

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1329**

67th Legislature  
2022 Regular Session

Passed by the House March 7, 2022  
Yeas 87 Nays 11

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**Speaker of the House of  
Representatives**

Passed by the Senate March 3, 2022  
Yeas 47 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1329** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 1329**

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AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

**State of Washington                      67th Legislature                      2021 Regular Session**

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

READ FIRST TIME 02/15/21.

1            AN    ACT    Relating    to    public    meeting    accessibility    and  
2 participation;    amending    RCW    42.30.010,    42.30.030,    42.30.040,  
3 42.30.050, 42.30.070, 42.30.077, 42.30.080, 42.30.090, 42.30.110, and  
4 42.30.900; adding new sections to chapter 42.30 RCW; creating a new  
5 section; and declaring an emergency.

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

7            NEW SECTION.    **Sec. 1.**    The legislature finds and declares that,  
8 due to technological advances since the 1971 adoption of the open  
9 public meetings act, elected officials no longer conduct the public's  
10 business solely at in-person meetings, but can and do utilize  
11 telephonic and other electronic methods to efficiently conduct the  
12 business of state and local government remotely. Further, limitations  
13 on public gatherings required as the result of a disaster or  
14 emergency, for example, to assist in preventing the spread of  
15 infectious diseases, may affirmatively necessitate the use of  
16 technology and the avoidance of in-person attendance at public  
17 meetings for the conduct of governmental business. It is the policy  
18 of the state that a governing body's actions, including  
19 deliberations, shall be taken and conducted in the open. When the  
20 public cannot observe and participate in person, it may limit  
21 participation in democracy. Therefore, this act shall be construed in

1 favor of ensuring access by the public to observe elected officials  
2 when they meet pursuant to this act. It is the intent of this act to  
3 modernize and update the open public meetings act emergency  
4 procedures to reflect technological advances, while maintaining the  
5 act's public policy that governing body's actions and deliberations  
6 be taken and conducted openly while balancing public safety in  
7 emergency conditions. Governing bodies are encouraged to adopt  
8 resolutions or ordinances establishing where and how meetings will be  
9 held in the event of an emergency, in order to allow the public to  
10 more easily learn about and observe public agency action in an  
11 emergent situation.

12 The legislature further finds people participating in their  
13 government, especially through public comment, is an essential part  
14 of developing public policy. The legislature finds that there are  
15 numerous developing technologies that can be used to facilitate  
16 public comment, especially for those with disabilities, underserved  
17 communities, and those who face time or distance challenges when  
18 traveling to public meetings. Therefore, the legislature intends to  
19 encourage public agencies to make use of remote access tools as fully  
20 as practicable to encourage public engagement and better serve their  
21 communities.

22 **Sec. 2.** RCW 42.30.010 and 1971 ex.s. c 250 s 1 are each amended  
23 to read as follows:

24 The legislature finds and declares that all public commissions,  
25 boards, councils, committees, subcommittees, departments, divisions,  
26 offices, and all other public agencies of this state and subdivisions  
27 thereof exist to aid in the conduct of the people's business. It is  
28 the intent of this chapter that their actions be taken openly and  
29 that their deliberations be conducted openly.

30 The people of this state do not yield their sovereignty to the  
31 agencies which serve them. The people, in delegating authority, do  
32 not give their public servants the right to decide what is good for  
33 the people to know and what is not good for them to know. The people  
34 insist on remaining informed and informing the people's public  
35 servants of their views so that they may retain control over the  
36 instruments they have created. For these reasons, even when not  
37 required by law, public agencies are encouraged to incorporate and  
38 accept public comment during their decision-making process.

1       **Sec. 3.** RCW 42.30.030 and 1971 ex.s. c 250 s 3 are each amended  
2 to read as follows:

3       (1) All meetings of the governing body of a public agency shall  
4 be open and public and all persons shall be permitted to attend any  
5 meeting of the governing body of a public agency, except as otherwise  
6 provided in this chapter.

