

# Administrative Law Section

*of the Washington State Bar Association*



## Administrative Law Section Executive Committee Telephonic Meeting April 18, 2022 (CORRECTED)

**Executive Committee Members Present:** Bill Pardee (Chair); Lea Dickerson (Chair-Elect); Eileen Keiffer (Past Chair); Katy Hatfield (Treasurer); Richelle Little (Secretary); Sophie Geguchadze; Alexis Gobeske; Marjorie Gray; Robert Krabill; Tim O'Connell; Ed Pesik Seth Rosenberg;

**Absent Executive Committee Members:** Selina Kang; Robert Rhodes; Cameron Zangenehzadeh (Young Lawyers Liaison).

**Also Present:** Richard Potter (Legislative Committee Chair); Carolyn MacGregor (Sections Program Specialist).

**Also Absent:** Francis Adewale (Board of Governors Liaison)

**Meeting called to order**

### 1. Approval of Minutes (all)

A motion was made and seconded to approve minutes from March 14, 2022. The motion passed.

### 2. Approval of Agenda (all)

A motion was made and seconded to approve today's agenda. The motion passed.

### 3. ETHOS meeting (Robert Krabill)

Robert intends to participate in the meeting on April 23, 2022, regarding whether the bar should be bifurcated to separate regulatory functions from other functions. Ed Pesik also intends to attend part of the meeting. The section does not have an official position regarding the issue at this time, so Robert and Ed may provide input in their personal capacities.

### 4. Financial update (Katy Hatfield)

Katy reported that our finances are on track through the February 2022 report from WSBA. We will need to have a budget meeting in May or June. If Katy receives the materials in time, we could dedicate the May regular meeting to the budget discussion, and vote on the

budget at the June meeting. If not, we will need to schedule at least one special meeting to ensure we have ample time to discuss the budget and propose changes, and then vote on the final budget.

## 5. Committee updates

### 5.1 Retreat (Margie Gray; Richelle Little)

Margie's understanding is that Alderbrook has refunded our \$1,000 to WSBA. Katy will be checking with WSBA to confirm it is received and credited to our section. We are not having a retreat in 2022, but intend to plan an in-person social event.

### 5.2 Legislative (Richard Potter)

Prior to the meeting, Richard emailed a 2022 Bills Chart summarizing relevant activity for 2022 and a summary of bills passed during this session. See attached.

The Criminal Justice Training Commission has proposed a rule that does not meet the indexing requirements. For their June commission meeting, Richard will submit comments to encourage modification of the proposed rule.

### 5.3 Publications & Practice Manual (Richelle Little, Tim O'Connell)

Selina Kang is no longer participating, and Tim O'Connell has been appointed to the committee. The committee met last month to discuss 2022 updates to the Administrative Law Practice Manual. Bill Pardee is updating Chapter 1, Introduction. Ann Marie Soto (Eileen's colleague) is updating Chapter 4, Public Records. Tim O'Connell is updating Chapter 7, Rule Making Under the Administrative Procedure Act. John Gray is updating Chapter 9, Adjudications Under the APA. The committee plans to meet again next week.

### 5.4 CLE (Lea Dickerson)

Lea provided an update. Currently we have a mini-CLE scheduled for May on Agency Interpretive and Policy Statements with Bill as the speaker. The committee is looking at possibly June and July mini-CLEs, but those are not yet scheduled.

### 5.5 Diversity and Outreach (Alexis Gobeske/Robert Rhodes)

Alexis provided an update. The mentorship orientation is scheduled for tomorrow, April 19, 2022. The program has enrolled five mentors and five mentees.

### 5.6 Elections (Bill Pardee)

Applications are in to WSBA, and the election committee will meet soon to review.

### 5.7 Homan Award (Eileen Keiffer)

No update today.

### 5.8 Newsletter (Ed Pesik and Sophie Geguchadze)

Ed provided an update. Articles are coming together and the next newsletter will likely be published in early May.

### 5.9 Good of the Order

The May 16 meeting will be a budget meeting for the full hour, contingent on budget materials being ready by then.

Carolyn announced the upcoming Section Leaders meeting. Bill and Lea plan to attend.

Ed and Lea are working on section membership recruitment and outreach ideas.

## 6. **Next Meeting**

Next meeting set for Monday, May 16, 2022, 12:00 p.m.

Meeting adjourned at 12:55 p.m.

Attachments: 2022 Bills Chart Final

**LEGISLATIVE BILL REVIEW 2022**  
**WSBA – ADMINISTRATIVE LAW SECTION – LEGISLATIVE COMMITTEE**

BILL NUMBER	TOPIC	ANALYSIS; COMMENTS, FEEDBACK to WSBA	STATUS
-------------	-------	--------------------------------------	--------

