
HOUSE BILL 1552

State of Washington

61st Legislature

2009 Regular Session

By Representatives Kretz, Blake, Short, Nelson, Smith, Upthegrove, and McCune

Read first time 01/23/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to public access at open public meetings; and
2 amending RCW 42.30.020, 42.30.030, and 42.30.060.

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

4 **Sec. 1.** RCW 42.30.020 and 1985 c 366 s 1 are each amended to read
5 as follows:

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

7 (1) "Public agency" means:

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

11 (b) Any county, city, school district, special purpose district, or
12 other municipal corporation or political subdivision of the state of
13 Washington;

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

18 (d) Any policy group whose membership includes representatives of
19 publicly owned utilities formed by or pursuant to the laws of this

1 state when meeting together as or on behalf of participants who have
2 contracted for the output of generating plants being planned or built
3 by an operating agency.

4 (2) "Governing body" means the multimember board, commission,
5 committee, council, or other policy or rule-making body of a public
6 agency, or any committee thereof when the committee acts on behalf of
7 the governing body, conducts hearings, or takes testimony or public
8 comment.

9 (3) "Action" means the transaction of the official business of a
10 public agency by a governing body including but not limited to receipt
11 of public testimony, deliberations, discussions, considerations,
12 reviews, evaluations, and final actions. "Final action" means a
13 collective positive or negative decision, or an actual vote by a
14 majority of the members of a governing body when sitting as a body or
15 entity, upon a motion, proposal, resolution, order, or ordinance.

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

17 (5) "Formal public testimony" means oral testimony given before the
18 governing body in a manner that allows all persons attending the public
19 meeting to hear.

20 **Sec. 2.** RCW 42.30.030 and 1971 ex.s. c 250 s 3 are each amended to
21 read as follows:

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

26 (2) With the exception of an executive session, a public meeting
27 must either be recorded or documented by the agency and the recording
28 or documentation is a public record.

29 **Sec. 3.** RCW 42.30.060 and 1989 c 42 s 1 are each amended to read
30 as follows:

31 (1) No governing body of a public agency shall adopt any ordinance,
32 resolution, rule, regulation, order, or directive, except in a meeting
33 open to the public and then only at a meeting, the date of which is
34 fixed by law or rule, or at a meeting of which notice has been given
35 according to the provisions of this chapter. Before the adoption of
36 any ordinance, resolution, rule, regulation, order, or directive, a

1 formal public testimony period must be allowed. Any action taken at
2 meetings failing to comply with the provisions of this subsection shall
3 be null and void.

4 (2) No governing body of a public agency at any meeting required to
5 be open to the public shall vote by secret ballot. Any vote taken in
6 violation of this subsection shall be null and void, and shall be
7 considered an "action" under this chapter.

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