

2015 Legislative Priorities

Washington Coalition for Open Government has established the following four priorities for legislative action during the 2015 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. 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, or make it more difficult to hold agencies accountable for failing to comply with the law. Agencies should implement cost management measures already in the law before seeking to weaken the PRA or further raise costs for requesters. Proposed new exemptions must be carefully examined to ensure they are in the public interest, protect privacy or trade secrets, deter crime, or encourage provision of necessary information that would not otherwise be provided, and that they do not reduce government accountability.

2. No Executive Privilege. The state Supreme Court declared that the separation of powers in the Washington state constitution implies an “executive privilege”, thereby allowing the governor to conceal public records at will and shift the burden of proof to the requester to establish that releasing the records is in the public interest. The state constitution should be amended to clarify that no such privilege exists, and that records of the governor and other state executive officers belong to the people and are fully disclosable under the Public Records Act unless exempt under statute law created by the legislature or the people.

3. 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.

4. Require an Opportunity for Public Comment Before Final Action is taken under the Open Public Meetings Act. The public should be allowed to make their views known on proposed agency actions, in an open public meeting, prior to final action on any budget, ordinance, resolution, rule, regulation, directive, or other significant act. The text proposed to be adopted and related background materials should be available to the general public, such as by posting on the agency web site, at least 24 hours before the meeting at which it will be considered, to provide a fair opportunity for the public to review the text and prepare comments to be presented to the governing body.

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

- Improve preservation of and access to electronic records.
- 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.
- Make court administrative records available under the PRA.
- Restore the original intent of the attorney-client communications exemption in the PRA.
- Create dispute resolution alternatives to reduce the cost of resolving PRA and OPMA disputes.
- Oppose creation of a broad PRA exemption for driver license numbers.
- Prevent agencies from initiating lawsuits or discovery against public records requesters.
- Enable remote video testimony by the general public in legislative hearings.
- Preserve the Sunshine Committee.
- Fund the Open Government Ombudsman as a permanent, full-time position.
- Restore funding for superior and appellate courts and for the Washington State Archives.
- Fund capital equipment upgrades for TVW.