*A summary of bills passed follows the detailed table.*

<a href="#">SGA 9280</a> -	LORRAINE LEE, reappointed February 24, 2021, for a term ending June 30, 2025, as Chief Administrative Law Judge of the Office of Administrative Hearings.	2021 REGULAR SESSION Mar 19 First reading, referred to Law & Justice.	<b>2022</b> Senate Law & Justice Jan 13 passed committee Jan 26 confirmed
<a href="#">HB 1041</a>	<p><b>Introduced in the 2021 session.</b> Concerning sunshine committee recommendations regarding juveniles Seemed to be identical to HB 1024.</p> <p>Includes amendments to the <b>Public Records Act</b>: RCW 42.56.230 re personal information – would allow disclosure of minor’s information with consent of parent or guardian. RCW 42.56.240 – Add new (1)(b) requiring disclosure of information from concluded DCYF/child protective services in investigations of early learning licensing complaints; Remove text from subsection (5)’s definition of “identifying information” and refer to RCW 7.69A.020 (re child crime victims and witnesses).</p> <p><b>1SHB</b>: Specifies that valid consent to disclose certain personal information must be written. Clarifies that the exemption for a child's address includes the home and other physical addresses.</p> <p><b>House floor amendment</b>: Limits the provision allowing the release of personal information with the consent of the subject or the subject's parent or guardian to the personal information of children in student, patient, welfare, child care, and similar files. Restores current law regarding the release of law enforcement and prosecuting attorneys' records pertaining to juvenile offenses.</p>	<p>Do not see any technical drafting issues re the PRA amendments.</p> <p><b>1/17/22 from WSBA</b>: As an FYI, a bill you were monitoring last year - HB 1041 re: sunshine committee recommendations - has been pulled to the House floor for a vote. To WSBA 1/20/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p><b>2021</b> <b>HB 1041</b> State Gov &amp; Tribal Relations Jan 28 1SHB passed out. Mar 2 1SHB passed House with floor amendments. <b>In Senate</b> Apr 25 By resolution, returned to House Rules Committee for third reading.</p> <p><b>2022</b> <b>House</b> Jan 21 passed House <b>Senate</b> State Gov &amp; Elections. Feb 18 passed Feb 21 to Rules <b>DEAD</b></p>

**LEGISLATIVE BILL REVIEW 2022**  
**WSBA – ADMINISTRATIVE LAW SECTION – LEGISLATIVE COMMITTEE**

BILL NUMBER	TOPIC	ANALYSIS; COMMENTS, FEEDBACK to WSBA	STATUS
<a href="#">2SHB 1210</a>	<p><b>Carried forward from the 2021 session.</b>                      Replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington.</p> <p>Includes making this change in the <a href="#">Public Records Act</a> in RCW 42.56.270, -.620, -.625, -.630.</p>	<p>Found myself.                      To WSBA 1/31/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p><b>2021</b>                      1SHB passed House.                      Died in the Senate</p> <p><b>2022</b>  <b>House</b>                      Commerce &amp; Gaming                      Jan 14 passed  <a href="#">Feb 2 passed House</a></p> <p><b>Senate</b>                      Labor, Commerce &amp; Tribal Affairs                      Feb 21 passed  <a href="#">Mar 1 Passed Senate</a>  <a href="#">Mar 11</a>                      Governor signed.  <a href="#">Chapter 16, 2022 Laws.</a>  <a href="#">Effective date 6/9/2022*.</a></p>
<a href="#">HB 1329</a>	<p><b>Carried forward from the 2021 session.</b>                      Concerning public meeting accessibility and participation.</p> <p>Would make several amendments to the <a href="#">Open Public Meetings Act</a> (RCW 42.30), some specific to local government bodies and some applicable to all agencies, including</p> <ul style="list-style-type: none"> <li>- Amending RCW 42.30,020 to add definitions of “local government” and “remote meeting”</li> <li>- Adding to RCW 42.30.010 a subsection (2) to require remote meetings, with exceptions and a subsection (3) saying local governments need not have in-person meetings if remote access is available and specifying that if an in-person meeting is held, public in-person attendance must be allowed unless precluded due to emergency meeting attendance limits</li> <li>- Adding a new section requiring on-line posting of videos of agency meetings, with exceptions</li> <li>- Amending RCW 42.30.070 to generally authorize agency remote meetings</li> </ul>	<p>Found myself.                      To WSBA 1/31/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p><b>2021</b>                      1SHB, with floor amendments, passed House                      Died in Senate.</p> <p><b>2022</b>                      Jan 12 <a href="#">Passed House.</a></p> <p><b>Senate</b>                      State Gov &amp; Elections.                      Feb 23 passed  <a href="#">Mar 3</a>  <a href="#">Committee amendment(s) adopted as amended. Passed Senate.</a>  <a href="#">Mar 24 Governor signed.</a>  <a href="#">Chapter 115, 2022 Laws.</a>  <a href="#">Effective date 6/9/2022*.</a></p>

**LEGISLATIVE BILL REVIEW 2022**  
**WSBA – ADMINISTRATIVE LAW SECTION – LEGISLATIVE COMMITTEE**

BILL NUMBER	TOPIC	ANALYSIS; COMMENTS, FEEDBACK to WSBA	STATUS
	<p>- Amending RCW 42.30.090 to require meeting minutes to include the “announced purpose” of executive sessions</p> <p>Add a new section with requirements for taking public input by email and “orally,” which includes via remote meetings.  <b>ISHB:</b> Several changes.  <b>Floor amendment:</b> Limits the regular meetings of the governing body of a public agency at which an opportunity for public comment must be provided to regular meetings at which final action is taken.  <b>Senate Committee amendment:</b> Removed a section of the bill naming the act after Heather "Newsbrooke" Brooke, Ph. D.</p>		
<p><a href="#">HB 1408</a></p>	<p><b>Carried forward from the 2021 session.</b>  Protecting the personal information of juveniles from public disclosure.</p> <p>Would amend RCW 7.69A.020 (Child Victims and Witnesses, Definitions) to delete the word “living” from the definitions of “child” and “victim” and to add “voice” to the definition of “identifying information.”  Would amend RCW 7.69A.030(4) (Rights of child victims and witnesses) to reword and somewhat expand the information that is not to be disclosed; includes a specific reference to the Public Records Act.</p>	<p><b>2/1/21</b> to WSBA: Section 2 of the bill would amend RCW 7.69A.030(4) (Rights of child victims and witnesses) to reword and somewhat expand the information that is not to be disclosed. It includes a specific reference to the Public Records Act (PRA). However, we do not find a cross reference to RCW 7.69A.030 in the PRA itself. The PRA’s section RCW 42.56.240 (Investigative, law enforcement, and crime victims) is a long list of disclosure exemptions, including specific references to several other RCW sections. It would be useful for the bill to be amended to add a cross reference in the PRA RCW 7.69A. Otherwise – no position or comment; please track.</p> <p>From WSBA <b>1/20/22</b>.  To WSBA <b>1/20/22</b>: Repeated 2021 comments. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p><b>2021</b>  Died in State Gov &amp; Tribal Relations  <b>2022</b>  State Gov &amp; Tribal Relations  Jan 20 hearing  <b>DEAD</b></p>

