

SSB 5435 - H AMD 755

By Representative Kessler

ADOPTED 04/12/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that public
4 disclosure exemptions are enacted to meet objectives that are
5 determined to be in the public interest. Given the changing nature of
6 information technology and management, recordkeeping, and the
7 increasing number of public disclosure exemptions, the legislature
8 finds that periodic reviews of public disclosure exemptions are needed
9 to determine if each exemption serves the public interest.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.56 RCW
11 to read as follows:

12 (1)(a) The public records exemptions accountability committee is
13 created to review exemptions from public disclosure, with thirteen
14 members as provided in this subsection.

15 (i) The governor shall appoint two members, one of whom represents
16 the governor and one of whom represents local government.

17 (ii) The attorney general shall appoint two members, one of whom
18 represents the attorney general and one of whom represents a statewide
19 media association.

20 (iii) The state auditor shall appoint one member.

21 (iv) The president of the senate shall appoint one member from each
22 of the two largest caucuses of the senate.

23 (v) The speaker of the house of representatives shall appoint one
24 member from each of the two largest caucuses of the house of
25 representatives.

26 (vi) The governor shall appoint four members of the public, with
27 consideration given to diversity of viewpoint and geography.

28 (b) The governor shall select the chair of the committee from among
29 its membership.

1 (c) Terms of the members shall be four years and shall be
2 staggered, beginning August 1, 2007.

3 (2) The purpose of the public records exemptions accountability
4 committee is to review public disclosure exemptions and provide
5 recommendations pursuant to subsection (7)(d) of this section. The
6 committee shall develop and publish criteria for review of public
7 exemptions.

8 (3) All meetings of the committee shall be open to the public.

9 (4) The committee must consider input from interested parties.

10 (5) The office of the attorney general and the office of financial
11 management shall provide staff support to the committee.

12 (6) Legislative members of the committee shall be reimbursed for
13 travel expenses in accordance with RCW 44.04.120. Nonlegislative
14 members, except those representing an employer or organization, are
15 entitled to be reimbursed for travel expenses in accordance with RCW
16 43.03.050 and 43.03.060.

17 (7)(a) Beginning August 1, 2007, the code reviser shall provide the
18 committee by August 1st of each year with a list of all public
19 disclosure exemptions in the Revised Code of Washington.

20 (b) The committee shall develop a schedule to accomplish a review
21 of each public disclosure exemption. The committee shall publish the
22 schedule and publish any revisions made to the schedule.

23 (c) The chair shall convene an initial meeting of the committee by
24 September 1, 2007. The committee shall meet at least once a quarter
25 and may hold additional meetings at the call of the chair or by a
26 majority vote of the members of the committee.

27 (d) For each public disclosure exemption, the committee shall
28 provide a recommendation as to whether the exemption should be
29 continued without modification, modified, scheduled for sunset review
30 at a future date, or terminated. By November 15th of each year, the
31 committee shall transmit its recommendations to the governor, the
32 attorney general, and the appropriate committees of the house of
33 representatives and the senate."

34 Correct the title.

EFFECT: Strikes the provisions of the current bill that creates

a fifteen member Public Records Exemptions Accountability Committee. Creates the thirteen member Public Records Exemptions Accountability Committee. Establishes that the thirteen members of the Committee include: (1) Two members appointed by the Governor, one of whom represents the Governor and one of whom represents local government; (2) two members appointed by the Attorney General, one of whom represents the Attorney General and one of whom represents a statewide media association; (3) one member from each of the two largest caucuses of the Senate, appointed by the President of the Senate; (4) one member appointed by the State Auditor; (5) one member from each of the two largest caucuses of the House of Representatives, appointed by the Speaker of the House of Representatives; and (6) four members of the public, appointed by the Governor. Requires that the Governor select the chair of the Committee from among its membership. Requires that the Committee develop a schedule to review each public disclosure exemption. Requires that the Committee meet at least quarterly and provide the Governor, the Attorney General, and the Legislature with recommendations regarding the exemptions by November 15th of each year. Requires that the Committee develop and publish criteria for review of public exemptions. Establishes that the Office of the Attorney General and the Office of Financial Management provide staff support to the Committee. Provides for travel expenses of the Committee. Requires that the Code Reviser provide the Committee with a list of public disclosure exemptions by August 1st of each year. Removes the sunset review. Removes the State Archivist and the Director of Financial Management as members of the Committee.

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