

SENATE BILL REPORT

2SSB 5553

As Passed Senate, February 13, 2012

Title: An act relating to posting information on public agencies' web sites.

Brief Description: Requiring public agencies, special purpose districts, and municipalities to post certain information on their web sites.

Sponsors: Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Roach, Pridemore and Chase).

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 2/08/11, 2/17/11 [DPS]; 1/16/12, 1/24/12 [DP2S].
Passed Senate: 3/07/11, 48-1; 2/13/12, 48-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Second Substitute Senate Bill No. 5553 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Chase, Nelson and Roach.

Staff: Sharon Swanson (786-7447)

Background: The Open Public Meetings Act (Act) applies to all city and town councils and all county councils and boards of county commissioners, as well as to many subordinate city and county commissions, boards, and committees. The Act requires that all meetings of such bodies be open to the public and that all action taken by such bodies be done at meetings that are open to the public.

Currently, the governing body of a public agency must provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body.

Special meetings may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body. Notification of the meeting is delivered by written notice personally, by mail, by fax, or by electronic mail to

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each member of the governing body; to each local newspaper of general circulation; and to each local radio or television station on file with the governing body with a written request to be notified. This notice must be delivered at least 24 hours before the time of the meetings as specified in the notice.

Summary of Second Substitute Bill: The agenda of all regular meetings of the governing body of every qualifying public agency, special purpose district, and any municipality that owns and maintains a website must be posted 72 hours before a meeting.

The agenda of all special meetings must be posted 24 hours before a meeting. The posting must indicate if the agenda is in draft form.

The text of any ordinance, rule, or regulation that is under consideration at the meeting must be included on the website at the same time the agenda is posted.

The minutes of all regular and special meetings of the governing body of every public agency, special purpose district, and any municipality that owns or maintains a website must be posted within 15 business days after adoption.

All postings must remain on the website for one calendar year.

The following are exempt from the requirement in the act:

- counties with a population of less than 30,000 and the special purpose districts and school districts located within those counties;
- special purpose districts providing service to a population of less than 1000;
- cities or towns with a population of less than 8000; or
- port districts with three or fewer staff members.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2011.

Staff Summary of Public Testimony on Recommended Second Substitute: CON: Act has quite a hammer in that violations of the Act result in action taken during a meeting that violated the Act being null and void. This bill requires the minutes of a meeting to be posted for one calendar year. There is no way to confirm that minutes have been posted for that length of time. The question also comes up whether or not actions taken during the initial meeting are valid during that one year time when there can be a violation by removing the minutes from a website. The bill also requires advance posting of materials. If a need for an amendment came up during a hearing, would the agency be prevented from acting on that need based on the fact that the amendment was not online previous to the meeting?

OTHER: The bill exempts counties with a population of less than 30 thousand and exempts the special purpose districts within those counties. What about tiny port districts within large

counties? Several port districts have no employees. Several have no full time employees. Those port districts would not be exempt under this bill.

Persons Testifying: CON: Marc Greenough, Foster Pepper PLLC.

OTHER: Ginger Eagle, WA Public Ports Assn.