7       (2) Public agencies are encouraged to provide for the increased  
8 ability of the public to observe and participate in the meetings of  
9 governing bodies through real-time telephonic, electronic, internet,  
10 or other readily available means of remote access that do not require  
11 an additional cost to access the meeting.

12       NEW SECTION.   **Sec. 4.** A new section is added to chapter 42.30  
13 RCW to read as follows:

14       (1) Public agencies are encouraged to make an audio or video  
15 recording of, or to provide an online streaming option for, all  
16 regular meetings of its governing body, and to make recordings of  
17 these meetings available online for a minimum of six months.

18       (2) This section does not alter a local government's  
19 recordkeeping requirements under chapter 42.56 RCW.

20       NEW SECTION.   **Sec. 5.** A new section is added to chapter 42.30  
21 RCW to read as follows:

22       (1) If, after the declaration of an emergency by a local or state  
23 government or agency, or by the federal government, a public agency  
24 determines that it cannot hold a meeting of the governing body with  
25 members or public attendance in person with reasonable safety because  
26 of the emergency, the public agency may:

27       (a) Hold a remote meeting of the governing body without a  
28 physical location; or

29       (b) Hold a meeting of the governing body at which the physical  
30 attendance by some or all members of the public is limited due to a  
31 declared emergency.

32       (2) During a remote meeting, members of the governing body may  
33 appear or attend by phone or by other electronic means that allows  
34 real-time verbal communication without being in the same physical  
35 location. For a remote meeting or a meeting at which the physical  
36 attendance by some or all members of the public is limited due to a  
37 declared emergency, the public agency must provide an option for the  
38 public to listen to the proceedings telephonically or by using a

1 readily available alternative in real-time that does not require any  
2 additional cost for participation. Free readily available options  
3 include, but are not limited to, broadcast by the public agency on a  
4 locally available cable television station that is available  
5 throughout the jurisdiction or other electronic, internet, or other  
6 means of remote access that does not require any additional cost for  
7 access to the program. The public agency may also allow the other  
8 electronic means of remote access.

9 (3) No action may be taken at a remote meeting or a meeting at  
10 which the physical attendance by some or all members of the public is  
11 limited due to a declared emergency if the public agency has not  
12 provided an option for the public to listen to proceedings pursuant  
13 to subsection (2) of this section, except for an executive session as  
14 authorized in this chapter.

15 (4) Notice of a remote meeting without a physical location or a  
16 meeting at which the physical attendance by some or all members of  
17 the public is limited due to a declared emergency must be provided in  
18 accordance with this chapter and must include instructions on how the  
19 public may listen live to proceedings and on how the public may  
20 access any other electronic means of remote access offered by the  
21 public agency.

22 (5) A remote meeting or a meeting at which the physical  
23 attendance by some or all members of the public is limited due to a  
24 declared emergency that is held under the provisions of this section  
25 shall be considered open and public in compliance with the  
26 requirements of this chapter. Nothing in this section alters the  
27 ability of public agencies to take action in response to an emergency  
28 as provided for in RCW 42.30.070, or to have members of a governing  
29 body participate in a meeting remotely with no declared emergency.

30 (6) Notwithstanding any other provision in this section, any  
31 governing body of a public agency which held some of its regular  
32 meetings remotely prior to March 1, 2020, may continue to hold some  
33 of its regular meetings remotely with no declared emergency so long  
34 as the public agency provides an option for the public to listen to  
35 the proceedings pursuant to subsection (2) of this section.

36 **Sec. 6.** RCW 42.30.040 and 2012 c 117 s 124 are each amended to  
37 read as follows:

38 A member of the public shall not be required, as a condition to  
39 attendance at a meeting of a governing body, to register his or her

1 name and other information, to complete a questionnaire, or otherwise  
2 to fulfill any condition precedent to his or her attendance. This  
3 section does not prohibit any generally applicable conditions  
4 determined by the governing body to be reasonably necessary to  
5 protect the public health or safety, or to protect against  
6 interruption of the meeting, including a meeting at which the  
7 physical attendance by some or all members of the public is limited  
8 due to a declared emergency.

