained by the Commissioner.

- **Comments:** The proposed PRA exemption is similar to many others for confidential proprietary financial information, to protect it from disclosure to competitors.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/24/13. Referred to Financial Institutions, Housing & Insurance. Public hearing scheduled 2/5/13 at 1:30PM. **Voted out of committee unanimously 2/8/13.** Referred to Rules. **Died in Rules**, but companion bill passed House. Reintroduced by resolution 1/13/14.

**SB 5270** ([link](#)) [**Companion Bill HB 1279**] - **Allowing motor voter preregistration for sixteen and seventeen year olds (Billig)** – Allows 16- and 17-year-olds to “pre-register” to vote when they apply for their driver license. Amends the Public Records Act, RCW 42.56.250, to **create a new exemption** for all information submitted to pre-register to vote.

- **Comments:** WCOG has no position on the substance of the bill. We note that much information is currently available under the PRA for registered voters, including the voter's name, address, political jurisdiction, gender, date of birth, voting record, date of registration, and registration number. This bill exempts all of this information for pre-registrations until the pre-registration is converted into an actual registration. While this exemption is consistent with the many other existing exemptions for information related to minors, keeping all of this information concealed could raise questions about accountability for the Secretary of State and county auditors such as whether they are properly handling pre-registration procedures.
- **Recommended Action:** **CONCERNS** regarding the breadth of the exemption. Request sponsors to consider enabling disclosure of sufficient information to hold election officials accountable for proper handling of pre-registrations.
- **Status:** Introduced 1/24/13. Referred to Governmental Operations. Public hearing scheduled 2/5/13 at 10AM. **Died in committee**, but companion bill was voted out of committee. Reintroduced by resolution 1/13/14.

**SB 5312** ([link](#)) [**Companion Bill HB 1657**] - **Authorizing small consumer installment loans (Hobbs)** – Licenses and regulates small loan lenders (“pay day lenders”) to require, among other things, that they offer repayment over longer terms and at interest rates not to exceed 36% (as opposed to the over 400% annual rates charged by some pay day lenders today). Section 23 of the bill requires lenders to submit financial statements and other confidential proprietary financial information to the Department of Financial Institutions, and **creates an exemption** from disclosure for the information submitted.

- **Comments:** The exemption is similar to others for confidential proprietary information submitted by regulated financial institutions. However, the new exemption is not cross-referenced from RCW 42.56. The substitute bill does not change the open government provisions. The amendment adopted in House Business & Financial Services does not change the open government provisions.
- **Recommended Action:** NEUTRAL. Request an amendment to cross-reference the new exemption from RCW 42.56.
- **Status:** Introduced 1/25/13. Referred to Financial Institutions, Housing & Insurance. Public hearing scheduled 1/29/13 at 1:30PM. Executive session scheduled 2/7/13 at 1:30PM. **Substitute bill voted out of committee 5-2 on 2/8/13.** Referred to Rules. **Engrossed bill Passed Senate 30-18 on 2/20/13.** Referred to House Business & Financial Services. Public hearing scheduled 3/27/13 at 1:30PM. Executive session scheduled 4/2/13 at 9AM. **Voted out of committee with amendments 13-2 on 4/2/13.** Referred to Appropriations. **Died in Committee.** Reintroduced by resolution 1/13/14.

**SB 5341** ([link](#)) - **Concerning the use of nonconviction records for employment and housing opportunities (Darneille)** – Requests the state Supreme Court to adopt court rules to redact or seal non-conviction court records including the index, to conceal from the public court actions that landlords and employers have used in the past to exclude certain applicants. Also prohibits employers and landlords from using non-conviction records to exclude applicants. Creates a right of action in court for applicants who believe the law has been violated.

- **Comments:** If employers and landlords are prohibited from considering non-conviction records, then there's no need to seal them from the public. Section 2, the request to the Supreme Court, should be eliminated. Also, instead of creating a right of action in court, the prohibition on discrimination based on non-conviction records should simply be added to the state Law Against Discrimination. This would enable the Human Rights Commission to be the venue for resolving disputes, instead of aggrieved persons having to bring an action in court. Compare to HB 1497, which is very similar but not listed as a companion.
- **Recommended Action:** **OPPOSE** in current form due to the demand for sealing of court records. Request the changes suggested above.

