
State Government & Tribal Affairs
Committee

SB 6109

Brief Description: Exempting video and audio recordings of closed executive session meetings from public inspection and copying.

Sponsors: Senators Pridemore, Swecker and Prentice; by request of Attorney General and State Auditor.

Brief Summary of Bill

- Establishes that with respect to an executive session held by the governing body of a public agency, video and audio recordings of any portion of the executive session are exempt from public disclosure under the Public Records Act.
- Establishes that the governing body of the public agency may, by majority vote, waive this exemption for any portion of an audio or video recording not made confidential by some other law.
- Establishes that a waiver of this exemption for a specified recording does not constitute a waiver with respect to other recordings.

Hearing Date: 2/20/12

Staff: Thamas Osborn (786-7129).

Background:

Public Records Act.

The Public Records Act (PRA) requires that state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally, and the exemptions narrowly, in order to effectuate a general policy favoring disclosure.

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.

Open Public Meetings Act.

Under the Open Public Meetings Act (OPMA), the governing body of a public agency may not hold a meeting at which the official business of the body is transacted unless the meeting is open to the public. A schedule for regular meetings must be provided by ordinance, resolution, bylaws, or other rule.

Under certain specified circumstances and subject to specified rules, a governing body may conduct an executive session that is not open to the public. The circumstances under which an executive session may be held include, but are not limited to, meetings convened for the consideration of:

- matters affecting national security;
- price negotiations regarding specified types of real estate transactions;
- negotiations on the the performance of publicly bid contracts;
- the evaluation of complaints or charges brought against a public officer or employee;
- the qualifications of a candidate for appointment to a public office; or
- certain matters relating to litigation.

Before convening an executive session, the presiding officer of a governing body must publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded.

Summary of Bill:

Video and audio recordings of any portion of an executive session from which the public is excluded are exempt from public disclosure under the PRA.

The governing body of the public agency may, by majority vote, waive this exemption for any portion of an audio or video recording not made confidential by some other law. A waiver of this exemption for a specified recording does not constitute a waiver with respect to other recordings.

Appropriation: None.

Fiscal Note: Not requested.

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