

SENATE BILL REPORT

SB 6232

As Reported by Senate Committee On:
State Government & Elections, January 26, 2024

Title: An act relating to establishing a pilot common public records portal.

Brief Description: Establishing a pilot common public records portal.

Sponsors: Senators Wilson, J. and Padden.

Brief History:

Committee Activity: State Government & Elections: 1/23/24, 1/26/24 [DPS-WM, DNP, w/oRec].

Brief Summary of First Substitute Bill

- Establishes a pilot common public records portal for the purpose of developing a model public records access system that will provide free and convenient access to commonly requested public records.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6232 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hunt, Chair; Valdez, Vice Chair; Wilson, J., Ranking Member; Dozier and Fortunato.

Minority Report: Do not pass.

Signed by Senator Kuderer.

Minority Report: That it be referred without recommendation.

Signed by Senator Hasegawa.

Staff: Greg Vogel (786-7413)

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

Background: Public Records Act. The Public Records Act (PRA), enacted in 1972 as part of Initiative 276, requires that all state and local government agencies make all public records available for public inspection and copying unless certain statutory exemptions apply. Over 500 specific references in the PRA or other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential. The provisions requiring public records disclosure must be interpreted liberally while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

Joint Legislative Audit and Review Committee. The Joint Legislative Audit and Review Committee (JLARC) has 16 members; eight senators and eight representatives, with four from each caucus of each chamber. The legislative auditor and nonpartisan staff of JLARC conduct performance audits, program evaluations, sunset reviews, and other analyses assigned by the Legislature and JLARC itself.

By July 1st of each year, state, local, and other agencies subject to the PRA, with costs associated with fulfilling public records requests of \$100,000 or more during the prior fiscal year, must report to JLARC on performance metrics related public records requests.

Consolidated Technology Services Agency. The Consolidated Technology Services Agency, also known as Washington Technology Services (WaTech), supports state agencies as a centralized provider and procurer of information technology services. Within WaTech, the Office of the Chief Information Officer has primary duties related to IT for state government such as establishing statewide enterprise architecture and standards.

Summary of Bill (First Substitute): Project Agency Study. WaTech is directed to study and select a suitable state agency for a pilot common public records portal. In selecting a suitable agency, WaTech must consider the established goals of the project. The study must commence by July 1, 2024.

By December 1, 2024, WaTech must select and announce the suitable agency for the pilot common public records portal.

Pilot Common Public Records Portal. A pilot common public records portal is established for the purpose of developing a model public records access system that will provide free and convenient access to commonly requested public records. WaTech must serve as the managing entity for the pilot program and establish, operate, and maintain the portal.

The project agency must coordinate with WaTech to provide public records for purposes of the pilot program and help develop the portal as a central repository and access point for freely accessible public records managed by the project agency during the operation of the pilot program.

The project agency is the agency selected by WaTech to take part in the project.

The pilot common public records portal must be established by June 1, 2025, and operate for five years.

The pilot common public records portal must:

- proactively publish and provide access to commonly requested public records that are available to all members of the public and require little to no review and no redaction;
- operate as a central repository and archive for the purpose of all freely available public records on behalf of the project agency;
- provide direct access to instantly view and download commonly requested public records;
- seek to make public access easier by allowing members of the public to search and review commonly requested public records by topic category and trending issue areas; and
- refer members of the public to the conventional public records request process, if they are requesting access to records that are not freely available and that may require review and redaction.

Any state agency, city, county, special purpose district, or other local agency may choose to opt into the pilot program and WaTech must coordinate with the opt-in agency to provide the public records of the agency through the online portal.

The portal must provide free access to all public records provided through the portal and no charge or fee may be assessed on any website user.

By December 1, 2030, JLARC must review the pilot project, identify challenges and opportunities for expanding the project to additional public agencies, and provide a report with findings and recommendations on the performance of the pilot common public records portal to the appropriate committees of the House and Senate.

EFFECT OF CHANGES MADE BY STATE GOVERNMENT & ELECTIONS COMMITTEE (First Substitute):

- Directs WaTech to study and select a suitable agency for the pilot project, instead of JLARC.
- Requires JLARC to provide the final report for the pilot project, rather than WaTech and the project agency.
- Requires the final report to identify challenges and opportunities for expanding the project to additional agencies.

Appropriation: None.

Fiscal Note: Requested on January 16, 2024.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill. *The committee recommended a different version of the bill than what was heard.* PRO: We need to modernize the voluminous records process for common, non-redactable type records that are available to the public. We can use a portal to make the process more convenient, accessible, and inclusive to everybody. It's time that Washington puts the strength of scale into records management and that it is handled similar to other government core competencies by a singular state agency. Anything that moves toward central management of records will increase efficiency and decrease costs and litigation.

Persons Testifying: PRO: Senator Jeff Wilson, Prime Sponsor; Joe Kunzler; Rowland Thompson, Allied Daily Newspapers, WA Newspaper Publishers Assn, and WSABroadcasters.

Persons Signed In To Testify But Not Testifying: No one.