
SUBSTITUTE HOUSE BILL 1198

State of Washington

63rd Legislature

2013 Regular Session

By House Government Operations & Elections (originally sponsored by Representatives Pollet, Hunt, Ryu, Maxwell, Reykdal, Bergquist, Moscoso, Moeller, Upthegrove, and Jinkins)

READ FIRST TIME 02/14/13.

1 AN ACT Relating to training public officials and employees
2 regarding public records and open public meetings; adding new sections
3 to chapter 42.30 RCW; adding new sections to chapter 42.56 RCW; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the right of
7 citizens to observe the actions of their public officials and to have
8 timely access to public records are the underpinnings of democracy and
9 are essential for meaningful citizen participation in the democratic
10 process. All too often, however, violations of the requirements of the
11 public records act and the open public meetings act by public officials
12 and agencies result in citizens being denied these important rights.
13 Such violations are often the result of inadvertent error or a lack of
14 knowledge on the part of officials and agencies regarding their legal
15 duties to the public pursuant to these acts. Also, whether due to
16 error or ignorance, violations of the public records act and open
17 public meetings act are very costly for state and local governments,
18 both in terms of litigation expenses and administrative costs.

1 The legislature also finds that the implementation of simple, cost-
2 effective training programs made available via an internet web site, or
3 equivalent means, will greatly increase the likelihood that our public
4 officials and agencies will better serve the public by improving
5 citizen access to public records and encouraging public participation
6 in governmental deliberations. Such improvements in public service
7 will, in turn, enhance the public's trust in its government and result
8 in significant cost savings by reducing the number of violations of the
9 public records act and open public meetings act.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.30 RCW
11 to read as follows:

12 (1) Not later than July 1, 2014, the attorney general shall develop
13 and implement a training program regarding the legal requirements and
14 purposes of this chapter. The training program shall be:

15 (a) A concise, web-based presentation, including instruction in:

16 (i) The purposes and intent of the open public meetings act and the
17 importance of open public meetings in a democracy;

18 (ii) The applicability of this chapter to governmental bodies and
19 members of governing boards of agencies;

20 (iii) Procedures and requirements necessary for compliance with the
21 provisions of this chapter;

22 (iv) Best practices for compliance with this chapter;

23 (v) Penalties and other consequences for failure to comply with the
24 requirements of this chapter; and

25 (vi) The role of the attorney general under this chapter;

26 (b) No longer than two hours in length; and

27 (c) Available on the Washington state attorney general's web site,
28 or on a functionally similar and widely available medium at no cost,
29 and made available for posting on state and local agency web sites.

30 (2) In developing the training required under this section, the
31 attorney general shall consult with, and may utilize training materials
32 from, associations representing cities, counties, and those nonprofit
33 organizations whose mission includes education regarding the provisions
34 of this chapter.

35 (3) The attorney general shall review and approve in-person or web-
36 based trainings that are intended to satisfy the training requirements
37 in section 3 of this act that are offered by agencies and such

1 associations or nonprofit organizations that provide similar training
2 by persons with appropriate expertise. Training courses implemented or
3 approved by the attorney general shall be regularly updated at
4 intervals of no more than two years.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.30 RCW
6 to read as follows:

7 Every member of the governing body of a public agency must complete
8 the open public meetings act training course implemented or approved by
9 the attorney general as set forth in section 2 of this act. Such
10 training must be completed no later than ninety days after the date the
11 member either:

- 12 (1) Takes the oath of office, if the member is required to take an
13 oath of office to assume his or her duties as a public official; or
14 (2) Otherwise assumes his or her duties as a public official.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 42.56 RCW
16 to read as follows:

17 (1) Not later than July 1, 2014, the attorney general shall develop
18 and implement a training program on the legal requirements and purposes
19 of this chapter. The training program shall be:

- 20 (a) A concise, web-based presentation, including instruction in:
21 (i) The purposes and intent of this chapter as well as the
22 importance of public records disclosure in a democracy;
23 (ii) The applicability of this chapter to governmental bodies and
24 members of governing boards of agencies;
25 (iii) Procedures and requirements necessary for compliance with the
26 provisions of this chapter;
27 (iv) Best practices for compliance with this chapter;
28 (v) Penalties and other consequences for failure to comply with the
29 requirements of this chapter; and
30 (vi) The role of the attorney general under this chapter;
31 (b) No longer than two hours in length; and
32 (c) Available on the Washington state attorney general's web site,
33 or on a functionally similar and widely available medium at no cost.
34 (2) In developing the training program required under this section,
35 the attorney general shall consult with, and may utilize training

1 materials from, associations representing cities or counties and those
2 nonprofit organizations whose mission includes education regarding the
3 provisions of this chapter.

4 (3) The attorney general shall review and approve in-person or web-
5 based trainings that are intended to satisfy the training requirements
6 in section 5(1) of this act that are offered by agencies and such
7 associations or nonprofit organizations that provide similar training
8 by persons with appropriate expertise. Such trainings may be tailored
9 to a particular office or agency. Training courses implemented or
10 approved by the attorney general shall be regularly updated at
11 intervals of no more than two years.

12 (4) In addition to the general training program required under this
13 section, the attorney general shall develop and implement an intensive
14 training seminar for public records officers designated pursuant to RCW
15 42.56.580. This training may be administered via web technology or in
16 person. Such training shall:

17 (a) Include duties and obligations of agencies regarding public
18 records disclosure established under court decisions and state
19 statutes, if any;

20 (b) Include training on duties to manage records, including
21 electronic records, and the provision of access to electronic records
22 in original, searchable forms;

23 (c) Include discussion of innovative mechanisms for providing
24 timely access to public records to the public;

25 (d) Include discussion of the model rules for the public records
26 act as adopted by the attorney general; and

27 (e) Include discussion of the benefits of indexing records,
28 including but not limited to the duty of state agencies to index, and
29 provide access to indices, if records are relied upon or invoked for
30 any purpose pursuant to RCW 42.56.070(6).

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.56 RCW
32 to read as follows:

33 (1) Each elected state or local official, and each person appointed
34 to fill a vacancy in elective office, who is subject to the
35 requirements of this chapter must complete a training course
36 implemented or approved by the attorney general as set forth in section

1 4(1) of this act. Such training must be completed no later than ninety
2 days after the date the official either:

- 3 (a) Takes the oath of office, if the official is required to take
4 an oath of office to assume his or her duties as a public official; or
5 (b) Otherwise assumes his or her duties as a public official.

6 (2) Every public records officer, as designated under RCW
7 42.56.580, within ninety days of being so designated, shall complete an
8 intensive training seminar implemented pursuant to section 4(4) of this
9 act and shall complete a refresher training implemented or approved by
10 the attorney general every three years thereafter. If no refresher
11 training has been implemented or approved, a public records officer
12 shall complete the training seminar implemented pursuant to section
13 4(4) of this act.

14 (3) Due to the limited definition of "public record" pursuant to
15 RCW 42.56.010(3) for records of legislators, the clerk of the house of
16 representatives and the secretary of the senate shall provide
17 appropriate training to legislators on their obligations under this
18 chapter, rather than legislators being required to take the general
19 training pursuant to subsection (1) of this section.

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