

WCOG Bill Status Report February 3, 2019

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.

Upcoming Hearings and Floor Action on Tracked Bills

Commerce & Gaming (House) - HHR C, JLOB - 2/4 @ 1:30pm

- HB 1302 - Exec Session - Creating a self-exclusion program for persons with a gambling problem or gambling disorder.

Education (House) - HHR A, JLOB - 2/4 @ 1:30pm

- HB 1191 - Public Hearing - Concerning school notifications.

Ways & Means (Senate) - SHR 4, JACB - 2/4 @ 3:30pm

- SSB 5166 - Exec Session - Providing religious accommodations for postsecondary students.

Capital Budget (House) - HHR B, JLOB - 2/5 @ 8:00am

- HB 1295 - Exec Session - Concerning public works contracting procedures.

Labor & Commerce (Senate) - SHR 1, JACB - 2/5 @ 8:00am

- SB 5472 - Public Hearing - Concerning reporting requirements for common carriers who transport liquor into the state.

Environment, Energy & Technology (Senate) - SHR 1, JACB - 2/5 @ 10:00am

- SB 5511 - Public Hearing - Expanding affordable, resilient broadband service to enable economic development, public safety, health care, and education in Washington's communities.

Innovation, Technology & Economic Development (House) - HHR C, JLOB - 2/5 @ 10:00am

- HB 1498 - Exec Session - Expanding affordable, resilient broadband service to enable economic development, public safety, health care, and education in Washington's communities.
- HB 1071 - Exec Session - Protecting personal information.

Health Care & Wellness (House) - HHR A, JLOB - 2/5 @ 1:30pm

- HB 1239 - Public Hearing - Protecting the confidentiality of health care quality and peer review discussions to support effective patient safety.

Higher Education & Workforce Development (Senate) - SHR 2, JACB - 2/5 @ 1:30pm

- SB 5704 - Public Hearing - Establishing the Washington children's educational savings account program.

Human Services, Reentry & Rehabilitation (Senate) - SHR 4, JACB - 2/5 @ 1:30pm

- SB 5338 - Exec Session - Concerning the protection of vulnerable adults.
- SB 5461 - Exec Session - Concerning the sharing of information between participants in multidisciplinary coordination of child sexual abuse investigations.

State Government & Tribal Relations (House) - HHR E, JLOB - 2/5 @ 1:30pm

- HB 1692 - Public Hearing - Protecting information concerning agency employees who have filed a claim of harassment or stalking.
- HB 1782 - Public Hearing - Concerning public meetings of advisory groups established by local governments and other agencies.

Environment & Energy (House) - HHR B, JLOB - 2/5 @ 3:30pm

- HB 1652 - Public Hearing - Concerning paint stewardship.

Innovation, Technology & Economic Development (House) - HHR C, JLOB - 2/6 @ 8:00am

- HB 1498 - Exec Session - Expanding affordable, resilient broadband service to enable economic development, public safety, health care, and education in Washington's communities.
- HB 1071 - Exec Session - Protecting personal information.

College & Workforce Development (House) - HHR B, JLOB - 2/6 @ 1:30pm

- HB 1592 - Public Hearing - Establishing the Washington children's educational savings account program.

Health Care & Wellness (House) - HHR A, JLOB - 2/6 @ 1:30pm

- HB 1523 - Exec Session - Increasing the availability of quality, affordable health coverage in the individual market.

Education (House) - HHR A, JLOB - 2/7 @ 8:00am

- HB 1191 - Exec Session - Concerning school notifications.

Law & Justice (Senate) - SHR 4, JACB - 2/7 @ 10:00am

- SB 5332 - Exec Session - Concerning vital statistics.

College & Workforce Development (House) - HHR B, JLOB - 2/8 @ 8:00am

- HB 1592 - Exec Session - Establishing the Washington children's educational savings account program.

State Government & Tribal Relations (House) - HHR E, JLOB - 2/8 @ 8:00am

- HB 1537 - Public Hearing - Concerning sunshine committee recommendations.
- HB 1538 - Public Hearing - Concerning sunshine committee recommendations.
- HB 1667 - Public Hearing - Concerning public records request administration.

Civil Rights & Judiciary (House) - HHR A, JLOB - 2/8 @ 10:00am

- HB 1422 - Exec Session - Concerning the protection of vulnerable adults.

Innovation, Technology & Economic Development (House) - HHR C, JLOB - 2/8 @ 10:00am

- HB 1071 - Exec Session - Protecting personal information.
- HB 1498 - Exec Session - Expanding affordable, resilient broadband service to enable economic development, public safety, health care, and education in Washington's communities.

Rural Development, Agriculture, & Natural Resources (House) - HHR B, JLOB - 2/8 @ 10:00am

- HB 1385 - Exec Session - Exempting United States food and drug administration nonpublic information from disclosure under the state public disclosure act.

Summary of Bills Tracked

High Priority Bills

Bill #	Short Description	Status	Sponsor	Position	Dead
HB 1195 (SB 5112)	Concerning the efficient administration of campaign finance and public disclosure reporting and enforcement.	H State Govt & T	Hudgins	Oppose	No
HB 1667 (SB 5667)	Concerning public records request administration.	H State Govt & T	Springer	Support	No
HB 1692	Protecting information concerning agency employees who have filed a claim of harassment or stalking.	H State Govt & T	Jinkins	Oppose	No
HB 1782	Concerning public meetings of advisory groups established by local governments and other agencies.	H State Govt & T	Pollet	Support	No
HB 1888	Protecting employee information from public disclosure.		Hudgins	Oppose	No
SB 5112 (HB 1195)	Concerning the efficient administration of campaign finance and public disclosure reporting and enforcement.	S State Govt/Tri	Hunt	Oppose	No
SB 5667 (HB 1667)	Concerning public records request administration.	S State Govt/Tri	Becker	Support	No
SB 5784	Concerning records disclosure and retention	S State	Pedersen	Oppose	No

	obligations of the legislative branch.	Govt/Tri			
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Medium Priority Bills