9       **Sec. 7.** RCW 42.30.050 and 1971 ex.s. c 250 s 5 are each amended  
10 to read as follows:

11       In the event that any meeting is interrupted by a group or groups  
12 of persons so as to render the orderly conduct of such meeting  
13 unfeasible and order cannot be restored by the removal of individuals  
14 who are interrupting the meeting, the members of the governing body  
15 conducting the meeting may order the meeting room cleared and  
16 continue in session or may adjourn the meeting and reconvene at  
17 another location selected by majority vote of the members. In such a  
18 session, final disposition may be taken only on matters appearing on  
19 the agenda. Representatives of the press or other news media, except  
20 those participating in the disturbance, shall be allowed to attend  
21 any session held pursuant to this section. Nothing in this section  
22 shall prohibit the governing body from establishing a procedure for  
23 readmitting an individual or individuals not responsible for  
24 disturbing the orderly conduct of the meeting. Nothing in this  
25 section prohibits the governing body from stopping people from  
26 speaking to the governing body when not recognized by the governing  
27 body to speak.

28       **Sec. 8.** RCW 42.30.070 and 1983 c 155 s 2 are each amended to  
29 read as follows:

30       The governing body of a public agency shall provide the time for  
31 holding regular meetings by ordinance, resolution, bylaws, or by  
32 whatever other rule is required for the conduct of business by that  
33 body. Unless otherwise provided for in the act under which the public  
34 agency was formed, meetings of the governing body need not be held  
35 within the boundaries of the territory over which the public agency  
36 exercises jurisdiction. If at any time any regular meeting falls on a  
37 holiday, such regular meeting shall be held on the next business day.  
38 If, by reason of fire, flood, earthquake, or other emergency, there

1 is a need for expedited action by a governing body to meet the  
2 emergency, the presiding officer of the governing body may provide  
3 for a meeting site other than the regular meeting site, for a remote  
4 meeting without a physical location, or for a meeting at which the  
5 physical attendance by some or all members of the public is limited  
6 due to a declared emergency, and the notice requirements of this  
7 chapter shall be suspended during such emergency. It shall not be a  
8 violation of the requirements of this chapter for a majority of the  
9 members of a governing body to travel together or gather for purposes  
10 other than a regular meeting or a special meeting as these terms are  
11 used in this chapter: PROVIDED, That they take no action as defined  
12 in this chapter.

13 **Sec. 9.** RCW 42.30.077 and 2014 c 61 s 2 are each amended to read  
14 as follows:

15 (1) Public agencies with governing bodies must make the agenda of  
16 each regular meeting of the governing body available online no later  
17 than (~~twenty-four~~) 24 hours in advance of the published start time  
18 of the meeting. An agency subject to provisions of this section (~~is~~  
19 not required to post an agenda if it does not have a website or if it  
20 employs fewer than ten full-time equivalent employees)) may share a  
21 website with, or have its website hosted by, another public agency to  
22 post meeting agendas, minutes, budgets, contact information, and  
23 other records, including any resolution or ordinance adopted by the  
24 agency establishing where and how the public agency will meet in the  
25 event of an emergency. Nothing in this section prohibits subsequent  
26 modifications to agendas nor invalidates any otherwise legal action  
27 taken at a meeting where the agenda was not posted in accordance with  
28 this section. Nothing in this section modifies notice requirements or  
29 shall be construed as establishing that a public body or agency's  
30 online posting of an agenda as required by this section is sufficient  
31 notice to satisfy public notice requirements established under other  
32 laws. Failure to post an agenda in accordance with this section shall  
33 not provide a basis for awarding attorney fees under RCW 42.30.120 or  
34 commencing an action for mandamus or injunction under RCW 42.30.130.

