
SECOND SUBSTITUTE HOUSE BILL 2256

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Conway, Clements, Stensen, Reardon, Murray, Keiser, Ruderman, Lantz, Fisher, Lovick, Sullivan, Hurst, Santos, Kenney, Wolfe, Ogden, Kagi, Constantine, Dickerson, Linville, Rockefeller, Romero, Hatfield, Voloria, Wood, Edmonds, McIntire and O'Brien)

Read first time 04/20/1999. Referred to Committee on .

1 AN ACT Relating to the workforce development system; amending RCW
2 28C.18.010, 28C.18.020, 28C.18.030, 28C.18.040, 28C.18.050, 28C.18.060,
3 50.38.050, 50.67.010, and 42.17.310; reenacting and amending RCW
4 50.13.060; adding a new section to chapter 28C.18 RCW; adding a new
5 chapter to Title 50 RCW; creating new sections; repealing RCW
6 28C.18.070, 28C.18.080, 28C.18.090, 28C.18.100, 28C.18.110, 50.67.020,
7 and 50.67.030; prescribing penalties; providing an expiration date; and
8 declaring an emergency.

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

10 **Sec. 1.** RCW 28C.18.010 and 1996 c 99 s 2 are each amended to read
11 as follows:

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this title.

14 (1) "Board" means the ~~((work force training and education~~
15 ~~coordinating))~~ workforce development board.

16 (2) "Director" means the director of the ~~((work force training and~~
17 ~~education coordinating))~~ workforce development board.

18 (3) ~~(("Training system" means programs and courses of secondary~~
19 ~~vocational education, technical college programs and courses, community~~

1 college vocational programs and courses, private career school and
2 college programs and courses, employer-sponsored training, adult basic
3 education programs and courses, programs and courses funded by the job
4 training partnership act, programs and courses funded by the federal
5 vocational act, programs and courses funded under the federal adult
6 education act, publicly funded programs and courses for adult literacy
7 education, and apprenticeships, and programs and courses offered by
8 private and public nonprofit organizations that are representative of
9 communities or significant segments of communities and provide job
10 training or adult literacy services.) "Operating agencies" means those
11 state agencies responsible for the governance and management of state
12 and federal workforce development programs.

13 (4) "Workforce development system" means public and private
14 programs that use state or federal funds to prepare workers for
15 employment, upgrade worker skills, retrain workers, or provide
16 employment or retention services for workers or employers. "Workforce
17 development system" includes, but is not limited to, secondary
18 vocational education, community and technical college vocational
19 education, private career school and college vocational programs,
20 employer-sponsored training, work-related adult basic education and
21 literacy programs, programs funded by Title 1B of the federal workforce
22 investment act, activities funded under the federal Wagner-Peyser act,
23 programs funded by the federal vocational education act, work-related
24 programs funded under the adult education and family literacy act,
25 publicly funded programs for work-related adult literacy, education,
26 and apprenticeships, the one-stop system, the state job skills program,
27 timber retraining benefits, the work-related components of the
28 vocational rehabilitation program authorized under Title IV of the
29 workforce investment act, P.L. 105-220, the department of services for
30 the blind, and programs offered by private and public nonprofit
31 organizations, including those that serve people with disabilities,
32 that are representative of communities or significant segments of
33 communities, and provide job training or work-related adult literacy
34 services.

35 (5) ~~"((Work force))~~ Workforce skills means skills developed
36 through applied learning that strengthen and reinforce an individual's
37 academic knowledge, critical thinking, problem solving, and work ethic
38 and, thereby, develop the employability, occupational skills, and

1 management of home and work responsibilities necessary for economic
2 independence.

