

## WCOG Bill Status Report April 7, 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](mailto:president@washingtoncog.org).

### Upcoming Hearings and Floor Action on Tracked Bills

#### Appropriations (House) - HHR A, JLOB - 4/8 @ 9:00am

- 2SSB 5511 - Public Hearing - Expanding affordable, resilient broadband service to enable economic development, public safety, health care, and education in Washington's communities.
- ESSB 5332 - Public Hearing - Concerning vital statistics.
- ESSB 5332 - Exec Session - Concerning vital statistics.
- 2SSB 5376 - Exec Session - Protecting consumer data.
- 2SSB 5511 - Exec Session - Expanding affordable, resilient broadband service to enable economic development, public safety, health care, and education in Washington's communities.
- ESSB 5526 - Exec Session - Increasing the availability of quality, affordable health coverage in the individual market.

#### Ways & Means (Senate) - SHR 4, JACB - 4/8 @ 1:30pm

- E2SHB 1523 - Exec Session - Increasing the availability of quality, affordable health coverage in the individual market.
- ESHB 1692 - Exec Session - Protecting information concerning agency employees who have filed a claim of harassment or stalking.
- SHB 1071 - Exec Session - Protecting personal information.

### Summary of Bills Tracked

#### High Priority Bills

Bill #	Short Description	Status	Sponsor	Position	Dead
<a href="#">SHB 1195</a> (SB 5112)	Concerning the efficient administration of campaign finance and public disclosure reporting and enforcement.	S Rules 2	Hudgins	Oppose	No
<a href="#">ESHB 1667</a> (SB 5667)	Concerning public records request administration.	S Ways & Means	Springer	Support	No

<a href="#">ESHB 1692</a>	Protecting information concerning agency employees who have filed a claim of harassment or stalking.	S Ways & Means	Jenkins	Oppose	No
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## Medium Priority Bills

Bill #	Short Description	Status	Sponsor	Position	Dead
<a href="#">HB 1108</a> (SB 5154)	Making 2017-2019 biennium second supplemental operating appropriations.	H Approps	Ormsby	Concerns	No
<a href="#">SHB 1239</a>	Protecting the confidentiality of health care quality and peer review discussions to support effective patient safety.	S Rules 2	Cody	Concerns	No
<a href="#">3SHB 1498</a> (2SSB 5511)	Expanding affordable, resilient broadband service to enable economic development, public safety, health care, and education in Washington's communities.	S Ways & Means	Hudgins	Concerns	No
<a href="#">E2SHB 1523</a> (ESSB 5526)	Increasing the availability of quality, affordable health coverage in the individual market.	S Ways & Means	Cody	Concerns	No
<a href="#">HB 1537</a>	Concerning sunshine committee recommendations.	S Rules 2	Springer	Support	No
<a href="#">HB 1673</a>	Exempting information relating to the regulation of explosives from public disclosure.	S Rules 2	Steele	Concerns	No
<a href="#">HB 1838</a> (SB 5750)	Exempting certain licensed distillery information from public disclosure.	S State Govt/Trib	Walsh	Neutral	Yes
<a href="#">EHB 2020</a> (SB 5929)	Exempting the disclosure of names in employment investigation records.	S Rules 2	Dolan	Oppose	No
<a href="#">EHB 2067</a>	Prohibiting the disclosure of certain individual vehicle and vessel owner information of those participating in the address confidentiality program.	S Rules 2	Davis	Concerns	No
<a href="#">HB 2143</a>	Implementing an emergency alert system.	H Hous, Com Dev	Mosbrucker	Concerns	Yes
<a href="#">SB 5107</a> (HB 1171)	Addressing trust institutions.	H Rules R	Das	Concerns	No
<a href="#">SSB 5135</a> (SHB 1194)	Preventing toxic pollution that affects public health or the environment.	H Approps	Rolfes	Concerns	No
<a href="#">SB 5154</a> (HB 1108)	Making 2017-2019 biennium second supplemental operating appropriations.	S Ways & Means	Rolfes	Concerns	No
<a href="#">SSB 5166</a>	Providing religious accommodations for postsecondary students.	H Rules R	Hasegawa	Concerns	No
<a href="#">2SSB 5292</a>	Concerning prescription drug cost transparency.	H Approps	Keiser	Concerns	No
<a href="#">2SSB 5376</a> (2SHB 1854)	Protecting consumer data.	H Approps	Carlyle	Concerns	No
<a href="#">ESB 5439</a> (HB 1400)	Concerning confidentiality of employment security department records and data.	H 2nd Reading	Keiser	Concerns	No
<a href="#">SSB 5461</a> (SHB 1595)	Concerning the sharing of information between participants in multidisciplinary coordination of child sexual abuse investigations.	H 2nd Reading	Cleveland	Concerns	No
<a href="#">2SSB 5511</a> (3SHB 1498)	Expanding affordable, resilient broadband service to enable economic development, public safety, health care, and education in Washington's communities.	H Approps	Wellman	Concerns	No
<a href="#">ESSB 5526</a> (E2SHB 1523)	Increasing the availability of quality, affordable health coverage in the individual market.	H Approps	Froct	Concerns	No
<a href="#">SB 5787</a>	Concerning hours of availability for inspection and copying of public records.	H Rules R	Walsh	Oppose	No

## Low Priority Bills

Bill #	Short Description	Status	Sponsor	Position	Dead
<a href="#">SHB 1295</a>	Concerning public works contracting procedures.	S Rules 2	Tharinger	Neutral	No
<a href="#">SHB 1302</a> (SSB 5416)	Creating a self-exclusion program for persons with a gambling problem or gambling disorder.	S Rules 2	Kloba	Neutral	No
<a href="#">ESHB 1379</a>	Concerning disclosure of contributions from political committees to other political committees.	S Rules 2	Pellicciotti	Support	No
<a href="#">HB 1385</a> (SB 5455)	Exempting United States food and drug administration nonpublic information from disclosure under the state public disclosure act.	S Rules 2	Springer	Neutral	No
<a href="#">SHB 1399</a> (SSB 5449)	Concerning paid family and medical leave.	Del to Gov	Robinson	Neutral	No
<a href="#">HB 1505</a>	Concerning confidential information of child victims of sexual assault.	S Rules 2	Klippert	Neutral	No
<a href="#">ESSB 5027</a>	Concerning extreme risk protection orders.	H Passed 3rd	Frockt	Concerns	No
<a href="#">SB 5221</a>	Concerning disclosure of contributions from political committees to other political committees.	H State Govt & Tr	Palumbo	Support	Yes
<a href="#">ESSB 5332</a> (HB 1550)	Concerning vital statistics.	H Approps	Pedersen	Neutral	No

