

HOUSE BILL REPORT

SHB 2713

As Passed Legislature

Title: An act relating to clarifying that special district boards, councils, and commissions may publicly take positions on ballot measures.

Brief Description: Clarifying that state and local governing bodies may support or oppose ballot propositions.

Sponsors: By House Committee on State Government Operations & Accountability (originally sponsored by Representatives Simpson, Woods and Hunt).

Brief History:

Committee Activity:

State Government Operations & Accountability: 1/24/06, 1/30/06 [DPS].

Floor Activity:

Passed House: 2/14/06, 66-30.

Passed Senate: 3/2/06, 27-20.

Passed Legislature.

Brief Summary of Substitute Bill

- Modifies the public disclosure provision to allow members of an elected board, council, or commission of a special purpose district to take action on ballot measures.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Hunt, McDermott and Miloscia.

Minority Report: Do not pass. Signed by 3 members: Representatives Clements, Assistant Ranking Minority Member; Schindler and Sump.

Staff: Kasa Tupua (786-7291).

Background:

Local public officials and employees must comply with ethics laws that pertain to prohibiting the use of public office or agency facilities in campaigns. These laws are enforced by the Public Disclosure Commission (PDC). State public officials and employees must comply with

the ethics laws that pertain to the use of public resources for political campaigns, which are enforced by the Legislative Ethics Board for the legislative branch, and by the Executive Ethics Board for the executive branch.

Both statutes prohibit public officials and employees from using or authorizing the use of public facilities to assist a candidate or ballot proposition campaign. The statute allows:

- action taken at an open public meeting by members of an elected legislative body to express a collective decision, to actually vote on a motion, proposal or ordinance, or to support or oppose a ballot proposition. Notice of the meeting must include the title and number of the ballot proposition, and members of the public and the legislative body must be allowed equal opportunity to express opposing views;
- a statement by an elected official supporting or opposing a ballot proposition made at an open press conference or made in response to an inquiry; and
- activities that are part of the "normal and regular conduct" of the office or agency.

In 2005, an Attorney General Opinion (AGO) was issued pertaining to the definition of "elected legislative bodies." The AGO concluded that an "elected legislative body" consists of bodies whose members are directly elected to that body by voters. Entities not included in this definition are:

- appointed or elected board members;
- elected officials in specific jurisdictions; and
- informal groups of elected officials.

Summary of Substitute Bill:

The public disclosure provision on forbidding the use of public office or agency facilities in campaigns is modified to allow members of an elected board, council, or commission of a special purpose district to take action at an open public meeting to support or oppose a ballot measure. Special purpose districts include but are not limited to:

- fire districts;
- public hospital districts;
- library districts;
- park districts;
- port districts;
- public utility districts;
- school districts;
- sewer districts; and
- water districts

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: It is important to allow elected legislative bodies to express their opinions in open public meetings on ballot propositions that affect their jurisdictions. An Attorney General Opinion issued in 2005 however defined the term "elected legislative body" to not include special purpose districts. There needs to be a law to allow special purpose districts to discuss matters on ballot propositions in a public realm.

Testimony Against: None.

Persons Testifying: Representative Simpson, prime sponsor; Pat Jones, Washington Public Ports Association; Lorraine Wilson, Tacoma Public Schools; Vicke Rippie, Public Disclosure Commission; and Rick Slunaker, Associated General Contractors.

Persons Signed In To Testify But Not Testifying: None.