

## CHAPTER 155

[Engrossed Substitute Senate Bill No. 3206]

OPEN PUBLIC MEETINGS—EMERGENCY MEETINGS—LOCATION—  
EXECUTIVE SESSIONS—SCOPE

AN ACT Relating to the open public meetings act; amending section 2, chapter 250, Laws of 1971 ex. sess. as amended by section 10, chapter 43, Laws of 1982 1st ex. sess. and RCW 42.30.020; amending section 7, chapter 250, Laws of 1971 ex. sess. as amended by section 1, chapter 66, Laws of 1973 and RCW 42.30.070; and amending section 11, chapter 250, Laws of 1971 ex. sess. as last amended by section 1, chapter 42, Laws of 1979 and RCW 42.30.110.

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

Sec. 1. Section 2, chapter 250, Laws of 1971 ex. sess. as amended by section 10, chapter 43, Laws of 1982 1st ex. sess. and RCW 42.30.020 are each amended to read as follows:

As used in this chapter unless the context indicates otherwise:

(1) "Public agency" means:

(a) Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature;

(b) Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of the state of Washington;

(c) Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies;

(d) Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.

(2) "Governing body" means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.

(3) "Action" means the transaction of the official business of a public agency by a governing body including but not limited to a collective decision made by a majority of the members of a governing body, a collective commitment or promise by a majority of the members of a governing body to make a positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

(4) "Meeting" means meetings at which action is taken.

Sec. 2. Section 7, chapter 250, Laws of 1971 ex. sess. as amended by section 1, chapter 66, Laws of 1973 and RCW 42.30.070 are each amended to read as follows:

The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If, by reason of fire, flood, earthquake, or other emergency, ~~((it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the presiding officer of the governing body: PROVIDED, That))~~ there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site and the notice requirements of this chapter shall be suspended during such emergency. It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: PROVIDED, That they take no action as defined in this chapter.

Sec. 3. Section 11, chapter 250, Laws of 1971 ex. sess. as last amended by section 1, chapter 42, Laws of 1979 and RCW 42.30.110 are each amended to read as follows:

Nothing contained in this chapter shall be construed to prevent a governing body from holding executive sessions during a regular or special meeting to consider matters affecting national security; to consider the selection of a site or the acquisition of real estate by lease or purchase, when publicity regarding such consideration would cause a likelihood of increased price; to consider the disposition of real estate by lease or sale, when publicity regarding such consideration would cause a likelihood of decreased price; to consider negotiations on the performance of publicly-bid contracts when publicity regarding such consideration would cause a likelihood of increased costs; to consider the appointment, employment, or dismissal of a public officer or employee: PROVIDED, That interviewing of proposed appointees to elective office by a governing body shall not be conducted in executive session; or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. The governing body also may exclude from any such public meeting or executive session, during the examination of a witness on any such matter, any or all other witnesses in the matter being investigated by the governing body. If executive sessions are

held to discuss the disposition by sale or lease of real estate, the discussion shall be limited to the minimum selling or leasing price.

Passed the Senate March 30, 1983.

Passed the House April 18, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

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## CHAPTER 156

[Engrossed Senate Bill No. 3185]

### COURTS—CRIMES—CONTINUING JURISDICTION

AN ACT Relating to crimes and punishment; amending section 1, chapter 75, Laws of 1969 and RCW 3.66.067; amending section 2, chapter 75, Laws of 1969 and RCW 3.66.068; amending section 3, chapter 75, Laws of 1969 and RCW 3.66.069; amending section 1, chapter 19, Laws of 1980 as last amended by section 10, chapter 47, Laws of 1982 1st ex. sess. and RCW 9.95.210; amending section 81, chapter 299, Laws of 1961 and RCW 3.50.320; amending section 82, chapter 299, Laws of 1961 and RCW 3.50.330; amending section 83, chapter 299, Laws of 1961 and RCW 3.50.340; amending section 9, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.255; prescribing penalties; and declaring an emergency.

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

Sec. 1. Section 1, chapter 75, Laws of 1969 and RCW 3.66.067 are each amended to read as follows:

After a conviction, the court may defer sentencing the defendant and place him on probation and prescribe the conditions thereof, but in no case shall it extend for more than ~~((one))~~ two years from the date of conviction. During the time of the deferral, the court may, for good cause shown, permit a defendant to withdraw his plea of guilty, permit him to enter a plea of not guilty, and dismiss the charges against him.

Sec. 2. Section 2, chapter 75, Laws of 1969 and RCW 3.66.068 are each amended to read as follows:

For a period not to exceed ~~((one))~~ two years after imposition of sentence, the court ~~((shall have))~~ has continuing jurisdiction and authority to suspend the execution of all or any part of its sentence upon stated terms, including installment payment of fines.

Sec. 3. Section 3, chapter 75, Laws of 1969 and RCW 3.66.069 are each amended to read as follows:

Deferral of sentence and suspension of execution of sentence may be revoked if the defendant violates or fails to carry out any of the conditions of the deferral or suspension. Upon the revocation of the deferral or suspension, the court may impose the sentence previously suspended or any unexecuted portion thereof. In no case shall the court impose a sentence greater than the original sentence, with credit given for time served and money paid on fine and costs.