
Government Operations & Elections Committee

ESB 5964

Brief Description: Concerning training public officials and employees regarding public records, records management, and open public meetings requirements.

Sponsors: Senators Fain, Rivers, Braun, Hasegawa, Rolfes, Conway, Frockt, Tom, Keiser, Mullet and Hill; by request of Attorney General.

Brief Summary of Engrossed Bill

- Requires training for members of a governing body of a public agency on the Open Public Meetings Act.
- Requires training for local and statewide elected officials on the Public Records Act and records retention and destruction procedures.
- Requires training for public records officers and agency records retention officers on the Public Records Act and records retention and destruction procedures.

Hearing Date: 2/25/14

Staff: Jasmine Vasavada (786-7301).

Background:

The Open Public Meetings Act (OPMA) requires that all meetings of the governing body of a public agency be open to the public and all persons must be allowed to attend. For the purposes of the OPMA, a "public agency" is defined broadly and includes, but is not limited to, any state board, commission, department, education institution, agency, local government, and special purpose district. A "governing body" is defined as a multi-member board, commission, committee, council, or other policy or rulemaking body of a public agency, or any committee thereof that is acting on behalf of the public agency.

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.

The Public Records Act (PRA) requires that all state and local government agencies make all public records available for public inspection and copying unless certain statutory exemptions apply. Over 300 specific references in the PRA or other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential. Under the PRA, a public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency, regardless of physical form or characteristics. The provisions requiring public records disclosure must be interpreted liberally while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

Summary of Bill:

Every member of the governing body of a public agency must complete training in the OPMA requirements within 90 days of assuming their duties, and complete training at least once every four years as long as the individual is a member of the agency's governing body. The training may be completed remotely.

Officials in statewide or local elective office must complete training in the PRA requirements and records retention protocols within 90 days of assuming their duties, and complete refresher training at least once every four years as long as they remain in office. The training must be consistent with the Attorney General's model rules for the PRA compliance and may be completed remotely.

Public records officers and records retention officers must complete training in the PRA requirements and records retention protocols within 90 days of assuming their responsibilities, and complete refresher training at least once every four years as long as they remain designated as such. The training must be consistent with the Attorney General's model rules for the PRA compliance and may be completed remotely.

The Attorney General's Office may provide technical assistance and training. The act may be known and cited as the "Open Government Trainings Act".

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July, 1 2014.