

WCOG Bill Status Report February 3, 2020

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

Upcoming Hearings and Floor Action on Tracked Bills

Environment, Energy & Technology (Senate) - SHR 1, JACB - 2/4 @ 10:00am

- SB 6645 - Public Hearing - Concerning minimum recycled content requirements.

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

- SB 6527 - Public Hearing - Collecting information regarding police use of deadly force.

College & Workforce Development (House) - HHR B, JLOB - 2/4 @ 1:30pm

- HB 2327 - Exec Session - Addressing sexual misconduct at postsecondary educational institutions.

Health Care & Wellness (House) - HHR A, JLOB - 2/4 @ 1:30pm

- HB 2838 - Public Hearing - Improving cardiac and stroke outcomes.

State Government & Tribal Relations (House) - HHR E, JLOB - 2/4 @ 1:30pm

- HB 2484 - Public Hearing - Concerning sunshine committee recommendations regarding juveniles.
- HB 2484 - Exec Session - Concerning sunshine committee recommendations regarding juveniles.

Education (House) - HHR A, JLOB - 2/4 @ 3:30pm

- HB 1191 - Exec Session - Concerning school notifications.

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

- 3SSB 5533 - Public Hearing - Certifying a person's documented improvement.
- SSB 6361 - Public Hearing - Concerning the administration of election campaign activities and reporting statements of financial affairs.

Innovation, Technology & Economic Development (House) - HHR C, JLOB - 2/5 @ 8:00am

- HB 2742 - Exec Session - Concerning the management and oversight of personal data.

College & Workforce Development (House) - HHR B, JLOB - 2/5 @ 1:30pm

- HB 2327 - Exec Session - Addressing sexual misconduct at postsecondary educational institutions.

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

- HB 2838 - Exec Session - Improving cardiac and stroke outcomes.

Human Services & Early Learning (House) - HHR C, JLOB - 2/5 @ 1:30pm

- SHB 1645 - Exec Session - Concerning certificates of parental improvement.

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

- HB 1888 - Exec Session - Protecting employee information from public disclosure.
- HB 2293 - Exec Session - Exempting election security information from public records disclosure.

Environment & Energy (House) - HHR B, JLOB - 2/6 @ 8:00am

- HB 2722 - Exec Session - Concerning minimum recycled content requirements.

Public Safety (House) - HHR D, JLOB - 2/6 @ 8:00am

- HB 2789 - Exec Session - Collecting information regarding police use of deadly force.

Law & Justice (Senate) - SHR 4, JACB - 2/6 @ 10:00am

- SB 6527 - Exec Session - Collecting information regarding police use of deadly force.

Appropriations (House) - HHR A, JLOB - 2/6 @ 3:30pm

- SHB 2467 - Public Hearing - Establishing a centralized single point of contact background check system for firearms transfers.

College & Workforce Development (House) - HHR B, JLOB - 2/7 @ 8:00am

- HB 2327 - Exec Session - Addressing sexual misconduct at postsecondary educational institutions.

Health Care & Wellness (House) - HHR A, JLOB - 2/7 @ 8:00am

- HB 2838 - Exec Session - Improving cardiac and stroke outcomes.

Human Services & Early Learning (House) - HHR C, JLOB - 2/7 @ 8:00am

- SHB 1645 - Exec Session - Concerning certificates of parental improvement.

Innovation, Technology & Economic Development (House) - HHR C, JLOB - 2/7 @ 10:00am

- HB 1854 - Exec Session - Protecting consumer data.

State Government, Tribal Relations & Elections (Senate) - SHR 2, JACB - 2/7 @ 12:30pm

- SB 6438 - Public Hearing - Applying the public records act to all courts and offices within the judicial branch.
- SB 6539 - Public Hearing - Protecting health care information in the possession of legislators in the conduct of their official duties.
- SB 6543 - Public Hearing - Concerning penalties against agencies which subsequently discover and produce additional responsive records after the close of an initial public records production.