## Monitoring Bills

Bill #	Short Description	Status	Sponsor	Position	Dead
<a href="#">SHB 1071</a> (2SSB 5064)	Protecting personal information.	S Ways & Means	Kloba	Neutral	No

## Dead Bills

Bill #	Short Description	Status	Sponsor	Position	Dead
<a href="#">HB 1171</a> (SB 5107)	Addressing trust institutions.	H Rules R	Walen	Concerns	Yes
<a href="#">SHB 1179</a>	Concerning the revised uniform unclaimed property act.	H Approps	Tarleton	Concerns	Yes
<a href="#">SHB 1191</a> (SB 5554)	Concerning school notifications.	H Rules R	Goodman	Concerns	Yes
<a href="#">SHB 1194</a> (SSB 5135)	Preventing toxic pollution that affects public health or the environment.	H Approps	Doglio	Concerns	Yes
<a href="#">SHB 1389</a> (SB 5472)	Concerning reporting requirements for common carriers who transport liquor into the state.	H Approps	Morgan	Concerns	Yes
<a href="#">HB 1400</a> (ESB 5439)	Concerning confidentiality of employment security department records and data.	H Rules R	Sells	Concerns	Yes
<a href="#">2SHB 1422</a> (SSB 5338)	Concerning the protection of vulnerable adults.		Valdez	Concerns	Yes
<a href="#">SHB 1538</a>	Concerning sunshine committee recommendations.	H Rules R	Springer	Support	Yes
<a href="#">HB 1550</a> (ESSB 5332)	Concerning vital statistics.	H HC/Wellness	Jenkins	Neutral	Yes
<a href="#">HB 1562</a> (SB 5601)	Concerning health care benefit management.	H HC/Wellness	Stonier	Concerns	Yes

<a href="#">SHB 1592</a> (SSB 5704)	Establishing the Washington children's educational savings account program.	H Approps	Kilduff	Concerns	<b>Yes</b>
<a href="#">SHB 1645</a> (2SSB 5533)	Concerning certificates of parental improvement.	H Approps	Ortiz-Self	Concerns	<b>Yes</b>
<a href="#">SHB 1652</a>	Concerning paint stewardship.	H Rules R	Peterson	Neutral	<b>Yes</b>
<a href="#">HB 1693</a>	Establishing a system for setting rates for health care services.	H HC/Wellness	Jinkins	Concerns	<b>Yes</b>
<a href="#">HB 1774</a>	Concerning extreme risk protection orders.	H Civil R & Judi	Jinkins	Concerns	<b>Yes</b>
<a href="#">SHB 1782</a>	Concerning public meetings of advisory groups established by local governments and other agencies.	H Rules R	Pollet	Support	<b>Yes</b>
<a href="#">2SHB 1854</a> (2SSB 5376)	Protecting consumer data.	H Rules R	Kloba	Concerns	<b>Yes</b>
<a href="#">SHB 1871</a> (SB 5888)	Concerning prison safety	H Rules C	Klippert	Neutral	<b>Yes</b>
<a href="#">HB 1882</a> (SB 5460)	Joining the nurse licensure compact.	H HC/Wellness	Ryu	Concerns	<b>Yes</b>
<a href="#">HB 1888</a>	Protecting employee information from public disclosure.	H State Govt & T	Hudgins	Oppose	<b>Yes</b>
<a href="#">HB 1911</a>	Concerning pharmacy benefit managers.	H HC/Wellness	Schmick	Concerns	<b>Yes</b>
<a href="#">SHB 1974</a>	Establishing the Washington cannabis commission.	H Approps	Shewmake	Neutral	<b>Yes</b>
<a href="#">HB 1978</a>	Providing assistance to victims of government actions originating as part of the implementation of the growth management act by the state or local governments.	H Env & Energy	Maycumber	Neutral	<b>Yes</b>
<a href="#">HB 2014</a>	Implementing recommendations from the work group on private degree-granting institutions and private vocational schools and providing other procedural protections.	H Coll & Wkf Dev	Van Werven	Concerns	<b>Yes</b>
<a href="#">HB 2039</a> (SB 5926)	Concerning transportation network companies.	H Trans	Springer	Concerns	<b>Yes</b>
<a href="#">HB 2105</a>	Concerning the definition of public records in regards to the legislature.	H State Govt & T	Pellicciotti	Concerns	<b>Yes</b>
<a href="#">HB 2115</a>	Concerning the disclosure of public records by the legislative branch.	H State Govt & T	Walsh	Oppose	<b>Yes</b>
<a href="#">2SSB 5064</a> (SHB 1071)	Protecting personal information.	S Rules X	Nguyen	Neutral	<b>Yes</b>
<a href="#">SB 5112</a> (SHB 1195)	Concerning the efficient administration of campaign finance and public disclosure reporting and enforcement.	S State Govt/Tri	Hunt	Oppose	<b>Yes</b>
<a href="#">SSB 5182</a>	Concerning juvenile record sealing.	S Rules X	Kuderer	Concerns	<b>Yes</b>
<a href="#">SB 5185</a>	Requiring notification to parents or guardians in cases of abortion.	S Law & Justice	Padden	Concerns	<b>Yes</b>
<a href="#">SB 5246</a>	Concerning sunshine committee recommendations.	S State Govt/Trib	Hunt	Support	<b>Yes</b>
<a href="#">SSB 5338</a> (2SHB 1422)	Concerning the protection of vulnerable adults.	S Rules 2	Darneille	Concerns	<b>Yes</b>
<a href="#">SSB 5416</a> (SHB 1302)	Creating a self-exclusion program for persons with a gambling problem or gambling disorder.	S Rules X	Conway	Neutral	<b>Yes</b>
<a href="#">SSB 5449</a> (SHB 1399)	Concerning paid family and medical leave.	S Rules X	Keiser	Neutral	<b>Yes</b>
<a href="#">SB 5455</a> (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	<b>Yes</b>
<a href="#">SB 5460</a> (HB 1882)	Joining the nurse licensure compact.	S Health & Long	Cleveland	Concerns	<b>Yes</b>

