

# HOUSE BILL REPORT

## ESHB 2453

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### As Amended by the Senate

**Title:** An act relating to exemptions from public inspection.

**Brief Description:** Protecting veterans' records.

**Sponsors:** By House Committee on State Government (originally sponsored by Representatives Bush, Haigh, Schmidt, Simpson, Conway, Reardon, Mielke, Wood, Talcott, Miloscia, Cairnes, McIntire, Campbell, Orcutt, Pflug, Cooper, Nixon, Jackley, Ahern, Rockefeller, Van Luven, Esser, Ogden and Woods).

### Brief History:

#### Committee Activity:

State Government: 1/31/02, 2/8/02 [DPS].

#### Floor Activity:

Passed House: 2/14/02, 97-0.

Senate Amended.

Passed Senate: 3/8/02, 49-0.

### Brief Summary of Engrossed Substitute Bill

- Exempts veteran discharge papers from public records disclosure provided that the veteran complete a form specifically requesting this exemption.

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## HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Romero, Chair; Miloscia, Vice Chair; McDermott, Schindler, Schmidt and Upthegrove.

**Staff:** Marsha Reilly (786-7135).

### Background:

Each state and local agency is required under the Open Public Records Act to make all public records available for public inspection and copying unless the record is exempted from disclosure. Examples of records exempted in statute include:

- personal information on students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;
- information revealing the identity of persons who are witnesses to or victims of crime;
- test questions, scoring keys, and other examination data used to administer a licence, employment, or academic examination;
- financial and valuable trade information; and
- credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds.

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**Summary of Engrossed Substitute Bill:**

The discharge papers of a veteran of the Armed Forces of the United States filed at county auditor offices are exempted from release to the public provided that the veteran files a "request for exemption from public disclosure of discharge papers" with the county auditor. Exempted discharge papers may only be released to the veteran filing the papers or to persons that the veteran has designated, in writing, to receive the papers.

The Washington State Department of Veterans Affairs, in consultation with the Washington State Association of County Auditors will develop and distribute to county auditors the exemption form.

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**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment does the following:

- Stipulates that veterans' discharge papers filed with county auditors after June 30, 2002, are not public records.
- County auditors may charge a basic recording fee and preservation fee, not to exceed \$7 in total, to veterans who file a request for exemption from public disclosure of discharge papers— filed before July 1, 2002 and that are commingled with other public records.
- County auditors will develop a form for requestors of military discharge papers to verify that the requestor is authorized to receive or view the military discharge paper.
- Further defines who may receive a copy of a veteran's discharge papers. The records may be released to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** There are people who would take advantage of those who have been discharged from the service and this bill will protect our veterans who gave service to their country from identity theft.

Veterans are advised to file their discharge papers, or "DD214", with their county courthouse as a precaution in case the documents are lost. Discharge papers contain the name, social security number, and date of birth of the veteran. However, these documents are available to anyone who requests a copy under public disclosure laws. There have already been cases of identity theft and so we urge you to act precipitously in order to prevent more occurrences.

**Testimony Against:** None.

**Testified:** Representative Bush, prime sponsor; Dave Harris and Keith Sherman, Veterans' Legislative Coalition; H. Brownie Braunsteiner, Pierce County Veterans; Advisory Council; John King, Department of Veterans Affairs, and Albert W. Rasmussen, and Chosen Few, Veterans of Foreign Wars, American Legion, and Marine Corps League.