**LEGISLATIVE BILL REVIEW 2022**  
**WSBA – ADMINISTRATIVE LAW SECTION – LEGISLATIVE COMMITTEE**

4 of 16

BILL NUMBER	TOPIC	ANALYSIS; COMMENTS, FEEDBACK to WSBA	STATUS
<a href="#">HB 1670</a> <a href="#">SB 5506</a>	<p>Relating to the appointment process for the chairperson and vice chairperson of the joint administrative rules review committee            Would amend RCW 34.05.610(3) and (4) of the <b>Administrative Procedure Act</b> to</p> <ul style="list-style-type: none"> <li>• remove appointing authority from the president of the senate and give it to the chairperson of the committee;</li> <li>• provide that the chair and vice-chair cannot be members of the same house or the same political party;</li> <li>• provide that the house speaker and senate president have authority in alternating even-numbered years to appoint the chair and vice-chair;</li> <li>• provide that vacancies must be filled by a legislator from the predecessor's same political party.</li> </ul> <p><b>ISSB</b> Modifies the appt process for the Chair and Vice Chair –            -beginning in 2022, and in alternating even-numbered years thereafter, the Speaker of the House appoints the Chair and the President of the Senate appoints the Vice Chair;            -beginning in 2024, and in alternating even-numbered years thereafter, the President of the Senate appoints the Chair and the Speaker of the House appoints the Vice Chair.</p>	<p>1/20/22 to WSBA: No position at present.            Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p><b>HB</b>            State Gov &amp; Tribal Relations            Jan 19 1SHB passed            Jan 24 to Rules  <b>DEAD</b></p> <p><b>SB</b>  <a href="#">Jan 28 passed Senate</a></p> <p><b>House</b>            State Gov &amp; Tribal Relations            Feb 17 passed            Feb 21 to Rules  <b>DEAD</b></p>
<a href="#">SHB 1673</a> <a href="#">SSB 5580</a>	<p>Concerning broadband infrastructure loans and grants made by the public works board.</p> <p>Both bills include amending RCW 42.56.270(4) of the <b>Public Records Act</b> to add a cross-reference to RCW 43.155.160, which is heavily amended by Section 1 of the bills.</p>	<p>Found myself.            1/31/22 to WSBA: No position at present.            Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p><b>HB</b> Community &amp; Econ Devel  <a href="#">Feb 10 1SHB passed</a>  <b>Senate</b>            Env, Energy &amp; Technology            Feb 22 passed  <a href="#">Mar 4</a>  <a href="#">Committee amendment(s) adopted with no other amendments. Passed Senate</a>  <a href="#">Mar 30 Governor signed.</a>  <a href="#">Chapter 201, 2022 Laws.</a>  <a href="#">Effective date 6/9/2022.</a></p> <p><b>SB</b>            Environment, Energy &amp; Technology            Jan 20 ISSB passed            Jan 21 to Rules  <b>DEAD</b></p>

**LEGISLATIVE BILL REVIEW 2022**  
**WSBA – ADMINISTRATIVE LAW SECTION – LEGISLATIVE COMMITTEE**

5 of 16

BILL NUMBER	TOPIC	ANALYSIS; COMMENTS, FEEDBACK to WSBA	STATUS
<a href="#">HB 1731</a>	Enhancing requirements for autonomous vehicle testing. Would add a new subsection (33) to RCW 42.56.270 of the <a href="#">Public Records Act</a> – “Commercial or proprietary information submitted to the department of licensing by autonomous vehicle testing entities under RCW 46.92.010(5) to which the national highway transportation safety administration grants confidential status.”	Found myself. 1/31/22 to WSBA: No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.	Transportation Feb 1 hearing Feb 4 Ex Ssn no action <b>DEAD</b>
<a href="#">HB 1744</a>	Concerning collaborative arrangements between institutions of higher education and nonprofit private entities that provide comprehensive cancer care. Section 6 is an amendment to RCW 42.56.10 the <a href="#">Public Records Act</a> – ““Agency” does not include a comprehensive cancer center participating in a collaborative arrangement as defined in section 2 of this act that is operated in conformance with section 2 of this act.” Would make a similar change to RCW 42.30.020 of the <a href="#">Open Public Meetings Act</a> .	Found myself. To WSBA 1/31/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.	State Government & Tribal Relations <a href="#">Feb 14 passed House.</a> <b>Senate</b> State Gov & Elections Feb 23 passed <a href="#">Mar 1 Passed Senate</a> <a href="#">Mar 17 Governor signed.</a> <a href="#">Chapter 71, 2022 Laws.</a> <a href="#">Effective date 6/9/2022.</a>
<a href="#">HB 1833</a>	Establishing an electronic option for the submission of household income information required for participation in school meals and programs. Includes adding a new section to the <a href="#">Public Records Act</a> to exempt this information from disclosure.	Found myself. 1/31/22 to WSBA: No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.	Education <a href="#">Feb 10 passed</a> <b>Senate</b> Early Learning & K-12 Education Feb 23 passed <a href="#">Mar 2 Passed Senate</a> <a href="#">Mar 23 Governor signed.</a> <a href="#">Chapter 111, 2022 Laws.</a> <a href="#">Effective date 6/9/2022.</a>
<a href="#">HB 1850</a>	Protecting and enforcing the foundational data privacy rights of Washingtonians. Would add a new chapter to Title 19 RCW (Business regulations – Misc) establishing duties for certain data collectors (not government agencies) and rights for persons whose data is	Found myself. 1/24/22 to WSBA: No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.	Jan 25 hearing in Civil Rights & Judiciary Feb 2 1SHB passed Feb 5 hearing in Appropriations <b>DEAD</b>



