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HOUSE BILL 1180

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State of Washington

67th Legislature

2021 Regular Session

By Representatives Kraft and Sutherland

Read first time 01/13/21. Referred to Committee on Local Government.

1 AN ACT Relating to public testimony at public meetings, including  
2 virtual meetings; amending RCW 42.30.020 and 42.30.070; and declaring  
3 an emergency.

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

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

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

8 (1) "Public agency" means:

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

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

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

19 (d) Any policy group whose membership includes representatives of  
20 publicly owned utilities formed by or pursuant to the laws of this  
21 state when meeting together as or on behalf of participants who have

1 contracted for the output of generating plants being planned or built  
2 by an operating agency.

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

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

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

17 (5) "Virtual setting" means a computer program that allows the  
18 members of the governing body to interact with people attending the  
19 meeting using video conferencing technology and allows members of the  
20 public to watch the meeting at the same time using the internet, or  
21 by calling in by telephone or use of a personal electronic device  
22 remotely.

23 **Sec. 2.** RCW 42.30.070 and 1983 c 155 s 2 are each amended to  
24 read as follows:

25 (1) The governing body of a public agency shall provide the time  
26 for holding regular meetings by ordinance, resolution, bylaws, or by  
27 whatever other rule is required for the conduct of business by that  
28 body. Unless otherwise provided for in the act under which the public  
29 agency was formed, meetings of the governing body need not be held  
30 within the boundaries of the territory over which the public agency  
31 exercises jurisdiction. Public agencies may hold regular and special  
32 meetings pursuant to this chapter in a virtual setting. If an  
33 emergency situation, including but not limited to ones covered by a  
34 health or emergency proclamation, prevents a governing body from  
35 meeting in person, then the public agency shall hold virtual meetings  
36 so long as the public agency has sufficient technology and internet  
37 access available.

38 (2) If at any time any regular meeting falls on a holiday, such  
39 regular meeting shall be held on the next business day. If, by reason

1 of fire, flood, earthquake, or other emergency, there is a need for  
2 expedited action by a governing body to meet the emergency, the  
3 presiding officer of the governing body may provide for a meeting  
4 site other than the regular meeting site and the notice requirements  
5 of this chapter shall be suspended during such emergency. The notice  
6 requirement suspension in this subsection remains in effect only as  
7 needed and no longer than the 14th day of the emergency.

8 (3) It shall not be a violation of the requirements of this  
9 chapter for a majority of the members of a governing body to travel  
10 together or gather for purposes other than a regular meeting or a  
11 special meeting as these terms are used in this chapter: PROVIDED,  
12 That they take no action as defined in this chapter.

13 (4) (a) The governing body of a public agency shall provide time  
14 at every meeting to take public testimony.

15 (b) The governing body must allow a person to give public  
16 testimony if a meeting is occurring in a virtual setting in at least  
17 one of the following ways:

18 (i) Speaking in person;

19 (ii) Calling a telephone number at the appropriate time during  
20 the meeting and providing verbal testimony that can be heard or seen  
21 and heard by the participants using the virtual setting; or

22 (iii) Submitting in advance of the meeting a comment that will be  
23 read by a member of the governing board or agency personnel during  
24 the public meeting. The comment is subject to the same time limits  
25 applied to other people providing public testimony. The comment is to  
26 be read at a reasonable and proper rate of speed for the general  
27 listener to comprehend.

28 (c) If the provisions of (b) of this subsection are not possible,  
29 then the public agency must develop a procedure to display public  
30 testimony that ensures that the comments are available for people to  
31 see during the meeting and later on a public website.

32 NEW SECTION. Sec. 3. This act is necessary for the immediate  
33 preservation of the public peace, health, or safety, or support of  
34 the state government and its existing public institutions, and takes  
35 effect immediately.

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