Bill #	Short Description	Status	Sponsor	Position	Dead
HB 1108 (SB 5154)	Making 2017-2019 biennium second supplemental operating appropriations.	H Approps	Ormsby	Concerns	No
HB 1171 (SB 5107)	Addressing trust institutions.	H Rules R	Walen	Concerns	No
HB 1179	Concerning the revised uniform unclaimed property act.	H Finance	Tarleton	Concerns	No
HB 1191 (SB 5554)	Concerning school notifications.	H Education	Goodman	Concerns	No
HB 1194 (SB 5135)	Preventing toxic pollution that affects public health or the environment.	H Env & Energy	Doglio	Concerns	No
HB 1239	Protecting the confidentiality of health care quality and peer review discussions to support effective patient safety.	H HC/Wellness	Cody	Concerns	No
HB 1389 (SB 5472)	Concerning reporting requirements for common carriers who transport liquor into the state.	H Commerce & Gam	Morgan	Concerns	No
HB 1400 (SB 5439)	Concerning confidentiality of employment security department records and data.	H Rules R	Sells	Concerns	No
HB 1422 (SB 5338)	Concerning the protection of vulnerable adults.	H Civil R & Judi	Valdez	Concerns	No
HB 1498 (SB 5511)	Expanding affordable, resilient broadband service to enable economic development, public safety, health care, and education in Washington's communities.	H Inn, Tech & E	Hudgins	Concerns	No
HB 1523 (SB 5526)	Increasing the availability of quality, affordable health coverage in the individual market.	H HC/Wellness	Cody	Concerns	No
HB 1537	Concerning sunshine committee recommendations.	H State Govt & Tr	Springer	Support	No
HB 1538	Concerning sunshine committee recommendations.	H State Govt & Tr	Springer	Support	No
HB 1562 (SB 5601)	Concerning health care benefit management.	H HC/Wellness	Stonier	Concerns	No
HB 1592 (SB 5704)	Establishing the Washington children's educational savings account program.	H Coll & Wkf Dev	Kilduff	Concerns	No
HB 1645 (SB 5533)	Concerning certificates of parental improvement.	H H Svcs & Erly	Ortiz-Self	Concerns	No
HB 1652	Concerning paint stewardship.	H Env & Energy	Peterson	Neutral	No
HB 1673	Exempting information relating to the regulation of explosives from public disclosure.	H State Govt & Tr	Steele	Concerns	No
HB 1693	Establishing a system for setting rates for health care services.	H HC/Wellness	Jinkins	Concerns	No
HB 1838 (SB 5750)	Exempting certain licensed distillery information from public disclosure.	H Commerce & Gam	Walsh	Neutral	No
HB 1854 (SB 5376)	Protecting consumer data.	H Inn, Tech & E	Kloba	Concerns	No
HB 1871	Concerning prison safety		Klippert	Neutral	No
HB 1882 (SB 5460)	Joining the nurse licensure compact.		Ryu	Concerns	No
SB 5107 (HB 1171)	Addressing trust institutions.	S Rules 2	Das	Concerns	No
SB 5135	Preventing toxic pollution that affects public	S	Rolfes	Concerns	No

(HB 1194)	health or the environment.	Environment, E			
SB 5154 (HB 1108)	Making 2017-2019 biennium second supplemental operating appropriations.	S Ways & Means	Rolfes	Concerns	No
SSB 5166	Providing religious accommodations for postsecondary students.	S Ways & Means	Hasegawa	Concerns	No
SB 5182	Concerning juvenile record sealing.	S Human Svcs, Re	Kuderer	Concerns	No
SB 5246	Concerning sunshine committee recommendations.	S State Govt/Trib	Hunt	Support	No
SB 5292	Concerning prescription drug cost transparency.	S Health & Long	Keiser	Concerns	No
SB 5338 (HB 1422)	Concerning the protection of vulnerable adults.	S Human Svcs, Re	Darneille	Concerns	No
SB 5376 (HB 1854)	Protecting consumer data.	S Environment, E	Carlyle	Concerns	No
SB 5439 (HB 1400)	Concerning confidentiality of employment security department records and data.	S Rules 2	Keiser	Concerns	No
SB 5460	Joining the nurse licensure compact.	S Health & Long	Cleveland	Concerns	No
SB 5461 (HB 1595)	Concerning the sharing of information between participants in multidisciplinary coordination of child sexual abuse investigations.	S Human Svcs, Re	Cleveland	Concerns	No
SB 5472 (HB 1389)	Concerning reporting requirements for common carriers who transport liquor into the state.	S Labor & Commer	Saldana	Concerns	No
SB 5511 (HB 1498)	Expanding affordable, resilient broadband service to enable economic development, public safety, health care, and education in Washington's communities.	S Environment, E	Wellman	Concerns	No
SB 5526 (HB 1523)	Increasing the availability of quality, affordable health coverage in the individual market.	S Health & Long	Froctt	Concerns	No
SB 5533 (HB 1645)	Concerning certificates of parental improvement.	S Human Svcs, Re	Braun	Concerns	No
SB 5554 (HB 1191)	Concerning school notifications.	S EL/K-12	Wilson	Concerns	No
SB 5601 (HB 1562)	Concerning health care benefit management.	S Health & Long	Rolfes	Concerns	No
SB 5704 (HB 1592)	Establishing the Washington children's educational savings account program.	S Higher Ed & Wo	Liias	Concerns	No
SB 5721	Concerning the regulation of abortion facilities.	S Health & Long	Fortunato	Concerns	No
SB 5787	Concerning hours of availability for inspection and copying of public records.	S State Govt/Tri	Walsh	Oppose	No