Summary of Bills Tracked

High Priority Bills

Bill #	Short Description	Status	Sponsor	Position	Dead
HB 1888	Protecting employee information from public disclosure.	H State Govt & T	Hudgins	Oppose	No
SHB 2415	Conforming elections for certain special districts with Title 29A RCW.	H SGOVDPS	Hudgins	Support	No
HB 2466	Providing for public disclosure of public records of the legislature and legislators.	H State Govt & Tr	Pollet	Concerns	No
SB 6539	Protecting health care information in the possession of legislators in the conduct of their official duties.	S State Govt/Trib	Becker	Concerns	No
SB 6666	Protecting employee information from public disclosure.	S State Govt/Tri	Hunt	Oppose	No

Medium Priority Bills

Bill #	Short Description	Status	Sponsor	Position	Dead
SHB 1191	Concerning school notifications.	H Education	Goodman	Concerns	No
2SHB 1422	Concerning the protection of vulnerable adults.		Valdez	Concerns	No
HB 1562 (SB 5601)	Concerning health care benefit management.	H HC/Wellness	Stonier	Concerns	No

SHB 1645	Concerning certificates of parental improvement.	H H Svcs & Erly L	Ortiz-Self	Concerns	No
2SHB 1854	Protecting consumer data.	H Inn, Tech & Ec	Kloba	Concerns	No
2SHB 1871	Concerning prison safety	H Rules R	Klippert	Neutral	No
HB 2215	Transferring requirements to maintain records for commercial political advertising to the public disclosure commission.	H State Govt & Tr	MacEwen	Support	No
HB 2331	Modifying the requirements for posting agendas and notices under the open public meetings act.	H State Govt & T	Kraft	Support	No
HB 2397	Transferring oversight of filings of statements of financial affairs by legislative staff from the public disclosure commission to the legislative ethics board.	H State Govt & T	Hudgins	Concerns	No
HB 2484	Concerning sunshine committee recommendations regarding juveniles.	H State Govt & T	Van Werven	Support	No
SHB 2588	Improving openness, accountability, and transparency of special purpose districts.	H Rules R	Pollet	Support	No
HB 2674 (SSB 6361)	Concerning the administration of election campaign activities and reporting statements of financial affairs.	H State Govt & T	Hudgins	Support	No
SHB 2772	Concerning the administration of election campaign activities and reporting statements of financial affairs.	H Rules R	Walsh	Support	No
HB 2789 (SB 6527)	Collecting information regarding police use of deadly force.	H Public Safety	Lovick	Oppose	No
HB 2838	Improving cardiac and stroke outcomes.	H HC/Wellness	Riccelli	Concerns	No
2SSB 5182	Concerning juvenile record sealing.	S Rules 2	Kuderer	Concerns	No
SB 5246	Concerning sunshine committee recommendations.	S State Govt/Trib	Hunt	Support	No
2SSB 5292	Concerning prescription drug cost transparency.	S Rules X	Keiser	Concerns	No
SSB 5338	Concerning the protection of vulnerable adults.	S Human Svcs, Ree	Darneille	Concerns	No
2SSB 5376	Protecting consumer data.	S Rules X	Carlyle	Concerns	No
3SSB 5533	Concerning certificates of parental improvement.	S Ways & Means	Braun	Concerns	No
SB 5601 (HB 1562)	Concerning health care benefit management.	S Health & Long	Rolfes	Concerns	No
SSB 6361	Concerning the administration of election campaign activities and reporting statements of financial affairs.	S Ways & Means	Kuderer	Support	No
SB 6527 (HB 2789)	Collecting information regarding police use of deadly force.	S Law & Justice	Froct	Oppose	No
SB 6543	Concerning penalties against agencies which subsequently discover and produce additional responsive records after the close of an initial public records production.	S State Govt/Tri	Short	Oppose	No