**LEGISLATIVE BILL REVIEW 2022**  
**WSBA – ADMINISTRATIVE LAW SECTION – LEGISLATIVE COMMITTEE**

6 of 16

BILL NUMBER	TOPIC	ANALYSIS; COMMENTS, FEEDBACK to WSBA	STATUS
	<p>collected; establishing a new Consumer Data Privacy Commission; etc etc.            Section 11(3) of the bill re the new 19 RCW includes a provision “data protection assessments” are exempt from disclosure under the <b>Public Records Act</b>.            Section 14 (2)(b) provides that the new Commission must maintain confidentiality for information it obtains, “except to the extent that disclosure is required by” the <b>PRA</b>.            Includes adding a new section to the <b>PRA</b>: “Data protection assessments submitted by a controller to the attorney general in accordance with requirements under section of this act are exempt from disclosure under this chapter.”            Section 15 of the bill directs the new commission to do its rulemaking under the <b>Administrative Procedure Act</b>. Section 18(4)(a) provides that hearings will be per the <b>APA</b>.  <b>1SHB –</b>            Sec. 15 now specifies the areas in which the Commission must adopt rules. Sec. 23 would add a new section to the <b>PRA</b> to exempt from disclosure data protection assessments submitted by a controller to the attorney general in accordance with requirements under section 11 of the bill.</p>		
<a href="#">HB 1857</a>	<p>Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025.            Section 2013 of the bill amends RCW 34.05.330(5) [Petition for adoption, amendment, repeal—Agency action—Appeal (re rulemaking)] of the <b>Administrative Procedure Act</b> to change “department of community, trade, and economic development” to “department of commerce.”</p>	<p>1/20/22 to WSBA: No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p>Civil Rts &amp; Judiciary            Jan 14 passed            Jan 17 to Rules  <b>DEAD</b></p>
<a href="#">HB 1899</a>	<p>Concerning confidentiality of certain data shared with the department of financial institutions.             -Exempts certain information provided to the Department</p>	<p>Found myself.             To WSBA 1/31/22: Of interest. No position</p>	<p>Consumer Protection &amp; Business  <b>Feb 10 passed</b></p>

**LEGISLATIVE BILL REVIEW 2022**  
**WSBA – ADMINISTRATIVE LAW SECTION – LEGISLATIVE COMMITTEE**

7 of 16

<b>BILL NUMBER</b>	<b>TOPIC</b>	<b>ANALYSIS; COMMENTS, FEEDBACK to WSBA</b>	<b>STATUS</b>
	<p>of Financial Institutions (DFI) by an out-of-state or federal agency, or a regulatory association comprised of members of financial regulatory agencies, from disclosure under the <a href="#">Public Records Act (PRA)</a>.</p> <p>-Provides that the Director of the DFI or the Director's designee may, for the purpose of regulating financial institutions, enter into agreements governing the sharing, receiving, and use of documents, materials, or other information consistent with the <a href="#">PRA</a>.</p> <p>Would amend RCW 42.56.400 of <a href="#">Public Records Act</a>.</p>	<p>at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p><b>Senate</b>            Business, Financial Services &amp; Trade  <a href="#">Feb 25 passed Senate</a>  <a href="#">Mar 4</a>  <a href="#">Governor signed.</a>  <a href="#">Chapter 8, 2022 Laws.</a>  <a href="#">Effective date 6/9/2022.</a></p>
<p><a href="#">HB 1913</a>  <a href="#">SB 5939</a></p>	<p>Replacing the long-term services and supports trust program with affordable and optional long-term care insurance coverage.            Includes amending RCW 42.56.400 of the <a href="#">Public Records Act</a>.</p>	<p>Found myself.            To WSBA 1/31/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p><b>HB</b> Jan 11 to Appropriations  <b>DEAD</b>  <b>SB</b>            Health &amp; Long Term Care  <b>DEAD</b></p>
<p><a href="#">HB 1953</a></p>	<p>Exempting sensitive voter information on ballot return envelopes, ballot declarations, and signature correction forms from public disclosure.             Amends RCW 42.56.420 of the <a href="#">Public Records Act</a> to add (7)(a)(iii).</p>	<p>From WSBA 1/20/22.            To WSBA 1/20/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p>Jan 12 State Gov &amp; Tribal Relations.  <a href="#">Jan 27 passed</a>  <a href="#">Feb 9 Passed House</a>  <b>Senate</b>            Feb 11 State Gov &amp; Elections.            Feb 23 passed  <a href="#">Mar 2 passed Senate</a>  <a href="#">Mar 24 Governor signed.</a>  <a href="#">Chapter 140, 2022 Laws.</a>  <a href="#">Effective date 3/24/2022.</a></p>
<p><a href="#">HB 1956</a>  <a href="#">SB 5859</a></p>	<p>Exempting from public disclosure sensitive records pertaining to current and formerly incarcerated individuals' dignity and safety.            Would amend the <a href="#">Public Records Act</a> –            - Add a new section defining “sensitive information” maintained by the Dept of Corrections and creating</p>	<p>From WSBA 1/20/22.            To WSBA 1/20/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p><b>HB</b>            State Government &amp; Tribal Relations  <a href="#">Feb 9 1SHB passed</a>  <b>Senate</b>            State Gov &amp; Elections  <a href="#">Feb 23 passed</a>  <a href="#">Mar 2 passed Senate</a>  <a href="#">Mar 31 Governor signed.</a></p>

