

SENATE BILL REPORT

SHB 2713

As Reported By Senate Committee On:
Government Operations & Elections, February 20, 2006

Title: An act relating to clarifying that special district boards, councils, and commissions may publicly take positions on ballot measures.

Brief Description: Clarifying that state and local governing bodies may support or oppose ballot propositions.

Sponsors: House Committee on State Government Operations & Accountability (originally sponsored by Representatives Simpson, Woods and Hunt).

Brief History: Passed House: 2/14/06, 66-30.

Committee Activity: Government Operations & Elections: 2/20/06 [DP, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore.

Minority Report: That it be referred without recommendation.

Signed by Senator Benton.

Staff: Diane Smith (786-7410)

Background: The Public Disclosure Act (Act) prohibits anyone in public office from using the facilities of a public office for campaign purposes. Three exceptions are made to this general rule. One of these exceptions is made for actions taken at open public meetings by members of an elected legislative body. In this case, the legislative body may express a collective decision or vote upon a motion to support or oppose a ballot proposition.

In 2005, upon the request of the chairman of the Public Disclosure Commission, the Attorney General issued a formal opinion stating that the term "elected legislative body" does not include the elected legislative bodies of special purpose districts.

Summary of Bill: The elected legislative bodies of special purpose districts are included in the exception to the general rule of the Act that does not permit an elected official to use the facilities of public office for campaign purposes. This results in allowing the legislative bodies of special purpose districts to express their collective decision or to vote upon a motion to support or oppose a ballot measure.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Elected bodies have been doing this for 30 years. It is important for them to offer their advice.

Testimony Against: None.

Who Testified: PRO: Pat Jones, Washington Public Ports Association; Roger Ferris, Washington Fire Commissioners' Association.