Low Priority Bills

Bill #	Short Description	Status	Sponsor	Position	Dead
HB 1295	Concerning public works contracting procedures.	H Cap Budget	Tharinger	Neutral	No
HB 1302 (SB 5416)	Creating a self-exclusion program for persons with a gambling problem or gambling disorder.	H Commerce & Gam	Kloba	Neutral	No
SHB 1379	Concerning disclosure of contributions from political committees to other political committees.		Pellicciotti	Support	No
HB 1385	Exempting United States food and drug	H RDev,	Springer	Neutral	No

(SB 5455)	administration nonpublic information from disclosure under the state public disclosure act.	Ag&NR			
SHB 1399 (SSB 5449)	Concerning paid family and medical leave.	H Approps	Robinson	Neutral	No
HB 1505	Concerning confidential information of child victims of sexual assault.	H Public Safety	Klippert	Neutral	No
HB 1550 (SB 5332)	Concerning vital statistics.	H HC/Wellness	Jinkins	Neutral	No
HB 1774	Concerning extreme risk protection orders.	H Civil R & Judi	Jinkins	Concerns	No
SSB 5027	Concerning extreme risk protection orders.	S Rules 2	Frockt	Concerns	No
SB 5221	Concerning disclosure of contributions from political committees to other political committees.	S Rules 2	Palumbo	Support	No
SB 5332 (HB 1550)	Concerning vital statistics.	S Law & Justice	Pedersen	Neutral	No
SB 5416 (HB 1302)	Creating a self-exclusion program for persons with a gambling problem or gambling disorder.	S Labor & Commer	Conway	Neutral	No
SSB 5449 (SHB 1399)	Concerning paid family and medical leave.	S Rules 2	Keiser	Neutral	No
SB 5455 (HB 1385)	Exempting United States food and drug administration nonpublic information from disclosure under the state public disclosure act.	S State Govt/Tri	Takko	Neutral	No
SB 5656	Concerning public works contracting procedures.	S State Govt/Trib	Frockt	Neutral	No
SB 5750 (HB 1838)	Exempting certain licensed distillery information from public disclosure.	S State Govt/Tri	Hunt	Neutral	No

Monitoring Bills

Bill #	Short Description	Status	Sponsor	Position	Dead
HB 1071 (SB 5064)	Protecting personal information.	H Inn, Tech & E	Kloba	Neutral	No
SB 5064 (HB 1071)	Protecting personal information.	S Environment, E	Nguyen	Neutral	No
SB 5185	Requiring notification to parents or guardians in cases of abortion.	S Law & Justice	Padden	Concerns	No

Detailed Information on Bills Tracked

High Priority Bills

Bill Details

Status

Sponsor

Position

Campaign finance

H State Govt & T

Hudgins

Oppose

[HB 1195](#) (SB 5112)

Comments: Revises the fair campaign practices act regarding the efficient administration of campaign finance and public disclosure reporting and enforcement. Requires the PDC to make electronic filing available for all reports for which it is technically feasible. Requires electronic filing of reports when an electronic filing option is available. Modifies qualifications for PDC commissioners. Expands PDC investigatory powers. Allows personal finance reporting exemptions to apply for multiple years. Allows inspection of campaign financial records to be done in a mutually agreed public place rather than in a location declared on a C-1 report. Expands reporting of last minute advertising by

independent expenditure committees. Makes various other clarifications and corrections. Sections 39 and 40 eviscerate the ability for citizens to take legal action on behalf of the state on a violation when the PDC and Attorney General refuse to do so; WCOG's opposition is based on this loss of the citizen action mechanism in I-276.

HB 1667 (SB 5667)	Public records request admin	H State Govt & T	Springer	Support
	<i>Comments:</i> Eliminates the expiration date for the local government public records technology grant program, the attorney general's local government consultation program, and the state archives training and consultation program created in HB 1594 (2017). Eliminates the expiration date on the \$1 document recording fee that funds the aforementioned programs. Amends the public records performance metrics collected by JLARC to make necessary clarifications. This accomplishes on of WCOG's secondary legislative priorities.			
HB 1692	Agency employees/harassment	H State Govt & T	Jinkins	Oppose
	<i>Comments:</i> Amends the PRA to prohibit agencies from disclosing records "concerning an agency employee who has made a claim of harassment or stalking with the employing agency, if the record is requested by a person alleged in the claim to have harassed or stalked the agency employee and the agency reasonably believes that the alleged act occurred." The phrase "concerning an agency employee" is very broad. The bill mischaracterizes the definition in 42.56.050 as a standalone "right to privacy". It eliminates the "highly offensive" prong of the two-prong test in 42.56.050 for records requested by a person accused of harassment or stalking. The bill allows prior restraint on use of lawfully-obtained records based only on an allegation and not a conviction, which could be used to arbitrary block access to and use of records; it is very easy to make an accusation and bring in all the provisions of this bill with no proof whatsoever. The bill has an emergency clause, when there's no proof that this kind of activity is a significant concern or going on right now. The bill creates a very slippery slope of criminalizing use of public records, when existing laws against harassment and stalking (including cyberstalking) should be sufficient without any reference to use of public records for such purposes.			
HB 1782	Advisory group meetings	H State Govt & T	Pollet	Support
	<i>Comments:</i> Requires meetings of committees created to provide advice or recommendations to public agencies to be open to the public. This is one of WCOG's legislative priorities for 2019. WCOG will propose some perfecting amendments to tighten up the language of the bill and cover as many committees and committee actions as possible.			
HB 1888	Employee info. disclosure		Hudgins	Oppose
	<i>Comments:</i> Amends the PRA to require that agencies notify employees and their labor unions when records are requested that contain personal information about the employee, and provide at least 10 days for the employee or union to file for an injunction under 42.56.540 before releasing the records. Also amends the PRA to exempt public employee birthdates from disclosure, and also exempt from disclosure payroll deductions including their amount and identification. Opposition to exemption of public employee birthdates is a top WCOG legislative priority.			
SB 5112 (HB 1195)	Campaign finance	S State Govt/Tri	Hunt	Oppose
	<i>Comments:</i> Revises the fair campaign practices act regarding the efficient administration of campaign finance and public disclosure reporting and enforcement. Requires the PDC to make electronic filing available for all reports for which it is technically feasible. Requires electronic filing of reports when an electronic filing option is available. Modifies qualifications for PDC commissioners. Expands PDC investigatory powers. Allows personal finance reporting exemptions to apply for multiple years.			