<a href="#">SB 5472</a> (SHB 1389)	Concerning reporting requirements for common carriers who transport liquor into the state.	S Labor & Commer	Saldaña	Concerns	Yes
<a href="#">2SSB 5533</a> (SHB 1645)	Concerning certificates of parental improvement.	S Rules X	Braun	Concerns	Yes
<a href="#">SB 5554</a> (SHB 1191)	Concerning school notifications.	S EL/K-12	Wilson	Concerns	Yes
<a href="#">SB 5601</a> (HB 1562)	Concerning health care benefit management.	S Health & Long	Rolfes	Concerns	Yes
<a href="#">SB 5656</a>	Concerning public works contracting procedures.	S Rules X	Frockt	Neutral	Yes
<a href="#">SB 5667</a> (ESHB 1667)	Concerning public records request administration.	S State Govt/Tri	Becker	Support	Yes
<a href="#">SSB 5704</a> (SHB 1592)	Establishing the Washington children's educational savings account program.	S Ways & Means	Lias	Concerns	Yes
<a href="#">SB 5721</a>	Concerning the regulation of abortion facilities.	S Health & Long	Fortunato	Concerns	Yes
<a href="#">SB 5750</a> (HB 1838)	Exempting certain licensed distillery information from public disclosure.	S State Govt/Tri	Hunt	Neutral	Yes
<a href="#">SB 5784</a>	Concerning records disclosure and retention obligations of the legislative branch.	S State Govt/Tri	Pedersen	Oppose	Yes
<a href="#">SB 5835</a>	Creating a hotline to receive reports of potential self-harm and criminal acts.	S Law & Justice	Brown	Concerns	Yes
<a href="#">SB 5840</a>	Requiring maintenance of minimum essential health care coverage.	S Health & Long	Cleveland	Concerns	Yes
<a href="#">SB 5888</a> (SHB 1871)	Concerning prison safety.	S Law & Justice	Walsh	Neutral	Yes
<a href="#">SB 5926</a> (HB 2039)	Concerning transportation network companies.	S Transportation	Hobbs	Concerns	Yes
<a href="#">SB 5929</a> (EHB 2020)	Exempting the disclosure of names in employment investigation records.	S State Govt/Tri	Keiser	Concerns	Yes
<a href="#">SB 5949</a>	Establishing the Washington investment trust.	S Financial Inst	Hasegawa	Concerns	Yes

## Detailed Information on Bills Tracked

### High Priority Bills

#### Bill Details

#### Status

#### Sponsor

#### Position

#### **Campaign finance**

S Rules 2

Hudgins

Oppose

*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.

[SHB 1195](#)  
(SB 5112)

[ESHB 1667](#)  
(SB 5667)

**Public records request admin**

S Ways & Means

Springer

Support

*Comments:* 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.

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<b>Agency employees/harassment</b>	S Ways & Means	Jinkins	Oppose
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*Comments:* 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.

[ESHB 1692](#)

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## Medium Priority Bills

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Position</u>
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<b>Supp. operating budget 17-19</b>	H Approps	Ormsby	Concerns
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[HB 1108](#)  
(SB 5154)

*Comments:* 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.

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<b>Pub. hospital board meetings</b>	S Rules 2	Cody	Concerns
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[SHB 1239](#)

*Comments:* 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.

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<b>Broadband service</b>	S Ways & Means	Hudgins	Concerns
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[3SHB 1498](#)  
(2SSB 5511)

*Comments:* 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.

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<b>Individual health ins market</b>	S Ways & Means	Cody	Concerns
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[E2SHB 1523](#)  
(ESSB 5526)

*Comments:* 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.

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<b>Sunshine committee recs.</b>	S Rules 2	Springer	Support
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[HB 1537](#)

*Comments:* Modifies the exemption for applications for public employment to exclude applications for appointment to fill a vacancy in public office.

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**Explosives/public record act**

S Rules 2

Steele

Concerns

*Comments:* 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.

[HB 1673](#)

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 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.

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**Distillery information**

S State  
Govt/Trib

Walsh

Neutral

*Comments:* 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 1838](#)  
(SB 5750)

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**Employment investigations**

S Rules 2

Dolan

Oppose

*Comments:* Amends the existing PRA exemption in 42.56.250(6) for records of active investigations of unfair labor practices and discrimination in employment to require that "After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names of complainants, other accusers, and witnesses are redacted." This is in some respects similar to the exemption for victim and witness identities in law enforcement records (42.56.240(2)), except that it does not require the agency to assert that "disclosure would endanger any person's life, physical safety, or property".

[EHB 2020](#)  
(SB 5929)

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**Vehicle & vessel owner info.**

S Rules 2

Davis

Concerns

*Comments:* Creates a new exemption from the PRA for "the name, any address, vehicle make, vehicle model, vehicle year, vehicle identification number, or license plate number associated with an individual vehicle or vessel owner who is a participant in the address confidentiality program under chapter 40.24 RCW", but does not cross-reference it from RCW 42.56.

[EHB 2067](#)

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**Emergency alert system**

H Hous, Com  
Dev

Mosbrucker

Concerns

*Comments:* Requires the military department to add the capability for the enhanced 911 system to include information voluntarily provided by a person or their caretaker regarding disabilities to be displayed to the call center operator when 911 is called. Section 3 of the act creates a new PRA exemption for information provided and stored in the database, whether held by an agency or a vendor contracted by the agency. However, the information is already exempt from disclosure under 42.56.230(9) or could easily be added to that subsection.

