

The repeal affected by section 12 occurs ninety days after the end of the regular legislative session just completed. However, new statutory language to replace that provision does not take effect until July 1, 1988, as provided in section 13. Without a veto of section 12, this prohibition would lapse for approximately one year which would be an undesirable and unintended lapse in our suspension of driver license law.

With the exception of section 12, Engrossed Second Substitute House Bill No. 196 is approved.*

CHAPTER 389

[House Bill No. 135]

WESTERN LIBRARY NETWORK—CIVIL SERVICE EXEMPTIONS—OPEN PUBLIC MEETING EXCEPTIONS—FUNDS REVISED

AN ACT Relating to the western library network; amending RCW 27.26.020, 41.06.070, 42.30.110, 43.105.110, and 43.105.130; recodifying RCW 43.105.110, 43.105.130, 43.105.140, and 43.105.150; repealing RCW 43.105.100, 43.105.120, 43.131.289, and 43.131.290; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**Sec. 1. Section 1, chapter 31, Laws of 1975-'76 2nd ex. sess. as amended by section 2, chapter 21, Laws of 1985 and RCW 27.26.020 are each amended to read as follows:*

There is hereby established the western library network, hereinafter called the network, which shall consist of the western library network computer system, telecommunications systems, interlibrary systems, and reference and referral systems.

Responsibility for the network shall reside with the Washington state library commission(~~), except for certain automated data processing components as provided for and defined in chapter 43.105 RCW. PROVIDED, That all components, systems and programs operated pursuant to this section shall be approved by the data processing authority created pursuant to chapter 43.105 RCW~~). The commission shall adopt and promulgate policies, rules, and regulations consistent with the purposes and provisions of this chapter pursuant to chapter 34.04 RCW, the administrative procedure act, except that nothing in this chapter shall abrogate the authority of a participating library, institution, or organization to establish its own policies for collection development and use of its library resources.

**Sec. 1 was vetoed, see message at end of chapter.*

Sec. 2. Section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 1, chapter 221, Laws of 1985 and RCW 41.06.070 are each amended to read as follows:

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the departments of employment security, fisheries, social and health services, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors;

(8) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(a) All members of such boards, commissions, or committees;

(b) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full-time basis: (i) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of the Washington tree fruit research commission;

(18) Officers and employees of the Washington state beef commission;

(19) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(20) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(21) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

(22) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(23) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(24) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(25) All employees of the marine employees' commission;

(26) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit;

(27) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be

final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred eighty-seven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (22) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982.

Sec. 3. Section 11, chapter 250, Laws of 1971 ex. sess. as last amended by section 8, chapter 276, Laws of 1986 and RCW 42.30.110 are each amended to read as follows:

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

(a) To consider matters affecting national security;

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

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

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

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

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

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

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

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

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

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

Sec. 4. Section 2, chapter 110, Laws of 1975-'76 2nd ex. sess. as amended by section 4, chapter 21, Laws of 1985 and RCW 43.105.110 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "western library network computer system revolving fund" referred to ~~((in RCW 43.105.120 as "fund".))~~ as the "fund."

The fund shall be credited with all receipts from the rental, sale, or distribution of supplies, equipment, computer software, products, and services rendered to users and licensees of the western library network computer system. All gifts, grants, donations, and other moneys received by the network shall be deposited in the fund. All expenditures from the fund shall be authorized by law.

**Sec. 5. Section 4, chapter 110, Laws of 1975-'76 2nd ex. sess. as amended by section 6, chapter 21, Laws of 1985 and RCW 43.105.130 are each amended to read as follows:*

The (~~data processing authority and the~~) state library commission shall develop (~~jointly~~) a schedule of user fees for users of the western library network computer system and a schedule of charges for the network's products and licenses for the purpose of distributing and apportioning to such users, buyers, and licensees the full cost of operation and continued development of data processing and data communication services related to the network. Such schedule shall generate sufficient revenue to cover the costs relating to the library network of:

(1) The acquisition of data processing and data communication services, supplies, and equipment handled or rented by the data processing authority or under its authority by any other state data processing service center designee;

(2) The payment of salaries, wages, and other costs including but not limited to the acquisition, operation, and administration of acquired data processing services, supplies, and equipment; and

(3) The promotion of network products and services.

As used in this section, the term "supplies" shall not be interpreted to delegate or abrogate the state purchasing and material control director's responsibilities and authority to purchase supplies as provided for in chapter 43.19 RCW.

**Sec. 5 was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 110, Laws of 1975-'76 2nd ex. sess., section 3, chapter 21, Laws of 1985 and RCW 43.105.100;

(2) Section 3, chapter 110, Laws of 1975-'76 2nd ex. sess., section 5, chapter 21, Laws of 1985 and RCW 43.105.120;

(3) Section 18, chapter 197, Laws of 1983, section 9, chapter 21, Laws of 1985 and RCW 43.131.289; and

(4) Section 44, chapter 197, Laws of 1983, section 10, chapter 21, Laws of 1985 and RCW 43.131.290.

NEW SECTION. Sec. 7. The following sections are each recodified as new sections in chapter 27.26 RCW:

(1) RCW 43.105.110;

- (2) RCW 43.105.130;
- (3) RCW 43.105.140; and
- (4) RCW 43.105.150.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1987.

Passed the House April 25, 1987.

Passed the Senate April 25, 1987.

Approved by the Governor May 15, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 15, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 1 and 5, House Bill No. 135, entitled:

"AN ACT Relating to the western library network."

Section 1 of House Bill No. 135 amends RCW 27.26.020. Section 13 of Second Substitute Senate Bill No. 5555 contains identical language. Therefore, I have vetoed section 1 in order to avoid confusion.

Section 5 amends RCW 43.105.130. Identical language is contained in section 12 which also contains additional language in Second Substitute Senate Bill No. 5555. Hence, I have vetoed section 5.

With the exception of sections 1 and 5, House Bill No. 135 is approved."

CHAPTER 390

[Senate Bill No. 5678]

DEAF STUDENTS IN COMMUNITY COLLEGES—TUITION AND FEE WAIVER PROGRAM INSTITUTED

AN ACT Relating to tuition waivers for students in the regional education program for deaf students; and reenacting and amending RCW 28B.15.520.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 29, chapter 261, Laws of 1969 ex. sess. as last amended by section 1, chapter 198, Laws of 1985 and by section 26, chapter 390, Laws of 1985 and RCW 28B.15.520 are each reenacted and amended to read as follows:

Notwithstanding any other provision of this chapter or chapter 28B.50 RCW as now or hereafter amended (1) boards of trustees of the various community colleges shall waive tuition fees and services and activities fees