Low Priority Bills

Bill #	Short Description	Status	Sponsor	Position	Dead
HB 2214	Concerning the public inspection of records of commercial political advertisers.	H State Govt & Tr	MacEwen	Support	No
HB 2293 (SB 6285)	Exempting election security information from public records disclosure.	H State Govt & T	Dolan	Neutral	No
HB 2327 (SB 6439)	Addressing sexual misconduct at postsecondary educational institutions.	H Coll & Wkf Dev	Pollet	Neutral	No
HB 2360	Establishing the sharps waste stewardship program.	H HCWDP	Peterson	Concerns	No
HB 2398	Prohibiting the statements of financial affairs filed by a professional staff member of the legislature from being posted online.	H State Govt & T	Hudgins	Concerns	No
SHB 2467	Establishing a centralized single point of contact background check system for firearms transfers.	H Approps	Hansen	Concerns	No
HB 2496	Providing for responsible environmental management of batteries.	H Env & Energy	Mead	Neutral	No
SHB 2518	Concerning the safe and efficient transmission and distribution of natural gas.	H Approps	Shewmake	Concerns	No
SHB 2575	Concerning reforms to increase transparency and accountability of the Washington redistricting commission.	H Approps	Pellicciotti	Support	No
HB 2652	Concerning renewable ammonia.	H RDev, Ag&NR	Doglio	Concerns	No
HB 2695	Establishing an asthma statewide home assistance program.	H HC/Wellness	Pollet	Concerns	No
HB 2703 (SB 6438)	Applying the public records act to all courts and offices within the judicial branch.	H State Govt & T	Chapman	Support	No
HB 2716 (SB 6499)	Concerning the confidentiality of retirement system files and records relating to health information.	H State Govt & T	Fitzgibbon	Neutral	No
HB 2722 (SB 6645)	Concerning minimum recycled content requirements.	H Env & Energy	Mead	Concerns	No
HB 2742 (SSB 6281)	Concerning the management and oversight of personal data.	H Inn, Tech & E	Kloba	Concerns	No
SB 5221	Concerning disclosure of contributions from political committees to other political committees.	S Rules X	Palumbo	Support	No
SB 6088	Establishing a prescription drug affordability board.	S Ways & Means	Keiser	Concerns	No
SSB 6281	Concerning the management and oversight of personal data.	S Ways & Means	Carlyle	Concerns	No
SB 6285 (HB 2293)	Exempting election security information from public records disclosure.	S State Govt/Tri	Hunt	Neutral	No
SB 6430	Establishing a statewide industrial waste coordination program.	S Ways & Means	Brown	Neutral	No
SB 6431	Exempting personal demographic details of state employees from public disclosure.	S State Govt/Tri	Hunt	Neutral	No

SB 6438 (HB 2703)	Applying the public records act to all courts and offices within the judicial branch.	S State Govt/Tri	Van De Wege	Support	No
SB 6439 (HB 2327)	Addressing sexual misconduct at postsecondary educational institutions.	S Higher Ed & Wo	Randall	Neutral	No
SB 6499 (HB 2716)	Concerning the confidentiality of retirement system files and records relating to health information.	S State Govt/Tri	Schoesler	Neutral	No
SB 6589	Establishing the Washington cannabis commission.	S Labor & Commer	Stanford	Neutral	No
SB 6645 (HB 2722)	Concerning minimum recycled content requirements.	S Environment, En	Das	Concerns	No

Monitoring Bills

No bills.

Dead Bills

Bill #	Short Description	Status	Sponsor	Position	Dead
HB 1171 (SB 5107)	Addressing trust institutions.	H Rules X	Walen	Concerns	Yes
HB 1400 (ESB 5439)	Concerning confidentiality of employment security department records and data.	H Rules X	Sells	Concerns	Yes
3SHB 1498	Expanding affordable, resilient broadband service to enable economic development, public safety, health care, and education in Washington's communities.	H Rules X	Hudgins	Concerns	Yes
E2SHB 1523	Increasing the availability of quality, affordable health coverage in the individual market.	H Rules X	Cody	Concerns	Yes

Detailed Information on Bills Tracked

High Priority Bills

Bill Details	Status	Sponsor	Position	
<p>HB 1888</p> <p>Employee info. disclosure</p> <p><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.</p>	H State Govt & T	Hudgins	Oppose	
SHB 2415	Special district elections	H SGOVDPS	Hudgins	Support

Comments: Requires elections for diking and drainage districts, flood control districts, irrigation districts, and conservation districts to be held using the same election system as other special purpose districts and municipalities. This will increase participation in these elections and reduce problems recently discovered in which some districts failed to conduct elections for many years or decades.

Legislative public records

H State Govt & Tr

Pollet

Concerns

[HB 2466](#)

Comments: Makes the legislature, the house, the senate, all legislative agencies, and all individual legislators subject to the PRA. Designates the public records officers for legislators and legislative agencies. Creates exemptions for particular types of legislative records, including some constituent communications, whistleblower reports to legislators, . Requires establishment of retention schedules for legislative records. Requires lawsuits regarding legislative records to name the public records officer as defendant rather than any individual legislator. Allows voicemails to legislators to be deleted based on storage space needs rather than on the basis of the retention period for the content of the message. Requires training of legislators and staff in the provisions of the PRA. WCOG has CONCERNS with several of the provisions and will work with legislators to improve the language if it moves forward.