35 (2) A special purpose district, city, or town subject to the  
36 provisions of this section is not required to post an agenda online  
37 if the district, city, or town:

38 (a) Has an aggregate valuation of the property subject to  
39 taxation by the district, city, or town of less than \$400,000,000, as

1 placed on the last completed and balanced tax rolls of the county  
2 preceding the date of the most recent tax levy;

3 (b) Has a population within its jurisdiction of under 3,000  
4 persons; and

5 (c) Provides confirmation to the state auditor at the time it  
6 files its annual reports under RCW 43.09.230 that the cost of posting  
7 notices on a website of its own, a shared website, or on the website  
8 of the county in which the largest portion of the district's, city's,  
9 or town's population resides, would exceed one-tenth of one percent  
10 of the district's, city's, or town's budget.

11 **Sec. 10.** RCW 42.30.080 and 2012 c 188 s 1 are each amended to  
12 read as follows:

13 (1) A special meeting may be called at any time by the presiding  
14 officer of the governing body of a public agency or by a majority of  
15 the members of the governing body by delivering written notice  
16 personally, by mail, by fax, or by ~~((electronic mail))~~ email to each  
17 member of the governing body. Written notice shall be deemed waived  
18 in the following circumstances:

19 (a) A member submits a written waiver of notice with the clerk or  
20 secretary of the governing body at or prior to the time the meeting  
21 convenes. A written waiver may be given by telegram, fax, or  
22 ~~((electronic mail))~~ email; or

23 (b) A member is actually present at the time the meeting  
24 convenes.

25 (2) Notice of a special meeting called under subsection (1) of  
26 this section shall be:

27 (a) Delivered to each local newspaper of general circulation and  
28 local radio or television station that has on file with the governing  
29 body a written request to be notified of such special meeting or of  
30 all special meetings;

31 (b) Posted on the agency's website. An agency is not required to  
32 post a special meeting notice on its website if it ~~((i))~~ does not  
33 have a website ~~((i))~~ or share a website with another agency.  
34 Except in the case of a remote meeting or a meeting at which the  
35 physical attendance by some or all members of the public is limited  
36 due to a declared emergency as provided for in this chapter, an  
37 agency is not required to post a special meeting notice on its  
38 website if it employs ~~((fewer than ten))~~ no full-time equivalent  
39 employees ~~((i))~~, or ~~((iii))~~ does not employ personnel whose duty, as



1 defined by a job description or existing contract, is to maintain or  
2 update the website; and

3 (c) Prominently displayed at the main entrance of the agency's  
4 principal location and the meeting site if it is not held at the  
5 agency's principal location and is not held as a remote meeting;  
6 except that during a declared emergency which prevents a meeting from  
7 being held in-person with reasonable safety an agency that hosts a  
8 website or shares a website with another agency may instead post  
9 notice of a remote meeting without a physical location on the website  
10 hosted or shared by the agency.

11 Such notice must be delivered or posted, as applicable, at least  
12 (~~twenty-four~~) 24 hours before the time of such meeting as specified  
13 in the notice.

14 (3) The call and notices required under subsections (1) and (2)  
15 of this section shall specify the time and place of the special  
16 meeting and the business to be transacted. Final disposition shall  
17 not be taken on any other matter at such meetings by the governing  
18 body.

19 (4) The notices provided in this section may be dispensed with in  
20 the event a special meeting is called to deal with an emergency  
21 involving injury or damage to persons or property or the likelihood  
22 of such injury or damage, when time requirements of such notice would  
23 make notice impractical and increase the likelihood of such injury or  
24 damage, or when the required notice cannot be posted or displayed  
25 with reasonable safety, including but not limited to declared  
26 emergencies in which travel to physically post notice is barred or  
27 advised against.

