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HOUSE BILL 1989

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State of Washington                      65th Legislature                      2017 Regular Session

By Representatives Pollet, Harmsworth, Stanford, and Kilduff

Read first time 02/06/17.      Referred to Committee on State Govt,  
Elections & IT.

1            AN ACT Relating to advisory groups and public meetings; adding a  
2 new section to chapter 42.30 RCW; and creating a new section.

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

4            NEW SECTION.    **Sec. 1.**    The intent of Initiative Measure No. 276,  
5 which established the state's open government laws, requires that  
6 governmental functions are conducted in the open, including both  
7 meetings and public access to information relating to those  
8 governmental functions.

9            The legislature finds that trust in government is damaged, and  
10 fundamental rights to observe governmental actions are impacted, if  
11 advisory committees, which are established by a governmental agency  
12 to provide formal advice to that agency, do not meet in the open  
13 pursuant to chapter 42.30 RCW.

14            The legislature finds further that the functional equivalency  
15 test, adopted in *Telford v. Thurston County Board of Commissioners*,  
16 95 Wn. App. 149 (1999) provides a useful framework for defining when  
17 an entity performing a governmental function delegated to it by a  
18 governmental agency should be regarded as a public agency for  
19 purposes of open meetings, disclosure, and transparency. The  
20 legislature finds that the public interest includes the right to  
21 observe deliberations and action of such governmental functions.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 42.30  
2    RCW to read as follows:

3        (1) An advisory board, committee, or other entity established by  
4    a public agency to provide formal advice or recommendations to the  
5    agency is subject to the provisions of this chapter. This requirement  
6    applies to any meeting that involves the transaction of official  
7    business, which would be an action if taken by the governing body of  
8    a public agency, including, but not limited to, any vote or decision  
9    to make recommendations to a convening agency or agencies. Any  
10   advisory board, committee, or other entity established jointly by a  
11   public agency and a federal agency, including any advisory body  
12   recognized in any consent agreement or order as providing advice to  
13   any state agency, must comply with the provisions of this chapter to  
14   the extent that federal law does not preempt compliance. This  
15   subsection does not expand or affect the determination of when the  
16   governing body of a public agency is taking action or meeting  
17   pursuant to this chapter.

18        (2) A subcommittee of a governing body of an agency is subject to  
19   the provisions of this chapter if it is formed by the governing body  
20   delegating action to such subcommittee, including receipt of comments  
21   on which the subcommittee will report to the full governing body, or  
22   preparation of a recommended action, to the same degree that the  
23   governing body would be if the action were not delegated.

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