

AWPHD SUMMARY MATRIX OF MUNICIPAL LAW CHANGES
2011 LEGISLATIVE SESSION
KEY MUNICIPAL LAW CHANGES IMPACTING PUBLIC HOSPITAL DISTRICTS

Topic	Current Law	Changes
<p>Charitable Contributions:</p> <p>Legislation: SB 5116/HB 1280</p> <p><i>Providing express authority for Public Hospital Districts to solicit, invest and distribute charitable contributions</i></p>	<ul style="list-style-type: none"> • Current law does not expressly allow public hospital districts to ask for donations from the public. • Over the past several years the State Auditors Office (SAO) has raised this issue with several public hospital districts and urged AWPHD to pursue legislation to provide such express authority 	<p>Amends RCW 70.44.060 to expressly allow public hospital districts to 1) solicit and accept gifts; 2) to invest or dispose of those gifts in order to support the mission of the public hospital district and 3) to contract with a separate entity (Foundation) to carry out those activities.</p> <p>Legislation: SB 5116 http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/Senate%20Passed%20Legislature/5116.PL.pdf</p> <p>Companion Legislation: HB 1280 Effective Date: 7/22/2011 RCW Impacted: RCW 70.44.060</p>
<p>Rural Public Hospital Districts:</p> <p>Legislation: SB 5117/HB 1274</p> <p><i>Amending the definition of Rural Public Hospital Districts to allow certain districts to enter into cooperative agreements and contracts with other Rural Public Hospital Districts</i></p>	<ul style="list-style-type: none"> • Current law defines “Rural Public Hospital Districts” as Public Hospital Districts which contain no city with a population larger than 30,000. • “Rural Public Hospital Districts” as defined in statute are able to establish collaborative agreements with other “Rural Public Hospital Districts” in order to provide needed healthcare. 	<p>With the 2010 census, the population growth of the largest city in one Public Hospital District exceeded 30,000 meaning that it could no longer qualify as a “Rural Public Hospital District” and, as such, could not continue to be engaged in collaborative agreements with other districts unless the definition of “Rural Public Hospital District” was changed. SB 5117 amended RCW 70.44.460 to allow hospital districts with no cities larger than <u>50,000</u> to be classified as “Rural Public Hospital Districts”.</p> <p>Legislation: SB 5117 http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/Senate%20Passed%20Legislature/5117.PL.pdf</p> <p>Companion Legislation: HB 1274 Effective Date: 7/22/2011 RCW Impacted: RCW 70.44.460</p>

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<p>Public Records:</p> <p>Legislation: SHB 1899</p> <p><i>Changing penalty amounts for public records violation.</i></p>	<p>The Public Records Act provides that when an agency is found not to have provided the record or failed to do so in a timely fashion, the judge may award the requestor an amount between \$5 and \$100 per day for each day the requester was not able to inspect the record.</p>	<p>Amends the Public Records Act to allow the judge the discretion to provide require an award of from \$0-\$100 for each day the requested record was not produced; this allows the judge the discretion to provide no award when s/he determines that is most appropriate.</p> <p>Legislation: SHB 1899 http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/House%20Passed%20Legislature/1899-S.PL.pdf</p> <p>Effective Date: 7/22/2011 RCW provision impacted: RCW 42.56.550</p>
<p>Public Records:</p> <p>Legislation: SB 5098</p> <p><i>Exempting personal information from public inspection and copying.</i></p>	<p>The Public Records Act requires that all state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.</p>	<p>The personal information for a participant in a public or non-profit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs is exempt from public inspection and copying under the Public Records Act.</p> <p>Legislation: SB 5098 http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/Senate%20Passed%20Legislature/5098-S.PL.pdf</p> <p>Effective Date: 7/22/2011 RCW provision impacted: RCW 42.56.230</p>