3 ~~((5))~~ (6) "Vocational education" means organized educational
4 programs offering a sequence of courses which are directly related to
5 the preparation or retraining of individuals in paid or unpaid
6 employment in current or emerging occupations requiring other than a
7 baccalaureate or advanced degree. ~~((Such programs shall include
8 competency-based applied learning which contributes to an individual's
9 academic knowledge, higher-order reasoning, and problem-solving skills,
10 work attitudes, general employability skills, and the occupational-
11 specific skills necessary for economic independence as a productive and
12 contributing member of society.))~~ Such term also includes applied
13 technology education.

14 ~~((6))~~ (7) "Adult basic education" means ~~((instruction designed to
15 achieve mastery of skills in reading, writing, oral communication, and
16 computation at a level sufficient to allow the individual to function
17 effectively as a parent, worker, and citizen in the United States,
18 commensurate with that individual's actual ability level, and includes
19 English as a second language and preparation and testing service for
20 the general education development exam))~~ (a) adult education and
21 literacy services, including workforce literacy services; (b) family
22 literacy services; and (c) English literacy services as defined in P.L.
23 105-220, Title II, that enable eligible adults to speak, read, and
24 write in the English language, compute, solve problems, and relate
25 effectively with others in order to exercise the rights and
26 responsibilities of a family member, worker, and community member.

27 (8) "Local workforce development councils" means the same as
28 defined in P.L. 105-220, Sec. 117 and are responsible for performing
29 the duties of that section as well as developing a local area unified
30 plan for state purposes as defined in this chapter.

31 **Sec. 2.** RCW 28C.18.020 and 1991 c 238 s 3 are each amended to read
32 as follows:

33 (1) There is hereby created the ~~((work force training and education
34 coordinating))~~ workforce development board as a state agency ~~((and as
35 the successor agency to the state board for vocational education. Once
36 the coordinating board has convened, all references to the state board
37 for vocational education in the Revised Code of Washington shall be
38 construed to mean the work force training and education coordinating~~

1 board, ~~except that reference to the state board for vocational~~
2 ~~education in RCW 49.04.030 shall mean the state board for community and~~
3 ~~technical colleges~~)).

4 (2)(a) The board shall consist of ~~((nine))~~ eighteen voting members
5 appointed by the governor with the consent of the senate, as follows:
6 ~~((Three))~~ Five representatives of business, ~~((three))~~ five
7 representatives of labor, a representative of private career schools,
8 a representative of community-based organizations, a representative of
9 local elected officials, and, serving as ex officio members, the
10 superintendent of public instruction, the executive director of the
11 state board for community and technical colleges, ~~((and))~~ the
12 commissioner of the employment security department, the secretary of
13 the department of social and health services, and the director of the
14 department of community, trade, and economic development. ~~((The chair~~
15 ~~of the board shall be a nonvoting member selected by the governor with~~
16 ~~the consent of the senate, and shall serve at the pleasure of the~~
17 ~~governor. In selecting the chair, the governor shall seek a person who~~
18 ~~understands the future economic needs of the state and nation and the~~
19 ~~role that the state's training system has in meeting those needs.))~~
20 Each ~~((voting))~~ member of the board may appoint a designee to function
21 in his or her place with the right to vote. Representatives of
22 business and labor must constitute a majority of those casting votes on
23 any given vote. In ~~((making appointments to))~~ recruiting members for
24 the board, the governor shall seek to ensure geographic, ethnic, and
25 gender diversity and balance. The governor shall also seek to ensure
26 diversity and balance by ~~((the appointment of))~~ recruiting persons with
27 disabilities.

28 (b) The business representatives shall be selected from among
29 nominations provided by ~~((a))~~ state-wide business organizations
30 representing a cross-section of industries and small businesses. One
31 of the business representatives will serve as the chair of the board on
32 a rotating basis with one of the labor representatives. However, the
33 governor may request, and the organization shall provide, an additional
34 list or lists from which the governor shall select the business
35 representatives. ~~((The nominations and selections))~~ Recruitment shall
36 reflect the cultural diversity of the state, including women, people
37 with disabilities, and racial and ethnic minorities, and diversity in
38 sizes of businesses.

