
Government Operations & Elections Committee

HB 2121

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

Sponsors: Representatives Pollet, Hunt, Rodne, Bergquist, Holy, Moeller, Hayes, Carlyle, Fitzgibbon, Liias, Takko, Springer, Appleton, Morrell, Reykdal, Jinkins, Moscoso, Ryu, Fagan, Farrell, Riccelli and Freeman; by request of Attorney General.

Brief Summary of Bill

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

Hearing Date: 1/14/14

Staff: Marsha Reilly (786-7135).

Background:

Open Public Meetings Act

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 shall 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 purposes 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.

Public Records Act

The Public Records Act (PRA) requires that all state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exemptions narrowly in order to effectuate a general policy favoring disclosure. The PRA requires agencies to respond to public records requests within five business days. The agency must either provide the records, provide a reasonable estimate of the time the agency will take to respond to this request, or deny the request. Additional time may be required to respond to a request where the agency needs to notify third parties or agencies affected by the request or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

The PRA requires that each state and local agency appoint and publicly identify a public records officer to serve as a point of contact for the public and to oversee the agency's compliance with PRA disclosure requirements.

Preservation and Destruction of Public Records

Public records are required to be preserved, stored, transferred, destroyed or disposed of, and managed in accordance with provisions of law. The State Archivist manages the division of archives and records management in the Office of the Secretary of State to insure the proper management and safeguarding of public records. The State Archivist manages the state archives, catalogs and arranges the retention of all state public records, insures the maintenance and security of all state public records, operates a microfilming bureau, and directly supervises the destruction of public records that are authorized to be destroyed.

State law requires each department and agency of the state government to designate a records officer to supervise its records program and to represent the office in all contacts with the records committee and the division of archives and records management. The records officer must also coordinate the department's or agency's records management program and manage the inventory of its public records.

Summary of Bill:

Every member of the governing body of a public agency is required to complete training on the requirements of the OPMA. Training on the PRA is required of each elected state and local official subject to the requirements of the PRA and public records officers designated pursuant to the PRA. Training on the preservation and destruction of public records is required of each elected state and local official and each records retention officer.

The various trainings must be completed within 90 days of taking office or assuming such duties, and subsequent training must be completed at intervals of no more than every four years. All training may be completed remotely with technology including, but not limited to, internet-based training.

Training on the PRA and the preservation and destruction of public records must be consistent with the Attorney General's model rules for compliance with the PRA. The Attorney General's office may provide information, technical assistance, and training on the provisions of the PRA.

The act is cited as the Open Government Trainings Act.

Appropriation: None.

Fiscal Note: Available.

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