Topic	Current Law	Changes
<p>Public Records:</p> <p>Legislation: SSB 5025</p> <p><i>Making requests by or on behalf of an inmate under the public records act ineligible for penalties.</i></p>	<p>Under the Public Records Act, a person who is denied a public record, or who believes an agency's time estimate is unreasonable, may appeal the agency decision in the superior court of the county in which the record is maintained. In such court actions, the agency has the burden to prove that the agency action was valid. If the person prevails in the action, he or she must be awarded all costs of maintaining the action, including reasonable attorney fees. In addition, it is within the court's discretion to assess a monetary penalty against the agency and award the proceeds to the prevailing party.</p>	<p>A court is prohibited from awarding a monetary penalty to the person prevailing in a Public Records Act appeal if the person making the records request was an inmate in a correctional facility on the date the records request was made. However, the court may award a monetary penalty if it finds that the agency acted in bad faith in denying the records request.</p> <p>Legislation: SSB 5025 http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/Senate%20Passed%20Legislature/5025-S.PL.pdf</p> <p>Effective Date: 7/22/2011 RCW provision impacted: RCW 42.56.565</p>
<p>Lease of Property:</p> <p>Legislation:</p> <p>EHB 1409/SB 5208</p> <p><i>Authorizing the sale, exchange, transfer, or lease of public property to Indian tribes.</i></p>	<p>Current law allows state and local governments to sell, transfer, or lease to each other, but it does not apply to federally recognized Indian tribes.</p>	<p>This legislation, requested by an Indian tribe that planned to buy property, would allow the state, any municipality, or any political subdivision of the state to sell, transfer, exchange, lease, or dispose of real or personal property to a federally recognized Indian tribe.</p> <p>Legislation: EHB 1409 http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/House%20Passed%20Legislature/1409.PL.pdf</p> <p>Companion Legislation: SB 5208 Effective Date: 7/22/2011 RCW provision impacted: RCW 39.33.010</p>

Topic	Current Law	Changes
<p>Finance:</p> <p>Legislation:</p> <p>EHB 1730/SSB 5695</p> <p><i>Concerning the authorization of bonds issued by Washington local governments.</i></p>	<p>Requires that, in negotiating bond purchase, designated officer of local government must work within the terms set forth in the resolution or ordinance.</p>	<p>Requires that if an ordinance or resolution approving the issuance of bonds authorizes an officer or employee of the local government to serve as its designated representative and to accept, on behalf of the local government, an offer to purchase those bonds, the acceptance of the offer must be consistent with the terms of the ordinance or resolution.</p> <p>Legislation: EHB 1730 http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/House%20Passed%20Legislature/1730.PL.pdf</p> <p>Companion: SSB 5695 Effective Date: 7/22/2011 RCW provision impacted: RCW 39.46.040, 35.33.131, 35.34.220, 35A.33.130, 35A.34.220</p>

KEY PROPOSED MUNICIPAL LAW CHANGES THAT DID NOT PASS THIS SESSION

Topic	Current Law	Changes
<p>Public Records:</p> <p>Legislation:</p> <p>HB 1675</p> <p><i>Requiring agencies to disclose the estimated costs of compliance with public records requests.</i></p>	<p>A person making a public records request under the Public Records Act cannot be charged fees for the inspection of records or for an agency's efforts to locate records or make them available for copying. A reasonable fee may be charged by public agencies for the cost of providing copies and for the use of agency equipment for the copying of public records. Such charges may not exceed those necessary to reimburse the agency for the actual costs directly incident to such copying. An agency may not charge a per page cost greater than the actual per page cost as established and published by the agency.</p>	<p>Would have required that an agency, upon the completion of a records request under the Public Records Act, provide the person requesting the records with a written statement of the estimated direct costs incurred by the agency in complying with the records request. Would have required an agency to maintain a written or electronic record of all records request direct cost estimates and to annually calculate the estimated total yearly costs of responding to requests for public records. Would have required an agency to make available to the public all individual records request cost estimates and total yearly cost estimates.</p> <p>Legislation: HB 1675 http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/House%20Bills/1675.pdf</p> <p>Status: Did not pass RCW provision impacted: RCW 42.56.070</p>
<p>Public Records:</p> <p>Legislation:</p> <p>HB 1216</p> <p><i>Concerning digital copy machines used by public agencies.</i></p>	<p>Current law does not address hard drives of digital copy machines.</p>	<p>Would have created a new chapter requiring the department of general administration to include in any digital copy machine contract a provision notifying the purchaser or lessor of their obligation to properly handle and dispose of any records stored on a digital copy machine before returning, selling, or disposing of the digital copy machine.</p> <p>Legislation: HB 1216 http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/House%20Bills/1216.pdf</p> <p>Status: Did not pass RCW provision impacted: Would have added a new chapter to Title 40 RCW.</p>