**LEGISLATIVE BILL REVIEW 2022**  
**WSBA – ADMINISTRATIVE LAW SECTION – LEGISLATIVE COMMITTEE**

<b>BILL NUMBER</b>	<b>TOPIC</b>	<b>ANALYSIS; COMMENTS, FEEDBACK to WSBA</b>	<b>STATUS</b>
	<p>disclosure exemption.</p> <p>-Amend RCW 42.56.080(2)'s provisions about allowed records inspection to refer to the new "sensitive information" provisions.</p> <p>-Amend RCW 42.56.210(1) (Certain personal and other records exempt) to refer to the new "sensitive information" provisions.</p> <p>Would amend RCW 70.02.250(5) (Public health and safety, Medical records—Health care information access and disclosure, Robert Bree collaborative) to refer to the new "sensitive information" provisions.</p> <p><b>1SHB</b> - The category of "sensitive records" is removed and the list of exempt records is narrowed to include the following:</p> <ul style="list-style-type: none"> <li>• body scanner images; records or information created or maintained pursuant to the PRA except for referrals to law enforcement or information contained in a violation or infraction record; and</li> <li>• health information in records other than an incarcerated individual's medical, mental health, or dental files.</li> </ul> <p>- "Health information" as medical or mental health diagnoses, conditions, or PULHES codes; treatment or programming provided, overseen, or coordinated by a health care provider, including requests for or complaints about such treatment or programming; transgender, intersex, nonbinary, or gender nonconforming status; sexual orientation; genital anatomy; or gender-affirming care or accommodations other than an incarcerated individual's preferred name, pronouns, and gender marker.</p> <p>-The exemption from the requirement under the PRA to disclose an exempt record if the information that would violate personal privacy or vital governmental interests can be redacted is removed, thereby making this requirement applicable to the</p>		<p><a href="#">Chapter 272, 2022 Laws. (View Session Law)</a>  <a href="#">Effective date 3/31/2022.</a></p> <p><b>SB</b>            State Government &amp; Elections  <b>DEAD</b></p>

**LEGISLATIVE BILL REVIEW 2022**  
**WSBA – ADMINISTRATIVE LAW SECTION – LEGISLATIVE COMMITTEE**

BILL NUMBER	TOPIC	ANALYSIS; COMMENTS, FEEDBACK to WSBA	STATUS
	<p>exempt records.                      -The exemption from the requirement to provide a brief explanation of how a PRA exemption applies to a record or information being withheld is removed, and instead an agency that refuses the disclosure of exempt health information is authorized to only identify the number of pages withheld and provide a citation to the statutory authority for the exemption without further explanation.                      -All records, not just certain records, exempt under the act must be disclosed to the incarcerated individual who is the subject of the record or a requestor with the written permission of the subject of a record.                      -An emergency clause is added.</p>		
<a href="#">HB 1973</a>	<p>Concerning the recording of school board meetings                      Would amend the <b>Public Records Act</b> –                      -Add RCW 42.56.080(1)(b) – To be valid, a request need only specify the meeting date.                      -Add a new section providing that a failure to produce a requested recording is not a violation if it is “unavailable or unintelligible due to technical issues.                      Would amend RCW 42.30.035 of the <b>Open Public Meetings Act</b> to provide requirements to create and maintain audio recording of meetings.</p>	<p>From WSBA 1/20/22.                      To WSBA 1/20/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p>State Government &amp; Tribal Relations                      Feb 8 passed  <b>Senate</b>                      State Gov &amp; Elections                      Feb 16 hearing  <b>DEAD</b></p>
<a href="#">HB 1977</a>	<p>Concerning the public disclosure of guardianship training curriculum and materials.                      Would add a new section to the <b>Public Records Act</b> –                      “<b>Except as provided in RCW 42.56.250</b>, all training curriculum and materials for any certified professional guardianship course or program of a public agency must be made available for copying and disclosure, and are <b>not exempt</b> from public disclosure.”</p>	<p>Found myself.                      To WSBA 1/31/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p>State Government &amp; Tribal Relations  <b>DEAD</b></p>

