

# SENATE BILL REPORT

## SB 6171

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As Passed Senate, February 16, 2016

**Title:** An act relating to civil penalties for knowing attendance by a member of a governing body at a meeting held in violation of the open public meetings act.

**Brief Description:** Concerning civil penalties for knowing attendance by a member of a governing body at a meeting held in violation of the open public meetings act.

**Sponsors:** Senators Roach, Liias and Benton; by request of Attorney General.

**Brief History:**

**Committee Activity:** Government Operations & Security: 1/14/16, 1/28/16 [DP, DNP].  
Passed Senate: 2/16/16, 49-0.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

**Majority Report:** Do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Pearson, Vice Chair; Dandel and Habib.

**Minority Report:** Do not pass.

Signed by Senators McCoy and Takko.

**Staff:** Samuel Brown (786-7470)

**Background:** The Open Public Meetings Act (OPMA) requires all meetings of the governing body of a public agency to be open to the public. The OPMA applies to all public agencies, which are defined broadly to include state boards, commissions, departments, education institutions, agencies, local governments, and special purpose districts. A public official who knowingly attends a meeting held in violation of the OPMA can be subject to a civil penalty of \$100.

**Summary of Bill:** The penalty for a public official who knowingly attends a meeting held in violation of the OPMA is increased to \$500 for the first violation, and \$1,000 for each successive violation.

**Appropriation:** None.

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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.*

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: This is the same civil penalty as when the OPMA was introduced in 1971, and it now lacks deterrent effect. Washington lags behind many states in this penalty provision. The penalty is very small compared to attorneys' fees needed to litigate it, and the level of proof is very high. It is not cost-effective or reasonable to litigate cases with such a small penalty.

**Persons Testifying:** PRO: Nancy Krier, Attorney General's Office; Arthur West, citizen.

**Persons Signed In To Testify But Not Testifying:** OTHER: Genesee Adkins, University of Washington.