Topic	Current Law	Changes
<p>Public Records:</p> <p>Legislation: SB 5693</p> <p><i>Defining "copy" for purposes of the public records act.</i></p>	<p>Current statute law is unclear as to whether an agency, when responding to a request for electronic records must provide all the metadata that are attached to that record.</p>	<p>SB 5693 would have added a definition of copy to the Public Records Act to mean a reproduction of a record, either in paper or electronic format that includes all content of a record that relates to the conduct of government or the performance of any governmental or proprietary function. An agency would have satisfied its obligation under the PRA by producing a copy consistent with the definition of copy or where any differences between the original record and the copy have been automatically generated by a computer system in the ordinary course of business. The effect of this would be that even if metadata are automatically altered in a copy, there would have been no PRA violation.</p> <p>Legislation: SB 5693 http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/Senate%20Bills/5693.pdf</p> <p>Status: Did not pass RCW provision impacted: RCW 42.56.010</p>
<p>Public Records:</p> <p>Legislation: SSB 5022</p>	<p>The Public Records Act is unclear regarding the statute of limitations on alleged violations of the Act. If the agency provides the records in a single installment then the statute of limitations will never begin to run. This allows someone to</p>	<p>The statute of limitations for an action brought under the PRA would have been amended to require that the action be filed within one year of the latest of: (1) the agency's claim of exemption; (2) the last production of a record prior to the action being filed; (3) a response indicating no records have been located; or (4) a response indicating there are no additional records that will be produced on</p>

<p><i>Clarifying the statute of limitations for any court action brought under RCW 42.56.550.</i></p>	<p>potentially sit on a stale claim and wait while the fees and penalties build and build until they feel like bringing the action.</p>	<p>a partial or installment basis. If none of these events occurs, an action must be filed within one year of the public record request.</p> <p>Legislation: SSB 5022 http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/Senate%20Bills/5022-S.pdf</p> <p>Status: Did not pass RCW provision impacted: RCW 42.56.550</p>
<p>Topic</p>	<p>Current Law</p>	<p>Changes</p>
<p>Public Records:</p> <p>Legislation: SB 5088/HB 1300</p> <p><i>Regarding the recovery of the costs of production and copying of public records.</i></p>	<p>Under current law the agency may not charge a fee for locating public records and making them available to requestors. The agency may charge up to an amount that reimburses the agency for its copying costs. For practical purposes, the law treats a failure to properly respond as denial. Any person who is denied the opportunity to inspect or copy a public record may file a motion to show cause in superior court why the agency has refused access to the record. Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record must be awarded all costs, including reasonable attorney fees.</p>	<p>Would have amended the Public Records Act to allow an agency to recover costs of locating records. The bill provided that if the time the agency takes to produce the records exceeds five person hours per month, the agency may require payment for the personnel costs to complete the search and make the copies. If the requester does not wish to pay these costs, then the agency must complete the request at a rate of five hours per month. The personnel costs could not exceed the actual salary and benefit costs of the personnel required to search, review, and copy the records. Personnel costs do not include attorney's review or preparation of the exemption log. The requester must pay the fees before the records are disclosed. The agency may require up to a 10 percent deposit before undertaking the search.</p> <p>Legislation: SB 5088 http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/Senate%20Bills/5088.pdf</p> <p>Companion Legislation: HB 1300 Status: Did not pass RCW provision impacted: RCW 42.56.120</p>
<p>Public Records:</p> <p>Legislation:</p>	<p>The Public Records Act establishes a process for a requestor who has been denied records to take court action against the agency that has allegedly denied the</p>	<p>The bill would have allowed for a conference between requester and agency prior court action contesting the agency's denial of a request or contesting that the agency's estimate of the time it will take to respond to the request is unreasonable. The bill provided</p>

