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SENATE BILL 5339

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State of Washington

61st Legislature

2009 Regular Session

By Senators Kilmer, Swecker, Oemig, Morton, and Haugen; by request of State Auditor and Attorney General

Read first time 01/20/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to studying the feasibility of creating a board  
2 with public records act and open public meetings act responsibilities;  
3 creating a new section; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1)(a) A committee is created to study and  
6 report on the creation of a state board to adjudicate complaints  
7 alleging violations of chapter 42.56 RCW, the public records act, and  
8 to adjudicate complaints alleging violations of chapter 42.30 RCW, the  
9 open public meetings act, with thirteen members as provided in this  
10 subsection.

11 (i) The governor shall appoint three members, one of whom  
12 represents the governor, one of whom represents local government, and  
13 one of whom represents the public.

14 (ii) The attorney general shall appoint three members, one of whom  
15 represents the attorney general, one of whom represents a statewide  
16 media association, and one of whom represents the public.

17 (iii) The state auditor shall appoint three members, one of whom  
18 represents the auditor, and two of whom represent the public.

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

3 (v) The speaker of the house of representatives shall appoint one  
4 member from each of the two largest caucuses of the house of  
5 representatives.

6 (b) The chair of the committee shall be selected by its membership.

7 (c) The terms of the committee members expire at the end of the  
8 2010 legislative session.

9 (2)(a) The committee shall study, prepare a draft report with  
10 recommendations, promptly seek public comment on the draft report, and  
11 submit a final report no later than November 15, 2009, on the creation  
12 of a state board with independent authority to:

13 (i) Review and adjudicate complaints alleging violations of chapter  
14 42.56 RCW, the public records act, and of chapter 42.30 RCW, the open  
15 public meetings act, in an expeditious and inexpensive process;

16 (ii) Enforce the provisions of the public records act and the open  
17 public meetings act;

18 (iii) Offer and provide alternative methods for dispute resolution  
19 under the public records act and the open public meetings act;

20 (iv) Issue interpretive opinions of the public records act and the  
21 open public meetings act;

22 (v) Provide confidential consultation regarding the duties under  
23 the public records act and the open public meetings act;

24 (vi) Provide public training on the public records act and the open  
25 public meetings act;

26 (vii) Recommend legislative improvements to the public records act  
27 and the open public meetings act; and

28 (viii) Adopt rules to implement these enumerated powers, and other  
29 rules as may be consistent with or necessary to implement these  
30 enumerated powers;

31 (b) The committee shall consider and report on how a proposed state  
32 board with such enumerated authority might further the goals of the  
33 public records act.

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

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

36 (5) The office of the attorney general and the state auditor shall  
37 provide staff support to the committee.

1 (6) Legislative members of the committee shall be reimbursed for  
2 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
3 members of the committee, except those representing an employer or  
4 organization, are entitled to be reimbursed for travel expenses in  
5 accordance with RCW 43.03.050 and 43.03.060.

6 (7) A majority of the committee members shall provide notice of a  
7 special meeting of the committee pursuant to RCW 42.30.080 for the  
8 purpose of convening an initial meeting no later than August 1, 2009.  
9 The committee shall meet at least once a month and may hold additional  
10 meetings at the call of the chair or by a majority vote of the members  
11 of the committee.

12 (8) The committee shall consider and report on the efficacy of  
13 other state's laws and programs with similar goals administered by  
14 state agencies or public officers. The committee's report shall detail  
15 the potential associated costs or savings, organizational structure,  
16 and functions of a proposed administrative tribunal, and shall make  
17 recommendations for or against the creation of an administrative  
18 tribunal. The committee shall submit copies of the final report to the  
19 state legislature, the governor, the state auditor, and to the attorney  
20 general, no later than November 15, 2009.

21 (9) This section expires June 1, 2010.

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