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**Government Operations & Elections**  
**Committee**

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**HB 1697**

**Brief Description:** Exempting from disclosure and copying valuable commercial information in records pertaining to solid waste collection companies in possession of the Washington utilities and transportation commission.

**Sponsors:** Representative Hunt.

**Brief Summary of Bill**

- Exempts the Utilities and Transportation Commission solid waste company records containing valuable commercial information from disclosure.

**Hearing Date:** 2/20/13

**Staff:** Caitlin Forsyth (786-5793) and Marsha Reilly (786-7135).

**Background:**

The Public Records Act (PRA) requires that all state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions. Statutory exemptions are provided for certain financial, commercial, and proprietary information.

The Utilities and Transportation Commission (UTC) regulates the rates of all solid waste collection companies operating in the unincorporated area of a county, and some collection companies operating in cities and towns. Solid waste collection companies regulated by the UTC have exclusive authority to operate in areas specified by the UTC. The UTC has access to all accounts, records, and memoranda kept by the solid waste collection companies within its jurisdiction, including the accounts, records, and memoranda of the movement of traffic, sales of product, receipts, and expenditures of money.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:**

The UTC solid waste records containing valuable commercial information may not be disclosed under the PRA until notice has been given to the person or persons affected by the release. The person or persons affected by the release have ten days after receiving notice to obtain a superior court order certifying that the records are to be kept confidential. The records shall not be disclosed and subject to inspection or copying under the PRA if the court finds that disclosure would result in private loss, including an unfair competitive disadvantage.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.