

FINAL BILL REPORT

SHB 1105

C 171 L 24
Synopsis as Enacted

Brief Description: Requiring public agencies to provide notice for public comment that includes the last date by which such public comment must be submitted.

Sponsors: House Committee on State Government & Tribal Relations (originally sponsored by Representatives Kloba, Abbarno and Thai).

House Committee on State Government & Tribal Relations
Senate Committee on State Government & Elections

Background:

Open Public Meetings Act.

The Open Public Meetings Act (OPMA) requires access for the public to attend all meetings of the governing body of a public agency that involves the transaction of official business, including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. The OPMA prescribes specific procedural requirements for various types of meetings held by the governing body of a public agency, including notice requirements. A "public agency" means:

- any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the Legislature, except for a comprehensive cancer center participating in a collaborative arrangement;
- any county, city, school district, special purpose district, or other municipal corporation or political subdivision of the state;
- any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies; or
- any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

A member of a governing body who attends a meeting in violation of any provision of the OPMA with knowledge of the violation may be charged a civil penalty of \$500 for the first violation and \$1,000 for any subsequent violation, assessed by a superior court judge. Any person may bring an action to enforce such a penalty.

Public Comment Notices.

Various statutes outside of the OPMA mandate specified agencies to solicit public comment in certain circumstances and provide notice of the public comment period. For example, under the Administrative Procedures Act (APA), an agency must provide notice in the State Register before the rule-making hearing at which the agency receives public comment regarding adoption of a rule. The APA also specifies that an agency must accept written comment about a proposed rule if it is received no later than the time and date specified in the notice. In addition, the Project Review Committee, established by the Capital Projects Advisory Review Board to review and approve public works projects, must provide notice of its public meetings and receive both written and oral comments at the public meeting.

Further, prior to adopting or amending guidelines adopted pursuant to the Shoreline Management Act, the Department of Ecology must hold public hearings, provide notice of the hearings, and accept written comments during the 60-day period before, and 7-day period after, the public hearing.

Summary:

When a public agency, as defined under the OPMA, is required to solicit public comment for a statutorily specified period of time and provide notice that it is soliciting public comment, the agency must specify the first and last date of the comment period and the time by which written comments may be submitted. An agency that does not provide the required notice of public comment is subject to a civil penalty of \$500 for the first violation and \$1,000 for any subsequent violation. Although the provisions of the act are codified under the statutory chapter commonly associated with the OPMA, because the act applies to public agencies in general and is not limited to meetings of the governing body of a public agency, the requirements under the act are not limited only to situations in which the OPMA apply.

Votes on Final Passage:

House	95	0	
House	98	0	
Senate	49	0	(Senate amended)
House	97	0	(House concurred)

Effective: June 6, 2024