

2 **SB 6174** - H AMD 486 ADOPTED 3-6-96

3 By Representatives Carlson and Jacobsen

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 28B.85.020 and 1994 c 38 s 1 are each amended to read  
8 as follows:

9 (1) The board:

10 ((+1)) (a) Shall adopt by rule minimum standards for degree-  
11 granting institutions concerning granting of degrees, quality of  
12 education, unfair business practices, financial stability, and other  
13 necessary measures to protect citizens of this state against  
14 substandard, fraudulent, or deceptive practices. The board shall adopt  
15 the rules in accordance with chapter 34.05 RCW;

16 ((+2)) (b) May investigate any entity the board reasonably  
17 believes to be subject to the jurisdiction of this chapter. In  
18 connection with the investigation, the board may administer oaths and  
19 affirmations, issue subpoenas and compel attendance, take evidence, and  
20 require the production of any books, papers, correspondence,  
21 memorandums, or other records which the board deems relevant or  
22 material to the investigation. The board, including its staff and any  
23 other authorized persons, may conduct site inspections and examine  
24 records of all institutions subject to this chapter;

25 ((+3)) (c) Shall develop an interagency agreement with the work  
26 force training and education coordinating board to regulate degree-  
27 granting private vocational schools with respect to degree and  
28 nondegree programs.

29 (2) Financial disclosures provided to the board by degree-granting  
30 private vocational schools are not subject to public disclosure under  
31 chapter 42.17 RCW.

32 **Sec. 2.** RCW 42.17.310 and 1995 c 267 s 6 are each amended to read  
33 as follows:

34 (1) The following are exempt from public inspection and copying:

1 (a) Personal information in any files maintained for students in  
2 public schools, patients or clients of public institutions or public  
3 health agencies, or welfare recipients.

4 (b) Personal information in files maintained for employees,  
5 appointees, or elected officials of any public agency to the extent  
6 that disclosure would violate their right to privacy.

7 (c) Information required of any taxpayer in connection with the  
8 assessment or collection of any tax if the disclosure of the  
9 information to other persons would (i) be prohibited to such persons by  
10 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result  
11 in unfair competitive disadvantage to the taxpayer.

12 (d) Specific intelligence information and specific investigative  
13 records compiled by investigative, law enforcement, and penology  
14 agencies, and state agencies vested with the responsibility to  
15 discipline members of any profession, the nondisclosure of which is  
16 essential to effective law enforcement or for the protection of any  
17 person's right to privacy.

18 (e) Information revealing the identity of persons who are witnesses  
19 to or victims of crime or who file complaints with investigative, law  
20 enforcement, or penology agencies, other than the public disclosure  
21 commission, if disclosure would endanger any person's life, physical  
22 safety, or property. If at the time a complaint is filed the  
23 complainant, victim or witness indicates a desire for disclosure or  
24 nondisclosure, such desire shall govern. However, all complaints filed  
25 with the public disclosure commission about any elected official or  
26 candidate for public office must be made in writing and signed by the  
27 complainant under oath.

28 (f) Test questions, scoring keys, and other examination data used  
29 to administer a license, employment, or academic examination.

30 (g) Except as provided by chapter 8.26 RCW, the contents of real  
31 estate appraisals, made for or by any agency relative to the  
32 acquisition or sale of property, until the project or prospective sale  
33 is abandoned or until such time as all of the property has been  
34 acquired or the property to which the sale appraisal relates is sold,  
35 but in no event shall disclosure be denied for more than three years  
36 after the appraisal.

37 (h) Valuable formulae, designs, drawings, and research data  
38 obtained by any agency within five years of the request for disclosure  
39 when disclosure would produce private gain and public loss.

1 (i) Preliminary drafts, notes, recommendations, and intra-agency  
2 memorandums in which opinions are expressed or policies formulated or  
3 recommended except that a specific record shall not be exempt when  
4 publicly cited by an agency in connection with any agency action.