28 **Sec. 11.** RCW 42.30.090 and 2012 c 117 s 125 are each amended to  
29 read as follows:

30 The governing body of a public agency may adjourn any regular,  
31 adjourned regular, special, or adjourned special meeting to a time  
32 and place specified in the order of adjournment. Less than a quorum  
33 may so adjourn from time to time. If all members are absent from any  
34 regular or adjourned regular meeting the clerk or secretary of the  
35 governing body may declare the meeting adjourned to a stated time and  
36 place. He or she shall cause a written notice of the adjournment to  
37 be given in the same manner as provided in RCW 42.30.080 for special  
38 meetings, unless such notice is waived as provided for special  
39 meetings. (~~Whenever~~) Except in the case of remote meetings without

1 a physical location as provided for in this chapter, whenever any  
2 meeting is adjourned a copy of the order or notice of adjournment  
3 shall be conspicuously posted immediately after the time of the  
4 adjournment on or near the door of the place where the regular,  
5 adjourned regular, special, or adjourned special meeting was held.  
6 When a regular or adjourned regular meeting is adjourned as provided  
7 in this section, the resulting adjourned regular meeting is a regular  
8 meeting for all purposes. When an order of adjournment of any meeting  
9 fails to state the hour at which the adjourned meeting is to be held,  
10 it shall be held at the hour specified for regular meetings by  
11 ordinance, resolution, bylaw, or other rule.

12 **Sec. 12.** RCW 42.30.110 and 2019 c 162 s 2 are each amended to  
13 read as follows:

14 (1) Nothing contained in this chapter may be construed to prevent  
15 a governing body from holding an executive session during a regular  
16 or special meeting:

17 (a) (i) To consider matters affecting national security;

18 (ii) To consider, if in compliance with any required data  
19 security breach disclosure under RCW 19.255.010 and 42.56.590, and  
20 with legal counsel available, information regarding the  
21 infrastructure and security of computer and telecommunications  
22 networks, security and service recovery plans, security risk  
23 assessments and security test results to the extent that they  
24 identify specific system vulnerabilities, and other information that  
25 if made public may increase the risk to the confidentiality,  
26 integrity, or availability of agency security or to information  
27 technology infrastructure or assets;

28 (b) To consider the selection of a site or the acquisition of  
29 real estate by lease or purchase when public knowledge regarding such  
30 consideration would cause a likelihood of increased price;

31 (c) To consider the minimum price at which real estate will be  
32 offered for sale or lease when public knowledge regarding such  
33 consideration would cause a likelihood of decreased price. However,  
34 final action selling or leasing public property shall be taken in a  
35 meeting open to the public;

36 (d) To review negotiations on the performance of publicly bid  
37 contracts when public knowledge regarding such consideration would  
38 cause a likelihood of increased costs;

1 (e) To consider, in the case of an export trading company,  
2 financial and commercial information supplied by private persons to  
3 the export trading company;

4 (f) To receive and evaluate complaints or charges brought against  
5 a public officer or employee. However, upon the request of such  
6 officer or employee, a public hearing or a meeting open to the public  
7 shall be conducted upon such complaint or charge;

8 (g) To evaluate the qualifications of an applicant for public  
9 employment or to review the performance of a public employee.  
10 However, subject to RCW 42.30.140(4), discussion by a governing body  
11 of salaries, wages, and other conditions of employment to be  
12 generally applied within the agency shall occur in a meeting open to  
13 the public, and when a governing body elects to take final action  
14 hiring, setting the salary of an individual employee or class of  
15 employees, or discharging or disciplining an employee, that action  
16 shall be taken in a meeting open to the public;

17 (h) To evaluate the qualifications of a candidate for appointment  
18 to elective office. However, any interview of such candidate and  
19 final action appointing a candidate to elective office shall be in a  
20 meeting open to the public;

21 (i) To discuss with legal counsel representing the agency matters  
22 relating to agency enforcement actions, or to discuss with legal  
23 counsel representing the agency litigation or potential litigation to  
24 which the agency, the governing body, or a member acting in an  
25 official capacity is, or is likely to become, a party, when public  
26 knowledge regarding the discussion is likely to result in an adverse  
27 legal or financial consequence to the agency.