[HB 2143](#)

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**Trust institutions**

H Rules R

Das

Concerns

*Comments:* 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 5107](#)  
(HB 1171)

<a href="#">SSB 5135</a> (SHB 1194)	<b>Toxic pollution</b>	H Approps	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.			
<a href="#">SB 5154</a> (HB 1108)	<b>Supp. operating budget 17-19</b>	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.			
<a href="#">SSB 5166</a>	<b>Postsecondary religious acc.</b>	H Rules R	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.			
<a href="#">2SSB 5292</a>	<b>Rx drug cost transparency</b>	H Approps	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			
<a href="#">2SSB 5376</a> (2SHB 1854)	<b>Consumer data</b>	H Approps	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.			
<a href="#">ESB 5439</a> (HB 1400)	<b>Employment security records</b>	H 2nd Reading	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.			
<a href="#">SSB 5461</a> (SHB 1595)	<b>Child sexual abuse investig.</b>	H 2nd Reading	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.			
<a href="#">2SSB 5511</a> (3SHB 1498)	<b>Broadband service</b>	H Approps	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.			
<a href="#">ESSB 5526</a> (E2SHB 1523)	<b>Individual health ins market</b>	H Approps	Frocht	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.			



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**City, district publ. records**

H Rules R

Walsh

Oppose

*Comments:* 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.

[SB 5787](#)

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 their response by 30 days or more.

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**Low Priority Bills****Bill Details****Status****Sponsor****Position****Public works contracting**

S Rules 2

Tharinger

Neutral

[SHB 1295](#)

*Comments:* 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.

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**Gambling self-exclusion**

S Rules 2

Kloba

Neutral

[SHB 1302](#)  
(SSB 5416)

*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.

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**Political comm. disclosures**

S Rules 2

Pellicciotti

Support

[ESHB 1379](#)

*Comments:* Requires disclosure of the top five contributors who are NOT political committees, to prevent hiding the actual contributors under layers of committees.

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**FDA nonpublic information**

S Rules 2

Springer

Neutral

[HB 1385](#)  
(SB 5455)

*Comments:* 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.

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**Paid family & medical leave**

Del to Gov

Robinson

Neutral

[SHB 1399](#)  
(SSB 5449)

*Comments:* 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.

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**Child victims/sexual assault**

S Rules 2

Klippert

Neutral

[HB 1505](#)

*Comments:* 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.

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<a href="#"><b>ESSB 5027</b></a>	<b>Extreme risk protect. orders</b>	H Passed 3rd	Frockt	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.			

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<a href="#"><b>SB 5221</b></a>	<b>Political comm. disclosures</b>	H State Govt & Tr	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.			

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<a href="#"><b>ESSB 5332 (HB 1550)</b></a>	<b>Vital statistics</b>	H Approps	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.			

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## Monitoring Bills

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Position</u>	
<a href="#"><b>SHB 1071 (2SSB 5064)</b></a>	<b>Personal information</b>	S Ways & Means	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.			

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## Dead Bills

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Position</u>	
<a href="#"><b>HB 1171 (Dead) (SB 5107)</b></a>	<b>Trust institutions</b>	H Rules R	Walén	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.			

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<a href="#"><b>SHB 1179 (Dead)</b></a>	<b>Uniform unclaimed property</b>	H Approps	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.			

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<a href="#"><b>SHB 1191 (Dead) (SB 5554)</b></a>	<b>School notifications</b>	H Rules R	Goodman	Concerns
	<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.			

<a href="#"><u>SHB 1194</u></a> (Dead) (SSB 5135)	<b>Toxic pollution</b>	H Approps	Doglio	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.				
<a href="#"><u>SHB 1389</u></a> (Dead) (SB 5472)	<b>Liquor common carriers</b>	H Approps	Morgan	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.				
<a href="#"><u>HB 1400</u></a> (Dead) (ESB 5439)	<b>Employment security records</b>	H Rules R	Sells	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.				
<a href="#"><u>2SHB 1422</u></a> (Dead) (SSB 5338)	<b>Vulnerable adults</b>		Valdez	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.				
<a href="#"><u>SHB 1538</u></a> (Dead)	<b>Sunshine committee recs.</b>	H Rules R	Springer	Support
<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.				
<a href="#"><u>HB 1550</u></a> (Dead) (ESSB 5332)	<b>Vital statistics</b>	H HC/Wellness	Jinkins	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.				
<a href="#"><u>HB 1562</u></a> (Dead) (SB 5601)	<b>Health care benefit manage.</b>	H HC/Wellness	Stonier	Concerns
<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.				
<a href="#"><u>SHB 1592</u></a> (Dead) (SSB 5704)	<b>Children's ed. savings acct.</b>	H Approps	Kilduff	Concerns
<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.

<a href="#"><u>SHB 1645</u></a> <b>(Dead)</b> <b>(2SSB 5533)</b>	<b>Parental improvement certs.</b>	H Approps	Ortiz-Self	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.			
<a href="#"><u>SHB 1652</u></a> <b>(Dead)</b>	<b>Paint stewardship</b>	H Rules R	Peterson	Neutral
	<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.			
<a href="#"><u>HB 1693</u></a> <b>(Dead)</b>	<b>Health care rate setting</b>	H HC/Wellness	Jenkins	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.			
<a href="#"><u>HB 1774</u></a> <b>(Dead)</b>	<b>Extreme risk protect. orders</b>	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.			
<a href="#"><u>SHB 1782</u></a> <b>(Dead)</b>	<b>Advisory group meetings</b>	H Rules R	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.			
<a href="#"><u>2SHB 1854</u></a> <b>(Dead)</b> <b>(2SSB 5376)</b>	<b>Personal data</b>	H Rules R	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.			
<a href="#"><u>SHB 1871</u></a> <b>(Dead)</b> <b>(SB 5888)</b>	<b>Prison safety</b>	H Rules C	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.			
	<b>Nurse licensure compact</b>	H HC/Wellness	Ryu	Concerns

[HB 1882](#)  
**(Dead)**  
**(SB 5460)**

*Comments:* 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.

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**Employee info. disclosure**

H State Govt &  
T

Hudgins

Oppose

[HB 1888](#)  
**(Dead)**

*Comments:* 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.

