
HOUSE BILL 1989

State of Washington

65th Legislature

2017 Regular Session

By Representative Pollet

1 AN ACT Relating to advisory groups and public meetings; adding a
2 new section to chapter 42.30 RCW; and creating a new section.

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

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

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

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

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.30
2 RCW to read as follows:

3 (1) An advisory board, committee, or other entity established by
4 a public agency to provide formal advice or recommendations to the
5 agency is subject to the provisions of this chapter. This requirement
6 applies to any meeting that involves the transaction of official
7 business, which would be an action if taken by the governing body of
8 a public agency, including, but not limited to, any vote or decision
9 to make recommendations to a convening agency or agencies. Any
10 advisory board, committee, or other entity established jointly by a
11 public agency and a federal agency, including any advisory body
12 recognized in any consent agreement or order as providing advice to
13 any state agency, must comply with the provisions of this chapter to
14 the extent that federal law does not preempt compliance. This
15 subsection does not expand or affect the determination of when the
16 governing body of a public agency is taking action or meeting
17 pursuant to this chapter.

18 (2) A subcommittee of a governing body of an agency is subject to
19 the provisions of this chapter if it is formed by the governing body
20 delegating action to such subcommittee, including receipt of comments
21 on which the subcommittee will report to the full governing body, or
22 preparation of a recommended action, to the same degree that the
23 governing body would be if the action were not delegated.

--- END ---