Allows inspection of campaign financial records to be done in a mutually agreed public place rather than in a location declared on a C-1 report. Expands reporting of last minute advertising by independent expenditure committees. Makes various other clarifications and corrections. Sections 39 and 40 eviscerate the ability for citizens to take legal action on behalf of the state on a violation when the PDC and Attorney General refuse to do so; WCOG's opposition is based on this loss of the citizen action mechanism in I-276.

SB 5667 (HB 1667)	Public records request admin	S State Govt/Tri	Becker	Support
<i>Comments:</i> Eliminates the expiration date for the local government public records technology grant program, the attorney general's local government consultation program, and the state archives training and consultation program created in HB 1594 (2017). Eliminates the expiration date on the \$1 document recording fee that funds the aforementioned programs. Amends the public records performance metrics collected by JLARC to make necessary clarifications. This accomplishes on of WCOG's secondary legislative priorities.				

SB 5784	Legislative branch records	S State Govt/Tri	Pedersen	Oppose
<i>Comments:</i> Amends the PRA to change provisions related to access to legislative public records. Rather than simply define the senate, house, legislator offices, and legislative agencies as "agencies" entirely under the PRA, continues to treat the legislature as separate and distinct from other parts of government with exceptional provisions. Greatly expands the deliberative process exemption in 42.56.280 to permanently eliminate access to records of how legislation came into existence, making it impossible for the public to know what alternatives were considered, why choices were made, and who sought to influence the process. Expands whistleblower protections to persons who report improper action to legislators, and also exempts from disclosure any records of investigations based on such reports. Adds a representative of both the house and the senate to the state records committee. Requires records requests made to the legislature prior to the effect date of the act to be re-submitted under the provisions of the act. Requires all lawsuits made against the legislature for PRA violations to be filed only in Thurston County superior court. The bill is not as bad as SB 6617 (2018) including because it appears it will be subjected to the normal legislative process, but WCOG has significant concerns with many of its provisions and cannot support it until those concerns are resolved.				

Medium Priority Bills

Bill Details	Status	Sponsor	Position	
HB 1108 (SB 5154)	Supp. operating budget 17-19	H Approps	Ormsby	Concerns
<i>Comments:</i> Makes 2017-2019 biennium second supplemental operating appropriations. Section 211(1)(a) regarding the health care authority creates an exemption from the PRA for "drug-specific financial and other proprietary information" without referencing the PRA or being referenced from the PRA.				
HB 1171 (SB 5107)	Trust institutions	H Rules R	Walen	Concerns
<i>Comments:</i> Revises the Washington trust institutions act. Section 95 requires DFI to send a notification letter if it disapproves acquisition of a state trust company, and makes the letter exempt from disclosure in its entirety. The new exemption is not referenced in the PRA.				
HB 1179	Uniform unclaimed property	H Finance	Tarleton	Concerns
<i>Comments:</i> Repeals chapter 63.29 RCW, the uniform unclaimed property act of 1983, and creates the				

revised uniform unclaimed property act. Sections 1004 and 1402 of the bill create new public records exemptions without referencing them from RCW 42.56 or even mentioning 42.56. Section 1403 also provides for exceptions to the exemptions.

<u>HB 1191</u> (SB 5554)	School notifications <i>Comments:</i> Requires certain school employees to follow specific notification provisions regarding the receipt of information about sex offenses, violent offenses, registered sex offenders, and kidnapping offenders. Section 1(4) creates a new exemption under the PRA without referencing the PRA or referencing the exemption from the PRA.	H Education	Goodman	Concerns
<u>HB 1194</u> (SB 5135)	Toxic pollution <i>Comments:</i> Section 6 creates two new exemptions under the Public Records Act without referencing them in the PRA. In addition, one of the exemptions gives the director of the department of ecology significant discretion in determining whether or not materials are to be exempt from disclosure rather than laying out the definition in statute, which is likely to increase litigation.	H Env & Energy	Doglio	Concerns
<u>HB 1239</u>	Pub. hospital board meetings <i>Comments:</i> Creates new purposes for an executive session under the OPMA, without adding it to 42.30.110(1). The bill should be amended to add these purposes to the OPMA.	H HC/Wellness	Cody	Concerns
<u>HB 1389</u> (SB 5472)	Liquor common carriers <i>Comments:</i> Section 2(2) of the bill creates a PRA exemption for identities of consumers receiving shipments of liquor, but the exemption is not referenced from the PRA.	H Commerce & Gam	Morgan	Concerns
<u>HB 1400</u> (SB 5439)	Employment security records <i>Comments:</i> Section 8(5) of the bill makes it illegal, with up to a \$5000 penalty, to redistribute confidential records from the employment security department, even if the person didn't know the records were from ESD, that they were confidential, or that redistribution was not allowed. Also, section 9(2) of the bill creates a new exemption without referencing it from the PRA.	H Rules R	Sells	Concerns
<u>HB 1422</u> (SB 5338)	Vulnerable adults <i>Comments:</i> Sections 2(4), 2(5)(c), 5(7), and 7(18)(c) create new exemptions from PRA disclosure for records pertaining to vulnerable adults, without referencing the exemptions from within the PRA.	H Civil R & Judi	Valdez	Concerns
<u>HB 1498</u> (SB 5511)	Broadband service <i>Comments:</i> Section 7(6)(g) creates a new PRA exemption for "Confidential business and financial information submitted by an objecting provider under this subsection", but does not reference the exemption from 42.56.270.	H Inn, Tech & E	Hudgins	Concerns
<u>HB 1523</u> (SB 5526)	Individual health ins market <i>Comments:</i> Creates a new exemption in the PRA for "data submitted by health carriers to the health benefit exchange for purposes of establishing standardized benefit plans". It creates it in a new section, but it should simply be a new subsection in 42.56.400.	H HC/Wellness	Cody	Concerns
<u>HB 1537</u>	Sunshine committee recs. <i>Comments:</i> Modifies the exemption for applications for public employment to exclude applications for appointment to fill a vacancy in public office.	H State Govt & Tr	Springer	Support

