

ESB 5964 - H COMM AMD

By Committee on Government Operations & Elections

NOT ADOPTED 03/07/2014

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the rights of
4 citizens to observe the actions of their public officials and to have
5 timely access to public records are the underpinnings of democracy and
6 are essential for meaningful citizen participation in the democratic
7 process. All too often, however, violations of the requirements of the
8 public records act and the open public meetings act by public officials
9 and agencies result in citizens being denied this important information
10 and materials to which they are legally entitled. Such violations are
11 often the result of inadvertent error or a lack of knowledge on the
12 part of officials and agencies regarding their legal duties to the
13 public pursuant to these acts. Also, whether due to error or
14 ignorance, violations of the public records act and open public
15 meetings act are very costly for state and local governments, both in
16 terms of litigation expenses and administrative costs. The legislature
17 also finds that the implementation of simple, cost-effective training
18 programs will greatly increase the likelihood that public officials and
19 agencies will better serve the public by improving citizen access to
20 public records and encouraging public participation in governmental
21 deliberations. Such improvements in public service will, in turn,
22 enhance the public's trust in its government and result in significant
23 cost savings by reducing the number of violations of the public records
24 act and open public meetings act.

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

27 (1) Every member of the governing body of a public agency must
28 complete training on the requirements of this chapter no later than
29 ninety days after the date the member either:

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

3 (b) Otherwise assumes his or her duties as a public official.

4 (2) In addition to the training required under subsection (1) of
5 this section, every member of the governing body of a public agency
6 must complete training at intervals of no more than four years as long
7 as the individual is a member of the governing body or public agency.

8 (3) Training may be completed remotely with technology including
9 but not limited to internet-based training.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.56 RCW
11 to read as follows:

12 (1) Each local elected official and statewide elected official, and
13 each person appointed to fill a vacancy in a local or statewide office,
14 must complete a training course regarding the provisions of this
15 chapter, and also chapter 40.14 RCW for records retention.

16 (2) Officials required to complete training under this section may
17 complete their training before assuming office but must:

18 (a) Complete training no later than ninety days after the date the
19 official either:

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

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

23 (b) Complete refresher training at intervals of no more than four
24 years for as long as he or she holds the office.

25 (3) Training must be consistent with the attorney general's model
26 rules for compliance with the public records act.

27 (4) Training may be completed remotely with technology including
28 but not limited to internet-based training.

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

31 (1) Public records officers designated under RCW 42.56.580 and
32 records officers designated under RCW 40.14.040 must complete a
33 training course regarding the provisions of this chapter, and also
34 chapter 40.14 RCW for records retention.

35 (2) Public records officers must:

1 (a) Complete training no later than ninety days after assuming
2 responsibilities as a public records officer or records manager; and

3 (b) Complete refresher training at intervals of no more than four
4 years as long as they maintain the designation.

5 (3) Training must be consistent with the attorney general's model
6 rules for compliance with the public records act.

7 (4) Training may be completed remotely with technology including
8 but not limited to internet-based training.

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

11 The attorney general's office may provide information, technical
12 assistance, and training on the provisions of this chapter.

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 40.14 RCW
14 to read as follows:

15 (1) Each local elected official and statewide elected official, and
16 each person appointed to fill a vacancy in a local or statewide office,
17 must complete a training course regarding the records retention
18 provisions of this chapter.

19 (2) Elected officials may complete their training before assuming
20 office but must:

21 (a) Complete training no later than ninety days after the date the
22 official either:

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

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

26 (b) Complete refresher training at intervals of no more than four
27 years for as long as he or she holds the office.

28 (3) Training must be provided by the secretary of state, or
29 consistent with the records retention training provided by the
30 secretary of state.

31 (4) Training may be completed remotely with technology including
32 but not limited to internet-based training.

33 NEW SECTION. **Sec. 7.** A new section is added to chapter 40.14 RCW
34 to read as follows:

35 (1) Public records officers designated under RCW 42.56.580 and

1 records officers designated under RCW 40.14.040 must complete a
2 training course regarding the records retention provisions of this
3 chapter.

4 (2) Public records officers must:

5 (a) Complete training no later than ninety days after assuming
6 responsibilities as a public records officer or records manager; and

7 (b) Complete refresher training at intervals of no more than four
8 years as long as they maintain the designation.

9 (3) Training must be provided by the secretary of state, or
10 consistent with the records retention training provided by the
11 secretary of state.

12 (4) Training may be completed remotely with technology including
13 but not limited to internet-based training.

14 NEW SECTION. **Sec. 8.** This act may be known and cited as the open
15 government trainings act.

16 NEW SECTION. **Sec. 9.** This act takes effect July 1, 2014."

17 Correct the title.

EFFECT: Repeats the requirements for records retention training
in chapter 40.14 RCW, the records retention chapter, rather than only
including such language in the chapter pertaining to the Public Records
Act.

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