Health care info./leg. PRA

S State Govt/Trib

Becker

Concerns

[SB 6539](#)

Comments: Amends the PRA, RCW 42.56.360, to add an exemption for "Health care information, as defined in RCW 70.02.010, provided to a legislator in the conduct of the legislator's official duties." The receipt of such information by legislators is rare, and usually occurs in the context of a constituent seeking help from the legislator in dealing with an agency that has refused services to the constituent or someone in their care. However, the definition of "health care information" is so broad that it could also encompass many requests for special favors to campaign donors or others such as getting them coverage that an ordinary person would not receive. If such an exemption is to exist it should be much more narrowly crafted and be required to meet the definition of privacy in RCW 42.56.050.

Employee info. disclosure

S State Govt/Tri

Hunt

Oppose

[SB 6666](#)

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.

Medium Priority Bills

Bill Details

Status

Sponsor

Position

School notifications

H Education

Goodman

Concerns

[SHB 1191](#)

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.

2SHB 1422	Vulnerable adults		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.			
HB 1562 (SB 5601)	Health care benefit manage.	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.			
SHB 1645	Parental improvement certs.	H H Svcs & Erly L	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.			
2SHB 1854	Personal data	H Inn, Tech & Ec	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.			
2SHB 1871	Prison safety	H Rules R	Klippert	Neutral
	<i>Comments:</i> Section 2 amends the Public Records Act, RCW 42.56.240(6), to exempt from disclosure the contents of the Department of Corrections security threat group database, in addition to the existing exemption for the contents of the statewide gang database and any local or regional gang database.			
HB 2215	Commercial political ads	H State Govt & Tr	MacEwen	Support
	<i>Comments:</i> Requires sponsors of all political advertising to submit detailed reports to the Public Disclosure Commission each time any ad is run. The PDC must make the reports accessible to the public. This will provide much more extensive information and enable the public to know more about ads that are presented to limited audiences.			
HB 2331	OPMA agendas & notices	H State Govt & T	Kraft	Support

Comments: PDC Request Bill. Clarifies when ballot measure campaigns must start reported to the PDC. Allows PDC commissioners to participate in campaigns over which they do not have jurisdiction, except for candidates over which they current have jurisdiction because they are an incumbent. Requires special disclosures for endorsements that do not pertain to the current election or office, and when the person being endorsed is not a filed candidate for the office. Clarifies the contents of F-1 financial affairs disclosure forms,

Police deadly force data

H Public Safety

Lovick

Oppose

[HB 2789](#)
(SB 6527)

Comments: Requires WASPC to create a central database on police use of deadly force. Section 1(4) makes all records acquired by WASPC pursuant to building the database -- and the database itself - completely exempt from disclosure. This is a continuation of WASPC's efforts to make itself immune from the Public Records Act. WASPC is a public agency like any other and must be subject to the PRA.

Cardiac and stroke outcomes

H
HC/Wellness

Riccelli

Concerns

[HB 2838](#)

Comments: Creates a statewide cardiac and stroke outcomes database in the Department of Health to try to improve cardiac and stroke quality of care. Section 9 creates a new PRA exemption for identifiable information in the database: "Data elements related to the identification of individual patients', providers', and facilities' care outcomes shall be confidential, are not subject to disclosure under the public records act, chapter 42.56 RCW, and shall not be subject to discovery by subpoena or admissible as evidence." This exemption is consistent with others related to health care information and information submitted on outcomes for quality improvement purposes. However, the exemption is not properly referenced from the PRA.

Juvenile record sealing

S Rules 2

Kuderer

Concerns

[2SSB 5182](#)

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

Sunshine committee recs.

S State
Govt/Trib

Hunt

Support

[SB 5246](#)

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.

