
HOUSE BILL 2137

State of Washington

58th Legislature

2003 Regular Session

By Representative Armstrong

Read first time 02/26/2003. Referred to Committee on State Government.

1 AN ACT Relating to government security; and amending RCW 42.30.110.

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

3 **Sec. 1.** RCW 42.30.110 and 2001 c 216 s 1 are each amended to read
4 as follows:

5 (1) Nothing contained in this chapter may be construed to prevent
6 a governing body from holding an executive session during a regular or
7 special meeting:

8 (a) To consider matters affecting national security, security
9 matters pertaining to preventing, mitigating, or responding to criminal
10 terrorist acts, security matters affecting specific and unique
11 vulnerability assessments or specific and unique emergency, response,
12 or deployment plans, and security matters regarding the infrastructure
13 and security of computer and telecommunications networks, consisting of
14 security passwords, security access codes and programs, access codes
15 for secure software applications, security and service recovery plans,
16 security risk assessments, and security test results, the public
17 disclosure of which would have a substantial likelihood of threatening
18 public safety, any individual's safety, or the security of a city,

1 county, or state facility or program, identifying specific security
2 vulnerabilities, or compromising other vital governmental security
3 interests;

4 (b) To consider the selection of a site or the acquisition of real
5 estate by lease or purchase when public knowledge regarding such
6 consideration would cause a likelihood of increased price;

7 (c) To consider the minimum price at which real estate will be
8 offered for sale or lease when public knowledge regarding such
9 consideration would cause a likelihood of decreased price. However,
10 final action selling or leasing public property shall be taken in a
11 meeting open to the public;

12 (d) To review negotiations on the performance of publicly bid
13 contracts when public knowledge regarding such consideration would
14 cause a likelihood of increased costs;

15 (e) To consider, in the case of an export trading company,
16 financial and commercial information supplied by private persons to the
17 export trading company;

18 (f) To receive and evaluate complaints or charges brought against
19 a public officer or employee. However, upon the request of such
20 officer or employee, a public hearing or a meeting open to the public
21 shall be conducted upon such complaint or charge;

22 (g) To evaluate the qualifications of an applicant for public
23 employment or to review the performance of a public employee. However,
24 subject to RCW 42.30.140(4), discussion by a governing body of
25 salaries, wages, and other conditions of employment to be generally
26 applied within the agency shall occur in a meeting open to the public,
27 and when a governing body elects to take final action hiring, setting
28 the salary of an individual employee or class of employees, or
29 discharging or disciplining an employee, that action shall be taken in
30 a meeting open to the public;

31 (h) To evaluate the qualifications of a candidate for appointment
32 to elective office. However, any interview of such candidate and final
33 action appointing a candidate to elective office shall be in a meeting
34 open to the public;

35 (i) To discuss with legal counsel representing the agency matters
36 relating to agency enforcement actions, or to discuss with legal
37 counsel representing the agency litigation or potential litigation to
38 which the agency, the governing body, or a member acting in an official

1 capacity is, or is likely to become, a party, when public knowledge
2 regarding the discussion is likely to result in an adverse legal or
3 financial consequence to the agency.

4 This subsection (1)(i) does not permit a governing body to hold an
5 executive session solely because an attorney representing the agency is
6 present. For purposes of this subsection (1)(i), "potential
7 litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a)
8 concerning:

9 (A) Litigation that has been specifically threatened to which the
10 agency, the governing body, or a member acting in an official capacity
11 is, or is likely to become, a party;

12 (B) Litigation that the agency reasonably believes may be commenced
13 by or against the agency, the governing body, or a member acting in an
14 official capacity; or

15 (C) Litigation or legal risks of a proposed action or current
16 practice that the agency has identified when public discussion of the
17 litigation or legal risks is likely to result in an adverse legal or
18 financial consequence to the agency;

19 (j) To consider, in the case of the state library commission or its
20 advisory bodies, western library network prices, products, equipment,
21 and services, when such discussion would be likely to adversely affect
22 the network's ability to conduct business in a competitive economic
23 climate. However, final action on these matters shall be taken in a
24 meeting open to the public;

25 (k) To consider, in the case of the state investment board,
26 financial and commercial information when the information relates to
27 the investment of public trust or retirement funds and when public
28 knowledge regarding the discussion would result in loss to such funds
29 or in private loss to the providers of this information.

30 (2) Before convening in executive session, the presiding officer of
31 a governing body shall publicly announce the purpose for excluding the
32 public from the meeting place, and the time when the executive session
33 will be concluded. The executive session may be extended to a stated
34 later time by announcement of the presiding officer.

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