- **Status:** Introduced 1/28/13. Referred to Law & Justice. **Died in committee**, and companion bill also died. Reintroduced by resolution 1/13/14.

**SB 5353** ([link](#)) [**Companion Bill HB 1393**] - **Providing information to assist in unemployment insurance overpayment recovery (Roach; Requested by Employment Security Department)** – Amends RCW 42.56.430(3) to require the Department of Fish and Wildlife to disclose personal identifying information of license holders to the Employment Security Department for purposes of recovering unemployment insurance overpayments.

- **Comments:** This bill is probably completely unnecessary. The information held by DFW is simply exempt from disclosure and not prohibited from disclosure, so nothing stops DFW from providing the information to ESD today except that they fail to understand the difference between an exemption and a prohibition.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/28/13. Referred to Commerce & Labor. Public hearing scheduled 2/4/13 at 1:30PM. Executive session scheduled 2/15/13 at 8AM. **Voted out of committee unanimously on 2/15/13. Died in Rules**, and companion bill is also dead. Reintroduced by resolution 1/13/14.

**SB 5373** ([link](#)) - **Concerning confidential informants (Kline)** – establishes requirements for use of confidential informants. Section 4 requires law enforcement agencies to enter into written agreements with confidential informants. Subsection 4(4) **creates a new exemption** from public disclosure of the confidential informant agreements.

- **Comments:** It seems reasonable that the identity of confidential informants be kept confidential. However, the public should have access to some of the information related to confidential informants in order to hold law enforcement agencies accountable for their use.
- **Recommended Action:** **CONCERNS.** Request an amendment that would allow as much information as possible to be released without compromising the confidential informant. Also request that the new exemption be cross-referenced from the PRA.
- **Status:** Introduced 1/28/13. Referred to Law & Justice. **Died in committee.** Reintroduced by resolution 1/13/14.

**SB 5424** ([link](#)) [**Companion Bill HB 1579**] – **Concerning paint stewardship (Chase)** – Would establish a mandatory statewide paint recycling program. Section 9 requires paint producers and sellers to submit detailed reports on their recycling program participation, including detailed information on sales volume and other confidential proprietary financial information. Subsection 9(2) **creates a new exemption** for the confidential proprietary financial portions of the reports submitted. Section 14 amends the Public Records Act, RCW 42.56.270, to reference the exemption created in subsection 9(2).

- **Comments:** This exemption is consistent with other similar exemptions for confidential proprietary financial information provided by regulated entities to regulatory agencies.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/30/13. Referred to Energy, Environment & Telecommunications. Public hearing 2/14/13 at 8AM. **Voted out of committee 6-1 on 2/22/13.** Referred to Ways & Means. Public hearing held 2/27/13. **Died in committee.** Reintroduced by resolution 1/13/14.

**SB 5436** ([link](#)) [**Companion Bill HB 1449**] - **Making specific prosecution and defense documents and materials exempt from public inspection and copying (Pearson)** – Amends the Public Records Act, RCW 42.56.240, to **create new exemptions** for “Victim impact statements as defined or described in Article I, section 35 of the state Constitution and RCW 7.69.020 and 7.69.030” and for “Documents and other materials provided by the attorney for the defendant, or by the defendant when acting pro se, to the prosecuting attorney, including but not limited to, documents and other materials provided during communications or discussions described under RCW 9.94A.421 or 9.94A.460, proceedings under RCW 9.94A.660, 9.94A.655, 9.94A.670, or 10.95.040 through 10.95.060, or similar exchanges or communications described in court rules.”

- **Comments:** This bill appears to be a direct response to the *Koenig v. Thurston County* case regarding whether victim impact statements and special sex offender sentencing alternative reports are available for public inspection under the PRA. Subsection (10) would exempt victim impact statements from disclosure. Subsection (11) would exempt all documents related to plea agreements, sentencing recommendations, decisions to prosecute, decisions to pursue the death penalty, and death penalty proceedings.
- **Recommended Action:** **OPPOSE.** The public should have access to these records in order to hold prosecutors and courts accountable for the decisions they make.
- **Status:** Introduced 1/30/13. Referred to Law & Justice. Public hearing 2/11/13 at 1:30PM. **Died in committee**, but companion bill was voted out of committee. Reintroduced by resolution 1/13/14.

