

[Attorney General launches 2011 legislation](#)

Local News

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OLYMPIA — Legislators from both parties joined Washington State Attorney General Rob McKenna today to announce proposals to save money, protect the vulnerable and make government more accountable. "People depend on us to solve problems," McKenna said. "We're proud to work with legislators from both sides of the aisle who are as determined as we are to make our streets safer, and to make state government leaner and more accountable." **PUBLIC RECORDS**

The Attorney General's Office and the State Auditor's Office's Open Government Task Force recommend the creation of an administrative board to rule on complaints of violations of the Public Records Act (PRA) and the Open Public Meetings Act (OPMA). [Legislation](#) sponsored by Rep. Christopher Hurst, D-Enumclaw, creates the Office of Public Records within the Office of Administrative Hearings. "It's our hope that this pilot program will expand in the years to come, broadening access to government information," McKenna said. "It will also prevent expensive lawsuits over the denial of records." McKenna also proposes two bills specifically targeted to save money by preventing lawsuits concerning open government matters. One bill, sponsored by Sen. Craig Pridemore, D-Vancouver, and others, requires records requesters seeking court penalties to first notify a government agency of their intent to file a lawsuit over denied records. The other [bill](#), sponsored by Rep. Deb Eddy, D-Kirkland, provides a one-year statute of limitations for suing over denied records.

"As a former mayor and city councilmember, and as a state legislator, I recognize the importance of providing access to government information," Eddy said. "Clear open records laws provide access to records and the courts — and ultimately save taxpayer money." **INMATE LAWSUITS**

"The vast majority of Public Records Act lawsuits against the state involve inmates," Sen. Mike Carrell, R-Lakewood, said. "The bill for defending these lawsuits is paid by taxpayers." Sen. Carrell co-sponsors the Attorney General's [bill](#) to restrict inmates from filing suits in state court at public expense if they previously brought three or more cases found frivolous by a court. Inmates could still bring claims if they are at imminent risk of serious physical harm. The bill is prime-sponsored by Sen. James Hargrove, D-Hoquiam, while Rep. Charles Ross, R-Naches, sponsors a companion bill in the House. Another [proposal](#), sponsored by Sen. Hargrove and Rep. Dean Takko, D-Longview, seeks to eliminate PRA penalty awards for inmates, removing the financial incentive for those behind bars to blister the state with records requests, trying to force errors and collect penalties along the way. Inmates would preserve their ability to hire lawyers to pursue claims, recovering attorneys' fees and costs. **PROPERTY RIGHTS** A bill requested by the Attorney General and sponsored by Sen. Cheryl Pflug, R-Maple Valley, prohibits the use of eminent domain for economic development. A companion [bill](#) is sponsored by Rep. Larry Springer, D-Kirkland. This year, the bill is pursued in the name of [Daniel Fink](#), a community activist from Seattle who fought eminent domain abuse until his death late last year. Another AG-requested [law](#), sponsored by Rep. Roger Goodman, D-Kirkland, would give property owners 120 days to improve blighted property before condemnation. According to the

[Washington Policy Center](#), over the last decade, tens of thousands of property owners in some of the poorest communities have faced attempts to have their homes taken away. Both bills are similar to legislation requested by the Attorney General that died in committee in 2010. **CONSUMER PROTECTION** The Attorney General requests three bills to help protect consumers: **Stolen Mail:** The Attorney General's Law Enforcement Group Against Identity Theft (LEGIT) Task Force recommends defining mail theft as a Class C felony. **Our mailboxes are a treasure-trove for identity thieves because they contain our financial, medical and other personal information,** said House sponsor Rep. Jason Overstreet, R-Blaine. **This crime devastates people's credit ratings and drains bank accounts.** The Senate bill is sponsored by Carrell. **Fixing the Consumer Protection Act:** Washington is the only state that awards defendants attorney fees in government enforcement actions without requiring a determination that the state's case was frivolous or malicious. This discourages the pursuit of targets engaged in violations of consumer protection or antitrust laws due to the risk of large attorney fees — even in a case that succeeds overall. The [bill](#), sponsored by Sen. Steve Conway, D-Tacoma, permits reasonable attorney fees for a defendant only upon a finding by a judge that the state's action was frivolous. It also makes it clear that the Consumer Protection Act applies to Washington businesses that deal only with out-of-state consumers. **Unauthorized Practice of Law Affecting Immigrants:** A flaw in state law allows seemingly government-approved **immigration assistants** to charge for help even when they're not qualified to offer legal advice. Their mistakes can delay or ruin a customer's chances of obtaining legal status. The [bill](#), sponsored by Rep. Phyllis Gutierrez Kenney, D-Seattle, eliminates the **immigration assistant** designation. **This law will help protect immigrants who enter the country on visas and try to do the right thing by seeking government-approved help, rather than over-staying those visas,** said Rep. Kenney. **GANG VIOLENCE** In November of last year, Attorney General McKenna [announced](#) his proposal to fight gang violence. The mix of civil and criminal provisions, along with more resources for prevention and intervention, continues to be honed by legislators. At a work session in December, Don Pierce, executive director of the [Washington State Association of Sheriffs and Police Chiefs](#), warned that some neighborhoods in the state are **nearly under siege** from gang violence.

The legislative session begins on Jan. 10.