
HOUSE BILL 1198

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By Representatives Pollet, Hunt, Ryu, Maxwell, Reykdal, Bergquist, Moscoso, Moeller, Upthegrove, and Jinkins

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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 interactive internet
3 web site, or equivalent means, will greatly increase the likelihood
4 that our public officials and agencies will better serve the public by
5 improving citizen access to public records and encouraging public
6 participation in governmental deliberations. Such improvements in
7 public service will, in turn, enhance the public's trust in its
8 government and result in significant cost savings by reducing the
9 number of violations of the public records act and open public meetings
10 act.

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

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

16 (a) A concise, interactive, web-based presentation, including
17 instruction in:

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

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

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

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

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

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

28 (b) No shorter than one hour and no longer than two hours in
29 length; and

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

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

1 accredit in-person or interactive web-based trainings offered by
2 agencies and such associations or nonprofit organizations that provide
3 similar training by persons with appropriate expertise.

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

6 (1) Every member of the governing body of a public agency must
7 complete the open public meetings act training course implemented or
8 accredited by the attorney general as set forth in section 2 of this
9 act. Such training must:

10 (a) Be completed no later than ninety days after the date the
11 member either:

12 (i) 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 (ii) Otherwise assumes his or her duties as a public official;

15 (b) Be regularly updated at intervals of no more than two years.

16 (2) Individuals completing the training course required under this
17 section shall maintain proof of completion for two years.

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

20 (1) Not later than July 1, 2014, the attorney general shall develop
21 and implement a training program on the legal requirements and purposes
22 of this chapter and chapter 40.14 RCW. The training program shall be:

23 (a) A concise, interactive, web-based presentation, including
24 instruction in:

25 (i) The purposes and intent of this chapter and chapter 40.14 RCW
26 as well as the importance of public records disclosure and retention in
27 a democracy;

28 (ii) The applicability of this chapter and chapter 40.14 RCW to
29 governmental bodies and members of governing boards of agencies;

30 (iii) Procedures and requirements necessary for compliance with the
31 provisions of this chapter and chapter 40.14 RCW;

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

33 (v) Penalties and other consequences for failure to comply with the
34 requirements of this chapter and chapter 40.14 RCW; and

35 (vi) The role of the attorney general under this chapter and
36 chapter 40.14 RCW;

1 (b) No shorter than one hour and no longer than two hours in
2 length; and

3 (c) Available on the Washington state attorney general's web site,
4 or on a functionally similar and widely available medium at no cost.

5 (2) In developing the training program required under this section,
6 the attorney general shall consult with, and may utilize training
7 materials from, the secretary of state, associations representing
8 cities or counties, and/or those nonprofit organizations whose mission
9 includes education regarding the provisions of this chapter and chapter
10 40.14 RCW.

11 (3) The attorney general shall, after providing guidelines for
12 general content, establish a process for periodic certification that
13 training programs provided by agencies and outside organizations are
14 consistent with the elements of subsection (2) of this section. Such
15 programs may be tailored to a particular office or agency.

16 (4) In addition to the general training program required under this
17 section, the attorney general shall develop and implement an intensive
18 training seminar for public records officers designated pursuant to RCW
19 42.56.580. This training may be administered via interactive web
20 technology or in person. Such training shall:

21 (a) Be no less than four hours in length;

22 (b) Include duties and obligations of agencies regarding public
23 records disclosure and retention established under recent court
24 decisions and legislative changes, if any;

25 (c) Include training on duties to manage and preserve records,
26 including electronic records, and the provision of access to electronic
27 records in original, searchable forms;

28 (d) Include discussion of innovative mechanisms for providing
29 timely access to public records to the public;

30 (e) Include discussion of the model rules for the public records
31 act as adopted by the attorney general; and

32 (f) Include discussion of the benefits of indexing records,
33 including but not limited to the duty of state agencies to index, and
34 provide access to indices, if records are relied upon or invoked for
35 any purpose pursuant to RCW 42.56.070(6).

36 (5) Individuals completing the training course required under this
37 section shall maintain proof of completion for two years.

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

3 (1) Each elected state or local official, and each person appointed
4 to fill a vacancy in elective office, who is subject to the
5 requirements of this chapter must complete a training course
6 implemented or accredited by the attorney general as set forth in
7 section 4 of this act, regarding basic open government principles,
8 including the responsibility of state employees to preserve, disclose,
9 and provide public records in accordance with the requirements of this
10 chapter and chapter 40.14 RCW. Such training must:

11 (a) Be completed no later than ninety days after the date the
12 official either:

13 (i) Takes the oath of office, if the official is required to take
14 an oath of office to assume his or her duties as a public official; or

15 (ii) Otherwise assumes his or her duties as a public official;

16 (b) Be regularly updated at intervals of no more than two years.

17 (2) Every public records officer of a state agency, as designated
18 under RCW 42.56.580, within ninety days of being so designated shall
19 complete an intensive training seminar pursuant to section 4(4) of this
20 act and shall complete refresher training every two years thereafter.

21 (3) Every public records officer of a local agency, as designated
22 under RCW 42.56.580, shall complete a training seminar administered by
23 the attorney general pursuant to section 4(4) of this act no less
24 frequently than every three years.

25 (4) Individuals completing the training course required under this
26 section shall maintain proof of completion for two years.

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