**SB 5443** ([link](#)) [**Companion Bill HB 1576**] - **Creating greater efficiency in the offices of county assessors by allowing notification via electronic means (Roach)** – Would allow county assessors to send notices of assessments

and other communications by email to people who request to receive the notices electronically. Subsection (6) **creates a new exemption** in the PRA for information supplied by the person receiving notice in order to facilitate electronic notice, including email addresses and passwords.

- **Comments:** The intent of this is to allow assessors to save money by moving away from postal mailing of notices to electronic delivery. Many property owners prefer electronic delivery, but it is not possible under current law. Assessors are concerned that people will be reluctant to provide email addresses if the addresses would be subject to disclosure under the PRA.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 1/30/13. Referred to Governmental Operations. Public hearing scheduled 2/12/13 at 1:30PM. **Voted out of committee unanimously 2/21/13. Died in Rules.** Reintroduced by resolution 1/13/14.

**SB 5527** ([link](#)) – **Concerning debt adjusting services (Hobbs)** – Limits debt adjusting services to nonprofit social service agencies and consumer credit counseling agencies that are licensed by the Department of Financial Institutions. Establishes licensing requirements and information to be included in license applications. Limits fees for debt adjusting services. Section 6 of the bill requires submission of annual reports to DFI; subsection (5) requires the contents of the annual report to be confidential and **creates a new exemption** from disclosure under the Public Records Act.

- **Comments:** This exemption is consistent with similar exemptions for confidential proprietary financial information. It is not necessary for the *entire* report to be exempt from disclosure, but only the portions containing confidential proprietary information, which can be redacted. The new exemption is not cross-referenced from RCW 42.56. Compare to HB 1491 which is similar but not listed as a companion.
- **Recommended Action:** NEUTRAL. Request a cross-reference from the PRA to the new exemption. Request an amendment to allow the portions of the annual report that do not contain confidential proprietary financial information to be disclosed.
- **Status:** Introduced 2/1/13. Referred to Financial Institutions, Housing & Insurance. Public hearing scheduled 2/14/13 at 1:30PM. **Died in committee.** Reintroduced by resolution 1/13/14.

**SB 5753** ([link](#)) - **Providing flexibility in the education system (Hobbs)** – Amends several provisions of law related to schools to provide “flexibility” to ignore those provisions if funds are not available, and suspends several requirements outright for the next biennium. A number of provisions where schools are required to provide information to parents are replaced by requirements to simply post the information online unless requested in writing. Section 11 amends RCW 28A.320.160, which requires parents of students who are alleged victims of sexual misconduct to be notified of their right to access employee disciplinary records using the PRA, to instead require that information to be posted online unless the parents explicitly request it in writing.

- **Comments:** Section 11 is ridiculous. It will not save districts more than a few cents in photocopying costs in any given year, but the result is that the parents of a sexual assault victim might never find out they have the right to review the alleged molester’s disciplinary history. Parents of sexual assault victims deserve to be proactively informed of their rights to access this information, and not have to discover it. The substitute bill removes Section 11. The striking amendment adopted in House Education does not change the open government provisions.
- **Recommended Action:** **OPPOSE** with regard to Section 11. **NEUTRAL** on the substitute bill. **NEUTRAL** on the engrossed bill.
- **Status:** Introduced 2/13/13. Referred to Early Learning & K-12 Education. Public hearing scheduled 2/20/13 at 1:30PM. **Substitute bill voted out of committee 7-4 on 2/22/13. Passed Senate 45-4 on 3/7/13.** Referred to House Education. Public hearing scheduled 3/21/13 at 8AM. Executive session scheduled 4/2/13 at 1:30PM. **Voted out of committee with amendments 11-10 on 4/2/13.** Referred to Rules. **Died in committee.** Referred to Senate Rules. Reintroduced by resolution 1/13/14.

