

HOUSE BILL REPORT

HB 2567

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to open meetings.

Brief Description: Increasing the civil penalty for violating the open public meetings act.

Sponsors: Representative Haler.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/23/08, 1/30/08 [DPS].

Brief Summary of Substitute Bill

- Provides for civil penalties for violations of the Open Public Meetings Act between \$250 and \$1,000.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz, Lias, Miloscia and Ormsby.

Staff: Colleen Kerr (786-7168).

Background:

Open Public Meetings Act

The Legislature enacted Washington's Open Public Meetings Act (OPMA) in 1971. The OPMA is modeled on California's Brown Act of 1953 and Florida's Government-in-the-Sunshine Law, or Sunshine Act of 1967. Open government laws are often referred to as sunshine laws in reference to a quote from Justice Brandies who said, "Sunlight is said to be the best of disinfectants." Indeed, Washington's Public Disclosure Act, now the Public Records Act, was sometimes called the Sunshine Law at the time of enactment.

Open Public Meetings Act Requirements

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.

The OPMA requires that all meetings of the governing body of a public agency must be open and public for anyone to attend. A "meeting" is defined as meetings where action is taken. "Action" is the transaction of official business, including, but not limited to, public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. There are statutory provisions regarding regular and special meetings, conduct, notice requirements, and penalties and remedies.

Violations of the OPMA

The OPMA provides that every member of a governing body who attends a meeting of the OPMA where action is taken in violation of the statutory requirements, and has knowledge that the meeting was in violation, is subject to a civil penalty of \$100. A violation of the OPMA does not constitute a crime.

Summary of Substitute Bill:

Civil penalties for violations of the Open Public Meetings Act may be awarded in an amount ranging between \$250 - \$1,000.

Substitute Bill Compared to Original Bill:

Provides that the civil penalties for violations of the Open Public Meetings Act may be given in an amount ranging from \$250 - \$1,000, rather than for \$1,000.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) There are city councils that are constantly violating the provisions of the OPMA. Some members will know they are in violations of the OPMA and continue with the meeting and violate anyway because the \$100 has no real impact. The \$100 penalty was set in 1971. Today that amount would be equal to \$539, which would be a much more appropriate amount for knowing violations of the state open government laws. The OPMA is an Act that builds trust. Laws like these encourage young people to participate in government by strengthening their faith in good government. But for these laws to be effective, they need to have real consequences. The intent of the \$100 is gone because of inflation, therefore it needs to be replaced.

(Opposed) There are degrees of violations of the OPMA. Courts need to have discretion to assess a penalty that is commensurate with the degree of violation, but \$1,000 is still too

high. City council members are not making tremendous amounts of money and for them even \$100 is still a deterrent.

Persons Testifying: (In support) Representative Haler, prime sponsor; Rowland Thompson, Allied Daily Newspapers; and Bill Will, Washington Newspaper Publishers Association.

(Opposed) Julie Murray, Washington Association of Counties; and Victoria Lincoln, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.