2SSB 5292	Rx drug cost transparency	S Rules X	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			
SSB 5338	Vulnerable adults	S Human Svcs, Ree	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.			
2SSB 5376	Consumer data	S Rules X	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.			
3SSB 5533	Parental improvement certs.	S Ways & Means	Braun	Concerns
	<i>Comments:</i> Section 3(6) creates a new PRA exemption for "Information about reports, reviews, and hearings" related to applications for certificates of parental improvement, saying they "may be disclosed only in accordance with federal and state laws pertaining to child welfare records and child protective services reports." However, the new exemption does not reference RCW 42.56 and is not referenced from RCW 42.56.			
SB 5601 (HB 1562)	Health care benefit manage.	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.			
SSB 6361	Campaign finance admin.	S Ways & Means	Kuderer	Support
	<i>Comments:</i> PDC Request Bill. Clarifies when ballot measure campaigns must start reported to the PDC. Allows PDC commissioners to participate in campaigns over which they do not have jurisdiction, except for candidates over which they current have jurisdiction because they are an incumbent. Requires special disclosures for endorsements that do not pertain to the current election or office, and when the person being endorsed is not a filed candidate for the office. Clarifies the contents of F-1 financial affairs disclosure forms,			

Police deadly force data	S Law & Justice	Frockt	Oppose
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[SB 6527](#)
(HB 2789)

Comments: Requires WASPC to create a central database on police use of deadly force. Section 1(4) makes all records acquired by WASPC pursuant to building the database -- and the database itself -- completely exempt from disclosure. This is a continuation of WASPC's efforts to make itself immune from the Public Records Act. WASPC is a public agency like any other and must be subject to the PRA.

PRA/subsequent discovery	S State Govt/Tri	Short	Oppose
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[SB 6543](#)

Comments: Extends from two days to five days the period in which internal agency review of denials of access to records must be completed. Prohibits the court from penalizing an agency when the agency discovers additional responsive records after closure of a records request and produces the records to the requester within 15 days of closing the request. There is no need for this change; the agency could easily keep the request open for the additional 15 days while continuing to search for responsive records, and produce them before closing the request. The only practical application of this change is for the agency to produce records after the requester complains that all expected records were not produced.

Low Priority Bills

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Position</u>
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Comm. political ad. records	H State Govt & Tr	MacEwen	Support
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[HB 2214](#)

Comments: Modifies provisions regarding records of political advertising maintained by commercial advertising companies, eliminating the requirement that records must be available in person but may be available online.

Election security/PRA	H State Govt & T	Dolan	Neutral
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[HB 2293](#)
(SB 6285)

Comments: Creates new exemptions in the PRA for "The continuity of operations plan for election operations, and any security audits, security risk assessments, or security test results relating to physical security or cybersecurity of election operations or infrastructure. These records are exempt from disclosure in their entirety; and (8) Those portions of records containing information about election infrastructure, election security, or potential threats to election security, the public disclosure of which would have a substantial likelihood of increasing risk to the integrity of election operations or infrastructure." These are consistent with existing security-related exemptions for such functions as information technology. Secrecy of such plans does reduce the ability of experts outside the government to assess the strength of the plans, but this must be balanced against the risk of disclosing possible vulnerabilities to attackers.

Sexual misconduct/postsec.	H Coll & Wkf Dev	Pollet	Neutral
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[HB 2327](#)
(SB 6439)

Comments: Section 7 of the bill creates in a new PRA exemption for "personal identifying information in an employee personnel file, student file, investigation file, settlement agreement, or

other files held by a postsecondary educational institution that reveals the identity of witnesses to or victims of sexual misconduct committed at the postsecondary educational institution by an employee of the institution", but that "If the victim or witness indicates a desire for disclosure of the victim's or witness' personal identifying information, such desire shall govern." This is consistent with other exemptions for victim and witness information.

