
HOUSE BILL 1714

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Pollet, Ross, Johnson, and Magendanz; by request of State Auditor

Read first time 02/06/13. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to the open public meetings act; and amending RCW
2 42.30.030, 42.30.120, and 42.30.210.

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

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

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

10 (2) A governing body of a public agency may record its closed
11 executive session meetings described under RCW 42.30.110. Executive
12 session recordings by a governing body are public records exempt from
13 disclosure, inspection, or copying under chapter 42.56 RCW unless
14 disclosure of specific recordings is explicitly authorized by
15 resolution of the governing body. If an agency elects to disclose a
16 recording that may otherwise be protected by a privilege or statutory
17 exemption, any privilege or statutory exemption is waived only for the
18 record produced.

1 **Sec. 2.** RCW 42.30.120 and 2012 c 117 s 126 are each amended to
2 read as follows:

3 (1) Each member of the governing body who attends a meeting of such
4 governing body where action is taken in violation of any provision of
5 this chapter applicable to him or her, with knowledge of the fact that
6 the meeting is in violation thereof, shall be subject to personal
7 liability in the form of a civil penalty in the amount of one hundred
8 dollars. The civil penalty shall be assessed by a judge of the
9 superior court and an action to enforce this penalty may be brought by
10 any person. A violation of this chapter does not constitute a crime
11 and assessment of the civil penalty by a judge shall not give rise to
12 any disability or legal disadvantage based on conviction of a criminal
13 offense.

14 (2) Any person who prevails against a public agency in any action
15 in the courts for a violation of this chapter shall be awarded all
16 costs, including reasonable attorneys' fees, incurred in connection
17 with such legal action. Pursuant to RCW 4.84.185, any public agency
18 (~~who~~) that prevails in any action in the courts for a violation of
19 this chapter may be awarded reasonable expenses and attorneys' fees
20 upon final judgment and written findings by the trial judge that the
21 action was frivolous and advanced without reasonable cause.

22 (3) As a remedy for any intentional violation of this chapter, a
23 court shall order the recording of a governing body's closed executive
24 sessions for a period of two years from the date of the order.
25 Recordings shall be retained for a period of two years and are exempt
26 from disclosure, inspection, or copying under the public records act,
27 chapter 42.56 RCW.

28 (4) An agency has conditional immunity from liability to any person
29 for damages that are a consequence of specific actions made without
30 legal authority in an executive session if:

31 (a) The governing body self-discloses those specific actions in
32 writing and by reading aloud in public at the first regular meeting
33 after the agency discovers, should have discovered, or receives a
34 complaint of an unauthorized action in an executive session;

35 (b) Before the self-disclosure, there is no final action related to
36 the specific action;

37 (c) There is no actual or anticipated litigation related to the
38 specific action; and

1 (d) The disclosure is available for public inspection and copying.

2 **Sec. 3.** RCW 42.30.210 and 2001 c 216 s 2 are each amended to read
3 as follows:

4 (1) The attorney general's office may provide information,
5 technical assistance, and training on the provisions of this chapter.

6 (2) The office of the attorney general may provide the training and
7 may also approve any acceptable course of training to be offered by a
8 governmental body or other entity. The attorney general or other
9 entity providing the training shall provide a certification of course
10 completion to elected or appointed officials who complete an approved
11 training curriculum.

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