1 (c) The labor representatives shall be selected from among
2 nominations provided by state-wide labor organizations. One of the
3 labor representatives will serve as the chair of the board on a
4 rotating basis with one of the business representatives. However, the
5 governor may request, and the organizations shall provide, an
6 additional list or lists from which the governor shall select the labor
7 representatives. ~~((The nominations and selections))~~ Recruitment shall
8 reflect the cultural diversity of the state, including women, people
9 with disabilities, and racial and ethnic minorities.

10 (d) The private career school representative shall be selected from
11 among nominations provided by a state-wide organization representing a
12 cross-section of private career schools. However, the governor may
13 request, and the organization shall provide, an additional list or
14 lists from which the governor shall select the private career school
15 representative.

16 (e) The community-based organizations' representative shall be
17 selected from among nominations provided by a state-wide organization
18 representing community-based organizations. However, the governor may
19 request, and the organization shall provide, an additional list or
20 lists from which the governor shall select the community-based
21 organizations' representative.

22 (f) Each business member may cast a proxy vote or votes for any
23 business member who is not present and who authorizes in writing the
24 present member to cast such vote.

25 ~~((e))~~ (g) Each labor member may cast a proxy vote for any labor
26 member who is not present and who authorizes in writing the present
27 member to cast such vote.

28 ~~((f) The chair shall appoint to the board one nonvoting member to~~
29 ~~represent racial and ethnic minorities, women, and people with~~
30 ~~disabilities. The nonvoting member appointed by the chair shall serve~~
31 ~~for a term of four years with the term expiring on June 30th of the~~
32 ~~fourth year of the term.~~

33 ~~(g))~~ (h) The business members of the board shall serve for terms
34 of four years, the terms expiring on June 30th of the fourth year of
35 the term except that in the case of initial members, one shall be
36 appointed to a two-year term and one appointed to a three-year term.

37 ~~((h))~~ (i) The labor members of the board shall serve for terms of
38 four years, the terms expiring on June 30th of the fourth year of the

1 term except that in the case of initial members, one shall be appointed
2 to a two-year term and one appointed to a three-year term.

3 ~~((i))~~ (j) The private career school, community-based
4 organization, and local elected officials representatives shall serve
5 for terms of four years, the terms expiring on June 30th of the fourth
6 year of the term except that in the case of initial members, one shall
7 be appointed to a two-year term and one appointed to a three-year term.

8 (k) Any vacancies among board members representing business ~~((e))~~,
9 labor, private career schools, or community-based organizations shall
10 be filled by the governor with nominations provided by state-wide
11 organizations representing business ~~((e))~~, labor, private career
12 schools, or community-based organizations respectively.

13 ~~((j))~~ (l) The board shall adopt bylaws and shall meet at least
14 bimonthly and at such other times as determined by the chair who shall
15 give reasonable prior notice to the members or at the request of a
16 majority of the ~~((voting))~~ members.

17 ~~((k))~~ (m) Members of the board shall be compensated in accordance
18 with RCW 43.03.040 and shall receive travel expenses in accordance with
19 RCW 43.03.050 and 43.03.060.

20 ~~((l))~~ ~~The board shall be formed and ready to assume its~~
21 ~~responsibilities under this chapter by October 1, 1991.~~

22 ~~((m))~~ (n) The director of the board shall be appointed by the
23 governor ~~((from a list of three names submitted by a committee made up~~
24 ~~of the business and labor members of the board. However, the governor~~
25 ~~may request, and the committee shall provide, an additional list or~~
26 ~~lists from which the governor shall select the director. The lists~~
27 ~~compiled by the committee shall not be subject to public disclosure.~~
28 ~~The governor may dismiss the director only with the approval of a~~
29 ~~majority vote of the board. The board, by a majority vote, may dismiss~~
30 ~~the director with the approval)), shall serve at the pleasure of the~~
31 ~~governor, and shall be confirmed by the senate.~~