5 (j) Records which are relevant to a controversy to which an agency  
6 is a party but which records would not be available to another party  
7 under the rules of pretrial discovery for causes pending in the  
8 superior courts.

9 (k) Records, maps, or other information identifying the location of  
10 archaeological sites in order to avoid the looting or depredation of  
11 such sites.

12 (l) Any library record, the primary purpose of which is to maintain  
13 control of library materials, or to gain access to information, which  
14 discloses or could be used to disclose the identity of a library user.

15 (m) Financial information supplied by or on behalf of a person,  
16 firm, or corporation for the purpose of qualifying to submit a bid or  
17 proposal for (i) a ferry system construction or repair contract as  
18 required by RCW 47.60.680 through 47.60.750 or (ii) highway  
19 construction or improvement as required by RCW 47.28.070.

20 (n) Railroad company contracts filed prior to July 28, 1991, with  
21 the utilities and transportation commission under RCW 81.34.070, except  
22 that the summaries of the contracts are open to public inspection and  
23 copying as otherwise provided by this chapter.

24 (o) Financial and commercial information and records supplied by  
25 private persons pertaining to export services provided pursuant to  
26 chapter 43.163 RCW and chapter 53.31 RCW.

27 (p) Financial disclosures filed by private vocational schools under  
28 chapters 28B.85 and 28C.10 RCW.

29 (q) Records filed with the utilities and transportation commission  
30 or attorney general under RCW 80.04.095 that a court has determined are  
31 confidential under RCW 80.04.095.

32 (r) Financial and commercial information and records supplied by  
33 businesses or individuals during application for loans or program  
34 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,  
35 or during application for economic development loans or program  
36 services provided by any local agency.

37 (s) Membership lists or lists of members or owners of interests of  
38 units in timeshare projects, subdivisions, camping resorts,  
39 condominiums, land developments, or common-interest communities

1 affiliated with such projects, regulated by the department of  
2 licensing, in the files or possession of the department.

3 (t) All applications for public employment, including the names of  
4 applicants, resumes, and other related materials submitted with respect  
5 to an applicant.

6 (u) The residential addresses and residential telephone numbers of  
7 employees or volunteers of a public agency which are held by the agency  
8 in personnel records, employment or volunteer rosters, or mailing lists  
9 of employees or volunteers.

10 (v) The residential addresses and residential telephone numbers of  
11 the customers of a public utility contained in the records or lists  
12 held by the public utility of which they are customers.

13 (w)(i) The federal social security number of individuals governed  
14 under chapter 18.130 RCW maintained in the files of the department of  
15 health, except this exemption does not apply to requests made directly  
16 to the department from federal, state, and local agencies of  
17 government, and national and state licensing, credentialing,  
18 investigatory, disciplinary, and examination organizations; (ii) the  
19 current residential address and current residential telephone number of  
20 a health care provider governed under chapter 18.130 RCW maintained in  
21 the files of the department, if the provider requests that this  
22 information be withheld from public inspection and copying, and  
23 provides to the department an accurate alternate or business address  
24 and business telephone number. On or after January 1, 1995, the  
25 current residential address and residential telephone number of a  
26 health care provider governed under RCW 18.130.140 maintained in the  
27 files of the department shall automatically be withheld from public  
28 inspection and copying if the provider has provided the department with  
29 an accurate alternative or business address and telephone number.

30 (x) Information obtained by the board of pharmacy as provided in  
31 RCW 69.45.090.

32 (y) Information obtained by the board of pharmacy or the department  
33 of health and its representatives as provided in RCW 69.41.044,  
34 69.41.280, and 18.64.420.

35 (z) Financial information, business plans, examination reports, and  
36 any information produced or obtained in evaluating or examining a  
37 business and industrial development corporation organized or seeking  
38 certification under chapter 31.24 RCW.

1 (aa) Financial and commercial information supplied to the state  
2 investment board by any person when the information relates to the  
3 investment of public trust or retirement funds and when disclosure  
4 would result in loss to such funds or in private loss to the providers  
5 of this information.

