

# SENATE BILL REPORT

## ESHB 1329

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As Reported by Senate Committee On:  
State Government & Elections, March 24, 2021

**Title:** An act relating to public meeting accessibility and participation.

**Brief Description:** Concerning public meeting accessibility and participation.

**Sponsors:** House Committee on Local Government (originally sponsored by Representatives Wicks, Pollet, Taylor, Ryu, Wylie, Shewmake, Bateman, Lovick, Fey, Morgan, Lekanoff, Harris-Talley and Peterson).

**Brief History:** Passed House: 2/26/21, 89-6.

**Committee Activity:** State Government & Elections: 3/19/21, 3/24/21 [DPA].

### Brief Summary of Amended Bill

- Encourages public agencies to provide remote access to governing body meetings of, and to record and post recordings of meetings online for at least six months.
- Requires governing bodies to provide an opportunity for public comment at or before every regular meeting at which final action is taken, except in emergency situations.
- Requires governing bodies, if feasible, to provide an opportunity for remote oral comment for an individual at a meeting upon request if the individual will find physical attendance at a meeting difficult.

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### SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Wilson, J., Ranking Member; Hasegawa and Hawkins.

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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 part of the legislation nor does it constitute a statement of legislative intent.*

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

**Background:** Open Public Meetings Act. The meetings of the governing body of a public agency must, with limited exceptions, be open to the public. Any member of the public who wants to attend such a meeting must be permitted to do so without conditions, such as requiring the provision of a name or address, imposed on attendance. Governing bodies may not adopt any ordinance, resolution, rule, regulation, order, or directive outside of a properly noticed meeting that is open to the public. Any action taken at a meeting that violates these requirements is void. Governing bodies are not required to take public testimony at a meeting.

The governing body may enter into executive session for deliberations, and exclude the members of the public from the executive session, under certain circumstances. Minutes must be taken at all regular and special meetings and subsequently made available for public inspection.

**Summary of Amended Bill:** Remote Access to Public Meetings. Public agencies are encouraged to:

- provide for increased public access and participation in governing body meetings through real-time telephone, Internet, or other readily available means of remote access to the meeting at no cost to members of the public;
- make an audio or video recording of, or to provide a streaming option for, all regular governing body meetings; and
- make the recordings of public meetings available online for at least six months.

Public Comment Requirement. There must be an opportunity for public comment at or before every regular meeting in which a public agency governing body takes final action, except in emergency situations. Public comment may be:

- taken orally at the meeting; or
- through an opportunity for submitting written comments prior to the meeting.

If public comment is offered through written submission, the governing body may set a reasonable deadline for submissions, and comments must be distributed to members of the governing body.

Accommodations. The governing body must, when feasible, provide an opportunity for individuals to provide oral comment remotely upon request if an individual will have difficulty physically attending the meeting if oral public comment is to be taken at the meeting.

Executive Sessions. The purpose for which the governing body of a public agency goes into executive session must be entered into the meeting minutes.

## **EFFECT OF STATE GOVERNMENT & ELECTIONS COMMITTEE**

**AMENDMENT(S):**

A section of the bill naming the act after Heather "Newsbrooke" Brooke, Ph. D. is removed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on Engrossed Substitute House Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: Public access is not a weight on officials' shoulders, but a responsibility. When public access and participation are not given the priority they are due, it causes short- and long-term damage by eroding public trust and stopping progress. Persons with disabilities, parents juggling home and work responsibilities, and others depend on multiple ways to access public meetings, and this measure will ensure their participation. Everybody should have equal access to democracy—one should not have to get on multiple buses to attend a public meeting. This is a climate bill because it reduces the need to commute to and from public meetings. We appreciate that these policies are encouraged, as compliance would be burdensome in smaller districts. This encourages more openness and accessibility without creating undue fiscal burden on strapped local governments. We have learned a lot in the last year about what is possible with remote meetings and how to integrate technology. Putting these changes in OPMA will encourage local governments to try different things and find out what works to improve processes.

**Persons Testifying:** PRO: Representative Emily Wicks, Prime Sponsor; Joe Kunzler; Mike Hoover, Washington State Association of Counties; Joren Clowers, Washington Association of Sewer and Water Districts; Candice Bock, Association of Washington Cities.

**Persons Signed In To Testify But Not Testifying:** No one.