

SENATE BILL REPORT

SB 6109

As Passed Senate, February 13, 2012

Title: An act relating to exempting video and audio recordings of closed executive session meetings from public inspection and copying.

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 History:

Committee Activity: Government Operations, Tribal Relations & Elections: 1/31/12, 2/02/12 [DP, w/oRec].

Passed Senate: 2/13/12, 39-9.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Chase and Nelson.

Minority Report: That it be referred without recommendation.

Signed by Senator Benton.

Staff: Sharon Swanson (786-7447)

Background: The Public Records Act (PRA) requires that all 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.

Under the Open Public Meetings Act, a public body may not hold a meeting at which the official business of the body is transacted unless the meeting is open to the public. Public bodies may hold executive sessions out of the public eye for certain enumerated purposes. Before convening an executive session, the presiding officer of a governing body must

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.

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.

A majority of the statutorily or otherwise legally authorized voting positions of the governing body of the public agency may waive this exemption for any portion of the recording not made confidential by some other law without waiving this exemption for other recordings.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill should be viewed as a tool that protects access. There is nothing in this bill that suggests that executive session must be recorded, rather the bill provides that recordings are exempt unless that exemption is waived. This is a good bill that has been worked and is the result of compromise.

Persons Testifying: PRO: Tim Ford, Attorney General's Office; Jason Mercier, WA Policy Center; Brian Sonntag, State Auditor.