

# SENATE BILL REPORT

## SB 5435

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As Reported By Senate Committee On:  
Government Operations & Elections, February 5, 2007

**Title:** An act relating to the public records exemptions accountability committee.

**Brief Description:** Creating the public records exemptions accountability committee.

**Sponsors:** Senators Kauffman, Pflug, Swecker and Keiser; by request of Attorney General.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 1/29/07, 2/05/07 [DPS].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5435 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Kline, Pridemore and Swecker.

**Staff:** Sharon Swanson (786-7447)

**Background:** In 1972, Washington voters approved the Public Disclosure Act by initiative. At the time of approval, the Act contained 10 exemptions from disclosure. As of 2006, there are approximately 300 exemptions.

Currently, there is no formal process of review for exemptions once they are passed into law.

**Summary of Bill:** The Public Records Exemption Accountability Committee (Committee) is created. The 13 member Committee is charged with reviewing all exemptions from public disclosure.

Members must include one representative appointed by the Governor, four members of the public, a representative of local government, and four members of the Legislature.

The Committee must meet no later than October 1, 2007, and each year following, to discuss the exemptions and recommend the repeal or amendment of any exemption.

By December 1, 2007, and each year following, the Committee must transmit its recommendations to the appropriate committees of the Legislature.

By August 1, 2007, and each year following, the code reviser must provide the Committee with a list of all exemptions from public disclosure.

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

**EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Government Operations & Elections):** Two members are added to the committee; one a representative appointed by the state archivist and one appointed by the Director of financial management. The committee is required to meet a minimum of four times per year, to elect a member of the committee to act as chair, and to consider the input of interested parties.

The Public Records Exemptions Accountability Committee must terminate on June 30, 2011.

The Joint Legislative Audit and Review Committee must conduct a study and review due June 30, 2012.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** Yes.

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

**Staff Summary of Public Testimony:** PRO: There is a need for more open and transparent government. There is a concern that our government is getting away from the intent behind the Public Disclosure Act. In 1972, there were 10 exemptions to the Act. Currently, there are over 300 exemptions. The fact that this advisory committee has a place for four citizen members is a good idea. Everyday citizens need a voice in this process because most records requests come from citizens. A sunset provision is a good idea but perhaps this committee needs to be permanent. With 300 exemptions currently on the books, and 10 - 12 more added every year, this may be an ongoing project.

OTHER: There are a finite number of exemptions on the books. This legislation would be improved with a sunset provision. All of the exemptions in law were created for a specific reason with input from members and citizens. The committee needs to allow for testimony and input from the public. There is no committee process addressed in the bill.

**Persons Testifying:** PRO: Stuart L. Neiman, citizen; Greg Overstreet, Office of the Attorney General; Rowland Thompson, Allied Daily Newspapers.

OTHER: Victoria Lincoln, Association of Washington Cities; Pat Jones, Washington Public Ports Association.