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HOUSE CONCURRENT RESOLUTION 4418

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Anderson, Jacobsen, McLean, Pruitt, Vance and Bowman.

Read first time April 18, 1991. Referred to Committee on Rules Review.

1            WHEREAS, Liberal access to government records was mandated by a  
2 popular vote of the people as Initiative 276 and has enjoyed strong  
3 legislative and judicial support; and

4            WHEREAS, The legislature remains strongly supportive of the  
5 principles: (1) That public agencies shall make available for public  
6 inspection and copying all public records, RCW 42.17.250 and subsequent  
7 sections, (2) that actions of public agencies and their subdivisions be  
8 taken openly and that their deliberations be conducted openly, chapter  
9 42.30 RCW, and (3) that the people of this state do not yield their  
10 sovereignty to the agencies which serve them and do not give their  
11 public servants the right to decide what is good for the people to know  
12 and what is not good for them to know; and

13            WHEREAS, Enforcement of the Open Public Meeting Act and the Public  
14 Records Act has been clouded by uncertainty and ambiguity in some  
15 areas; and

16            WHEREAS, Numerous other state laws purport to grant confidentiality  
17 to certain records and meetings of public agencies, but such laws have

1 never been coordinated with the acts and are a source of confusion to  
2 the public when requests for access are made; and

3 WHEREAS, The legislature has repeatedly been asked to amend both  
4 acts on a piecemeal basis; and

5 WHEREAS, The legislature has not considered the overall impact of  
6 the many changes made in recent years to the various laws governing  
7 access to public records and attendance at government meetings, nor has  
8 it considered the relationships among these laws; and

9 WHEREAS, It has been approximately twenty years since the passage  
10 of the basic state law providing citizens with the right of access to  
11 government records, and during this time important and far-reaching  
12 technological changes have occurred in the manner in which public  
13 records are obtained, stored, and released; and these technological  
14 changes are not specifically addressed in key provisions of this law  
15 and of other laws relating to the right of access to public records;

16 NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of  
17 the state of Washington, the Senate concurring, That a joint select  
18 committee on open government be hereby created to conduct a study on  
19 the adequacy of the state laws governing the public's rights to obtain  
20 access to government records and to attend meetings of government  
21 boards, commissions, and committees; and

22 BE IT FURTHER RESOLVED, That the joint select committee be composed  
23 of eight members to be appointed as follows: Two members from each  
24 caucus in the House of Representatives who shall be appointed by the  
25 Speaker of the House of Representatives, and two members from each  
26 caucus in the Senate who shall be appointed by the President of the  
27 Senate; and

28 BE IT FURTHER RESOLVED, That the joint committee's study shall be  
29 comprehensive, and the committee shall develop recommendations,  
30 including, but not limited to, proposed legislation to accomplish the

1 following changes in the laws relating to the right to access to public  
2 records and the right to attend government meetings:

3 (1) Recodification, clarification, and modernization of the laws;

4 (2) Revision and clarification of exemptions to make them more  
5 concise and precise without undermining the general principals of  
6 liberal access to government records and meetings;

7 (3) Provision of a means to inform government officials and  
8 citizens on the rights under the laws and how they are enforced; and

9 (4) Reductions in the delay and cost of obtaining fair and complete  
10 decisions on access requests; and

11 BE IT FURTHER RESOLVED, That by January 1, 1992, the joint select  
12 committee shall submit its study report, including its recommendations  
13 for changing the law, to the members of the legislature.