
State Government & Tribal Affairs
Committee

HB 1552

Brief Description: Regarding public access at open public meetings.

Sponsors: Representatives Kretz, Blake, Short, Nelson, Smith, Upthegrove and McCune.

Brief Summary of Bill

- Requires formal public testimony be given at any meeting held under the Open Public Meetings Act (OPMA) where the public agency or governing board is adopting a ordinance, resolution, rule, order, or directive.
- Requires that all public meetings under the OPMA, except executive sessions, must be either recorded or documented.

Hearing Date: 2/20/09

Staff: Tracey O'Brien (786-7196)

Background:

The Open Public Meetings Act (OPMA) requires that all meetings of the governing body of a public agency be open to and public and all persons shall be allowed to attend. For the purposes of the OPMA, a public agency is defined broadly and includes, but is not limited to, any state board, commission, department, educational institution, agency, local government, and special purposes district. A governing body is defined as the multi-member board, commission, committee, council, or other policy or rulemaking body of a public agency or any committee thereof that is acting on behalf of the public agency.

A governing body may meet without the public for portions of a regular or special meeting to discuss certain issues. "Executive session" is not expressly defined in the OPMA, but according to the Attorney General's Deskbook, the term is commonly understood to mean that part of a regular or special meeting of the governing body that is closed to the public. A governing body

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may hold an executive session only for purposes specified in statute and only during a regular or special meeting. Washington courts have held that because an executive session is an exception to the OPMA's overall provisions requiring open meetings, a court will narrowly construe the grounds for an executive session in favor of requiring an open meeting.

Summary of Bill:

All public meetings under the OPMA, excluding executive sessions, must be recorded or documented by the agency. The recording or documentation is a public record.

Prior to the adoption of any ordinance, resolution, rule, regulation, order or directive, an agency must allow for formal public testimony at the open and public meeting required under the OPMA. Formal public testimony means oral testimony given before the governing body in a manner that allows all persons attending the public meeting to hear.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.