
SENATE BILL 6414

State of Washington

55th Legislature

1998 Regular Session

By Senators Stevens, Roach and Benton

Read first time 01/19/98. Referred to Committee on Government Operations.

1 AN ACT Relating to open public meetings; amending RCW 42.30.020 and
2 42.30.120; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 42.30.020 and 1985 c 366 s 1 are each amended to read
5 as follows:

6 As used in this chapter unless the context indicates otherwise:

7 (1) "Public agency" means:

8 (a) Any state board, commission, committee, department, educational
9 institution, or other state agency which is created by or pursuant to
10 statute, other than courts and the legislature;

11 (b) Any county, city, school district, special purpose district, or
12 other municipal corporation or political subdivision of the state of
13 Washington, including any task force, study group, or official policy
14 development body of such jurisdiction;

15 (c) Any subagency, task force, study group, or official policy
16 development body of a public agency which is created by or pursuant to
17 statute, ordinance, or other legislative act, including but not limited
18 to planning commissions, library or park boards, commissions, and
19 agencies;

1 (d) Any policy group whose membership includes representatives of
2 publicly owned utilities formed by or pursuant to the laws of this
3 state when meeting together as or on behalf of participants who have
4 contracted for the output of generating plants being planned or built
5 by an operating agency.

6 (2) "Governing body" means the multimember board, commission,
7 committee, council, or other policy or rule-making body of a public
8 agency, or any committee thereof when the committee acts on behalf of
9 the governing body, conducts hearings, or takes testimony or public
10 comment.

11 (3) "Action" means the transaction of the official business of a
12 public agency by a governing body including but not limited to receipt
13 of public testimony, deliberations, discussions, considerations,
14 reviews, evaluations, and final actions. "Final action" means a
15 collective positive or negative decision, or an actual vote by a
16 majority of the members of a governing body when sitting as a body or
17 entity, upon a motion, proposal, resolution, order, or ordinance.

18 (4) "Meeting" means meetings at which action is taken.

19 **Sec. 2.** RCW 42.30.120 and 1985 c 69 s 1 are each amended to read
20 as follows:

21 (1) Each member of the governing body or public agency who attends
22 a meeting of such governing body or public agency where action is taken
23 in violation of any provision of this chapter (~~((applicable to him, with~~
24 ~~knowledge of the fact))~~ who knows or should have been known that the
25 meeting is in violation thereof, shall be subject to personal liability
26 in the form of a civil penalty in the amount of one (~~((hundred))~~
27 thousand dollars. The civil penalty shall be assessed by a judge of
28 the superior court and an action to enforce this penalty may be brought
29 by any person. A violation of this chapter does not constitute a crime
30 and assessment of the civil penalty by a judge shall not give rise to
31 any disability or legal disadvantage based on conviction of a criminal
32 offense.

33 (2) Any person who prevails against a public agency in any action
34 in the courts for a violation of this chapter shall be awarded all
35 costs, including reasonable attorney fees, incurred in connection with
36 such legal action. Pursuant to RCW 4.84.185, any public agency who
37 prevails in any action in the courts for a violation of this chapter
38 may be awarded reasonable expenses and attorney fees upon final

1 judgment and written findings by the trial judge that the action was
2 frivolous and advanced without reasonable cause.

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