28 This subsection (1)(i) does not permit a governing body to hold  
29 an executive session solely because an attorney representing the  
30 agency is present. For purposes of this subsection (1)(i), "potential  
31 litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a)  
32 concerning:

33 (i) Litigation that has been specifically threatened to which the  
34 agency, the governing body, or a member acting in an official  
35 capacity is, or is likely to become, a party;

36 (ii) Litigation that the agency reasonably believes may be  
37 commenced by or against the agency, the governing body, or a member  
38 acting in an official capacity; or

39 (iii) Litigation or legal risks of a proposed action or current  
40 practice that the agency has identified when public discussion of the

1 litigation or legal risks is likely to result in an adverse legal or  
2 financial consequence to the agency;

3 (j) To consider, in the case of the state library commission or  
4 its advisory bodies, western library network prices, products,  
5 equipment, and services, when such discussion would be likely to  
6 adversely affect the network's ability to conduct business in a  
7 competitive economic climate. However, final action on these matters  
8 shall be taken in a meeting open to the public;

9 (k) To consider, in the case of the state investment board,  
10 financial and commercial information when the information relates to  
11 the investment of public trust or retirement funds and when public  
12 knowledge regarding the discussion would result in loss to such funds  
13 or in private loss to the providers of this information;

14 (l) To consider proprietary or confidential nonpublished  
15 information related to the development, acquisition, or  
16 implementation of state purchased health care services as provided in  
17 RCW 41.05.026;

18 (m) To consider in the case of the life sciences discovery fund  
19 authority, the substance of grant applications and grant awards when  
20 public knowledge regarding the discussion would reasonably be  
21 expected to result in private loss to the providers of this  
22 information;

23 (n) To consider in the case of a health sciences and services  
24 authority, the substance of grant applications and grant awards when  
25 public knowledge regarding the discussion would reasonably be  
26 expected to result in private loss to the providers of this  
27 information;

28 (o) To consider information regarding staff privileges or quality  
29 improvement committees under RCW 70.41.205.

30 (2) Before convening in executive session, the presiding officer  
31 of a governing body shall publicly announce the purpose for excluding  
32 the public from the meeting place, and the time when the executive  
33 session will be concluded. The executive session may be extended to a  
34 stated later time by announcement of the presiding officer. The  
35 announced purpose of excluding the public must be entered into the  
36 minutes of the meeting required by RCW 42.30.035.

37 NEW SECTION. **Sec. 13.** A new section is added to chapter 42.30  
38 RCW to read as follows:

1 (1) Except in an emergency situation, the governing body of a  
2 public agency shall provide an opportunity at or before every regular  
3 meeting at which final action is taken for public comment. The public  
4 comment required under this section may be taken orally at a public  
5 meeting, or by providing an opportunity for written testimony to be  
6 submitted before or at the meeting. If the governing body accepts  
7 written testimony, this testimony must be distributed to the  
8 governing body. The governing body may set a reasonable deadline for  
9 the submission of written testimony before the meeting.

10 (2) Upon the request of any individual who will have difficulty  
11 attending a meeting of the governing body of a public agency by  
12 reason of disability, limited mobility, or for any other reason that  
13 makes physical attendance at a meeting difficult, the governing body  
14 shall, when feasible, provide an opportunity for that individual to  
15 provide oral comment at the meeting remotely if oral comment from  
16 other members of the public will be accepted at the meeting.

17 (3) Nothing in this section prevents a governing body from  
18 allowing public comment on items not on the meeting agenda.

19 (4) Nothing in this section diminishes the authority of governing  
20 bodies to deal with interruptions under RCW 42.30.050, limits the  
21 ability of the governing body to put limitations on the time  
22 available for public comment or on how public comment is accepted, or  
23 requires a governing body to accept public comment that renders  
24 orderly conduct of the meeting unfeasible.

25 **Sec. 14.** RCW 42.30.900 and 1971 ex.s. c 250 s 16 are each  
26 amended to read as follows:

27 This chapter may be known and cited as the (~~"Open Public~~  
28 ~~Meetings Act of 1971".~~) Washington state open public meetings act or  
29 OPMA.

30 NEW SECTION. **Sec. 15.** Sections 5 through 11 of this act are  
31 necessary for the immediate preservation of the public peace, health,  
32 or safety, or support of the state government and its existing public  
33 institutions, and take effect immediately.

--- END ---