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SENATE BILL 6835

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State of Washington

61st Legislature

2010 Regular Session

By Senator Fairley

Read first time 02/03/10. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to clarifying that private nonprofit membership  
2 organizations are not defined as agencies for purposes of the open  
3 public meetings act and the public records act; and amending RCW  
4 42.30.020 and 42.56.010.

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

6 **Sec. 1.** RCW 42.30.020 and 1985 c 366 s 1 are each amended to read  
7 as follows:

8 As used in this chapter unless the context indicates otherwise:

9 (1)~~(a)~~ "a" "Public agency" means:

10 ~~((a))~~ (i) Any state board, commission, committee, department,  
11 educational institution, or other state agency which is created by or  
12 pursuant to statute, other than courts and the legislature;

13 ~~((b))~~ (ii) Any county, city, school district, special purpose  
14 district, or other municipal corporation or political subdivision of  
15 the state of Washington;

16 ~~((c))~~ (iii) Any subagency of a public agency which is created by  
17 or pursuant to statute, ordinance, or other legislative act, including  
18 but not limited to planning commissions, library or park boards,  
19 commissions, and agencies;

1       ~~((d))~~ (iv) Any policy group whose membership includes  
2 representatives of publicly owned utilities formed by or pursuant to  
3 the laws of this state when meeting together as or on behalf of  
4 participants who have contracted for the output of generating plants  
5 being planned or built by an operating agency.

6       (b) "Public agency" does not include private nonprofit membership  
7 organizations whose members include local public agencies.

8       (2) "Governing body" means the multimember board, commission,  
9 committee, council, or other policy or rule-making body of a public  
10 agency, or any committee thereof when the committee acts on behalf of  
11 the governing body, conducts hearings, or takes testimony or public  
12 comment.

13       (3) "Action" means the transaction of the official business of a  
14 public agency by a governing body including but not limited to receipt  
15 of public testimony, deliberations, discussions, considerations,  
16 reviews, evaluations, and final actions. "Final action" means a  
17 collective positive or negative decision, or an actual vote by a  
18 majority of the members of a governing body when sitting as a body or  
19 entity, upon a motion, proposal, resolution, order, or ordinance.

20       (4) "Meeting" means meetings at which action is taken.

21       **Sec. 2.** RCW 42.56.010 and 2007 c 197 s 1 are each amended to read  
22 as follows:

23       The definitions in this section apply throughout this chapter  
24 unless the context clearly requires otherwise.

25       (1) "Agency" includes all state agencies and all local agencies.  
26 "State agency" includes every state office, department, division,  
27 bureau, board, commission, or other state agency. "Local agency"  
28 includes every county, city, town, municipal corporation, quasi-  
29 municipal corporation, or special purpose district, or any office,  
30 department, division, bureau, board, commission, or agency thereof, or  
31 other local public agency. "Agency" does not include private nonprofit  
32 membership organizations whose members include local agencies.

33       (2) "Public record" includes any writing containing information  
34 relating to the conduct of government or the performance of any  
35 governmental or proprietary function prepared, owned, used, or retained  
36 by any state or local agency regardless of physical form or  
37 characteristics. For the office of the secretary of the senate and the

1 office of the chief clerk of the house of representatives, public  
2 records means legislative records as defined in RCW 40.14.100 and also  
3 means the following: All budget and financial records; personnel  
4 leave, travel, and payroll records; records of legislative sessions;  
5 reports submitted to the legislature; and any other record designated  
6 a public record by any official action of the senate or the house of  
7 representatives.

8 (3) "Writing" means handwriting, typewriting, printing,  
9 photostating, photographing, and every other means of recording any  
10 form of communication or representation including, but not limited to,  
11 letters, words, pictures, sounds, or symbols, or combination thereof,  
12 and all papers, maps, magnetic or paper tapes, photographic films and  
13 prints, motion picture, film and video recordings, magnetic or punched  
14 cards, discs, drums, diskettes, sound recordings, and other documents  
15 including existing data compilations from which information may be  
16 obtained or translated.

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