S-0802.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5584**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 65th Legislature 2017 Regular Session**

**By** Senator Baumgartner

AN ACT Relating to college and university presidents; amending RCW 28B.20.105, 28B.30.120, 28B.35.110, 28B.40.110, and 42.56.250; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 42.30 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature recognizes that in the search for the position of president, colleges and universities must be able to conduct a thorough search for the best candidates. The legislature finds that this objective is best accomplished by exempting the search process from public records. At the same time, the legislature also recognizes the need to protect the public. The legislature finds that this objective is served by requiring that the president of a college or university be subject to senate confirmation. Therefore, the legislature intends that college and university presidents be subject to senate confirmation, but that the search process be exempt from open public meetings and public disclosure requirements.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.10 RCW to read as follows:

(1) Any person appointed to serve as president of a state college, regional university, or state university shall be subject to senate confirmation.

(2) Any president-appointee subject to senate confirmation shall continue to serve as a president-appointee unless rejected by a vote of the senate. An appointee who is rejected by a vote of the senate shall not be reappointed to the same position for a period of one year from termination of service.

(3) For the appointment of a president to be effective, the state college, regional university, or state university must transmit to the secretary of the senate notice of the appointment, along with pertinent information regarding the appointee.

**Sec.**  RCW 28B.20.105 and 2012 c 228 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the board shall organize by electing from its membership a president and an executive committee, of which committee the president shall be ex officio chair. The board may adopt bylaws or rules and regulations for its own government and shall follow procedures for open public meetings in chapter 42.30 RCW. The board shall provide time for public comment at each meeting. The board shall hold regular quarterly meetings, and during the interim between such meetings the executive committee may transact business for the whole board: PROVIDED, That the executive committee may call special meetings of the whole board when such action is deemed necessary.

(2) Meetings of the board for the sole purpose of selecting a new president of the institution are not subject to the requirements of the open public meetings act in chapter 42.30 RCW, and documents and materials obtained or created for the sole purpose of selecting a new president of the institution are not subject to public disclosure under chapter 42.56 RCW.

**Sec.**  RCW 28B.30.120 and 2012 c 228 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, meetings of the board of regents may be called in such manner as the board may prescribe and shall follow procedures for open public meetings in chapter 42.30 RCW. A full meeting of the board shall be called at least once a year. The board shall provide time for public comment at each meeting. No vacancy in said board shall impair the rights of the remaining members of the board.

(2) Meetings of the board for the sole purpose of selecting a new president of the institution are not subject to the requirements of the open public meetings act in chapter 42.30 RCW, and documents and materials obtained or created for the sole purpose of selecting a new president of the institution are not subject to public disclosure under chapter 42.56 RCW.

**Sec.**  RCW 28B.35.110 and 2012 c 228 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, each board of regional university trustees shall hold at least two regular meetings each year, at such times as may be provided by the board, and shall follow procedures for open public meetings in chapter 42.30 RCW. Each board shall provide time for public comment at each meeting. Special meetings shall be held as may be deemed necessary, whenever called by the chair or by a majority of the board. Public notice of all meetings shall be given in accordance with chapter 42.32 RCW.

(2) Meetings of the board for the sole purpose of selecting a new president of the institution are not subject to the requirements of the open public meetings act in chapter 42.30 RCW, and documents and materials obtained or created for the sole purpose of selecting a new president of the institution are not subject to public disclosure under chapter 42.56 RCW.

**Sec.**  RCW 28B.40.110 and 2012 c 228 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the board of The Evergreen State College trustees shall hold at least two regular meetings each year, at such times as may be provided by the board, and shall follow procedures for open public meetings in chapter 42.30 RCW. The board shall provide time for public comment at each meeting. Special meetings shall be held as may be deemed necessary, whenever called by the chair or by a majority of the board. Public notice of all meetings shall be given in accordance with chapter 42.32 RCW.

(2) Meetings of the board for the sole purpose of selecting a new president of the institution are not subject to the requirements of the open public meetings act in chapter 42.30 RCW, and documents and materials obtained or created for the sole purpose of selecting a new president of the institution are not subject to public disclosure under chapter 42.56 RCW.

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

Meetings of a board of regents or a board of trustees of a four-year institution of higher education as defined in RCW 28B.10.016 for the sole purpose of selecting a new president of the institution are exempt from this chapter.

**Sec.**  RCW 42.56.250 and 2014 c 106 s 1 are each amended to read as follows:

The following employment and licensing information is exempt from public inspection and copying under this chapter:

(1) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;

(2) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant and including documents and materials obtained or created for the sole purpose of selecting a new president of a four-year institution of higher education as defined in RCW 28B.10.016;

(3) The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal ((~~electronic mail~~)) email addresses, social security numbers, driver's license numbers, identicard numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal ((~~electronic mail~~)) email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240;

(4) Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed;

(5) Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment;

(6) Criminal history records checks for board staff finalist candidates conducted pursuant to RCW 43.33A.025;

(7) Except as provided in RCW 47.64.220, salary and benefit information for maritime employees collected from private employers under RCW 47.64.220(1) and described in RCW 47.64.220(2); and

(8) Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030.

**--- END ---**