<u>HB 2360</u>	Sharps waste stewardship <i>Comments:</i> The bill requires producers of sharps (needles) to fund a program for their disposal. It includes requirements for submission of confidential proprietary business data to the state. Section 11(4) creates a new PRA exemption for this data. However, this exemption should also be referenced from the PRA.	H HCWDP	Peterson	Concerns
<u>HB 2398</u>	Leg. staff F-1s/online <i>Comments:</i> Prevents the F-1 personal financial affairs reports submitted by professional staff of the legislature from being posted on the web site of the PDC. These statements are not currently posted proactively by the PDC, but they have been working toward that; this would prevent that with regard to legislative staff.	H State Govt & T	Hudgins	Concerns
<u>SHB 2467</u>	Firearm background checks <i>Comments:</i> Section 1(9) of the bill creates a new PRA exemption for records related to firearm background checks. This exemption should be referenced from the PRA itself.	H Approps	Hansen	Concerns
<u>HB 2496</u>	Batteries/environment <i>Comments:</i> Creates a stewardship program for batteries, requiring disposal costs to be paid up front by producers. The program includes extensive reporting of confidential proprietary information to state agencies. Section 17 of the bill creates a new exemption in the PRA for records submitted to an agency under the act that are determined by a court to be confidential proprietary financial information. This is consistent with other existing product stewardship programs that collect such information.	H Env & Energy	Mead	Neutral
<u>SHB 2518</u>	Natural gas transmission <i>Comments:</i> Section 3 of the bill requires natural gas transmission companies to provide confidential proprietary information to the state regarding leaks in their system and gas lost to leaks. Section 3(5) creates a new PRA exemption for this data, but does not cross-reference it from the PRA.	H Approps	Shewmake	Concerns
<u>SHB 2575</u>	Redistricting comm'n reforms <i>Comments:</i> Among other provisions, requires the redistricting commission to ave additional public forums to receive public comment. Requires members of the redistricting commission to receive PRA and OPMA training. Requires the redistricting commission to post all materials to a web site. Requires lobbyists providing public comment at redistricting commission public meetings to identify themselves as lobbyists.	H Approps	Pellicciotti	Support
<u>HB 2652</u>	Renewable ammonia	H RDev, Ag&NR	Doglio	Concerns

Comments: Creates a program to regular "renewable" or "sustainable" ammonia production, including submission of required reports to the state department of agriculture. Section 9 of the bill creates a new PRA exemption for confidential proprietary business information submitted to the department by regulated entities. This is consistent with other similar regulatory programs. However, there is no need for the new exemption to be in a separate section of the PRA, but should be combined into an existing section.

HB 2695	Asthma home assistance	H HC/Wellness	Pollet	Concerns
	<i>Comments:</i> Section 9 of the bill creates a new PRA exemption for health information under the act, but the new exemption is not referenced from the PRA.			
HB 2703 (SB 6438)	Public records act/judiciary	H State Govt & T	Chapman	Support
	<i>Comments:</i> Would expand the PRA definition of "agency" to include courts and judicial branch agencies, and the definition of "public records" to include court case files and judicial (administrative) records. This is likely a reaction to the court's determination that legislative records are subject to the PRA.			
HB 2716 (SB 6499)	Health info./retirement	H State Govt & T	Fitzgibbon	Neutral
	<i>Comments:</i> Creates a new PRA exemption for medical information contained in the files of members of state retirement programs at the department of retirement systems.			
HB 2722 (SB 6645)	Minimum recycled content	H Env & Energy	Mead	Concerns
	<i>Comments:</i> Creates a new state program to compel recycled content in many plastic products, which includes submission of confidential proprietary business information to the department of ecology. Section 5 of the bill creates a new PRA exemption for this information. However, the exemption does not need to be a separate section and should be combined with an existing section of the PRA.			
HB 2742 (SSB 6281)	Personal data	H Inn, Tech & E	Kloba	Concerns
	<i>Comments:</i> Create the "Washington Privacy Act" to protect personal data held by corporations. Section 9 of the bill regards "data protection assessments". Buried in this section is creation of a new PRA exemption via the language "Data protection assessments are confidential and exempt from public inspection and copying under chapter 42.56 RCW." This should be referenced from the PRA itself.			
SB 5221	Political comm. disclosures	S Rules X	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.			
SB 6088	Rx drug affordability board	S Ways & Means	Keiser	Concerns

Comments: Section 3 enables the state to conduct reviews of high-cost drugs, including compelling disclosure of confidential proprietary business information to support the price of the drug. Section 3(4) creates a PRA exemption for this confidential proprietary information, but does not cross-reference it from the PRA.