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**Pharmacy benefit managers**

H HC/Wellness

Schmick

Concerns

[HB 1911](#)  
**(Dead)**

*Comments:* Changes the pharmacy benefit manager program under the insurance commissioner from a "registration" system to a "licensing" system. Section 7(1)(b) enables the commissioner to examine the records of a pharmacy benefit manager to determine compliance with the act, and declares that the information obtained is proprietary and confidential. Section 8 creates a new exemption in the PRA referencing Section 7(1)(b). However, Section 8 is created as a new standalone section of 42.56 rather than being more appropriately added as a new subsection of 42.56.400 which lists exemptions related to financial institutions and insurance. The exemption is similar to many others regarding insurance regulation.

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**Cannabis commission**

H Approps

Shewmake

Neutral

[SHB 1974](#)  
**(Dead)**

*Comments:* The bill creates a "cannabis commission" similar to other state agricultural commodity commissions. Section 15 amends the Public Records Act, RCW 42.56.380, to exempt from disclosure production and sales records and financial and commercial records submitted to the commission by cannabis growers. This is consistent with exemptions for records submitted to other agricultural commodity commissions.

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**GMA gov. action assistance**

H Env &  
Energy

Maycumber

Neutral

[HB 1978](#)  
**(Dead)**

*Comments:* Creates the "Growth Management Act Victims Response Act", including an ombuds program in the office of the attorney general to review claims of economic loss due to government actions under the GMA and to dispense compensation from a fund. Section 5 of the bill amends the Public Records Act, RCW 42.56.240, to add an exemption for materials submitted to the ombuds. This is similar to provisions of other ombuds programs operated by state government, although it does not go as far in that it doesn't make the materials confidential and exempt from discovery.

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**Private higher ed. schools**

H Coll & Wkf  
Dev

Van Werven

Concerns

[HB 2014](#)  
**(Dead)**

*Comments:* Creates a new scheme for monitoring the performance of postsecondary educational institutions. The scheme involves compiling large volumes of data across many government databases in order to track the outcomes of programs, such as tracking the employment and earnings of graduates. Section 8 creates a new PRA for "Data shared by the department under any data-sharing agreement", but does not cross-reference the exemption from the PRA.

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**Transp. network companies**

H Trans

Springer

Concerns

[HB 2039](#)  
(Dead)  
(SB 5926)

*Comments:* Creates a new statewide regulatory scheme for companies such as Uber and Lyft. Section 9(7) creates a new PRA exemption for "Transportation network company drivers' names, dates of birth, and driver's license numbers". Section 19(6) creates a new PRA exemption for passenger names and contact information for investigation of crimes, and samples of TNC records obtained for compliance monitoring purposes. None of the new exemptions are cross-referenced from RCW 42.56.

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**Public records/legislature**

H State Govt &  
T

Pellicciotti

Concerns

[HB 2105](#)  
(Dead)

*Comments:* Changes the current restrictive definition of legislative records so that it applies only to records in the possession of the chief clerk and the secretary of the senate that existed prior to the effective date of the act; otherwise, the broad generally-applicable definition of public records applies to all legislators and other legislative agencies. Declares that the secretary of the senate and chief clerk of the house are the public records officers for all legislators and legislative agencies. Does not define any new records exemptions. This is much closer to what WCOG wants to see in a legislative public records bill with the exception of retroactivity for certain records; we need to fully understand which records would and would not be available before the bill can be supported.

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**Public records/legislature**

H State Govt &  
T

Walsh

Oppose

[HB 2115](#)  
(Dead)

*Comments:* Includes all legislators and legislative agencies in the definition of "agency" under the PRA. Eliminates the special definition of "public records" that applies to the secretary of the senate and the chief clerk of the house. Declares that the secretary of the senate is the public records officer for all senators and senate employees, and the chief clerk of the house is the public records officer for all representatives and house employees; they are jointly the public records officer for all other legislative agencies. Creates a new PRA exemption for all records of the legislature created before January 19, 2018, except certain specific records (most of which are already routinely made available). Creates a new PRA exemption for all identifying information of constituents in correspondence with legislators and legislative agencies. Creates a very broad deliberative process exemption for legislative records that is permanent regardless of the adoption of bills or policies. This is a simpler bill than SB 5784 but the exemptions are just as problematic.

[2SSB 5064](#)  
(Dead)  
(SHB 1071)

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**Personal information**

S Rules X

Nguyen

Neutral

*Comments:* 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 5112](#)  
(Dead)  
(SHB 1195)

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**Campaign finance**

S State  
Govt/Tri

Hunt

Oppose

*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.

[SSB 5182](#)  
(Dead)

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**Juvenile record sealing**

S Rules X

Kuderer

Concerns

*Comments:* Eliminates the ability to object to the sealing of juvenile court records, making the sealing process completely automatic in nearly all cases.

<a href="#"><u>SB 5185</u></a> (Dead)	<b>Abortion, notifying parents</b>	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.			
<a href="#"><u>SB 5246</u></a> (Dead)	<b>Sunshine committee recs.</b>	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.			
<a href="#"><u>SSB 5338</u></a> (Dead) (2SHB 1422)	<b>Vulnerable adults</b>	S Rules 2	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.			
<a href="#"><u>SSB 5416</u></a> (Dead) (SHB 1302)	<b>Gambling self-exclusion</b>	S Rules X	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.			
<a href="#"><u>SSB 5449</u></a> (Dead) (SHB 1399)	<b>Paid family &amp; medical leave</b>	S Rules X	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.			
<a href="#"><u>SB 5455</u></a> (Dead) (HB 1385)	<b>FDA nonpublic information</b>	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.