<p>HB 1538</p>	<p>Sunshine committee recs.</p> <p><i>Comments:</i> Addresses recommendations of the sunshine committee on the public records act. Exempts the following from public inspection and copying: (1) Applications for public employment other than for vacancies in elective office; (2) Certain residential addresses but not including city, state, and zip codes, passports, and visa numbers; (3) Proprietary data, trade secrets, or other information that is submitted by a vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care; (4) Trade secrets; and (5) Bids, quotations, or proposals submitted to an agency for goods or services in response to a solicitation issued for the goods or services until the agency announces the apparent successful bidder based on predetermined criteria or decides not to accept any bids, quotations, or proposals.</p>	<p>H State Govt & Tr</p>	<p>Springer</p>	<p>Support</p>
<p>HB 1562 (SB 5601)</p>	<p>Health care benefit manage.</p> <p><i>Comments:</i> Section 7 of the bill creates a new exemption from public disclosure for "Contract compensation provisions filed with the insurance commissioner under section 4 of this act". However it is created in a separate section of the PRA, and could be instead a new subsection in 42.56.400.</p>	<p>H HC/Wellness</p>	<p>Stonier</p>	<p>Concerns</p>
<p>HB 1592 (SB 5704)</p>	<p>Children's ed. savings acct.</p> <p><i>Comments:</i> Section 5 of the bill says "All eligible beneficiary and parent or guardian information obtained for use in the Washington children's educational savings account program shall only be used by the council and is confidential. Under no circumstances shall the information be sold or used for any other purpose." This effectively creates a public records exemption without referencing the PRA or linking from it.</p>	<p>H Coll & Wkf Dev</p>	<p>Kilduff</p>	<p>Concerns</p>
<p>HB 1645 (SB 5533)</p>	<p>Parental improvement certs.</p> <p><i>Comments:</i> Section 3(6) creates a new PRA exemption for "Information about reports, reviews, and hearings" related to applications for certificates of parental improvement, saying they "may be disclosed only in accordance with federal and state laws pertaining to child welfare records and child protective services reports." However, the new exemption does not reference RCW 42.56 and is not referenced from RCW 42.56.</p>	<p>H H Svcs & Erly</p>	<p>Ortiz-Self</p>	<p>Concerns</p>
<p>HB 1652</p>	<p>Paint stewardship</p> <p><i>Comments:</i> Sections 13 and 14 create a new PRA exemption for confidential trade secret information submitted to the paint stewardship program. It differs from the existing trade secret exemption in that it requires that a court find the information to be a trade secret or it must be disclosed. If the information is not marked as confidential at the time of submission, and if the submitter doesn't seek an injunction blocking release of the information so that the court must review to verify it is a trade secret, then the department of ecology must release the information.</p>	<p>H Env & Energy</p>	<p>Peterson</p>	<p>Neutral</p>
<p>HB 1673</p>	<p>Explosives/public record act</p> <p><i>Comments:</i> Creates a new exemption in the PRA for "All records obtained and all reports submitted as required by the Washington state explosives act, chapter 70.74 RCW". The exemption is properly created in RCW 42.56. Someone with expertise in this law needs to review the Explosives Act to determine if everything submitted under that law are necessary to be exempt, or whether redaction of sensitive information would be a better solution. Also, we need to determine if closing off access to all records could result in loss of accountability or danger to the public.</p> <p>Also, Section 2 of the bill directs the Sunshine Committee to review the new exemption by December 1, 2023. This section is codified in the PRA, but such codification is not necessary for a temporary</p>	<p>H State Govt & Tr</p>	<p>Steele</p>	<p>Concerns</p>

action. If this provision must be codified for some reason, then it should expire after the deadline so that the PRA is not cluttered with an obsolete section.