<p><u>SSB 6281</u></p>	<p>Personal data</p> <p><i>Comments:</i> Create the "Washington Privacy Act" to protect personal data held by corporations. Section 9 of the bill regards "data protection assessments". Buried in this section is creation of a new PRA exemption via the language "Data protection assessments are confidential and exempt from public inspection and copying under chapter 42.56 RCW." This should be referenced from the PRA itself.</p>	<p>S Ways & Means</p>	<p>Carlyle</p>	<p>Concerns</p>
<p><u>SB 6285</u> (HB 2293)</p>	<p>Election security/PRA</p> <p><i>Comments:</i> Creates new exemptions in the PRA for "The continuity of operations plan for election operations, and any security audits, security risk assessments, or security test results relating to physical security or cybersecurity of election operations or infrastructure. These records are exempt from disclosure in their entirety; and (8) Those portions of records containing information about election infrastructure, election security, or potential threats to election security, the public disclosure of which would have a substantial likelihood of increasing risk to the integrity of election operations or infrastructure." These are consistent with existing security-related exemptions for such functions as information technology. Secrecy of such plans does reduce the ability of experts outside the government to assess the strength of the plans, but this must be balanced against the risk of disclosing possible vulnerabilities to attackers.</p>	<p>S State Govt/Tri</p>	<p>Hunt</p>	<p>Neutral</p>
<p><u>SB 6430</u></p>	<p>Industrial waste program</p> <p><i>Comments:</i> Creates a new program for industrial companies to share information on their waste products to coordinate with other companies that may be able to use those waste products as inputs to their processes. Some of the information provided to the program would be confidential and proprietary. Section 4 of the bill would create a new PRA exemption for this confidential proprietary information. This is consistent with other similar exemptions.</p>	<p>S Ways & Means</p>	<p>Brown</p>	<p>Neutral</p>
<p><u>SB 6431</u></p>	<p>Personal demographic details</p> <p><i>Comments:</i> Creates a new exemption in the PRA for "Voluntarily submitted information collected and maintained by a state agency or higher education institution that identifies an individual state employee's personal demographic details. "Personal demographic details" means race or ethnicity, sexual orientation as defined by RCW 49.60.040(26), national origin, or status as a person with a disability. This exemption does not prevent the release of state employee demographic information in a deidentified or aggregate format."</p>	<p>S State Govt/Tri</p>	<p>Hunt</p>	<p>Neutral</p>
<p><u>SB 6438</u> (HB 2703)</p>	<p>Public records act/judiciary</p> <p><i>Comments:</i> Would expand the PRA definition of "agency" to include courts and judicial branch agencies, and the definition of "public records" to include court case files and judicial</p>	<p>S State Govt/Tri</p>	<p>Van De Wege</p>	<p>Support</p>

(administrative) records. This is likely a reaction to the court's determination that legislative records are subject to the PRA.

SB 6439 (HB 2327)	Sexual misconduct/postsec.	S Higher Ed & Wo	Randall	Neutral
<i>Comments:</i> Section 7 of the bill creates in a new PRA exemption for "personal identifying information in an employee personnel file, student file, investigation file, settlement agreement, or other files held by a postsecondary educational institution that reveals the identity of witnesses to or victims of sexual misconduct committed at the postsecondary educational institution by an employee of the institution", but that "If the victim or witness indicates a desire for disclosure of the victim's or witness' personal identifying information, such desire shall govern." This is consistent with other exemptions for victim and witness information.				
SB 6499 (HB 2716)	Health info./retirement	S State Govt/Tri	Schoesler	Neutral
<i>Comments:</i> Creates a new exemption in the PRA for medical information maintained in files for members of retirement programs by the department of retirement systems.				
SB 6589	Cannabis commission	S Labor & Commer	Stanford	Neutral
<i>Comments:</i> Establishes a state commodity commission for cannabis, similar to other agricultural commissions. Sections 13 and 14 of the bill create an exemption for confidential proprietary financial and business information submitted to the commission by cannabis producers. This is similar to other exemptions related to information submitted to state commodity commissions.				
SB 6645 (HB 2722)	Minimum recycled content	S Environment, En	Das	Concerns
<i>Comments:</i> Creates a new state program to compel recycled content in many plastic products, which includes submission of confidential proprietary business information to the department of ecology. Section 5 of the bill creates a new PRA exemption for this information. However, the exemption does not need to be a separate section and should be combined with an existing section of the PRA.				

Monitoring Bills

No bills.

Dead Bills

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Position</u>
Trust institutions	H Rules X	Walén	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.

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

Employment security records H Rules X 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.

[3SHB 1498](#)
(Dead)

Broadband service H Rules X Hudgins Concerns
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.

[E2SHB 1523](#)
(Dead)

Individual health ins market H Rules X Cody Concerns
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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