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<a href="#"><u>SB 5460</u></a> (Dead) (HB 1882)	<b>Nurse licensure compact</b>	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.
<a href="#"><u>SB 5472</u></a> (Dead) (SHB 1389)	<b>Liquor common carriers</b>	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.
<a href="#"><u>2SSB 5533</u></a> (Dead) (SHB 1645)	<b>Parental improvement certs.</b>	S Rules X	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.
<a href="#"><u>SB 5554</u></a> (Dead) (SHB 1191)	<b>School notifications</b>	S EL/K-12	Wilson	Concerns	<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.
<a href="#"><u>SB 5601</u></a> (Dead) (HB 1562)	<b>Health care benefit manage.</b>	S Health & Long	Rolfes	Concerns	<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.
<a href="#"><u>SB 5656</u></a> (Dead)	<b>Public works contracting</b>	S Rules X	Froct	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.
<a href="#"><u>SB 5667</u></a> (Dead) (ESHB 1667)	<b>Public records request admin</b>	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.



<a href="#">SB 5704</a> (Dead) (SHB 1592)	<b>Children's ed. savings acct.</b>	S Ways & Means	Liias	Concerns
<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.				
<a href="#">SB 5721</a> (Dead)	<b>Abortion facilities</b>	S Health & Long	Fortunato	Concerns
<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.				
<a href="#">SB 5750</a> (Dead) (HB 1838)	<b>Distillery information</b>	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.				
<a href="#">SB 5784</a> (Dead)	<b>Legislative branch records</b>	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.				
<a href="#">SB 5835</a> (Dead)	<b>Hotline/self-harm, criminal</b>	S Law & Justice	Brown	Concerns
<i>Comments:</i> Section 3 creates new exemptions under the Public Records Act for any records or information submitted to the hotline, as well as any records referred from the hotline to a law enforcement or mental health agency. Neither of these exemptions are referenced from within the PRA. It makes it a crime to release records except as provided by the law. It requires that if no referral is made or that no action is warranted that the records of the hotline contact must be destroyed. This combination of secrecy and destruction ensures that it will be impossible to hold the hotline accountable or monitor its effectiveness.				
<a href="#">SB 5840</a> (Dead)	<b>Essential health coverage</b>	S Health & Long	Cleveland	Concerns

*Comments:* Recreates at the state level the penalty for failing to have health insurance coverage that was previously eliminated from the federal Affordable Care Act. Detecting violators involves injecting a great deal of data and matching records to determine whether or not people have medical insurance coverage. Section 5(6) creates a new exemption under the PRA for all records obtained by government to investigate violations of the mandate, but does not cross reference it from RCW 42.56. Section 6(2) creates a new exemption under the PRA for records obtained from other government departments about person residing in Washington state, but does not cross reference it from RCW 42.56. Section 8(5) creates a new exemption under the PRA for records submitted by all insurance carriers to enable detection of violations, but does not cross reference it from RCW 42.56. Section 9 restates the earlier exemptions, but still does not cross reference them from RCW 42.56.

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<a href="#"><b>SB 5888</b></a> <b>(Dead)</b> <b>(SHB 1871)</b>	<b>Prison safety</b> <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.	S Law & Justice	Walsh	Neutral
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<a href="#"><b>SB 5926</b></a> <b>(Dead)</b> <b>(HB 2039)</b>	<b>Transp. network companies</b> <i>Comments:</i> Creates a new statewide regulatory scheme for companies such as Uber and Lyft. Section 9(7) creates a new PRA exemption for "Transportation network company drivers' names, dates of birth, and driver's license numbers". Section 19(6) creates a new PRA exemption for passenger names and contact information for investigation of crimes, and samples of TNC records obtained for compliance monitoring purposes. None of the new exemptions are cross-referenced from RCW 42.56.	S Transportation	Hobbs	Concerns
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<a href="#"><b>SB 5929</b></a> <b>(Dead)</b> <b>(EHB 2020)</b>	<b>Employment investigations</b> <i>Comments:</i> Amends the existing PRA exemption in 42.56.250(6) for records of active investigations of unfair labor practices and discrimination in employment to require that "After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names of complainants, other accusers, and witnesses are redacted." This is in some respects similar to the exemption for victim and witness identities in law enforcement records (42.56.240(2)), except that it does not require the agency to assert that "disclosure would endanger any person's life, physical safety, or property".	S State Govt/Tri	Keiser	Concerns
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<a href="#"><b>SB 5949</b></a> <b>(Dead)</b>	<b>Washington investment trust</b> <i>Comments:</i> Sections 22 of the bill exempts from disclosure applications for loans submitted to the state bank. Section 23 of the bill exempts examination reports and information obtained by the department of financial institutions from the state bank. While it is appropriate to exempt personal financial information submitted in applications, the public should have full access to audits of the state bank to ensure it is being run in the public interest.	S Financial Inst	Hasegawa	Concerns
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## Dead Bills

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Position</u>
<b>Trust institutions</b>	H Rules R	Walen	Concerns

[HB 1171](#)  
(Dead)  
(SB 5107)

*Comments:* 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.

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**Uniform unclaimed property**

H Approps

Tarleton

Concerns

[SHB 1179](#)  
(Dead)

*Comments:* 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.

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**School notifications**

H Rules R

Goodman

Concerns

[SHB 1191](#)  
(Dead)  
(SB 5554)

*Comments:* 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.

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**Toxic pollution**

H Approps

Doglio

Concerns

[SHB 1194](#)  
(Dead)  
(SSB 5135)

*Comments:* 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.

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[SHB 1389](#)  
(Dead)  
(SB 5472)

**Liquor common carriers**

H Approps

Morgan

Concerns

*Comments:* 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.

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[HB 1400](#)  
(Dead)  
(ESB 5439)

**Employment security records**

H Rules R

Sells

Concerns

*Comments:* 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.

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[2SHB 1422](#)  
(Dead)  
(SSB 5338)

**Vulnerable adults**

Valdez

Concerns

*Comments:* 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.

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[SHB 1538](#)  
(Dead)

**Sunshine committee recs.**

H Rules R

Springer

Support

*Comments:* 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.

