

## **WCOG Bill Status Report January 24, 2017**

This report shows bills in the Washington State Legislature being tracked by Washington Coalition for Open Government because they have some impact on Washington's open government laws. Members of the Coalition are encouraged to contact their legislators regarding bills of concern to them. If you have any comments on the format or contents of this report, including the indicated WCOG positions or comments, please contact the Coalition president at [president@washingtoncog.org](mailto:president@washingtoncog.org).

### **Upcoming Hearings and Floor Action on Tracked Bills**

#### **Community Development, Housing & Tribal Affairs (House) - HHR E, JLOB - 1/25 @ 8:00am**

- HB 1097 - Public Hearing - Concerning tribal consultation regarding hunting rights and activities.

#### **State Government (Senate) - SHR 2, JACB - 1/25 @ 8:00am**

- SB 5110 - Public Hearing - Enhancing youth voter registration.
- SB 5219 - Public Hearing - Increasing transparency of contributions by creating the Washington state DISCLOSE act of 2017.

#### **Health Care & Wellness (House) - HHR A, JLOB - 1/25 @ 1:30pm**

- HB 1337 - Public Hearing - Creating the interstate medical licensure compact.
- HB 1043 - Exec Session - Addressing nonpublic personal health information.
- HB 1232 - Exec Session - Concerning the timing and content of disclosures by continuing care retirement communities.

#### **State Government (House) - HHR E, JLOB - 1/25 @ 1:30pm**

- HB 1160 - Public Hearing - Enacting recommendations of the sunshine committee.

#### **Environment (House) - HHR B, JLOB - 1/26 @ 8:00am**

- HB 1376 - Public Hearing - Concerning paint stewardship.

#### **Public Safety (House) - HHR D, JLOB - 1/26 @ 8:00am**

- HB 1102 - Exec Session - Concerning technology-enhanced government surveillance.

#### **Community Development, Housing & Tribal Affairs (House) - HHR E, JLOB - 1/26 @ 1:30pm**

- HB 1097 - Exec Session - Concerning tribal consultation regarding hunting rights and activities.

## Health Care & Wellness (House) - HHR A, JLOB - 1/27 @ 10:00am

- HB 1043 - Exec Session - Addressing nonpublic personal health information.
- HB 1232 - Exec Session - Concerning the timing and content of disclosures by continuing care retirement communities.

## State Government (House) - HHR E, JLOB - 1/27 @ 10:00am

- HB 1160 - Exec Session - Enacting recommendations of the sunshine committee.

## Summary of Bills Tracked

### High Priority Bills

Bill #	Short Description	Status	Sponsor	Position
<a href="#">HB 1160</a> (SB 5418)	Sunshine Committee recommendations	H State Governme	Springer	Support
<a href="#">HB 1287</a>	Collective bargaining	H Labor & Workpla	Chandler	Support
<a href="#">HB 1595</a>	Concerning costs associated with responding to public records requests		Nealey	Concerns
<a href="#">SB 5326</a>	Disclosure and use of personal information of employees and volunteers of law enforcement and employees and volunteers of the department of corrections	S Law & Justice	Pearson	Oppose
<a href="#">SB 5418</a> (HB 1160)	Enacting recommendations of the sunshine committee.	S State Governmen	Chase	Support