32 ~~((3))~~ ~~The state board for vocational education is hereby abolished~~
33 ~~and its powers, duties, and functions are hereby transferred to the~~
34 ~~work force training and education coordinating board. All references~~
35 ~~to the director or the state board for vocational education in the~~
36 ~~Revised Code of Washington shall be construed to mean the director or~~
37 ~~the work force training and education coordinating board.))~~

1 **Sec. 3.** RCW 28C.18.030 and 1996 c 99 s 3 are each amended to read
2 as follows:

3 The purpose of the board is to (~~provide planning, coordination,~~
4 ~~evaluation, monitoring, and policy analysis for the state training~~
5 ~~system as a whole, and advice to the governor and legislature~~
6 ~~concerning the state training system, in cooperation with the state~~
7 ~~training system and the higher education coordinating board~~)) develop
8 policies that create an integrated state workforce development system
9 that links people to jobs, allows them access to training and
10 education, and provides an opportunity to move up the job ladder over
11 their lifetime. The board shall plan, promote cooperation, measure
12 performance, evaluate, and provide policy analysis for the state
13 workforce development system as a whole, and advise the governor
14 concerning the state's workforce development system in cooperation with
15 the operating agencies of the workforce development system.

16 **Sec. 4.** RCW 28C.18.040 and 1994 c 154 s 307 are each amended to
17 read as follows:

18 (1) The director shall serve as chief executive officer of the
19 board who shall administer the provisions of this chapter, employ such
20 personnel as may be necessary to implement the purposes of this
21 chapter, and utilize staff of existing operating agencies to the
22 fullest extent possible.

23 (2) (~~The director shall not be the chair of the board.~~

24 ~~(3))~~) Subject to the approval of the board, the director shall
25 appoint necessary deputy and assistant directors and other staff who
26 shall be exempt from the provisions of chapter 41.06 RCW. The
27 director's appointees shall serve at the director's pleasure on such
28 terms and conditions as the director determines but subject to chapter
29 42.52 RCW.

30 (~~(4))~~) (3) The director shall appoint and employ such other
31 employees as may be required for the proper discharge of the functions
32 of the board.

33 (~~(5) The director shall, as permissible under P.L. 101-392, as~~
34 ~~amended, integrate the staff of the council on vocational education,~~
35 ~~and contract with the state board for community and technical colleges~~
36 ~~for assistance for adult basic skills and literacy policy development~~
37 ~~and planning as required by P.L. 100-297, as amended.))~~)

1 **Sec. 5.** RCW 28C.18.050 and 1995 c 130 s 3 are each amended to read
2 as follows:

3 (1) The board shall be designated as the state workforce investment
4 board described in P.L. 105-220, the workforce investment act of 1998,
5 and shall perform such functions as necessary to comply with federal
6 directives pertaining to this law. In order to comply with the
7 regulations of P.L. 105-220, the governor may designate the board
8 membership structure of the workforce training and education
9 coordinating board as it existed as of December 31, 1997, as the
10 workforce investment board specifically to carry out the provisions of
11 P.L. 105-220.

12 (2) The board shall be designated as the state board of vocational
13 education as provided for in P.L. ((98-524)) 105-332, as amended, and
14 shall perform such functions as is necessary to comply with federal
15 directives pertaining to the provisions of such law. The board shall
16 establish a subcommittee to study and make recommendations to the board
17 on the use of funds provided under P.L. 105-332. The subcommittee
18 membership shall consist of the superintendent of public instruction,
19 the executive director of the state board for community and technical
20 colleges, two members who are business representatives, and two members
21 who are labor representatives.

22 ((+2)) (3) The board shall perform the functions of the human
23 resource investment council as provided for in the federal job training
24 partnership act, P.L. 97-300, as amended.

