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ENGROSSED SENATE BILL 5964 (Corrected Copy)

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State of Washington

63rd Legislature

2014 Regular Session

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

Read first time 01/13/14. Referred to Committee on Governmental Operations.

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

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

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

1 terms of litigation expenses and administrative costs. The legislature  
2 also finds that the implementation of simple, cost-effective training  
3 programs will greatly increase the likelihood that public officials and  
4 agencies will better serve the public by improving citizen access to  
5 public records and encouraging public participation in governmental  
6 deliberations. Such improvements in public service will, in turn,  
7 enhance the public's trust in its government and result in significant  
8 cost savings by reducing the number of violations of the public records  
9 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) Every member of the governing body of a public agency must  
13 complete training on the requirements of this chapter no later than  
14 ninety days after the date the member either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (1) Public records officers designated under RCW 42.56.580 and  
10 records officers designated under RCW 40.14.040 must complete a  
11 training course regarding the provisions of this chapter, and also  
12 chapter 40.14 RCW for records retention.

13 (2) Public records officers must:

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

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

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

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

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

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

26 NEW SECTION. **Sec. 6.** This act may be known and cited as the open  
27 government trainings act.

28 NEW SECTION. **Sec. 7.** This act takes effect July 1, 2014.

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