**SB 5782** ([link](#)) - **Establishing standards for the use of public unmanned aircraft systems (Chase)** – Establishes policies and regulations regarding the use by public agencies of unmanned aerial vehicles (“drones”). Prohibits any state agency from acquiring or using drones without approval of the legislature, and prohibits local agencies from using drones without approval of the governing body of the agency. Prohibits collection of personal information without a criminal warrant. Several sections of the bill prohibit disclosure of information collected by drones, such as sections 10, 11, and 12. Section 13 makes it a felony to disclose information obtained by a drone without authority of law.

- **Comments:** Several sections of the bill could be deemed to **create a new exemption** from disclosure under the PRA. These exemptions seem reasonable to protect personal privacy. Information obtained by drones under required search warrants would be available under the PRA once they are not subject to the investigatory records exemption. Compared HB 1771, which is similar but not noted as a companion bill.
- **Recommended Action:** NEUTRAL.

- **Status:** Introduced 2/14/13. Referred to Law & Justice. Public hearing scheduled 2/20/13 at 1:30PM. **Died in committee**, but HB 1771 was voted out of committee. Reintroduced by resolution 1/13/14.

**SB 5840** ([link](#)) - **Concerning foreclosure (Kline)** – Requires persons wanting to engage in the business of a trustee for deeds of trust to register with the Department of Financial Institutions. Does not apply to regulated financial institutions or attorneys licensed to practice in Washington. Prescribes the information that must be included on the registration application form. Section 3(4) **creates a new exemption** for personal residential addresses and telephone numbers of any officer, director, partner, owner, controlling person, or employee of the registered trustee.

- **Comments:** The exemption is consistent with similar exemptions for personal information provided to regulatory agencies.
- **Recommended Action:** NEUTRAL.
- **Status:** Introduced 2/21/13. Referred to Financial Institutions, Housing & Insurance. **Died in committee.** Reintroduced by resolution 1/13/14.

**SB 5847** ([link](#)) - **Concerning the disclosure and use of information contained in collision reports (King; by request of the Department of Transportation)** – Prohibits the use of accident reports and supplemental reports compiled under RCW 46.52 from being used in “any current, pending or future action for damages against a government agency”.

- **Comments:** This bill appears to be a response to the case of *Gendler v. Batiste*, in which WCOG Key Award Winner Michael Gendler sued the Washington State Patrol for refusing to release records of bicycle accidents occurring on the Montlake Bridge in Seattle. WSP asserted that federal prohibited disclosure; Washington courts ordered the records to be released. Now WSP is seeking to change the law so that the records could be released but not used in litigation. It is contrary to principles of open government to disallow public records from being used to hold the government accountable for its action or inaction. Records that show a pattern of neglect or flawed design, and a failure to act to correct the problem, must not be covered up or prevented from being used in legal action.
- **Recommended Action:** **STRONGLY OPPOSE.**
- **Status:** Introduced 2/22/13. Referred to Transportation. **Died in committee.** Reintroduced by resolution 1/13/14.

## BILLS PASSED IN 2013 SESSION (15)

This section contains brief summaries of the bills that passed during the 2013 session. For additional information on these bills, including comments and legislative history, see the WCOG final bill status report for the 2013 session.

**HB 1035** ([link](#)) [**Companion Bill SB 5269**] - **Addressing title insurance rate filings (Kirby)** – Allows the insurance commissioner to use a statistical reporting agent for title insurance. Requires title insurers and agents to file reports with the reporting agent. Requires the reporting agent to file information with the Insurance Commissioner. Requires the costs and expenses of a reporting agent to be borne by insurers and insurance agents. Sections 2 and 5 of the bill **creates a new exemption** from public inspection for the rate filing information obtained by the Commissioner.

**HB 1203** ([link](#)) [**Companion Bill SB 5198**] - **Exempting personal information relating to children from public inspection and copying (Farrell; requested by Department of Early Learning)** – Amends the existing disclosure exemption in RCW 42.56.230(2) pertaining to personal information of participants in public or non-profit programs such as early learning, child care, parks and recreation programs, youth development programs, and after school programs, to specifically call out “for a child enrolled in licensed child care in any files maintained by the department of early learning”. Also removes the clause providing examples of “personal information”, which currently says “including but not limited to, addresses, telephone numbers, personal electronic mail addresses, social security numbers, emergency contact and date of birth information”.

