

HOUSE BILL REPORT

HB 2353

As Reported by House Committee On: State Government

Title: An act relating to civil penalties for knowing attendance by a member of a governing body at a meeting held in violation of the open public meetings act.

Brief Description: Concerning civil penalties for knowing attendance by a member of a governing body at a meeting held in violation of the open public meetings act.

Sponsors: Representatives S. Hunt, Stokesbary, Gregerson, Johnson, Haler, Pollet, Kilduff and Appleton; by request of Attorney General.

Brief History:

Committee Activity:

State Government: 1/12/16, 1/27/16 [DP].

Brief Summary of Bill

- Increases the penalty for a member of a governing body violating the Open Public Meetings Act (OPMA) from \$100 to \$500.
- Adds a \$1000 penalty for any subsequent violation of the OPMA by a governing body member who was previously penalized.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 4 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Frame and Moscoso.

Minority Report: Do not pass. Signed by 3 members: Representatives Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Hawkins.

Staff: Sean Flynn (786-7124).

Background:

The Open Public Meetings Act (OPMA) requires public access to all meetings of the governing body of a state, local agency, or subagency that involve the transaction of official

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business. Any law, rule, regulation, or directive adopted by a governing body must be at an open meeting. The governing body must set a regular meeting schedule by law or rule and make meeting agendas available no less than 24 hours before a regular meeting.

The 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 \$100 assessed by a superior court judge. Any person may bring an action to enforce such a penalty.

Summary of Bill:

The penalty against the member of a governing body attending a meeting in violation of the OPMA is increased from \$100 to \$500. Any member who has previously been assessed a penalty is subject to a \$1,000 penalty for any subsequent violation of the OPMA.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) The OPMA penalties have not been increased since the law was passed in 1971. The law has been weakened over time due to the lack of adjustment for inflation. Increasing the penalties would restore the act to its original strength. The \$500 tracks inflation and the level of assessments in other state laws. Other states have higher penalties for multiple violations.

The OPMA is not used as much as other state public disclosure laws, and it is currently not an effective deterrent. The enforcement requirement is difficult to prove and not worth the litigation for such a small penalty.

(Opposed) None.

Persons Testifying: Representative S. Hunt, prime sponsor; Nancy Krier, Office of the Attorney General; and Arthur West.

Persons Signed In To Testify But Not Testifying: None.