6 (bb) Financial and valuable trade information under RCW 51.36.120.

7 (cc) Client records maintained by an agency that is a domestic  
8 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape  
9 crisis center as defined in RCW 70.125.030.

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

16 (ee) Investigative records compiled by an employing agency  
17 conducting a current investigation of a possible unfair practice under  
18 chapter 49.60 RCW or of a possible violation of other federal, state,  
19 or local laws prohibiting discrimination in employment.

20 (ff) Business related information protected from public inspection  
21 and copying under RCW 15.86.110.

22 (gg) Financial, commercial, operations, and technical and research  
23 information and data submitted to or obtained by the clean Washington  
24 center in applications for, or delivery of, program services under  
25 chapter 70.95H RCW.

26 (hh) Information and documents created specifically for, and  
27 collected and maintained by a quality improvement committee pursuant to  
28 RCW 43.70.510, regardless of which agency is in possession of the  
29 information and documents.

30 (2) Except for information described in subsection (1)(c)(i) of  
31 this section and confidential income data exempted from public  
32 inspection pursuant to RCW 84.40.020, the exemptions of this section  
33 are inapplicable to the extent that information, the disclosure of  
34 which would violate personal privacy or vital governmental interests,  
35 can be deleted from the specific records sought. No exemption may be  
36 construed to permit the nondisclosure of statistical information not  
37 descriptive of any readily identifiable person or persons.

38 (3) Inspection or copying of any specific records exempt under the  
39 provisions of this section may be permitted if the superior court in

1 the county in which the record is maintained finds, after a hearing  
2 with notice thereof to every person in interest and the agency, that  
3 the exemption of such records is clearly unnecessary to protect any  
4 individual's right of privacy or any vital governmental function.

5 (4) Agency responses refusing, in whole or in part, inspection of  
6 any public record shall include a statement of the specific exemption  
7 authorizing the withholding of the record (or part) and a brief  
8 explanation of how the exemption applies to the record withheld.

9 **Sec. 3.** RCW 28B.15.558 and 1992 c 231 s 20 are each amended to  
10 read as follows:

11 (1) The governing boards of the state universities, the regional  
12 universities, The Evergreen State College, and the community colleges  
13 may waive all or a portion of the tuition and services and activities  
14 fees for state employees as defined under subsection (2) of this  
15 section pursuant to the following conditions:

16 (a) Such state employees shall register for and be enrolled in  
17 courses on a space available basis and no new course sections shall be  
18 created as a result of the registration;

19 (b) Enrollment information on state employees registered pursuant  
20 to this section shall be maintained separately from other enrollment  
21 information and shall not be included in official enrollment reports,  
22 nor shall such state employees be considered in any enrollment  
23 statistics which would affect budgetary determinations; and

24 (c) State employees registering on a space available basis shall be  
25 charged a registration fee of not less than five dollars.

26 (2) For the purposes of this section, "state employees" means  
27 permanent (~~full-time~~) employees employed half-time or more in  
28 classified service under chapter(~~s 28B.16 and~~) 41.06 RCW; permanent  
29 employees employed half-time or more who are governed by chapter 41.56  
30 RCW pursuant to the exercise of the option under RCW 41.56.201;  
31 permanent classified employees and exempt paraprofessional employees of  
32 technical colleges employed half-time or more; and nonacademic  
33 employees and members of the faculties and instructional staff employed  
34 half-time or more at institutions of higher education as defined in RCW  
35 28B.10.016.

36 NEW SECTION. **Sec. 4.** Section 3 of this act is necessary for the  
37 immediate preservation of the public peace, health, or safety, or

1 support of the state government and its existing public institutions,  
2 and shall take effect immediately.

3 NEW SECTION. **Sec. 5.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected."

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8 By Representative

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10 On page 1, line 2 of the title, after "board;" strike the remainder  
11 of the title and insert "amending RCW 28B.85.020, 42.17.310, and  
12 28B.15.558; and declaring an emergency."

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