Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

State Government & Tribal Relations Committee

HB 1055

Brief Description: Enhancing access to public records.

Sponsors: Representatives Abbarno, Low, Leavitt, Penner, Marshall and Pollet.

Brief Summary of Bill

- Establishes the Joint Legislative Committee on Transparency (JLCT) to coordinate with the Joint Legislative Audit and Review Committee (JLARC), the Office of the Attorney General, and the Public Records Exemptions Accountability Committee (Sunshine Committee) to conduct a study on the efficacy of establishing an independent state agency to assist individuals with accessing public records.
- Requires JLARC to submit a report on the findings of the study and recommendations by the JLTC.

Hearing Date: 1/15/25

Staff: Desiree Omli (786-7105).

Background:

The Public Records Act (PRA), enacted in 1972 as part of Initiative 276, requires all state and local government agencies to 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 confidential.

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.

The PRA requires agencies to take certain actions to assist the public in making and navigating disclosure requests. For example, state and local agencies are required to appoint and publicly identify a public records officer who serves as the point of contact for members of the public requesting public records and to oversee the agency's compliance with disclosure requirements. State and local agencies are also required to prominently display their agency-specific PRA policy which must serve as a guide and facilitate public access to public records. The policy must describe the process of how to make requests, including the places in which, and the employees from whom, the public may obtain information and submit PRA requests. For informational purposes, each agency is also required to publish a list of every disclosure exemption found outside of the PRA, and local agencies are required to maintain an index for the identification and location of certain records.

Summary of Bill:

Subject to amounts appropriated, the Joint Legislative Audit and Review Committee (JLARC) must coordinate with the newly created Joint Legislative Committee on Transparency (JLCT), the Office of the Attorney General, and the Public Records Exemptions Accountability Committee (Sunshine Committee) to conduct a study on the efficacy of establishing an independent nonpartisan agency dedicated to promoting open government and assisting individuals with accessing public records. The office would be named the Washington Office of Transparency Ombuds (OTO). The study must:

- include an overview of each state's public records laws, or similar laws, and compare those laws with Washington's public records laws;
- evaluate independent state agencies that are located in other states and are dedicated to serving individuals who seek to access public records, which must include, among other things, information on whether litigation pertaining to public records requests has decreased after the creation of the state's independent agency and resources provided by the state to assist individuals in understanding public records laws;
- determine the efficacy of establishing the OTO, which will be measured by: potential cost savings from reduced litigation costs, increased ease of access to public records, additional resources to assist the public in understanding public records laws, and the prospect of an independent agency to provide individuals with alternatives to litigation; and
- include recommended duties of the OTO.

The JLCT is created to coordinate with JLARC on the study. The JCLT is staffed by the Office of Program Research and Senate Committee Services. Members of the committee include:

- the Chair of the Sunshine Committee, who will serve as the Chair of the JLCT unless its membership chooses otherwise;
- four legislative members, one from each of the minority and majority caucuses of each chamber, appointed by the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate;
- four representatives from the Media and Broadcasting Committee, appointed by the

Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate;
- one member appointed by the Governor;
- one member appointed by the Attorney General; and
- one representative from JLARC.

The JLCT must meet no later than June 1, 2026, and at least once a month thereafter. The JLARC must submit a report to the Legislature no later than December 1, 2026, on the findings of the study and a recommendation on the efficacy of establishing the OTO. The JLCT and study sunset on December 31, 2026.

Appropriation: None.

Fiscal Note: Requested on January 7, 2025.

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