HB 1693	Health care rate setting	H HC/Wellness	Jinkins	Concerns
	<i>Comments:</i> Section 8 of the bill creates a new public records exemption stating "Information submitted to the commission must be confidential in compliance with chapter 70.02 RCW and federal health care information privacy requirements and not subject to public disclosure under chapter 42.56 RCW." It references the PRA, but is not linked to from the PRA.			
HB 1838 (SB 5750)	Distillery information	H Commerce & Gam	Walsh	Neutral
	<i>Comments:</i> Amends the Public Records Act, RCW 42.56.270, to exempt from disclosure "Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW". The referenced sections are for distilleries and craft distilleries.			
HB 1854 (SB 5376)	Consumer data	H Inn, Tech & E	Kloba	Concerns
	<i>Comments:</i> Creates a data protection regime in Washington similar to GDPR in the European Union. Section 8 requires data controllers to produce risk assessments and make them available to the Attorney General. Subsection 8(4) creates a new PRA exemption for the risk assessment, but does not reference it from the PRA.			
HB 1871	Prison safety		Klippert	Neutral
	<i>Comments:</i> Section 2 amends the Public Records Act, RCW 42.56.240(6), to exempt from disclosure the contents of the Department of Corrections security threat group database, in addition to the existing exemption for the contents of the statewide gang database and any local or regional gang database.			
HB 1882 (SB 5460)	Nurse licensure compact		Ryu	Concerns
	<i>Comments:</i> Section 8 of the bill creates an interstate commission of nurse licensure compact administrators, of which Washington would have one member. It isn't clear that it would be subject to the Washington OPMA, because it is technically not a "state agency". Subsection 2(e) lists a number of circumstances under which the commission can meet in secret, which would have to be listed in RCW 42.30.110(1) if the commission were to be considered a state agency. Also, Subsection 2(f) seals all records of closed sessions, which is an exemption from disclosure under the Public Records Act and should be referenced from the PRA.			
SB 5107 (HB 1171)	Trust institutions	S Rules 2	Das	Concerns
	<i>Comments:</i> Revises the Washington trust institutions act. Section 95 requires DFI to send a notification letter if it disapproves acquisition of a state trust company, and makes the letter exempt from disclosure in its entirety. The new exemption is not referenced in the PRA.			
SB 5135 (HB 1194)	Toxic pollution	S Environment, E	Rolfes	Concerns
	<i>Comments:</i> Section 6 creates two new exemptions under the Public Records Act without referencing them in the PRA. In addition, one of the exemptions gives the director of the department of ecology significant discretion in determining whether or not materials are to be exempt from disclosure rather than laying out the definition in statute, which is likely to increase litigation.			

<u>SB 5154</u> <u>(HB 1108)</u>	Supp. operating budget 17-19	S Ways & Means	Rolfes	Concerns
	<i>Comments:</i> Makes 2017-2019 biennium second supplemental operating appropriations. Section 211(1)(a) regarding the health care authority creates an exemption from the PRA for "drug-specific financial and other proprietary information" without referencing the PRA or being referenced from the PRA.			
<u>SSB 5166</u>	Postsecondary religious acc.	S Ways & Means	Hasegawa	Concerns
	<i>Comments:</i> Addresses the religious accommodation policy of postsecondary educational institutions. Section 1(2) effectively creates a PRA exemption for any records of requests for accommodation, without referencing the PRA or being referenced from the PRA.			
<u>SB 5182</u>	Juvenile record sealing	S Human Svcs, Re	Kuderer	Concerns
	<i>Comments:</i> Eliminates the ability to object to the sealing of juvenile court records, making the sealing process completely automatic in nearly all cases.			
<u>SB 5246</u>	Sunshine committee recs.	S State Govt/Trib	Hunt	Support
	<i>Comments:</i> Addresses recommendations of the sunshine committee on the public records act. Enables agencies to release certain exempt personal information with consent of the subject of the record. Requires release of the residential city, state, and zip code of public employees. Exempts all contact information of dependents of public employees and volunteers. Clarifies that the investigative records exemption for unfair practices and discrimination by public employees is categorical until the investigation is complete and then the records must be released. Amends the exemption for confidential financial and proprietary information to require the information be marked confidential at the time of submission to the agency for the exemption to apply. Allows courts to award attorney fees to any defendant who prevails in an action to enjoin release of trade secret information under 42.56.540. Clarifies that bids submitted are exempt from disclosure until either the bid is awarded or the agency rejects all bids. Eliminates the exemption for lists of owners of time share and condominiums held by the Department of Licensing. Exempts the following from public inspection and copying: (1) Applications for public employment other than for vacancies in elective office; (2) Certain residential addresses but not including city, state, and zip codes, passports, and visa numbers; (3) Proprietary data, trade secrets, or other information that is submitted by a vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care; (4) Trade secrets; and (5) Bids, quotations, or proposals submitted to an agency for goods or services in response to a solicitation issued for the goods or services until the agency announces the apparent successful bidder based on predetermined criteria or decides not to accept any bids, quotations, or proposals.			
<u>SB 5292</u>	Rx drug cost transparency	S Health & Long	Keiser	Concerns
	<i>Comments:</i> Requires submission of data regarding drugs costs to OFM. OFM produces an annual report based on the information. Except for the report itself, all data submitted is exempt from disclosure. This new exemption is not referenced from the PRA			
<u>SB 5338</u> <u>(HB 1422)</u>	Vulnerable adults	S Human Svcs, Re	Darneille	Concerns
	<i>Comments:</i> Sections 2(4), 2(5)(c), 5(7), and 7(18)(c) create new exemptions from PRA disclosure for records pertaining to vulnerable adults, without referencing the exemptions from within the PRA.			

