
HOUSE BILL 1417

State of Washington 65th Legislature 2017 Regular Session

By Representatives Hudgins and Smith

Read first time 01/19/17. Referred to Committee on State Government.

1 AN ACT Relating to the harmonization of the open public meetings
2 act with the public records act in relation to information technology
3 security matters; and amending RCW 42.30.110.

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

5 **Sec. 1.** RCW 42.30.110 and 2014 c 174 s 4 are each amended to
6 read as follows:

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

- 10 (a)(i) To consider matters affecting national security;
- 11 (ii) To consider, if not included in (a)(i) of this subsection,
12 information regarding the infrastructure and security of computer and
13 telecommunications networks, security and service recovery plans,
14 security risk assessments and security test results to the extent
15 that they identify specific system vulnerabilities, and other
16 information that if made public may increase the risk to the
17 confidentiality, integrity, or availability of agency security or to
18 information technology infrastructure or assets;

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

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

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

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

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

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

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

29 (i) To discuss with legal counsel representing the agency matters
30 relating to agency enforcement actions, or to discuss with legal
31 counsel representing the agency litigation or potential litigation to
32 which the agency, the governing body, or a member acting in an
33 official capacity is, or is likely to become, a party, when public
34 knowledge regarding the discussion is likely to result in an adverse
35 legal or financial consequence to the agency.

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

1 (i) Litigation that has been specifically threatened to which the
2 agency, the governing body, or a member acting in an official
3 capacity is, or is likely to become, a party;

4 (ii) Litigation that the agency reasonably believes may be
5 commenced by or against the agency, the governing body, or a member
6 acting in an official capacity; or

7 (iii) Litigation or legal risks of a proposed action or current
8 practice that the agency has identified when public discussion of the
9 litigation or legal risks is likely to result in an adverse legal or
10 financial consequence to the agency;

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

17 (k) To consider, in the case of the state investment board,
18 financial and commercial information when the information relates to
19 the investment of public trust or retirement funds and when public
20 knowledge regarding the discussion would result in loss to such funds
21 or in private loss to the providers of this information;

22 (l) To consider proprietary or confidential nonpublished
23 information related to the development, acquisition, or
24 implementation of state purchased health care services as provided in
25 RCW 41.05.026;

26 (m) To consider in the case of the life sciences discovery fund
27 authority, the substance of grant applications and grant awards when
28 public knowledge regarding the discussion would reasonably be
29 expected to result in private loss to the providers of this
30 information;

31 (n) To consider in the case of a health sciences and services
32 authority, the substance of grant applications and grant awards when
33 public knowledge regarding the discussion would reasonably be
34 expected to result in private loss to the providers of this
35 information.

36 (2) Before convening in executive session, the presiding officer
37 of a governing body shall publicly announce the purpose for excluding
38 the public from the meeting place, and the time when the executive

1 session will be concluded. The executive session may be extended to a
2 stated later time by announcement of the presiding officer.

--- END ---