### Medium Priority Bills

Bill #	Short Description	Status	Sponsor	Position
<a href="#">HB 1043</a> (SB 5124)	Nonpublic personal health information held by the Insurance Commissioner	H HC/Wellness	Robinson	Concerns
<a href="#">HB 1097</a>	Tribal consultation with the Governor and the Fish and Wildlife Commission regarding hunting rights and activities	H Comm Dev, Hous	Sawyer	Concerns
<a href="#">HB 1102</a>	Technology-enhanced government surveillance	H Public Safety	Taylor	Concerns
<a href="#">HB 1317</a> (SB 5207)	Public disclosure of global positioning system data corresponding to residential addresses of public employees and volunteers	H State Governme	McBride	Concerns
<a href="#">HB 1337</a> (SB 5221)	Interstate medical licensure compact	H HC/Wellness	Riccelli	Concerns
<a href="#">HB 1376</a>	Paint stewardship	H Environment	Peterson	Concerns
<a href="#">HB 1465</a>	Exempting from public disclosure certain information regarding reports on wolf depredations	H State Governme	Short	Concerns
<a href="#">HB 1471</a> (SB 5335)	Collecting voter registration sign up information for persons seventeen years of age during the period one year prior to attaining eighteen years of age	H State Governme	Bergquist	Concerns
<a href="#">HB 1501</a>	Protecting law enforcement and the public from persons who illegally attempt to obtain firearms	H Judiciary	Hansen	Concerns



<a href="#">HB 1160</a> (SB 5418)	<b>Sunshine committee</b>	H State Governme	Springer	Support
	<i>Comments:</i> Implements the unanimously-supported recommendations of the Sunshine Committee for 2016. (WCOG PRIORITY)			
<a href="#">HB 1287</a>	<b>Collective bargaining</b>	H Labor & Workpla	Chandler	Support
	<i>Comments:</i> Makes contract negotiations under collective bargaining open to the public. Eliminates the exemption under the OPMA RCW 42.30.140. (WCOG PRIORITY)			
<a href="#">HB 1595</a>	<b>Public records request costs</b>		Nealey	Concerns
	<i>Comments:</i> Establishes default copying charges for electronic records. Allows agencies to charge a flat \$5 fee per records request instead of other fees. Requires PRA requests to be for "an identifiable record". Disallows requests for all or substantially all of an agency's records. Allows agencies to deny multiple "bot" requests that arrive on the same day. Allows "customized service charges" for requests that require extraordinary work to be done to extract the desired records. Concerns include whether the proposed default charges are reasonably calculated to reimburse agencies for actual costs associated with copying records.			
<a href="#">SB 5326</a>	<b>Law enf. &amp; corr. information</b>	S Law & Justice	Pearson	Support
	<i>Comments:</i> Requires the requester of records on employees and volunteers of law enforcement and the department of corrections to swear under oath that the records will not be used to "harass, stalk, threaten, or intimidate any person". Requesters should not have to take any oath to obtain public records,			
<a href="#">SB 5418</a> (HB 1160)	<b>Sunshine committee</b>	S State Governmen	Chase	Support
	<i>Comments:</i> Addresses the recommendations of the sunshine committee with regard to the public records act.			

## Medium Priority Bills

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Position</u>
<a href="#">HB 1043</a> (SB 5124)	H HC/Wellness	Robinson	Concerns
	<i>Comments:</i> Creates a new PRA exemption for all personally-identifying health care information that comes into the possession of the Insurance Commissioner. This is likely reasonable in view of HIPPA. However, the bill does not link to the new exemption from the PRA, which makes it hard to find.		
<a href="#">HB 1097</a>	H Comm Dev, Hous	Sawyer	Concerns
	<i>Comments:</i> Authorizes tribes to request a meeting with the governor and the fish and wildlife commission regarding a specific fish and wildlife department policy, rule, or action that affects tribal hunting rights, and allows such meetings to be closed to the public (exempt from the OPMA). It also does not amend the OPMA to add the exception. The meetings should be open to the public if a quorum of the Commission is involved. If there are legitimate reasons for these to be closed meetings, it should be done by adding the meeting to RCW 42.30.110(1) or RCW 42.30.140.		

