

2017 Legislative Priorities

Washington Coalition for Open Government has established the following four top priorities for legislative action during the 2017 legislative session. The Coalition encourages its members and concerned citizens throughout Washington to contact members of the Legislature and encourage their support for these priorities.

1. Open Committee Meetings to the Public. When governing bodies of agencies create committees, task forces, or other groups to act on their behalf in developing, analyzing, discussing, deliberating, and recommending policy alternatives – work that would otherwise be done by the governing body itself – then the meetings of those groups should be open to the public and subject to the notice and other procedural requirements of the Open Public Meetings Act. These important components of policy creation should not be allowed to be done behind closed doors simply because the governing body did not explicitly delegate final decision-making authority to the committee.

2. Establish alternative dispute resolution mechanisms for PRA and OPMA cases. These laws can now be enforced only by a lawsuit in superior court, which imposes high costs on both requesters and agencies and the possibility of significant delay, which leads many requesters to abandon legitimate requests. Possible alternatives include courts that specialize in resolving open government disputes (like small claims court), mediation, and a commission dedicated to this purpose. Use of ADR must be agreeable to all parties, and must not impair the requester's ability to seek relief in superior court.

3. Require Exemptions to the Public Records Act to Be Contained or Referenced in RCW 42.56. The PRA allows any “other statute” to create an exemption from disclosure. This results in new exemptions being created without any clear notice that the PRA is being amended by implication. Exemptions in other chapters of law often use vague and imprecise language that results in expensive PRA litigation. RCW 42.56.070 should be amended to remove the “other statute” language and require that every public record exemption be contained within the PRA or referenced from the PRA, so that it is always clear and explicit that the legislature intended to create an exemption from disclosure.

4. Oppose Further Weakening of the Public Records Act. Agencies should not have discretion to reject or enjoin requests or requesters they subjectively deem “harassing” or “abusive”. The legislature should not increase the cost of inspecting or copying public records beyond the actual reasonable cost of the copies, or make it more difficult to hold agencies accountable for failing to comply with the law. Agencies should implement cost management measures available in existing law before seeking to weaken the PRA or further raise costs for requesters.

The following additional items of concern to open government advocates will be also be supported:

- Encourage agencies to proactively digitize records and make them available online to reduce costs of records requests.
- Restore Washington State Archives grant programs to assist local governments in organizing and digitizing records, and provide statewide services for posting records and making requests online.
- Approve legislation proposed by the Sunshine Committee that received unanimous support.
- Create an exemption in the PRA for audio and video recordings of lawfully closed meetings.
- Create a private right of action under the PRA for improper destruction of public records.
- Prevent agencies from initiating litigation against public records requesters.
- Plaintiffs should not have to prove actual knowledge of illegality when seeking penalties for illegal meetings under the OPMA.
- Clarify use and disclosure of law enforcement video to enable deployment of body cameras.
- Clarify that agencies cannot escape PRA penalties by leaving a request open indefinitely.
- Improve preservation of and access to electronic records, and mandate electronic production.
- Amend the state constitution to eliminate any notion of “Executive Privilege” under the PRA.
- Restore the original intent of the attorney-client communications exemption in the PRA.
- Oppose creation of a broad PRA exemption for driver license numbers.
- Require an opportunity for public comment before final action is taken under the OPMA.
- Enable remote video testimony by the general public in legislative hearings.
- Improve transparency of tax preferences by releasing records of uses of such preferences.