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**Vital statistics**

H HC/Wellness

Jinkins

Neutral

<a href="#"><u>HB 1550</u></a> (Dead) (ESSB 5332)	<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.
<a href="#"><u>HB 1562</u></a> (Dead) (SB 5601)	<p><b>Health care benefit manage.</b> H HC/Wellness Stonier Concerns</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>
<a href="#"><u>SHB 1592</u></a> (Dead) (SSB 5704)	<p><b>Children's ed. savings acct.</b> H Approps Kilduff Concerns</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>
<a href="#"><u>SHB 1645</u></a> (Dead) (2SSB 5533)	<p><b>Parental improvement certs.</b> H Approps Ortiz-Self Concerns</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>
<a href="#"><u>SHB 1652</u></a> (Dead)	<p><b>Paint stewardship</b> H Rules R Peterson Neutral</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>
<a href="#"><u>HB 1693</u></a> (Dead)	<p><b>Health care rate setting</b> H HC/Wellness Jinkins Concerns</p> <p><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.</p>
<a href="#"><u>HB 1774</u></a> (Dead)	<p><b>Extreme risk protect. orders</b> H Civil R &amp; Judi Jinkins Concerns</p> <p><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.</p>
<a href="#"><u>SHB 1782</u></a> (Dead)	<p><b>Advisory group meetings</b> H Rules R Pollet Support</p> <p><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.</p>

<a href="#">2SHB 1854</a> (Dead) (2SSB 5376)	<b>Personal data</b>	H Rules R	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.				
<a href="#">SHB 1871</a> (Dead) (SB 5888)	<b>Prison safety</b>	H Rules C	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.				
<a href="#">HB 1882</a> (Dead) (SB 5460)	<b>Nurse licensure compact</b>	H HC/Wellness	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.				
<a href="#">HB 1888</a> (Dead)	<b>Employee info. disclosure</b>	H State Govt & T	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.				
<a href="#">HB 1911</a> (Dead)	<b>Pharmacy benefit managers</b>	H HC/Wellness	Schmick	Concerns
<i>Comments:</i> Changes the pharmacy benefit manager program under the insurance commissioner from a "registration" system to a "licensing" system. Section 7(1)(b) enables the commissioner to examine the records of a pharmacy benefit manager to determine compliance with the act, and declares that the information obtained is proprietary and confidential. Section 8 creates a new exemption in the PRA referencing Section 7(1)(b). However, Section 8 is created as a new standalone section of 42.56 rather than being more appropriately added as a new subsection of 42.56.400 which lists exemptions related to financial institutions and insurance. The exemption is similar to many others regarding insurance regulation.				
<a href="#">SHB 1974</a> (Dead)	<b>Cannabis commission</b>	H Approps	Shewmake	Neutral
<i>Comments:</i> The bill creates a "cannabis commission" similar to other state agricultural commodity commissions. Section 15 amends the Public Records Act, RCW 42.56.380, to exempt from disclosure production and sales records and financial and commercial records submitted to the commission by cannabis growers. This is consistent with exemptions for records submitted to other agricultural commodity commissions.				
<a href="#">HB 1978</a> (Dead)	<b>GMA gov. action assistance</b>	H Env & Energy	Maycumber	Neutral
<i>Comments:</i> Creates the "Growth Management Act Victims Response Act", including an ombuds program in the office of the attorney general to review claims of economic loss due to government				

actions under the GMA and to dispense compensation from a fund. Section 5 of the bill amends the Public Records Act, RCW 42.56.240, to add an exemption for materials submitted to the ombuds. This is similar to provisions of other ombuds programs operated by state government, although it does not go as far in that it doesn't make the materials confidential and exempt from discovery.

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<a href="#"><u>HB 2014</u></a> (Dead)	<b>Private higher ed. schools</b>	H Coll & Wkf Dev	Van Werven	Concerns
	<i>Comments:</i> Creates a new scheme for monitoring the performance of postsecondary educational institutions. The scheme involves compiling large volumes of data across many government databases in order to track the outcomes of programs, such as tracking the employment and earnings of graduates. Section 8 creates a new PRA for "Data shared by the department under any data-sharing agreement", but does not cross-reference the exemption from the PRA.			
<a href="#"><u>HB 2039</u></a> (Dead) (SB 5926)	<b>Transp. network companies</b>	H Trans	Springer	Concerns
	<i>Comments:</i> Creates a new statewide regulatory scheme for companies such as Uber and Lyft. Section 9(7) creates a new PRA exemption for "Transportation network company drivers' names, dates of birth, and driver's license numbers". Section 19(6) creates a new PRA exemption for passenger names and contact information for investigation of crimes, and samples of TNC records obtained for compliance monitoring purposes. None of the new exemptions are cross-referenced from RCW 42.56.			
<a href="#"><u>HB 2105</u></a> (Dead)	<b>Public records/legislature</b>	H State Govt & T	Pellicciotti	Concerns
	<i>Comments:</i> Changes the current restrictive definition of legislative records so that it applies only to records in the possession of the chief clerk and the secretary of the senate that existed prior to the effective date of the act; otherwise, the broad generally-applicable definition of public records applies to all legislators and other legislative agencies. Declares that the secretary of the senate and chief clerk of the house are the public records officers for all legislators and legislative agencies. Does not define any new records exemptions. This is much closer to what WCOG wants to see in a legislative public records bill with the exception of retroactivity for certain records; we need to fully understand which records would and would not be available before the bill can be supported.			
<a href="#"><u>HB 2115</u></a> (Dead)	<b>Public records/legislature</b>	H State Govt & T	Walsh	Oppose
	<i>Comments:</i> Includes all legislators and legislative agencies in the definition of "agency" under the PRA. Eliminates the special definition of "public records" that applies to the secretary of the senate and the chief clerk of the house. Declares that the secretary of the senate is the public records officer for all senators and senate employees, and the chief clerk of the house is the public records officer for all representatives and house employees; they are jointly the public records officer for all other legislative agencies. Creates a new PRA exemption for all records of the legislature created before January 19, 2018, except certain specific records (most of which are already routinely made available). Creates a new PRA exemption for all identifying information of constituents in correspondence with legislators and legislative agencies. Creates a very broad deliberative process exemption for legislative records that is permanent regardless of the adoption of bills or policies. This is a simpler bill than SB 5784 but the exemptions are just as problematic.			
<a href="#"><u>2SSB 5064</u></a> (Dead) (SHB 1071)	<b>Personal information</b>	S Rules X	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.			
	<b>Campaign finance</b>	S State Govt/Tri	Hunt	Oppose

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[SB 5112](#)  
(Dead)  
(SHB 1195)

*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.

