
Government Operations & Elections Committee

HB 2403

Brief Description: Exempting portions of certain records containing geographic information systems (GIS) data for sewer mains, water mains, and manholes from public disclosure.

Sponsors: Representatives Takko and Kochmar.

Brief Summary of Bill

- Exempts from public disclosure and copying certain portions of records containing geographic information systems data for sewer mains, water mains, and manholes, to the extent they identify specific system vulnerabilities or where the disclosure may increase the risk to the agency's infrastructure assets from criminal terrorist acts.

Hearing Date: 1/28/14

Staff: Jasmine Vasavada (786-7301).

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. The provisions requiring public records disclosure must be interpreted liberally and the exemptions narrowly in order to effectuate a general policy favoring disclosure. Portions of records prepared to respond to criminal terrorist acts, where disclosure would have a substantial likelihood of threatening public safety, are currently exempt from disclosure under the PRA. These records consist of "specific and unique vulnerability assessments, or unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessment or to the response or deployment plans".

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.

In 2011 the United States Department of Homeland Security updated a reference manual to mitigate potential terrorist attacks against buildings. The manual referenced certain building vulnerabilities that may be posed by sewer mains, water mains, and manholes.

Summary of Bill:

The PRA is amended to exempt from public disclosure and copying portions of records containing geographic information systems (GIS) data for sewer mains, water mains, and manholes. Such portions of records are exempt to the extent they identify specific system vulnerabilities or where the disclosure may increase the risk to the agency's infrastructure assets from criminal terrorist acts. "Criminal terrorist acts" are defined in a related statutory provision as "acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life".

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.