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SENATE BILL 5119

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State of Washington

61st Legislature

2009 Regular Session

By Senator Fairley

Read first time 01/14/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to the public records exemptions accountability  
2 committee; creating a new section; and repealing RCW 42.56.140.

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

4 NEW SECTION. **Sec. 1.** The public records exemptions accountability  
5 committee, created in 2007, is charged with providing the legislature  
6 annual reports containing recommendations as to whether an existing  
7 exemption should be: Continued; modified; scheduled for a sunset  
8 review at a future date; or terminated. Currently, more than three  
9 hundred exemptions exist in Washington state. While the legislature  
10 fully supports the intent of this committee and no one questions the  
11 importance of promoting a more open and transparent governmental  
12 process, it is also a fundamental component of government to actively  
13 monitor governmental entities and assure efficient use of state  
14 resources and taxpayer dollars.

15 In 2007, the public records exemptions accountability committee  
16 reviewed only four exemptions and made no recommendations. Instead,  
17 the annual report submitted by the committee was a mere eight pages and  
18 yet specifically noted that "the Committee has requested more staff

1 time than was originally anticipated" and requested funding from the  
2 2008 legislature to support the committee's work.

3 In 2008, the committee reviewed forty-three exemptions, four of  
4 which were the same exemptions reviewed in 2007. The committee spent  
5 at least five months reviewing the same thirteen statutes addressing  
6 agricultural exemptions but made only one recommendation on one of the  
7 thirteen statutes. It took the committee six months to review the  
8 exemptions for records relevant to a controversy and attorney-client  
9 privileged records. Ultimately, after holding ten meetings, the  
10 committee made only twelve recommendations, four of which addressed a  
11 single statute and its subsections, and the annual report contained  
12 three separate minority reports. Furthermore, the recommendations  
13 contained within the report can be viewed as, at the very least,  
14 deficient. The single recommendation regarding the agricultural  
15 exemption fails to actually address the exemption itself but rather  
16 makes a recommendation as to the need for a brief description when  
17 other statutes are referenced. Other recommendations are vague and  
18 that, combined with multiple minority reports, provides little to no  
19 guidance to the legislature.

20 The attorney general has stated that the office has spent over  
21 seven hundred hours of attorney staff time working for the committee,  
22 which translates into a cost of approximately eighty-four thousand  
23 dollars. In 2008, the legislature appropriated eleven thousand dollars  
24 to the office of the attorney general to support the committee's work  
25 in response to its supplemental budget request. Additionally, hundreds  
26 of hours of legislative staff time has been used monitoring and  
27 tracking the work of the committee in order to assist the four  
28 legislative members that serve on the committee.

29 Based on this information, the legislature finds the committee's  
30 review of exemptions has proven to be unproductive and, given the  
31 economic climate we are currently experiencing, it is an unnecessary  
32 and wasteful expenditure of time and resources. Additionally, the  
33 legislature finds that the committee has not acted efficiently or  
34 effectively in carrying out its mandated charge and has provided, at  
35 most, limited guidance to the legislature. Therefore the legislature  
36 concludes that the continuation of the public records exemptions  
37 accountability committee does not serve the public interest.

1        NEW SECTION.    **Sec. 2.**    RCW 42.56.140 (Public records exemptions  
2    accountability committee) and 2007 c 198 s 2 are each repealed.

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