

# HOUSE BILL REPORT

## HB 2105

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### As Reported by House Committee On: Government Operations & Elections

**Title:** An act relating to promoting transparency in government by requiring public agencies with governing bodies to post agendas online in advance of meetings.

**Brief Description:** Promoting transparency in government by requiring public agencies with governing bodies to post their agendas online in advance of meetings.

**Sponsors:** Representatives Hawkins, Bergquist, Buys, S. Hunt, Holy, Orwall, Ross, Pedersen, Reykdal, Hayes, Pollet, Kochmar, Hudgins, Magendanz, Moscoso, Vick, Riccelli, Klippert, Stonier, Nealey, Tarleton, Scott, Pike, Fagan, Fey, Seaquist, Chandler, Farrell, Haigh, Fitzgibbon, Sawyer, Moeller, Gregerson, Johnson, Haler, Appleton, Carlyle, Morrell, Goodman, Van De Wege and Freeman.

#### **Brief History:**

##### **Committee Activity:**

Government Operations & Elections: 1/14/14, 1/22/14 [DPS].

#### **Brief Summary of Substitute Bill**

- Requires public agencies with governing bodies to post meeting agendas online at least 24 hours in advance of regular meetings.
- Exempts agencies without websites or that employ fewer than 10 full-time equivalent employees from posting agendas online.

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### HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Carlyle, Manweller, Orwall, Robinson and Van De Wege.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Taylor, Ranking Minority Member; Young, Assistant Ranking Minority Member; Christian and Kretz.

**Staff:** Amanda Ondrick (786-7296) and Marsha Reilly (786-7135).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Background:**

The Open Public Meetings Act (OPMA) requires all meetings of the governing body of a public agency to be open to the public and that all persons be allowed to attend. For the purpose of the OPMA, a public agency is defined broadly and includes, but is not limited to, any state board, commission, department, education institution, agency, local government, and special purpose district. A governing body is defined as the multi-member board, commission, committee, council, or other policy or rule-making body of a public agency or any committee thereof that is acting on behalf of the public agency. A schedule for regular meetings must be provided by ordinance, resolution, bylaws, or other rule. State agencies must file a schedule of the time and place of meetings on or before January of each year to the Office of the Code Reviser for publication in the Washington state register. A \$100 civil penalty can be issued to any member of a governing body who is aware that a meeting is in violation of the law. Current law does not require posting regular meeting agendas online.

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**Summary of Substitute Bill:**

A new section is added to the OPMA requiring public agencies with governing bodies to post meeting agendas online at least 24 hours in advance of each regular meeting. An agency is not required to post an agenda online if the agency does not have a website or if it employs fewer than 10 full-time equivalent employees.

**Substitute Bill Compared to Original Bill:**

The amended bill affects three areas of the bill. First, it increases the number of full-time equivalent employees necessary to comply with the provision to post meeting agendas online. Second, it provides that the requirement to post an online agenda shall not be construed as establishing that such posting is sufficient notice to satisfy public notice requirements established under other laws. Third, it provides that failure to post an agenda online shall not provide a basis for awarding attorney fees or commencing an action for mandamus or injunction under the provisions of the OPMA.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Posting meeting agendas online is a modest first step at updating the OPMA to reflect online culture. Members of the public should have a fair understanding of what may be discussed at meetings and posting agendas online is good practice. Posting agendas

online is an important step to getting citizens engaged in their local government. Many agencies already post agendas as a courtesy and this bill provides a gentle nudge to have other agencies do the same. This bill is reasonable and cities can comply with this. There is good language in this bill which does not invalidate decisions made at meetings if an agenda is not posted online.

(Neutral) If a clerk or someone else does not post an agenda, the penalties they would incur are unclear. Information should be gathered about what clerks are already doing and how this bill would affect them. Also, smaller cities may advocate for an exemption from this policy.

(Opposed) None.

**Persons Testifying:** (In support) Representative Hawkins, prime sponsor; Bill Will, Washington Newspaper Publishers Association; and Arthur West.

(Neutral) Victoria Lincoln, Association of Washington Cities.

**Persons Signed In To Testify But Not Testifying:** Lisa Thatcher, Association of Washington Public Hospital Districts.