

HOUSE BILL REPORT

SB 5095

As Reported By House Committee On:
State Government

Title: An act relating to public corporations, commissions, and authorities.

Brief Description: Clarifying that public corporations, commissions, and authorities are public agencies for purposes of the open public meetings act.

Sponsors: Senators Thibaudeau, Horn, Kohl-Welles, Patterson, Haugen, Prentice and Costa.

Brief History:

Committee Activity:

State Government: 3/26/99, 3/30/99 [DPA].

Brief Summary of Bill
(As Amended by House Committee)

- Clarifies that public corporations, commissions, or authorities created by counties and cities are subject to general laws controlling local governments, such as the Open Public Meetings Act and the Open Public Records Act.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass as amended. Signed by 8 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Staff: Steve Lundin (786-7127).

Background:

Counties, cities, and towns may create public corporations, commissions, and authorities to administer and execute federal grants or programs and to perform any lawful public purpose or function.

The Open Public Meetings law requires that most actions taken by a governing body, multi-member board, or policy body of a public agency must be taken in an open public meeting. However, executive sessions may be held in certain instances. A public agency is defined as a state commission or board, county, city, special district, or other municipal corporation or political subdivision.

The Open Public Records law requires each state agency and local agency to make all public records available for public inspection and copying, unless the record is exempted from disclosure. A local agency includes a county, city, town, municipal corporation, quasi-municipal corporation, special district, or any office, department, division, bureau, board, commission, or agency thereof, or any other local public agency.

Summary of Amended Bill:

Public corporations, commissions, or authorities created by a county, city, or town are subject to general laws regulating local governments, multi-member governing bodies, and local governmental officials, including, but not limited to, the requirement to be audited by the state auditor, various accounting requirements established by the state auditor, the Open Public Records law, the prohibition on using its facilities for campaign purposes, the Open Public Meetings law, the code of ethics for municipal officers, and the local government whistleblower law.

Amended Bill Compared to Original Bill: Public corporations are subject to a variety of laws applying to local governments, not just the Open Public Records law and the Open Public Meetings law. The amendment inserts these requirements into laws relating to these public corporations, rather than adding these requirements to the Open Public Meetings law and Open Public Records law.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: There have been instances in Seattle where these groups have had a lack of openness. There is some irony that public corporations would be subject to these requirements when nonprofit corporations acting for the public are not subject to these requirements.

Testimony Against: None.

Testified: Senator Thibaudeau, prime sponsor; and Paul Telford, Reform Party of Washington.