
State Government & Tribal Relations Committee

HB 1105

Brief Description: Requiring public agencies to provide notice for public comment that includes the last date by which such public comment must be submitted.

Sponsors: Representatives Kloba, Abbarno and Thai.

Brief Summary of Bill

- Mandates any public agency that is required to provide notice that it is soliciting written public comment to include in the notice the last day by which such public comment may be submitted.
- Subjects each person who is responsible for providing a required notice that an agency is soliciting written public comment to a civil penalty of \$500 for the first violation and \$1000 for any subsequent violation if the notice does not specify the last date by which such public comment may be submitted.

Hearing Date: 1/11/23

Staff: Desiree Omli (786-7105).

Background:

Open Public Meetings Act.

The Open Public Meetings Act (OPMA) requires access for the public to attend all meetings of the governing body of a public agency that involves the transaction of official business, including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. A "public agency" means:

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.

- any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the Legislature, except for a comprehensive cancer center participating in a collaborative arrangement;
- any county, city, school district, special purpose district, or other municipal corporation or political subdivision of the state of Washington;
- any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies; or
- any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.

Any law, rule, regulation, or directive adopted by a governing body must occur at an open meeting. However, a governing body may exclude the public from executive sessions to consider certain topics specified in statute. The member of a governing body who attends a meeting in violation of any provision of the OPMA with knowledge of the violation may be charged a civil penalty of \$500 for the first violation and \$1000 for any subsequent violation, assessed by a superior court judge. Any person may bring an action to enforce such a penalty.

Public Comment Notices.

Various statutes mandate an agency to provide notice when the agency is required to solicit public comment. For example, under the Administrative Procedures Act (APA), an agency must provide notice in the State Register before the rule-making hearing at which the agency receives public comment regarding adoption of a rule. The APA also specifies that an agency must accept written comment about a proposed rule if it is received no later than the time and date specified in the notice. In addition, the Project Review Committee, established by the Capital Projects Advisory Review Board to review and approve public works projects, must provide notice of its public meetings and receive both written and oral comments at the public meeting. Further, prior to adopting or amending guidelines adopted pursuant to the Shoreline Management Act, the Department of Ecology must hold public hearings, provide notice of the hearings, and accept written comments during the 60-day period before, and 7-day period after, the public hearing.

Summary of Bill:

When a public agency is required to provide notice that it is soliciting written public comment, the notice must include the last date by which such public comment may be submitted. A person who provides a notice for written public comment as required by law but does not specify in the notice the last date for submission of written public comment is subject to a civil penalty of \$500 for the first violation and \$1000 for any subsequent violation.

Appropriation: None.

Fiscal Note: Not requested.

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