<p>SB 5089/HB 1299</p> <p><i>Regarding conferences for public records requests disputes.</i></p>	<p>request. That process does not require that requestor confer with agency prior to taking court action.</p>	<p>that the conference may be by telephone or in-person.</p> <p>Legislation: SB 5089</p> <p>Companion Legislation: HB 1299</p> <p>Status: Did not pass</p> <p>RCW provision impacted: RCW 42.56.550</p>
Topic	Current Law	Changes
<p>Public Records:</p> <p>Legislation:</p> <p>SB 5049</p> <p><i>Implementing recommendations of the sunshine committee.</i></p>	<p>In 2007 the Legislature created the 13-member Public Records Exemption Accountability Committee, known as the Sunshine Committee (Committee), to review all public records exemptions and make annual recommendations to the Legislature whether to maintain the exemption, modify the exemption, schedule it for sunset review at some later time, or terminate the exemption. By November 15 of each year, the Committee is required to transmit its recommendations to the Governor, the Attorney General, and the appropriate committees of the Legislature.</p>	<p>One of the recommendations of the sunshine committee related to applications for public employment, would have had significant impact on public hospital districts. It would have amended the Public Records Act to permit public access to the applications of finalists for executive positions. The applications of finalists applying for the highest management position in a public agency, county, or local government department with confidential reference information removed or redacted would not have been exempt from inspection and copying.</p> <p>Legislation: SB 5049 http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/Senate%20Bills/5049-S.pdf</p> <p>Status: Did not pass</p> <p>RCW provision impacted: RCW 42.56.250</p>
<p>Public Records:</p> <p>Legislation:</p> <p>SB 5237/HB 1044</p> <p><i>Establishing the office of open records.</i></p>	<p>The Public Records Act does not currently provide any formal procedure, other than the courts, for appealing decisions related to the Act.</p>	<p>An independent office of open records (Office) is established within OAH and is supervised by the Chief Administrative Law Judge (Chief). Either the person aggrieved or the agency may seek relief under the PRA by filing an appeal with the Office and paying a filing fee, unless waiver criteria are met.</p> <p>Legislation: SB 5237 http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/Senate%20Bills/5237.pdf</p>

		<p>Companion Legislation: HB 1044 Status: Did not pass RCW provision impacted: RCW 34.05.030, RCW 42.56</p>
Topic	Current Law	Changes
<p>Open Public Meetings Act:</p> <p>Legislation:</p> <p>SB 5553</p> <p><i>Requiring public agencies, special purpose districts, and municipalities to post certain information on their web sites.</i></p>	<p>Open Public Meetings Act establishes process through which public agencies must inform the public of regular and special meeting dates and times.</p>	<p>Would have amended the Open Public Meetings Act to: Establish public notice requirements pertaining to meetings by those public agencies that own and maintain a website; Require that specified information regarding members of the governing body of a public agency be posted on the agency website; Require that the minutes of regular and special meetings of public agencies be posted on the website within 15 business days following adoption; Exempt specified small cities, counties, and other public entities from certain public notice requirements of the act.</p> <p>Legislation: SB 5553 http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/Senate%20Bills/5553-S.pdf</p> <p>Status: Did not pass RCW provision impacted: RCW 42.30</p>
<p>Open Public Meetings Act:</p> <p>Legislation:</p> <p>SB 5355</p> <p><i>Regarding notice requirements for special meetings of public agencies.</i></p>	<p>The Open Public Meetings Act governs the meeting process followed by public agencies. A special meeting may be called by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering written notice personally, by mail, fax, or electronic mail, to each local newspaper of general circulation, and to each local radio or television which has</p>	<p>Had it passed, the bill would have allowed the written notice of a special meeting to be deemed waived when a member submits a written waiver of notice with the clerk or secretary of the governing body at or prior to the time the meeting convenes or a member is actually present at the time the meeting convenes. The written waiver could have been sent by telegram, fax, or electronic mail.</p> <p>Legislation: SB 5355 http://apps.leg.wa.gov/documents/billdocs/2011-</p>

requested to be notified of special meetings. Notice must occur at least 24 hours before the meeting. The notice must indicate the meeting's time and place, and specify the business to be transacted.

[12/Pdf/Bills/Senate%20Bills/5355-S.pdf](#)

Status: Did not pass
RCW provision impacted: RCW 42.30.080