

2016 Legislative Priorities

Washington Coalition for Open Government has established the following four top priorities for legislative action during the 2016 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 available in existing law before seeking to weaken the PRA or further raise costs for requesters.

2. Agencies Should Not Sue Records Requesters. Agencies around the state have been routinely bringing lawsuits against requesters for “declaratory judgment” or for an injunction blocking release of records instead of simply claiming an exemption and allowing the requester to decide on their course of action. This turns the PRA enforcement process on its head, forcing requesters to spend thousands of dollars for an attorney to simply respond to the lawsuit, or face losing by default or being forced to withdraw their PRA request. Agencies have much deeper pockets than most requesters, and should not be able to intimidate requesters in this way. Alternative mechanisms are needed to reduce the cost of dispute resolution for both agencies and requesters.

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 OPMA. The public should be allowed to make their views known, 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 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 transparency of tax preferences by releasing records of uses of such preferences.
- 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.
- 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.
- 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.
- 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.
- Enable remote video testimony by the general public in legislative hearings.
- Increase penalties for OPMA violations, and allow penalties even when a violation is not “willful”.
- Restore funding for superior and appellate courts and for the Washington State Archives.