**HB 1568** ([link](#)) - **Concerning the business licensing service program administered by the department of revenue (Carlyle; by request of Department of Revenue)** – Makes a number of technical changes to licensing and trade name laws. More specificity is provided in state law regarding the renewal and cancellation of trade names. Trade name renewal cannot occur more often than annually. The DOR can cancel the trade name of any person whose business license account becomes inactive in the DOR business license system or at the request of the person the trade name is registered to. The DOR is required to make reasonable effort to provide notice to a person prior to cancellation of a trade name unless it is the person requesting the cancellation of a trade name. References of the master license service in statute are changed to the business license service. Obsolete provisions of law are eliminated. Section 55(3) of the bill repeals RCW 19.80.065, which says “RCW 42.56.070(9) does not apply to registrations made under this chapter.”

**HB 1576** ([link](#)) [**Companion Bill SB 5443**] - **Creating greater efficiency in the offices of county assessors by allowing notification via electronic means (Springer)** – Would allow county assessors to send notices of assessments and other communications by email to people who request to receive the notices electronically. Subsection (6) **creates a new exemption** in the PRA for information supplied by the person receiving notice in order to facilitate electronic notice, including email addresses and passwords.

**HB 1609** ([link](#)) - **Renaming the board of pharmacy (Schmick)** – Renames the “Board of Pharmacy” to the “Pharmacy Quality Assurance Commission”. Section 47 of the bill amends the existing PRA exemptions in RCW 42.56.360(1) to include the new name. No substantive changes are made to the exemptions.

**HB 1612** ([link](#)) - **Concerning information on firearm offenders (Hope)** – Creates a system of “registered firearm offenders” similar to the system for registered sex offenders. Courts may require persons found guilty of certain firearm offenses to register their addresses with law enforcement. A statewide central registry (database) of firearm offenders would be created. Section 6(4) **creates a new exemption** to the Public Records Act for the entire central registry of firearm offenders. Section 1 amends RCW 42.56.240 to reference the new exemption. The substitute bill removes some firearm offenses that would cause a person to be registered in the database, but doesn’t affect the open government provisions.

**SB 5135** ([link](#)) [**Companion Bill HB 1446**] - **Concerning judicial proceedings and forms (Pearson)** – Amends several sections related to judicial proceedings and forms. Section 1 amends RCW 2.36.095 eliminates the requirement that county clerks notify county auditors when a jury summons is returned as undeliverable. Section 3 amends RCW 26.26.610 so that in a parentage adjudication, not only is the final order open to the public, but also “all subsequent documents or pleadings”. The substitute bill removes the expanded access in Section 3.

**SB 5256** ([link](#)) - **Concerning the confidentiality of certain autopsy and postmortem reports and records (Padden)** – Amends RCW 68.50 (“Human Remains”) to loosen the existing provision that all reports and records of autopsies and postmortem examinations are confidential and can only be released to certain interested persons. If the death occurred in a prison or jail, or while the person was in custody, detained, or contacted by a law enforcement officer in the performance of their duties, the report or records are not confidential and would be available to the public. The

amendment adopted in House Judiciary does not permit the written reports to be disclosed, but does allow the coroner or medical examiner to publicly discuss their findings when a law enforcement officer was involved in the death.

**SB 5329** ([link](#)) - **Creating the state superintendent school district (Litzow)** – Creates a virtual school district within the Office of Superintendent of Public Instruction that will take direct control over struggling schools, temporarily transferring them from their original school district. Oversight of these schools will be from Olympia rather than their geographic school district and board of directors. Section 8 of the bill exempts schools in this district from all state statutes applicable to schools except for certain statutes listed in the section; subsection 8(2)(h) says that they must “Comply with the open public meetings act in chapter 42.30 RCW and open public records requirements in RCW 42.56.040”. The substitute bill removes the onerous PRA provision.