<a href="#">HB 1102</a>	<b>Govt surveillance technology</b>	H Public Safety	Taylor	Concerns
	<i>Comments:</i> Agencies may obtain and use "extraordinary sensing devices" under specific circumstances. Prohibits disclosure of information obtained using such devices unless it was collected under a search warrant and there is probable cause that the information is evidence of criminal activity. Information must be destroyed within 30 days or less if it is not evidence of criminal activity. However, early destruction of information also destroys evidence of inappropriate use of devices, making it harder for watchdogs to detect improper behavior by law enforcement agencies.			
<a href="#">HB 1317</a> (SB 5207)	<b>GPS data disclosure</b>	H State Governme	McBride	Concerns
	<i>Comments:</i> Exempts global positioning system data that would indicate the location of the residence of a public employee or volunteer. Will be extremely expensive and cumbersome to implement since it applies to employees and volunteers of ANY agency, not just the agency from which the data is requested.			
<a href="#">HB 1337</a> (SB 5221)	<b>Medical licensure compact</b>	H HC/Wellness	Riccelli	Concerns
	<i>Comments:</i> Creates a new PRA exemption for "Information distributed to any Washington health profession board or commission by an interstate health professions licensure compact or member boards". It is unclear that the exemption needs to be this broad.			
<a href="#">HB 1376</a>	<b>Paint stewardship</b>	H Environment	Peterson	Concerns
	<i>Comments:</i> Exempts from disclosure records filed with the department of ecology under this act that a court has determined are confidential valuable commercial information. The new exemption is probably not necessary since there is already a broad exemption for confidential trade secret information. There is also no need to replicate procedural information.			
<a href="#">HB 1465</a>	<b>Wolf depredation/public recs</b>	H State Governme	Short	Concerns
	<i>Comments:</i> Exempts the following from public disclosure under the public records act: (1) Private information regarding damage prevention cooperative agreements and nonlethal preventative measures deployed to minimize wolf interactions with pets and livestock; and (2) Information regarding a reported depredation by wolves on pets or livestock. Concerns are that it exempts specific information about actions taken by public employees.			
<a href="#">HB 1471</a> (SB 5335)	<b>17 year olds/voter reg info</b>	H State Governme	Bergquist	Concerns
	<i>Comments:</i> Exempts from disclosure Information contained in voter preregistration records. Concerns are that the exemption is added to 42.56.250 which is on "Employment and Licensing"; would be more appropriate to add to 42.56.230 on "Personal information".			
<a href="#">HB 1501</a>	<b>Attempts to obtain firearms</b>	H Judiciary	Hansen	Concerns
	<i>Comments:</i> Requires a firearms dealer to report information to the Washington state patrol when the dealer denies an application for the purchase or transfer of a firearm as the result of a background check. Requires the Washington state patrol to: (1) Maintain a database that consists of the information received from a firearms dealer; and (2) Investigate denied firearm purchase or transfer applications. Requires the Washington association of sheriffs and police chiefs to create and operate a statewide automated protected person notification system. Creates two new PRA exemptions for these databases, but does not cross-reference them from 42.56.			