**LEGISLATIVE BILL REVIEW 2022**  
**WSBA – ADMINISTRATIVE LAW SECTION – LEGISLATIVE COMMITTEE**

10 of 16

BILL NUMBER	TOPIC	ANALYSIS; COMMENTS, FEEDBACK to WSBA	STATUS
<a href="#">HB 1991</a>	<p>Concerning body worn cameras.            Would amend section RCW 42.56.240 (Investigative, law enforcement, and crime victims) of the <b>Public Records Act</b> – Subsection (14)(a)(3)(ii) would allow an agency to charge certain costs to requestors that are allowed to get unredacted copies under a new subsection (f).            The lengthy new subsection (f) concerns providing unredacted copies to criminal defendants’ attorneys.  <b>1SHB</b> - clarifies that an agency may charge certain individuals, who are seeking a redacted copy of a worn body camera recording, the costs of redaction if the requesting individual is entitled to receive an unredacted copy, but an individual requesting an unredacted copy must not be charged costs</p>	<p>Found myself.            1/24/22 to WSBA: No position at present.            Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p>Jan 25 hearing in Civil Rights &amp; Judiciary            Feb 1 1SHB passed            Feb 3            Referred to Rules  <b>DEAD</b></p>
<a href="#">HB 2002</a>	<p>Concerning the siting of energy infrastructure necessary for the fulfillment of the state's decarbonization goals.            Would amend RCW 42.56.420 of the <b>Public Records Act</b> that would exempt from disclosure “Information that has been designated as critical electric infrastructure information by the federal energy regulatory commission or the secretary of the department of energy pursuant to section 215A(d) of the federal power act (16 U.S.C. Sec. 791 et 17seq).”</p>	<p>Found myself.            1/31/22 to WSBA: No position at present.            Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p>Environment &amp; Energy            Feb 3 Ex Ssn No action  <b>DEAD</b></p>
<a href="#">HB 2026</a>	<p>Implementing a per mile charge on vehicles.            Includes amending RCW 42.56.330 of the <b>Public Records Act</b> to exempt certain information from disclosure.</p>	<p>Found myself.            1/31/22 to WSBA: No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p>Transportation            Feb 3 hearing  <b>DEAD</b></p>
<a href="#">HB 2044</a>	<p>Concerning the protection of critical constituent and state operational data against the financial and personal harm caused by ransomware and other malicious cyber activities.            Includes adding a new section to the <b>Public Records Act</b> that would exempt from disclosure reports and information generated by the activities required in the bill.            Would amend RCW 43.105.220 [Consolidated Technology Services Agency, Strategic information technology plan—</p>	<p>Found myself.            1/31/22 to WSBA: No position at present.            Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p>State Government &amp; Tribal Relations  <b>Feb 11 2SHB passed</b>  <b>Senate</b>            Environment, Energy &amp; Tech  <b>DEAD</b></p>

**LEGISLATIVE BILL REVIEW 2022**  
**WSBA – ADMINISTRATIVE LAW SECTION – LEGISLATIVE COMMITTEE**

11 of 16

BILL NUMBER	TOPIC	ANALYSIS; COMMENTS, FEEDBACK to WSBA	STATUS
	<p>Biennial performance reports], which includes a new (3)(b) that states that certain information is not subject to disclosure under RCW 42.56.  <b>2SHB</b> – Some rearranging. PRA affecting verbiage remains essentially the same.</p>		
<p><a href="#">SB 5098</a></p>	<p>Concerning certain reports. By Request: <b>Public Records Exemptions Accountability Committee</b>            Would amend RCW 4.24.250(1) to reword (broaden?) the description of documents re a hospital committee’s review of allegations a by a health care provider against another provider that are not subject to disclosure.            Would amend RCW 10.27.090(5) (re grand jury secrecy, to be kept by jurors, etc.) to replace a lengthy parenthetical re allowing disclosure with “when such disclosure is prohibited by the court.”            Would RCW 43.22.290 (re employer reports to L &amp; I) to delete a parenthetical re not using identifying information in reports by L&amp;I and punishment for violation of that.            Would repeal “RCW 18.32.040 (Requirements for licensure)” re dentists.  <b>1SSB</b> - Health Information. Any information and documents, rather than records, created by or for, or maintained or collected by, a quality improvement committee are not subject to review or disclosure.</p>	<p>Carried forward from the 2021 session.            The apparent repeal of the requirement for dentists to be licensed is a major policy issue but not for the Section to address.            1/12/21 to WSBA: <b>Of interest {re the record disclosure issues}. No position or comment at this time. Track.</b></p> <p>From WSBA 1/20/22.            To WSBA 1/20/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p><b>2021</b>            Died in State Gov &amp; Elections</p> <p><b>2022</b>            State Gov &amp; Elections            Feb 2 1SSB passed. To Rules  <b>DEAD</b></p>
<p><a href="#">E2SSB 5188</a></p>	<p><b>Carried forward from the 2021 session.</b>            Concerning the creation of the Washington state public bank.            Includes amendments to the <b>Public Records Act</b>, RCW 42.56.070(4) and 42.56.400(6) to exempt from disclosure certain records of the new bank.</p>	<p>Found myself in 2022.            To WSBA 1/31/22 - Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p><b>2021</b>            2SSB passed Senate            Died in House.</p> <p><b>2022</b>  <b>Senate</b>            Jan 14 Rules for 3<sup>rd</sup> reading  <b>DEAD</b></p>