SB 5376 (HB 1854)	Consumer data	S Environment, E	Carlyle	Concerns
<i>Comments:</i> Creates a data protection regime in Washington similar to GDPR in the European Union. Section 8 requires data controllers to produce risk assessments and make them available to the Attorney General. Subsection 8(4) creates a new PRA exemption for the risk assessment, but does not reference it from the PRA.				
SB 5439 (HB 1400)	Employment security records	S Rules 2	Keiser	Concerns
<i>Comments:</i> Section 8(5) of the bill makes it illegal, with up to a \$5000 penalty, to redistribute confidential records from the employment security department, even if the person didn't know the records were from ESD, that they were confidential, or that redistribution was not allowed. Also, section 9(2) of the bill creates a new exemption without referencing it from the PRA.				
SB 5460	Nurse licensure compact	S Health & Long	Cleveland	Concerns
<i>Comments:</i> Section 8 of the bill creates an interstate commission of nurse licensure compact administrators, of which Washington would have one member. It isn't clear that it would be subject to the Washington OPMA, because it is technically not a "state agency". Subsection 2(e) lists a number of circumstances under which the commission can meet in secret, which would have to be listed in RCW 42.30.110(1) if the commission were to be considered a state agency. Also, Subsection 2(f) seals all records of closed sessions, which is an exemption from disclosure under the Public Records Act and should be referenced from the PRA.				
SB 5461 (HB 1595)	Child sexual abuse investig.	S Human Svcs, Re	Cleveland	Concerns
<i>Comments:</i> Section 2(5) of the bill creates a new PRA exemption without even mentioning 42.56, much less actually referencing the exemption from the PRA.				
SB 5472 (HB 1389)	Liquor common carriers	S Labor & Commer	Salda?a	Concerns
<i>Comments:</i> Section 2(2) of the bill creates a PRA exemption for identities of consumers receiving shipments of liquor, but the exemption is not referenced from the PRA.				
SB 5511 (HB 1498)	Broadband service	S Environment, E	Wellman	Concerns
<i>Comments:</i> Section 7(6)(g) creates a new PRA exemption for "Confidential business and financial information submitted by an objecting provider under this subsection", but does not reference the exemption from 42.56.270.				
SB 5526 (HB 1523)	Individual health ins market	S Health & Long	Froctt	Concerns
<i>Comments:</i> Creates a new exemption in the PRA for "data submitted by health carriers to the health benefit exchange for purposes of establishing standardized benefit plans". It creates it in a new section, but it should simply be a new subsection in 42.56.400.				
SB 5533 (HB 1645)	Parental improvement certs.	S Human Svcs, Re	Braun	Concerns
<i>Comments:</i> Section 3(6) creates a new PRA exemption for "Information about reports, reviews, and hearings" related to applications for certificates of parental improvement, saying they "may be disclosed only in accordance with federal and state laws pertaining to child welfare records and child protective services reports." However, the new exemption does not reference RCW 42.56 and is not referenced from RCW 42.56.				

SB 5554 (HB 1191)	School notifications <i>Comments:</i> Requires certain school employees to follow specific notification provisions regarding the receipt of information about sex offenses, violent offenses, registered sex offenders, and kidnapping offenders. Section 1(4) creates a new exemption under the PRA without referencing the PRA or referencing the exemption from the PRA.	S EL/K-12	Wilson	Concerns
SB 5601 (HB 1562)	Health care benefit manage. <i>Comments:</i> Section 7 of the bill creates a new exemption from public disclosure for "Contract compensation provisions filed with the insurance commissioner under section 4 of this act". However it is created in a separate section of the PRA, and could be instead a new subsection in 42.56.400.	S Health & Long	Rolfes	Concerns
SB 5704 (HB 1592)	Children's ed. savings acct. <i>Comments:</i> Section 5 of the bill says "All eligible beneficiary and parent or guardian information obtained for use in the Washington children's educational savings account program shall only be used by the council and is confidential. Under no circumstances shall the information be sold or used for any other purpose." This effectively creates a public records exemption without referencing the PRA or linking from it.	S Higher Ed & Wo	Liias	Concerns
SB 5721	Abortion facilities <i>Comments:</i> Section 10 of the bill creates a new exemption under the Public Records Act for information submitted to the Department of Health by licensed abortion facilities regarding quality of patient care. The new exemption ought to be, but is not, referenced from 42.56.360.	S Health & Long	Fortunato	Concerns
SB 5787	City, district publ. records <i>Comments:</i> Amends the Public Records Act, RCW 42.56.090, to accommodate agencies that do not have personnel or that have office hours fewer than 30 hours per week. Such agencies must display on their web site (only if they have one) how to contact them to make public records requests. Declares that a public records request is received by the agency only when agency personnel have actual knowledge of the request (presumably the burden of proof of actual knowledge falls on the requester). Allows such agencies to delay their initial response to a public records request until their next council/board meeting or 30 days. Given the ease by which any agency can receive and give an initial response to a public records request by email these days, it makes no sense to allow them to delay there response by 30 days or more.	S State Govt/Tri	Walsh	Oppose

Low Priority Bills

Bill Details	Status	Sponsor	Position
HB 1295 Public works contracting <i>Comments:</i> Adds provisions to existing law regarding alternative public works contracting procedures. Exempts from disclosure confidential financial information submitted to qualify for participation in alternative public works contracting procedures.	H Cap Budget	Tharinger	Neutral
HB 1302 (SB 5416) Gambling self-exclusion	H Commerce & Gam	Kloba	Neutral

Comments: Enables persons to voluntarily join a program that makes it illegal for them to gamble. Creates a new public records exemption for information submitted by persons who join the program.

