
HOUSE BILL 1782

State of Washington 66th Legislature 2019 Regular Session

By Representatives Pollet, Orwall, Wylie, Appleton, Tarleton,
Kilduff, and Kraft

Read first time 01/30/19. Referred to Committee on State Government
& Tribal Relations.

1 AN ACT Relating to public meetings of advisory groups established
2 by local governments and other agencies; amending RCW 42.30.020;
3 adding a new section to chapter 42.30 RCW; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The intent of Initiative Measure No. 276,
7 which established the state's open government laws, requires that
8 governmental functions are conducted in the open, including both
9 meetings and public access to information relating to those
10 governmental functions.

11 The legislature finds that trust in government is damaged, and
12 fundamental rights to observe governmental actions are impacted, if
13 advisory committees established by a governmental agency to provide
14 advice to that agency do not meet in the open pursuant to chapter
15 42.30 RCW.

16 The legislature finds further that the functional equivalency
17 test, adopted in *Telford v. Thurston County Board of Commissioners*,
18 95 Wn. App. 149 (1999), provides a useful framework for defining when
19 an entity performing a governmental function delegated to it by a
20 governmental agency should be regarded as a public agency for
21 purposes of open meetings, disclosure, and transparency. The

1 legislature finds that the public interest includes the right to
2 observe deliberations and action of such governmental functions.

3 The legislature intends to specify that "action" taken by an
4 advisory board or similar entity includes taking testimony or comment
5 and deliberating or voting to make recommendations, even though that
6 conduct is already included in the broader definition of "action"
7 applicable to all public agencies.

8 **Sec. 2.** RCW 42.30.020 and 1985 c 366 s 1 are each amended to
9 read as follows:

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

11 (1) "Public agency" means:

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

15 (b) Any county, city, school district, special purpose district,
16 or other municipal corporation or political subdivision of the state
17 of Washington;

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

22 (d) Any policy group whose membership includes representatives of
23 publicly owned utilities formed by or pursuant to the laws of this
24 state when meeting together as or on behalf of participants who have
25 contracted for the output of generating plants being planned or built
26 by an operating agency;

27 (e) An advisory board, committee, or other entity established by
28 a public agency to provide advice or recommendations to the public
29 agency;

30 (f) An advisory board, committee, or other entity to which action
31 has been delegated by a governing body of a public agency, a director
32 of a public agency, or a chief executive of any municipal entity.

33 (2) "Governing body" means the multimember board, commission,
34 committee, council, or other policy or rule-making body of a public
35 agency, or any committee thereof when the committee acts on behalf of
36 the governing body, conducts hearings, or takes testimony or public
37 comment.

38 (3) "Action" means the transaction of the official business of a
39 public agency by a governing body including but not limited to

1 receipt of public testimony, deliberations, discussions,
2 considerations, reviews, evaluations, and final actions. "Final
3 action" means a collective positive or negative decision, or an
4 actual vote by a majority of the members of a governing body when
5 sitting as a body or entity, upon a motion, proposal, resolution,
6 order, or ordinance. For public agencies under subsection (1)(e) and
7 (f) of this section, "action" includes any vote or decision to make
8 recommendations to a convening agency or agencies or receiving
9 testimony or comments on which the entity will report to the full
10 governing body or prepare a recommendation for action.

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

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.30
13 RCW to read as follows:

14 Any advisory board, committee, or other entity established
15 jointly by a public agency and a federal agency, including any
16 advisory body recognized in any consent agreement or order as
17 providing advice to any state agency, must comply with this chapter
18 to the extent that federal law does not preempt compliance.

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