

SENATE BILL REPORT

SB 5119

As of January 21, 2009

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

Brief Description: Eliminating the public exemptions accountability committee.

Sponsors: Senator Fairley.

Brief History:

Committee Activity: Government Operations & Elections: 1/20/09.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Sharon Swanson (786-7447)

Background: In 2007 the Legislature passed SSB 5435 creating the Public Records Exemption Accountability Committee (Committee), a 13-member Committee. The Committee is charged with reviewing all public disclosure exemptions and providing recommendations to the Legislature as to whether the exemption should be continued without modification, modified, scheduled for sunset review at a future date, or terminated.

By November 15 of each year, the Committee is required to transmit its recommendations to the Governor, the Attorney General, and the appropriate committees of the Legislature. In 2007 the Committee report did not contain recommendations for the Legislature to consider. In 2008 the Committee report contained 12 recommendations for the Legislature to consider.

Summary of Bill: Statutory authority creating the Public Records Exemptions Accountability Committee is repealed.

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.

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.

Staff Summary of Public Testimony: PRO: The Sunshine Committee has become an example of government waste. To date, the state has spent \$100,000 on a committee that, after two years of work, has not recommended the Legislature repeal one exemption from the Public Disclosure Act. The recommendations that the committee has reported, only twelve, are vague and offer little guidance. Our state faces a very serious financial shortfall. Why should we continue to pay for this committee to do little, if any real work, when we can't afford to give children their vaccines and we can't pay for nursing home care for the folks who need it? The ports have concerns that the Sunshine Committee does not have a sunset provision attached. Perhaps adding a sunset clause to the Sunshine Committee will impart a sense of urgency to their work. The efforts of the committee are appreciated but their work does seem to be progressing slowly.

CON: It is a mistake to focus on quantity and not quality when looking at the work of the Sunshine Committee. Examining the 300 exemptions to the Public Records Act is extremely tedious, time-consuming work. Each exemption has a constituency that the committee must hear from. Court cases must be read, testimony reviewed. It is a very deliberative, time-consuming task. The committee may not recommend the Legislature repeal any exemptions, but that doesn't mean the work of the committee was a waste. It means the exemptions are proper and necessary. The public will have confidence that the Legislature has done its work. The work of the committee is very much like an audit. You can't rush an audit. You must be thorough and deliberate so nothing is missed.

Persons Testifying: PRO: Senator Darlene Fairley, prime sponsor; Ginger Eagle, Washington Public Ports Association.

CON: Senator Adam Kline; Toby Nixon, Washington Coalition for Open Government; Rowland Thompson, Allied Daily Newspapers; Tim Ford, Attorney General's Office; David, Citizen; Arthur West, citizen.