<u>SHB 1379</u>	Political comm. disclosures		Pellicciotti	Support
	<i>Comments:</i> Requires disclosure of the top five contributors who are NOT political committees, to prevent hiding the actual contributors under layers of committees.			
<u>HB 1385</u> <u>(SB 5455)</u>	FDA nonpublic information	H RDev, Ag&NR	Springer	Neutral
	<i>Comments:</i> Creates a new public records exemption for information obtained from the federal Food and Drug Administration that is exempt from disclosure under the federal Freedom of Information Act and obtained by the state under a contract or commissioning agreement. NOTE: This information is likely already exempt from disclosure under the "other statute" provision of the PRA, but this makes it explicit.			
<u>SHB 1399</u> <u>(SSB 5449)</u>	Paid family & medical leave	H Approps	Robinson	Neutral
	<i>Comments:</i> Makes various technical corrections to the Paid Family and Medical Leave Act in RCW 50A.04. Recodifies the PFMLA into several new chapters of Title 50A. Creates a new chapter in Title 50A controlling the confidentiality and dissemination of records held by the employment security department for administration of PFMLA. Amends an existing PRA exemption to reference the new chapter created.			
<u>HB 1505</u>	Child victims/sexual assault	H Public Safety	Klippert	Neutral
	<i>Comments:</i> Expands the exemption for information revealing the identity of child victims of sexual assault to include "alleged or proven" victims, and the phone numbers, email addresses, social media profiles, usernames, and passwords of such persons.			
<u>HB 1550</u> <u>(SB 5332)</u>	Vital statistics	H HC/Wellness	Jenkins	Neutral
	<i>Comments:</i> Repeals and replaces the state vital records act in RCW 70.58. The replacement language clarifies access to birth, death, and marriage records and the information available in the records which in some instances depends on the relationship of the requester to the subject of the record. The bill has been thoroughly reviewed by stakeholders including news media, title companies, genealogists, and others.			
<u>HB 1774</u>	Extreme risk protect. orders	H Civil R & Judi	Jenkins	Concerns
	<i>Comments:</i> Revises the extreme risk protection order act regarding: Penalties for previous convictions; age of respondent and appointment of a guardian ad litem; proceedings in juvenile court; and a parent's or guardian's obligation to secure firearms. Section 2(12) requires automatic sealing of extreme risk protection orders for juveniles and all proceedings related to them.			
<u>SSB 5027</u>	Extreme risk protect. orders	S Rules 2	Froct	Concerns
	<i>Comments:</i> Revises the extreme risk protection order act regarding: Penalties for previous convictions; age of respondent and appointment of a guardian ad litem; proceedings in juvenile court; and a parent's or guardian's obligation to secure firearms. Section 2(12) requires automatic sealing of extreme risk protection orders for juveniles and all proceedings related to them.			
<u>SB 5221</u>	Political comm. disclosures	S Rules 2	Palumbo	Support
	<i>Comments:</i> Requires disclosure of the top five contributors who are NOT political committees, to prevent hiding the actual contributors under layers of committees.			

<u>SB 5332</u> (HB 1550)	Vital statistics	S Law & Justice	Pedersen	Neutral
	<i>Comments:</i> Repeals and replaces the state vital records act in RCW 70.58. The replacement language clarifies access to birth, death, and marriage records and the information available in the records which in some instances depends on the relationship of the requester to the subject of the record. The bill has been thoroughly reviewed by stakeholders including news media, title companies, genealogists, and others.			
<u>SB 5416</u> (HB 1302)	Gambling self-exclusion	S Labor & Commer	Conway	Neutral
	<i>Comments:</i> Enables persons to voluntary join a program that makes it illegal for them to gamble. Creates a new public records exemption for information submitted by persons who join the program.			
<u>SSB 5449</u> (SHB 1399)	Paid family & medical leave	S Rules 2	Keiser	Neutral
	<i>Comments:</i> Makes various technical corrections to the Paid Family and Medical Leave Act in RCW 50A.04. Recodifies the PFMLA into several new chapters of Title 50A. Creates a new chapter in Title 50A controlling the confidentiality and dissemination of records held by the employment security department for administration of PFMLA. Amends an existing PRA exemption to reference the new chapter created.			
<u>SB 5455</u> (HB 1385)	FDA nonpublic information	S State Govt/Tri	Takko	Neutral
	<i>Comments:</i> Creates a new public records exemption for information obtained from the federal Food and Drug Administration that is exempt from disclosure under the federal Freedom of Information Act and obtained by the state under a contract or commissioning agreement. NOTE: This information is likely already exempt from disclosure under the "other statute" provision of the PRA, but this makes it explicit.			
<u>SB 5656</u>	Public works contracting	S State Govt/Trib	Frockt	Neutral
	<i>Comments:</i> Section 12(2) of the bill extends the existing exemption in 42.56.270(2) to cover confidential financial information submitted to qualify for a bid proposal under the alternative public works contracting procedures created in the bill.			
<u>SB 5750</u> (HB 1838)	Distillery information	S State Govt/Tri	Hunt	Neutral
	<i>Comments:</i> Creates a new public records exemption under 42.56.270 for "Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW." This is consistent with other exemptions that protect confidential proprietary and financial information submitted to regulatory agencies.			

Monitoring Bills

Bill Details	Status	Sponsor	Position	
<u>HB 1071</u> (SB 5064)	Personal information	H Inn, Tech & E	Kloba	Neutral
	<i>Comments:</i> Updates the statute requiring notice of data breaches, which is in the Public Records Act even though it is not related to public records disclosure. Relocates one provision to a new section, but does not add any new exemptions.			

SB 5064 (HB 1071)	Personal information	S Environment, E	Nguyen	Neutral
	<i>Comments:</i> Updates the statute requiring notice of data breaches, which is in the Public Records Act even though it is not related to public records disclosure. Relocates one provision to a new section, but does not add any new exemptions.			

SB 5185	Abortion, notifying parents	S Law & Justice	Padden	Concerns
	<i>Comments:</i> The bill would allow unemancipated minors to request court consent for an abortion without notifying parents. All of the court proceedings are confidential and automatically sealed in their entirety, which would make it impossible to determine any statistical information about such proceedings. It is unlikely the bill will even get a hearing.			

Dead Bills

No bills.