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**SUBSTITUTE SENATE BILL 5185**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Government Operations & Elections (originally sponsored by Senators Benton, Mulliken and Stevens)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to open public meetings; and amending RCW  
2 42.30.040, 42.30.060, and 42.30.070.

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

4 **Sec. 1.** RCW 42.30.040 and 1971 ex.s. c 250 s 4 are each amended to  
5 read as follows:

6 A member of the public shall not be required, as a condition to  
7 attendance at a meeting of a governing body, to register his or her  
8 name and other information, to complete a questionnaire, or otherwise  
9 to fulfill any condition precedent to his or her attendance.

10 The governing body may require persons desiring to speak or present  
11 written comments to identify themselves.

12 **Sec. 2.** RCW 42.30.060 and 1989 c 42 s 1 are each amended to read  
13 as follows:

14 (1) ~~((No))~~ A governing body of a public agency ~~((shall))~~ may adopt  
15 ~~((any))~~ an ordinance, resolution, rule, regulation, order, or  
16 directive ~~((, except in))~~ only when the action is taken at a meeting:

17 (a)(i) Open to the public ((and then only at a meeting)), (ii) for  
18 which the date ~~((of which is))~~ and location are fixed by law or rule,

1 (iii) for which the deadlines and procedure for posting the meeting  
2 agenda are fixed by law or rule, and (iv) for which the time allotted  
3 per agenda item is fixed by law or rule; or ((at a meeting of))

4 (b) For which notice has been given according to the provisions of  
5 this chapter.

6 Any action taken at meetings failing to comply with the provisions  
7 of this subsection shall be null and void.

8 (2) No governing body of a public agency at any meeting required to  
9 be open to the public shall vote by secret ballot. Any vote taken in  
10 violation of this subsection shall be null and void, and shall be  
11 considered an "action" under this chapter.

12 **Sec. 3.** RCW 42.30.070 and 1983 c 155 s 2 are each amended to read  
13 as follows:

14 The governing body of a public agency shall provide the location of  
15 and the time for holding regular meetings by ordinance, resolution,  
16 bylaws, or by whatever other rule is required for the conduct of  
17 business by that body. Unless otherwise provided for in the act under  
18 which the public agency was formed, meetings of the governing body need  
19 not be held within the boundaries of the territory over which the  
20 public agency exercises jurisdiction. For meetings attended by one or  
21 more governing bodies with authority over at least two mutually  
22 exclusive jurisdictions, governing bodies must adopt guidelines for  
23 setting the location of and time for holding such multijurisdictional  
24 meetings by ordinance, resolution, bylaws, or whatever other rule is  
25 required for the conduct of business by that body. Where two or more  
26 governing bodies with different jurisdictions meet, their guidelines  
27 must produce determinations of meeting time and location that do not  
28 conflict. If at any time any regular meeting falls on a holiday, such  
29 regular meeting shall be held on the next business day. If, by reason  
30 of fire, flood, earthquake, or other emergency, there is a need for  
31 expedited action by a governing body to meet the emergency, the  
32 presiding officer of the governing body may provide for a meeting site  
33 other than the regular meeting site and the notice and agenda  
34 requirements of this chapter shall be suspended during such emergency.  
35 It shall not be a violation of the requirements of this chapter for a  
36 majority of the members of a governing body to travel together or

1 gather for purposes other than a regular meeting or a special meeting  
2 as these terms are used in this chapter: PROVIDED, That they take no  
3 action as defined in this chapter.

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