<a href="#">HB 1516</a>	<b>Public records storage sys.</b>	H State Governmen	MacEwen	Concerns
	<i>Comments:</i> Requires the director of the consolidated technology services agency to: (1) Establish an internet-based data storage system with the ability to collect and store the electronic records of all local public agencies; and (2) Provide the records for inspection and copying through a searchable central portal on a state web site. Requires each local public agency of the state to transmit all of its public records that are in a digital format to the data storage system. Concerns are that this may duplicate the Digital Archives provided by the state archivist; that it applies to "all" electronic records which may be difficult to implement given the transitory nature of so many records; and it does not clearly indicate which agency is responsible for review and redaction for records exemptions and responsible for wrongly withheld records.			
<a href="#">HB 1646</a>			Fitzgibbon	Concerns
	<i>Comments:</i> Creates a carbon tax. Section 209 creates a new PRA exemption for confidential proprietary information submitted by energy intensive and trade exposed facilities, which is a reasonable exemption, but it does not cross-reference the new exemption from the PRA (42.56.270).			
<a href="#">SB 5124</a> (HB 1043)	<b>Personal health information</b>	S Health Care	Rivers	Concerns
	<i>Comments:</i> Creates a new PRA exemption for all personally-identifying health care information that comes into the possession of the Insurance Commissioner. This is likely reasonable in view of HIPPA. However, the bill does not link to the new exemption from the PRA, which makes it hard to find.			
<a href="#">SB 5207</a> (HB 1317)	<b>GPS data disclosure</b>	S State Governme	Kuderer	Concerns
	<i>Comments:</i> Exempts global positioning system data that would indicate the location of the residence of a public employee or volunteer. Will be extremely expensive and cumbersome to implement since it applies to employees and volunteers of ANY agency, not just the agency from which the data is requested.			
<a href="#">SB 5219</a>	<b>Campaign finance disclosure</b>	S State Governme	Billig	Support
	<i>Comments:</i> Requires the disclosure of contributions and expenditures by nonprofit organizations that participate significantly in elections.			
<a href="#">SB 5221</a> (HB 1337)	<b>Medical licensure compact</b>	S Health Care	Fain	Concerns
	<i>Comments:</i> Creates a new PRA exemption for "Information distributed to any Washington health profession board or commission by an interstate health professions licensure compact or member boards". It is unclear that the exemption needs to be this broad.			
<a href="#">SB 5335</a> (HB 1471)	<b>17 year olds/voter reg info</b>	S State Governme	Fain	Concerns
	<i>Comments:</i> Exempts from disclosure Information contained in voter preregistration records. Concerns are that the exemption is added to 42.56.250 which is on "Employment and Licensing"; would be more appropriate to add to 42.56.230 on "Personal information".			
<a href="#">SB 5419</a>	<b>Paint stewardship</b>	S Energy, Enviro	Chase	Concerns

*Comments:* Exempts from disclosure records filed with the department of ecology under this act that a court has determined are confidential valuable commercial information. The new exemption is probably not necessary since there is already a broad exemption for confidential trade secret information. There is also no need to replicate procedural information.

---

<a href="#"><u>SB 5464</u></a>	<b>Washington investment trust</b> <i>Comments:</i> Creates a state "investment trust", which is effectively a state bank. Exempts from disclosure "Examination reports and information obtained by the department of financial institutions". Such reports on the performance of a state-run institution should not be exempt from disclosure.	Hasegawa	Concerns
--------------------------------	--	----------	----------

---

## Low Priority Bills

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Position</u>
<a href="#"><u>HB 1047</u></a>	<b>Medication disposal system</b> <i>Comments:</i> Establishes a drug take-back program for secure collection and disposal of unwanted medications. Exempts from disclosure proprietary information submitted to the Department of Health under the act. This is a reasonable exemption consistent with similar exemptions for proprietary business information.	H HC/Wellness	Peterson Neutral
<a href="#"><u>HB 1104</u></a>	<b>Unlawful entry/private prop.</b> <i>Comments:</i> Establishes the following crimes: Trespassing to unlawfully collect resource data from private land; unlawfully collecting resource data if he or she enters onto private land and collects resource data from private land; and trespassing to access adjacent or proximate land. Requires that resource data illegally collected must be destroyed. WCOG generally does not support destruction of evidence of government misconduct.	H Judiciary	Taylor Concerns
<a href="#"><u>HB 1152</u></a> (SB 5101)	<b>Marijuana business contracts</b> <i>Comments:</i> Authorizes a licensed marijuana business to enter into a licensing agreement or consulting contract. Exempts from disclosure trade secrets, technology, proprietary information, and financial considerations contained in such agreements or contracts, entered into by a licensed marijuana business, that may be submitted to or obtained by the state liquor and cannabis board. This is a reasonable exemption consistent with other exemptions for confidential proprietary business information.	H Commerce & Gam	Blake Neutral
<a href="#"><u>HB 1232</u></a> (SB 5395)	<b>Retirement comm. disclosures</b> <i>Comments:</i> Addresses continuing care retirement communities with regard to the timing and content of disclosures. Eliminates the existing PRA exemption for registration information submitted for such communities.	H HC/Wellness	Clibborn Neutral
<a href="#"><u>HB 1417</u></a>	<b>OPMA/IT security matters</b> <i>Comments:</i> Allows a governing body to hold an executive session during a regular or special meeting to consider information regarding: (1) Infrastructure and security of computer and telecommunications networks; (2) Security and service recovery plans; and (3) Security risk assessments and security test results.	H State Governmen	Hudgins Neutral
<a href="#"><u>HB 1460</u></a>	<b>Transfer of water rights</b>	H Ag & Nat Res	Buys Concerns