25 ((+3)) (4) The board shall provide policy advice for any federal
26 act pertaining to ((work-force)) workforce development that is not
27 required by state or federal law to be provided by another state body.

28 ((+4)) (5) Upon enactment of new federal initiatives relating to
29 ((work-force)) workforce development, the board shall advise the
30 governor and the legislature on mechanisms for integrating the federal
31 initiatives into the state's ((work-force)) workforce development
32 system and make recommendations on the legislative or administrative
33 measures necessary to streamline and coordinate state efforts to meet
34 federal guidelines.

35 ((+5)) (6) The board shall ((monitor)) review for consistency with
36 the state ((comprehensive plan for work force training and education
37 the policies and plans established by the state job training
38 coordinating council)) unified plan, the policies and plans established
39 by the advisory council on adult education, and the Washington state

1 plan for adult literacy and basic ((education)) skills, and provide
2 guidance for making such policies and plans consistent with the state
3 ((comprehensive)) unified plan for ((work—force—training—and
4 education)) workforce development system.

5 (7) The board shall perform the functions of the job training
6 coordinating council until July 1, 2000.

7 (8) Recommend to the governor the performance accountability system
8 required by P.L. 105-220 or successor legislation.

9 (9) For the purposes of P.L. 105-332, the superintendent of public
10 instruction shall have operating responsibility for secondary education
11 and the state board for community and technical colleges shall have
12 operating responsibility for postsecondary vocational and technical
13 education.

14 **Sec. 6.** RCW 28C.18.060 and 1996 c 99 s 4 are each amended to read
15 as follows:

16 The board, in cooperation with the operating agencies of the state
17 ((training)) development system and private career schools and colleges
18 shall:

19 (1) ((Concentrate its major efforts on planning, coordination
20 evaluation, policy analysis, and recommending improvements to the
21 state's training system.

22 (2) Advocate for the state training system and for meeting the
23 needs of employers and the work force for work force education and
24 training.

25 (3) Establish and maintain an inventory of the programs of the
26 state training system, and related state programs, and perform a
27 biennial assessment of the vocational education, training, and adult
28 basic education and literacy needs of the state; identify ongoing and
29 strategic education needs; and assess the extent to which employment,
30 training, vocational and basic education, rehabilitation services, and
31 public assistance services represent a consistent, integrated approach
32 to meet such needs.

33 (4) Develop and maintain a state comprehensive plan for work force
34 training and education, including but not limited to, goals,
35 objectives, and priorities for the state training system, and review
36 the state training system for consistency with the state comprehensive
37 plan. In developing the state comprehensive plan for work force
38 training and education, the board shall use, but shall not be limited

1 to: Economic, labor market, and populations trends reports in office
2 of financial management forecasts; joint office of financial management
3 and employment security department labor force, industry employment,
4 and occupational forecasts; the results of scientifically based
5 outcome, net impact and cost benefit evaluations; the needs of
6 employers as evidenced in formal employer surveys and other employer
7 input; and the needs of program participants and workers as evidenced
8 in formal surveys and other input from program participants and the
9 labor community.

10 (5) In consultation with the higher education coordinating board,
11 review and make recommendations to the office of financial management
12 and the legislature on operating and capital facilities budget requests
13 for operating agencies of the state training system for purposes of
14 consistency with the state comprehensive plan for work force training
15 and education.

16 (6) Provide for coordination among the different operating agencies
17 and components of the state training system at the state level and at
18 the regional level.

19 (7) Develop a consistent and reliable data base on vocational
20 education enrollments, costs, program activities, and job placements
21 from publicly funded vocational education programs in this state.

22 (8) Establish standards for data collection and maintenance for the
23 operating agencies of the state training system in a format that is
24 accessible to use by the board. The board shall require a minimum of
25 common core data to be collected by each operating agency of the state
26 training system.

27 The board shall develop requirements for minimum common core data
28 in consultation with the office of financial management and the
29 operating agencies of the training system.