**LEGISLATIVE BILL REVIEW 2022**  
**WSBA – ADMINISTRATIVE LAW SECTION – LEGISLATIVE COMMITTEE**

BILL NUMBER	TOPIC	ANALYSIS; COMMENTS, FEEDBACK to WSBA	STATUS
<a href="#">SB 5550</a>	<p>Applying the public records act to all courts and offices within the judicial branch.            Would do so by amending RCW 42.56.010 (Definitions) of the <b>Public Records Act</b>.</p>	<p>To WSBA 1/20/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.            From WSBA 1/24/22- had a public hearing in the Senate Committee on State Government &amp; Elections on Friday. Every indication is that this will <i>not</i> move.</p>	<p>State Gov &amp; Elections.            Jan 21 hearing  <b>DEAD</b></p>
<a href="#">SB 5729</a>	<p>Creating a good cause exception to administrative hearing deadlines for applicants or recipients of certain public assistance benefits.</p> <p>Would amend RCW 74.08.080 (Public assistance, Eligibility generally - Standards of assistance, Grievances—Departmental and judicial review) and RCW 74.09.741 (Public assistance, Medical care, Adjudicative proceedings) to -</p> <ul style="list-style-type: none"> <li>- provide a good cause exception to the 90-day deadline to request an adjudicative hearing for applicants and recipients of benefits from DSHS or the Health Care Authority who are aggrieved by a decision of the agency or authority.</li> <li>-provide a definition of good cause to mean a substantive or legal justification for failing to meet a hearing deadline.</li> </ul> <p><b>ISSB</b> - An applicant or recipient of public assistance or medical benefits, including past recipients who have been notified of an over payment, has 90 days to file the appeal unless there is good cause to not meet that deadline to the extent that good cause is allowed under federal law.</p> <p><b>House floor amendments</b> - DSHS or HCA may not grant a hearing for good cause if the request for a hearing is</p>	<p>From WSBA 1/20/22.            To WSBA 1/20/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p>Human Services, Reentry &amp; Rehabilitation  <b>Feb 9 ISSB passed</b></p> <p><b>House</b>            Housing, Human Services &amp; Veterans            Feb 24 passed; to Rules  <b>Mar 3 Floor amendment(s) adopted. Passed House.</b>  <b>Mar 24 Governor signed.</b>  <b>Chapter 163, 2022 Laws.</b>  <b>Effective date 7/1/2023.</b></p>

**LEGISLATIVE BILL REVIEW 2022**  
**WSBA – ADMINISTRATIVE LAW SECTION – LEGISLATIVE COMMITTEE**

13 of 16

<b>BILL NUMBER</b>	<b>TOPIC</b>	<b>ANALYSIS; COMMENTS, FEEDBACK to WSBA</b>	<b>STATUS</b>
	<p>filed more than one year after the aggrieving decision. Adds an effective date of July 1, 2023 as well as a federal severability clause.</p>		
<p><a href="#">SB 5776</a></p>	<p>Creating the criminal justice integrated data system and a violence and death investigation resource center. Includes amending RCW 42.56.240 of the <b>Public Records Act</b> – In (5) “eighteen” would be changed to “18;” A new (19) would exempt certain records and information received by the Dept. of Health from disclosure.</p> <p>Section 3 would add a new section: (3) The records and data collected and stored by the criminal justice integrated data system shall be exempt from disclosure as provided in RCW 42.56.240. The confidentiality of all records and data collected by the criminal justice integrated data system shall comply with applicable state and federal laws governing the privacy of records, data, and personal identifiable information.</p> <p><b>ISSB</b> - No changes to provisions that refer to the <b>PRA</b>.</p>	<p>Found myself.            To WSBA 1/31/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p>Law &amp; Justice            Jan 20 ISSB passed            Jan 21 to Ways &amp; Means  <b>DEAD</b></p>
<p><a href="#">SB 5813</a></p>	<p>Establishing data privacy protections to strengthen a consumer's ability to access, manage, and protect their personal data.</p> <p>Includes amendments to the <b>Public Records Act</b> to exempt certain information and documents from disclosure (sections 108, 113)</p>	<p>Found myself.            To WSBA 1/31/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p>Environment, Energy &amp; Technology            Jan 20 hearing  <b>DEAD</b></p>
<p><a href="#">SB 5870</a></p>	<p>Enacting the uniform college athlete name, image, or likeness act.</p> <p>Includes amending RCW 42.56.270 of the <b>Public Records Act</b> to exempt certain information from disclosure.</p>	<p>Found myself.            To WSBA 1/31/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p>Law &amp; Justice  <b>DEAD</b></p>



**LEGISLATIVE BILL REVIEW 2022**  
**WSBA – ADMINISTRATIVE LAW SECTION – LEGISLATIVE COMMITTEE**

14 of 16

<b>BILL NUMBER</b>	<b>TOPIC</b>	<b>ANALYSIS; COMMENTS, FEEDBACK to WSBA</b>	<b>STATUS</b>
<a href="#">SB 5909</a>	<p>Concerning legislative oversight of gubernatorial powers concerning emergency proclamations and unanticipated receipts. (Remote testimony.)                      Amending RCW 43.06.210, 43.06.220, and 43.79.270; and adding a new chapter to Title 44 RCW.</p> <p>-Authorizes the majority and minority leaders of the Senate and the speaker and minority leader of the House of Representatives to terminate a state of emergency if the Legislature is not in session and it has been more than 90 days since the Governor declared the state of emergency.</p> <p>-Authorizes the majority and minority leaders of the Senate and the speaker and minority leader of the House of Representatives to terminate a gubernatorial order prohibiting activities if the Legislature is not in session.</p> <p>-Makes permanent the Joint Legislative Unanticipated Revenue Oversight Committee.</p>	<p>Monitor myself.</p> <p>The Governors emergency powers include issuing “orders concerning waiver or suspension of statutory obligations or limitations” that might affect administrative agencies.</p>	<p>State Gov &amp; Elections                      Feb 2 passed. To Rules  <a href="#">Feb 15 passed</a></p> <p><b>Senate</b>                      State Gov &amp; Tribal Relations                      Feb 23 passed                      Feb 24 to Rules  <b>DEAD</b></p>
<a href="#">SB 5916</a>	<p>Concerning the protection of critical constituent and state operational data against the financial and personal harm caused by ransomware and other malicious cyber activities.                      Section 5 of the bill would add a new section to the <a href="#">Public Records Act</a> to exempt certain information from disclosure.</p>	<p>Found myself.</p> <p>To WSBA 1/31/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p>Environment, Energy &amp; Technology  <b>DEAD</b></p>
<a href="#">SB 5942</a>	<p>Enacting the uniform college athlete name, image, or likeness act.                      Sec. 17 would amend RCW 42.56.270 of the <a href="#">Public Records Act</a> to exempt certain information from disclosure.  <b>1SSB</b> - No change to <a href="#">PRA</a> verbiage.</p>	<p>Found myself.</p> <p>To WSBA 1/31/22: Of interest. No position at present. Please keep us posted on hearings, amendments, substitute bills and votes.</p>	<p>Law &amp; Justice  <a href="#">Feb 10 1SSB passed.</a>  <b>Senate</b>                      College &amp; Workforce Development.                      Feb 23 passed                      Feb 24 to Rules  <b>DEAD</b></p>

