

SENATE BILL REPORT

SB 5072

As Reported By Senate Committee On:
Government Operations, March 1, 1995

Title: An act relating to open public meetings.

Brief Description: Increasing penalties for violations of the open public meetings act.

Sponsors: Senators Haugen and Winsley.

Brief History:

Committee Activity: Government Operations: 1/25/95, 3/1/95 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5072 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Heavey and Winsley.

Staff: Rod McAulay (786-7754)

Background: In 1972, the Legislature enacted the Open Public Meetings Act. This legislation requires that the governing bodies of all public entities in the state conduct their business in public. Public notice must be given for any meeting that is not held at a regularly scheduled time and place. Notice is not required for emergency meetings where property or life are at risk.

The public may be excluded from a meeting of a governing body, if necessary to maintain order or if the governing body is in executive session. Executive sessions may be conducted only to consider certain specific matters that are enumerated in statute, and public notice must be given of what matters will be considered at an executive session.

A vote taken at any meeting conducted in violation of these requirements is null and void. A member of a governing body who attends a meeting where action is taken in violation of the open public meeting requirements may be fined \$100 by a superior court judge upon a complaint brought by any person.

Summary of Substitute Bill: A member of a governing body of a public body who attends a meeting of that body held in violation of the Open Public Meetings Act may be fined \$100 for the first violation and up to \$1,000 for the second violation. In the event of a third violation by the same person associated with the same governing body, the person may be fined up to \$10,000.

Substitute Bill Compared to Original Bill: The original bill provided that upon a third violation, a person must forfeit the office for the duration of his or her term.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The Open Public Meetings Act is violated every day, generally because of a lack of understanding.

Testimony Against: Local government involves volunteer citizens trying to do their best. Many boards have only three members, so when two meet there may be a violation. Penalties are draconian. The alternative is more education by the PDC. There is a need to distinguish between minor and serious violations. Frequency of violations also need to be considered.

Testified: Roland Thompson, Allied Daily Newspapers; Gary Lowe, WSAC; Stan Finkelstein, AWC.