30 (9) Establish minimum standards for program evaluation for the
31 operating agencies of the state training system, including, but not
32 limited to, the use of common survey instruments and procedures for
33 measuring perceptions of program participants and employers of program
34 participants, and monitor such program evaluation.

35 (10) Every two years administer scientifically based outcome
36 evaluations of the state training system, including, but not limited
37 to, surveys of program participants, surveys of employers of program
38 participants, and matches with employment security department payroll

1 and wage files. Every five years administer scientifically based net-
2 impact and cost benefit evaluations of the state training system.

3 (11) In cooperation with the employment security department,
4 provide for the improvement and maintenance of quality and utility in
5 occupational information and forecasts for use in training system
6 planning and evaluation. Improvements shall include, but not be
7 limited to, development of state based occupational change factors
8 involving input by employers and employees, and delineation of skill
9 and training requirements by education level associated with current
10 and forecasted occupations.

11 (12) Provide for the development of common course description
12 formats, common reporting requirements, and common definitions for
13 operating agencies of the training system.

14 (13) Provide for effectiveness and efficiency reviews of the state
15 training system.

16 (14) In cooperation with the higher education coordinating board,
17 facilitate transfer of credit policies and agreements between
18 institutions of the state training system, and encourage articulation
19 agreements for programs encompassing two years of secondary work force
20 education and two years of postsecondary work force education.

21 (15) In cooperation with the higher education coordinating board,
22 facilitate transfer of credit policies and agreements between private
23 training institutions and institutions of the state training system.

24 (16) Participate in the development of coordination criteria for
25 activities under the job training partnership act with related programs
26 and services provided by state and local education and training
27 agencies.

28 (17) Make recommendations to the commission of student assessment,
29 the state board of education, and the superintendent of public
30 instruction, concerning basic skill competencies and essential core
31 competencies for K-12 education. Basic skills for this purpose shall
32 be reading, writing, computation, speaking, and critical thinking,
33 essential core competencies for this purpose shall be English, math,
34 science/technology, history, geography, and critical thinking. The
35 board shall monitor the development of and provide advice concerning
36 secondary curriculum which integrates vocational and academic
37 education.

38 (18) Establish and administer programs for marketing and outreach
39 to businesses and potential program participants.

1 (19) Facilitate the location of support services, including but not
2 limited to, child care, financial aid, career counseling, and job
3 placement services, for students and trainees at institutions in the
4 state training system, and advocate for support services for trainees
5 and students in the state training system.

6 (20) Facilitate private sector assistance for the state training
7 system, including but not limited to: Financial assistance, rotation
8 of private and public personnel, and vocational counseling.

9 (21) Facilitate programs for school-to-work transition that combine
10 classroom education and on-the-job training in industries and
11 occupations without a significant number of apprenticeship programs.

12 (22) Encourage and assess progress for the equitable representation
13 of racial and ethnic minorities, women, and people with disabilities
14 among the students, teachers, and administrators of the state training
15 system. Equitable, for this purpose, shall mean substantially
16 proportional to their percentage of the state population in the
17 geographic area served. This function of the board shall in no way
18 lessen more stringent state or federal requirements for representation
19 of racial and ethnic minorities, women, and people with disabilities.

20 (23) Participate in the planning and policy development of governor
21 set-aside grants under P.L. 97-300, as amended.

22 (24) Administer veterans' programs, licensure of private vocational
23 schools, the job skills program, and the Washington award for
24 vocational excellence.

25 (25) Allocate funding from the state job training trust fund.

26 (26) Work with the director of community, trade, and economic
27 development to ensure coordination between work force training
28 priorities and that department's economic development efforts.

29 (27) Adopt rules as necessary to implement this chapter.

30 The board may delegate to the director any of the functions of this
31 section.)) Establish and maintain an inventory of the programs of the
32 state workforce development system and ensure that information is
33 provided to consumers and policymakers at the state and local level in
34 order to enable them to make informed choices.

