

# HOUSE BILL REPORT

## HB 1598

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### As Amended by the Senate

**Title:** An act relating to accountability in the funding of salmon recovery.

**Brief Description:** Requiring recipients of money from the salmon recovery funding board to agree to disclose information regarding the funding in compliance with chapter 42.56 RCW.

**Sponsors:** By Representatives Kretz, Ericks, Blake, Pettigrew, Armstrong, Warnick, Sump, Upthegrove, Newhouse, Kristiansen and Condotta.

#### **Brief History:**

##### **Committee Activity:**

Agriculture & Natural Resources: 2/7/07, 2/8/07 [DP].

##### **Floor Activity:**

Passed House: 2/26/07, 93-0.

Senate Amended.

Passed Senate: 4/13/07, 47-0.

#### **Brief Summary of Bill**

- Requires any entity receiving funding from the Salmon Recovery Funding Board to contractually agree to disclose information in regard to that funding.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 14 members: Representatives B. Sullivan, Chair; Blake, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson, Eickmeyer, Grant, Hailey, Lantz, McCoy, Newhouse, Orcutt, Strow and VanDeWege.

**Staff:** Jasmine Vasavada (786-5793) and Jason Callahan (786-7117).

#### **Background:**

The Salmon Recovery Funding Board (SRFB) makes grants and loans for salmon habitat projects and salmon recovery activities from a pool of available state and federal dollars. Entities receiving block grants from the SRFB must provide annual reports to the SRFB

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summarizing how funds were expended, including the types of projects funded, project outcomes, monitoring results, and administrative costs.

Nonprofit organizations may be project sponsors, receiving funding from the SRFB. However, nonprofit organizations are not currently subject to the public disclosure requirements of state agencies under the Public Records Act (Act).

In some states, the law governing public records explicitly applies to non-governmental bodies such as charitable organizations or firms contracting with the government or acting on behalf of any public agency. Here in Washington, the Act applies to all state and local agencies, including work done on behalf of an agency by advisory boards and commissions and quasi-governmental entities. However, it does not necessarily apply to bodies receiving public funds or benefits or charitable organizations who receive grants of public funds.

Under the Act, government agencies, upon request, must disclose all "public records," unless exempted by statute or common law. "Public record" is defined as any record "relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." The Act applies to records created in the course of government business, and agencies are not required to create records specifically to meet the purposes of the Act.

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#### **Summary of Bill:**

Before a project sponsor or other entity may receive funding from the SRFB, it must contractually agree to disclose information related to the funding received. The information that the entity must agree to disclose is any information that the entity would have to disclose if it were subject to the Act. This requirement exists whether the funding is direct or indirect.

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

Removes entities other than project sponsors that directly or indirectly receive funding from the Salmon Recovery Funding Board from the scope of the bill, and specifies that the information that must be disclosed is limited to information regarding the expenditures of funding received.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

#### **Staff Summary of Public Testimony:**

(In support) This bill creates transparency and accountability for those entities taking public monies from the Salmon Recovery Funding Board. To date, \$155 million has been spent in the Upper Columbia Basin alone. The bill responds to an experience in which a non-profit organization receiving SFRB funding declined to respond to a public records request, noting that it was not subject to public disclosure requirements.

This bill is in line with the Attorney General's policy of enhancing the public's ability to hold the government accountable by increasing the ability of the public to stay informed of government actions.

(Opposed) None.

**Persons Testifying:** Representative Kretz, prime sponsor; and Greg Overstreet, Attorney General's Office.

**Persons Signed In To Testify But Not Testifying:** None.