**SB 5434** ([link](#)) [**Companion Bill HB 1543**] - **Addressing the filing and public disclosure of health care provider compensation (Becker)** – Health insurance carriers must file copies of all health care provider contracts and compensation agreements with the Insurance Commissioner thirty days before use. The commissioner must approve the agreements as to form, but not the compensation or reimbursement amounts. Subsection 5 **creates a new exemption** under the PRA for all such agreements filed with the commissioner. The amendment added in House Health Care & Wellness cross-references the new exemption from within the PRA.

**SB 5510** ([link](#)) [**Companion Bill HB 1523**] - **Concerning the abuse of vulnerable adults (Becker; by request of the Department of Social and Health Services)** – Amends RCW 74.34 (“Abuse of Vulnerable Adults”) to strengthen protections and allow DSHS to share information with other investigatory agencies, with the goal of preventing abusers from gaining access to victims. Section 3(6) of the bill states that “Reports of abuse, abandonment, neglect, self-neglect, and financial exploitation are confidential under RCW 74.34.095 and other laws, and secondary disclosure of information shared under this section is prohibited.” The amendment adopted in House Judiciary says that records of professional review boards, quality assurance committees, and quality improvement programs do not have to be provided to DSHS or law enforcement during an investigation even if they relate to the victim of abuse.

**SB 5577** ([link](#)) - **Protecting public employees who act ethically and legally (Carrell)** – Strengthens the Ethics in Public Service Act, RCW 42.52. Knowing acquiescence by a supervisor in the ethics violation of an employee is made an ethics violation. Exceptions to the rule requiring a state officer or employee to not accept a thing of economic value by contract or grant are made unavailing if the officer or employee has not attended an approved ethics training within the past 24 months. A state employee who files an ethics complaint must be afforded whistleblower protection and receive protection from retaliation, even if the complaint is denied. A retaliator will receive a minimum penalty of a reprimand and may be subject to a civil penalty of up to \$5,000 and receive up to 30 days suspension without pay. The EEB may investigate potential ethics violations discovered in the course of its investigations of exempt employees, and is not limited to the initial complaint. Every state officer and employee must receive ethics training with 60 days of employment and at least every three years thereafter. Section 13 of the bill **creates new exemptions** from public disclosure for the identity of persons filing ethics complaints, and investigative records compiled by a legislator or statewide elected official.

**SB 5591** ([link](#)) [**Companion Bill HB 1832**] - **Concerning confidential license plates, drivers' licenses, identicards, and vessel registrations (Eide; by request of Department of Licensing)** – Grants DOL authority to issue confidential driver licenses and identicards to law enforcement agencies for law enforcement purposes, including undercover or covert law enforcement activities. DOL must perform background investigations on employees who have access to confidential vessel registration, license plates, driver licenses, and identicards. Section 3 of the bill amends the PRA, RCW 42.56.230, to **create new exemptions** for records related to confidential vessel registration, licenses plates, driver licenses, and identicards.

**SB 5666** ([link](#)) - **Concerning disclosure of information by health care quality improvement programs, quality assurance programs, and peer review committees (Dammeier)** – Expands existing exemptions from disclosure for records associated with hospital quality improvement programs, to include records of granting or reviewing a health care provider's credentials or privileges. Prevents anyone involved in quality improvement or disciplinary processes from being compelled to testify in any legal action regarding the activities of the committees. In cases of termination of staff privileges, the reasons for termination are entirely secret, exempt from disclosure, and privileged. The striking amendment that passed on the floor removed all of the onerous confidential provisions.

**SB 5810** ([link](#)) [**Companion Bill HB 1715**] - **Allowing the department of corrections to exempt information contained in the internal database on security threat group data from dissemination under the public records act (Darneille; by request of the Department of Corrections)** – Amends RCW 72.09 (Department of Corrections) to allow DOC to “collect, evaluate, collate, and analyze data and specific investigative information concerning the existence, structure, activities, and operations of security threat groups, drugs, and violence within department facilities and the participants involved therein under the jurisdiction of the department” and store the collected information in a

centralized database. Subsection (3) **creates a new exemption** from public disclosure for the entire contents of the database. The amendment proposed in House Governmental Operations & Elections narrows the exemption and creates a cross-reference in the PRA.