*Comments:* Creates a new PRA exemption for "annual consumptive water use data". The new exemption is placed in a new section of 42.56, which is unnecessary; the new exemption could be added to 42.56.380, 42.56.270, or some other existing section.

---

<a href="#"><u>HB 1491</u></a> <b>(SB 5152)</b>	<b>Pediatric transitional care</b>	H Erly Lrn/H Svc	Orwall	Neutral
	<i>Comments:</i> Creates a pediatric transitional care center license. Creates a new exemption in 42.56.360 for quality of care data submitted to the department of health			

---

<a href="#"><u>HB 1513</u></a>	<b>Youth voter reg. info.</b>	H State Governme	Bergquist	Neutral
	<i>Comments:</i> Permits a person to sign up to vote at the department of licensing if he or she is sixteen or seventeen years of age. Exempts Information provided for voter sign up from disclosure. The new exemption is properly placed in 42.56.230.			

---

<a href="#"><u>SB 5039</u></a>	<b>Electronic legal material</b>	S Law & Justice	Pedersen	Support
	<i>Comments:</i> Establishes the uniform electronic legal material act, which requires that when an electronic copy of a legal record is the official copy, there must be a way to authenticate it, and it must be available permanently.			

---

<a href="#"><u>SB 5101</u></a> <b>(HB 1152)</b>	<b>Marijuana business contracts</b>	S Com/Labor/Spor	Rivers	Neutral
	<i>Comments:</i> Authorizes a licensed marijuana business to enter into a licensing agreement or consulting contract. Exempts from disclosure trade secrets, technology, proprietary information, and financial considerations contained in such agreements or contracts, entered into by a licensed marijuana business, that may be submitted to or obtained by the state liquor and cannabis board. This is a reasonable exemption consistent with other exemptions for confidential proprietary business information.			

---

<a href="#"><u>SB 5110</u></a>	<b>Youth voter registration</b>	S State Governme	Billig	Neutral
	<i>Comments:</i> Allows 16 and 18 year-olds to preregister to vote; the preregistration automatically becomes a regular registration when the person will be 18 by the next election. Exempts from voter preregistration records from disclosure in their entirety. This is consistent with processing of adult voter registration forms, which are not subject to disclosure in their entirety; only certain information is available after the voter is officially registered.			

---

<a href="#"><u>SB 5152</u></a> <b>(HB 1491)</b>	<b>Pediatric transitional care</b>	S Health Care	Fain	Neutral
	<i>Comments:</i> Creates a pediatric transitional care center licensing program. Requires PTCCs to submit quality of care information to Dept. of Health, and exempts the submitted information from disclosure. This is consistent with exemptions for other health care quality information submitted to the Dept. of Health (intended to encourage full disclosure of potentially damaging information to promote quality improvement),			

---

<a href="#"><u>SB 5308</u></a>	<b>Religious affiliation discl.</b>	S Law & Justice	Palumbo	Concerns
	<i>Comments:</i> Prohibits an agency from providing or disclosing to federal authorities personal information regarding the religious affiliation of an individual that is requested for the purpose of compiling a database of individuals based solely on religious affiliation. This could be considered a PRA exemption, since it would be impossible to implement as worded because any individual could request the same records.			

---



**RCW provisions not needed**

S State  
Governme

Fortunato

Support

**SB 5316**

*Comments:* Repeals, amends, recodifies, and/or decodifies certain provisions that are no longer necessary for continued publication in the Revised Code of Washington. Removes three sections in RCW 42.56 that are no longer needed.

---