[SSB 5182](#)  
(Dead)

**Juvenile record sealing**

S Rules X

Kuderer

Concerns

*Comments:* Eliminates the ability to object to the sealing of juvenile court records, making the sealing process completely automatic in nearly all cases.

[SB 5185](#)  
(Dead)

**Abortion, notifying parents**

S Law & Justice

Padden

Concerns

*Comments:* 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.

[SB 5246](#)  
(Dead)

**Sunshine committee recs.**

S State  
Govt/Trib

Hunt

Support

*Comments:* 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.

[SSB 5338](#)  
(Dead)  
(2SHB 1422)

**Vulnerable adults**

S Rules 2

Darneille

Concerns

*Comments:* 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.

**Gambling self-exclusion**

S Rules X

Conway

Neutral

<a href="#"><u>SSB 5416</u></a> (Dead) (SHB 1302)	<i>Comments:</i> 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.	S Rules X	Keiser	Neutral
<a href="#"><u>SSB 5449</u></a> (Dead) (SHB 1399)	<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.	S Rules X	Keiser	Neutral
<a href="#"><u>SB 5455</u></a> (Dead) (HB 1385)	<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.	S State Govt/Tri	Takko	Neutral
<a href="#"><u>SB 5460</u></a> (Dead) (HB 1882)	<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.	S Health & Long	Cleveland	Concerns
<a href="#"><u>SB 5472</u></a> (Dead) (SHB 1389)	<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.	S Labor & Commer	Salda?a	Concerns
<a href="#"><u>2SSB 5533</u></a> (Dead) (SHB 1645)	<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.	S Rules X	Braun	Concerns
<a href="#"><u>SB 5554</u></a> (Dead) (SHB 1191)	<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
<a href="#"><u>SB 5601</u></a> (Dead) (HB 1562)	<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".	S Health & Long	Rolfes	Concerns



However it is created in a separate section of the PRA, and could be instead a new subsection in 42.56.400.

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<a href="#"><u>SB 5656</u></a> (Dead)	<b>Public works contracting</b>	S Rules X	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.			
<a href="#"><u>SB 5667</u></a> (Dead) (ESHB 1667)	<b>Public records request admin</b>	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 one of WCOG's secondary legislative priorities.			
<a href="#"><u>SSB 5704</u></a> (Dead) (SHB 1592)	<b>Children's ed. savings acct.</b>	S Ways & Means	Liias	Concerns
	<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.			
<a href="#"><u>SB 5721</u></a> (Dead)	<b>Abortion facilities</b>	S Health & Long	Fortunato	Concerns
	<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.			
<a href="#"><u>SB 5750</u></a> (Dead) (HB 1838)	<b>Distillery information</b>	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.			
<a href="#"><u>SB 5784</u></a> (Dead)	<b>Legislative branch records</b>	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.

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<a href="#"><u>SB 5835</u></a> (Dead)	<b>Hotline/self-harm, criminal</b>	S Law & Justice	Brown	Concerns
	<i>Comments:</i> Section 3 creates new exemptions under the Public Records Act for any records or information submitted to the hotline, as well as any records referred from the hotline to a law enforcement or mental health agency. Neither of these exemptions are referenced from within the PRA. It makes it a crime to release records except as provided by the law. It requires that if no referral is made or that no action is warranted that the records of the hotline contact must be destroyed. This combination of secrecy and destruction ensures that it will be impossible to hold the hotline accountable or monitor its effectiveness.			
<a href="#"><u>SB 5840</u></a> (Dead)	<b>Essential health coverage</b>	S Health & Long	Cleveland	Concerns
	<i>Comments:</i> Recreates at the state level the penalty for failing to have health insurance coverage that was previously eliminated from the federal Affordable Care Act. Detecting violators involves injecting a great deal of data and matching records to determine whether or not people have medical insurance coverage. Section 5(6) creates a new exemption under the PRA for all records obtained by government to investigate violations of the mandate, but does not cross reference it from RCW 42.56. Section 6(2) creates a new exemption under the PRA for records obtained from other government departments about person residing in Washington state, but does not cross reference it from RCW 42.56. Section 8(5) creates a new exemption under the PRA for records submitted by all insurance carriers to enable detection of violations, but does not cross reference it from RCW 42.56. Section 9 restates the earlier exemptions, but still does not cross reference them from RCW 42.56.			
<a href="#"><u>SB 5888</u></a> (Dead) (SHB 1871)	<b>Prison safety</b>	S Law & Justice	Walsh	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.			
<a href="#"><u>SB 5926</u></a> (Dead) (HB 2039)	<b>Transp. network companies</b>	S Transportation	Hobbs	Concerns
	<i>Comments:</i> Creates a new statewide regulatory scheme for companies such as Uber and Lyft. Section 9(7) creates a new PRA exemption for "Transportation network company drivers' names, dates of birth, and driver's license numbers". Section 19(6) creates a new PRA exemption for passenger names and contact information for investigation of crimes, and samples of TNC records obtained for compliance monitoring purposes. None of the new exemptions are cross-referenced from RCW 42.56.			
<a href="#"><u>SB 5929</u></a> (Dead) (EHB 2020)	<b>Employment investigations</b>	S State Govt/Tri	Keiser	Concerns
	<i>Comments:</i> Amends the existing PRA exemption in 42.56.250(6) for records of active investigations of unfair labor practices and discrimination in employment to require that "After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names of complainants, other accusers, and witnesses are redacted." This is in some respects similar to the exemption for victim and witness identities in law enforcement records (42.56.240(2)), except that it does not require the agency to assert that "disclosure would endanger any person's life, physical safety, or property".			

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**Washington investment trust**

S Financial Inst

Hasegawa

Concerns

**SB 5949**  
**(Dead)**

*Comments:* Sections 22 of the bill exempts from disclosure applications for loans submitted to the state bank. Section 23 of the bill exempts examination reports and information obtained by the department of financial institutions from the state bank. While it is appropriate to exempt personal financial information submitted in applications, the public should have full access to audits of the state bank to ensure it is being run in the public interest.

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