

HOUSE BILL REPORT

SSB 5435

As Passed House - Amended:

April 12, 2007

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

Brief Description: Creating the public records exemptions accountability committee.

Sponsors: By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kauffman, Pflug, Swecker and Keiser; by request of Attorney General).

Brief History:

Committee Activity:

State Government & Tribal Affairs: 3/16/07, 3/28/07 [DPA].

Floor Activity:

Passed House - Amended: 4/12/07, 92-1.

Brief Summary of Substitute Bill (As Amended by House)

- Creates the Public Records Exemptions Accountability Committee.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass as amended. Signed by 9 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green, Kretz, McDermott, Miloscia and Ormsby.

Staff: Alison Hellberg (786-7152).

Background:

The Public Records Act requires that all state and local government agencies make all public records available for public disclosure unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exceptions 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.

Summary of Amended Bill:

The Public Records Exemptions Accountability Committee (Committee) is created to review all exemptions from public disclosure.

The Committee will consist of 13 members, including:

- a representative appointed by the Governor;

two members appointed by the Governor, one of whom represents the Governor and one of whom represents local government; two members appointed by the Attorney General, one of whom represents the Attorney General and one of whom represents a statewide media association; one member from each of the two largest caucuses of the Senate, appointed by the President of the Senate; one member from each of the two largest caucuses of the House of Representatives, appointed by the Speaker of the House of Representatives; one member appointed by the State Auditor; and four members of the public, appointed by the Governor. The Governor selects the chair of the Committee from among its membership. The chair will convene the Committee by September 1, 2007. The terms of the members shall be four years and staggered. The Committee must meet at least quarterly. The meetings of the Committee must be open to the public and the Committee must consider input from interested parties. The Committee must also develop and publish a schedule and criteria that it will use to review each public disclosure exemption.

Beginning in 2007, the Code Reviser shall provide the Committee with a list of all exemptions from public disclosure by August 1 of each year. The Committee must provide the Governor, the Attorney General, and the Legislature with recommendations regarding the exemptions by November 15 of each year. The Office of the Attorney General and the Office of Financial Management provide staff support to the Committee.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This is a good little bill and has amazing public support. There are over 300 exemptions to public disclosure and even the Attorney General's office is unsure of the exact number. This is a major problem. The amendment to this bill is fantastic and adds some good detail.

(Opposed) None.

Persons Testifying: Senator Kauffman, prime sponsor; and Greg Overstreet, Office of the Attorney General.

Persons Signed In To Testify But Not Testifying: None.