**30 bills reviewed** (not counting companion bills). **9 enacted.**

**LEGISLATIVE BILL REVIEW 2022**  
**WSBA – ADMINISTRATIVE LAW SECTION – LEGISLATIVE COMMITTEE**

15 of 16

BILL NUMBER	TOPIC	ANALYSIS; COMMENTS, FEEDBACK to WSBA	STATUS
----------------	-------	---	--------

**END of SESSION REPORT on BILLS PASSED**

**Bills Relating to Public Records**

[2SHB 1210](#) replaces the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington. It includes making this change in the Public Records Act in RCW 42.56.270, -.620, -.625, -.630. Effective 6/9/22.

[SHB 1673](#) concerns broadband infrastructure loans and grants made by the public works board. It includes amending RCW 42.56.270(4) of the Public Records Act to add a cross-reference to RCW 43.155.160 (broadband service expansion grant and loan program), which is heavily amended by Section 1 of the bill. This brings financial and commercial information and records supplied by businesses or individuals during application for loans or grants under this program under the PRA disclosure exemption. Effective 6/9/22.

[HB 1744](#) concerns collaborative arrangements between institutions of higher education and nonprofit private entities that provide comprehensive cancer care. Section 6 of the bill amends RCW 42.56.10 the Public Records Act to specify that "Agency" does not include a comprehensive cancer center participating in a collaborative arrangement as defined in section 2 of this act that is operated in conformance with section 2 of this act. The bill makes a similar change to RCW 42.30.020 of the Open Public Meetings Act. Effective 6/9/22.

[HB 1833](#) establishes an electronic option for the submission of household income information required for participation in school meals programs. It includes adding a new section to the Public Records Act to exempt this information from disclosure. Effective 6/9/22.

[HB 1899](#) amends RCW 42.56.400 of Public Records Act to exempt from disclosure certain information provided to the Department of Financial Institutions (DFI) by an out-of-state or federal agency, or a regulatory association comprised of members of financial regulatory agencies. It also adds a new section to chapter 43.320 RCW (Department of financial institutions) to allow the Director of the DFI or the Director's designee to, for the purpose of regulating financial institutions, enter into agreements governing the sharing, receiving, and use of documents, materials, or other information, consistent with the Public Records Act. Effective 6/9/22.

[HB 1953](#) amends RCW 42.56.420 of the Public Records Act to add (7)(a)(iii), exempting sensitive voter information on ballot return envelopes, ballot declarations, and signature correction forms from public disclosure. Effective 3/24/22.

**LEGISLATIVE BILL REVIEW 2022**  
**WSBA – ADMINISTRATIVE LAW SECTION – LEGISLATIVE COMMITTEE**

16 of 16

<b>BILL NUMBER</b>	<b>TOPIC</b>	<b>ANALYSIS; COMMENTS, FEEDBACK to WSBA</b>	<b>STATUS</b>
------------------------	--------------	---	---------------

[HB 1956](#) adds a new section to the Public Records Act to exempt from public disclosure sensitive records pertaining to current and formerly incarcerated individuals' dignity (e.g., body scan images and health information) and safety. Effective 3/31/22.

**Bills Relating to Administrative Procedure**

[SB 5729](#) creates a good cause exception to administrative hearing deadlines for applicants or recipients of certain public assistance benefits. Effective 7/1/23.

**Bill Relating to Public Meetings**

[HB 1329](#) makes several amendments to the Open Public Meetings Act (RCW 42.30), some specific to local government bodies and some applicable to all agencies, including requiring an opportunity for public comment at or before every regular meeting at which final action is taken, except in emergency situations, and allowing this requirement to be satisfied by accepting oral testimony or by providing an opportunity for written testimony to be submitted prior to the meeting; requiring, upon the request of an individual who will find physical attendance at a meeting difficult, an opportunity for remote oral comment if doing so is feasible and if oral public comment from other members of the public will be accepted; allowing a public agency to hold meetings of its governing body remotely or with limited in-person attendance, after a declared emergency and requiring that the public be allowed to listen in, in real time, to such meetings; and requiring all public agencies, except for certain special purpose districts, cities, and towns to post agendas online for every regular meeting and for special meetings that are held remotely or with limited in-person attendance during an emergency. Effective 6/9/22.

See HB 1744.

**Miscellaneous**

none