35 (2) Assess employer and worker needs for workforce training and the
36 gap between their needs and the public and private supply of workforce
37 training. The assessments of employer and worker needs shall include
38 state-wide surveys of employers and workers. The survey sample must be

1 statistically representative of the state's employer and employee
2 population.

3 (3) Analyze the future employment needs of employers and develop
4 strategies to ensure that Washington residents are prepared to meet
5 those needs. The board shall work with industry, labor, and business
6 associations, the operating agencies, and the department of community,
7 trade, and economic development, and local workforce investment
8 councils, to develop demand driven and targeted industry strategies to
9 build a world class workforce.

10 (4) Develop and maintain a state unified plan for the workforce
11 development system. The unified plan shall include assessments of the
12 state's employment opportunities and skills needs, the current and
13 future workforce, and the current workforce development system; and
14 include goals, objectives, and strategies for improving the workforce
15 development system and a description of the performance measurement
16 system for workforce development.

17 (5) Work in collaboration with local workforce development councils
18 to develop the state unified plan. Local workforce development
19 councils shall provide input to the board in the development of the
20 state unified plan which articulate their local strategy and needs.

21 (6) Work in partnership with the training related components of the
22 temporary assistance for needy families program, community service
23 employment under Title V of the older Americans act, and the retraining
24 component of the workers' compensation vocational rehabilitation
25 program; training activities carried out through contracts with the
26 United States department of housing and urban development; and
27 community services block grants authorized under the national community
28 service act, to integrate these programs into the unified planning.
29 The governor may approve inclusion of these programs into the workforce
30 development system.

31 (7) Review and make recommendations to the governor concerning the
32 program plans of the operating agencies of the state workforce
33 development system regarding consistency with the unified plan.

34 (8) Recommend to the governor strategies to assure coordination and
35 avoid duplication among the programs of the workforce development
36 system.

37 (9) Design and implement a performance measurement system for
38 workforce development in cooperation with the operating agencies and
39 with the review of the joint legislative audit and review committee.

1 The performance measurement system for the workforce development system
2 shall be coordinated with the state's accountability system for K-12
3 education. The performance measurement system includes:

4 (a) Minimum standards for performance measurement for the state
5 workforce development system including, but not limited to, the use of
6 common survey instruments and common performance indicators;

7 (b) Standards for data collection and maintenance for the operating
8 agencies of the state workforce development system. The board shall
9 require a minimum of common core data to be collected by each operating
10 agency of the state workforce development system;

11 (c) Evaluations of the state workforce development system
12 including, but not limited to, outcome, net impact, and cost-benefit
13 evaluations, surveys of program participants, surveys of employers of
14 program participants, and matches with employment security department
15 payroll and wage files, the outcomes of which shall be reported on a
16 regular basis to the governor and the legislature;

17 (d) Standards for measuring the performance of local training
18 providers to enable consumers to make informed choices and gain access
19 to services they need;

20 (e) Recommendations to the governor regarding expected performance
21 levels using the performance measurement system established under this
22 section; and

23 (f) Information provided to the governor and the legislature on the
24 outcomes of workforce development programs. Such information shall
25 include, but not be limited to, program results in the following areas:
26 Participant competencies, employment, wages and earnings, and receipt
27 of public assistance; customer satisfaction, including employer
28 customers who have hired program participants; and the public cost per
29 benefit received.

30 (10) Measure the performance of the workforce development system
31 using the performance measurement system established in subsection (9)
32 of this section. Operating agencies shall establish and implement
33 rewards for exceptional programs and corrective actions for programs
34 failing to meet minimum performance standards as defined in subsection
35 (9)(a) of this section. Operating agencies shall report to the board
36 annually beginning December 31, 2001, on corrective action taken and
37 rewards granted. Beginning July 1, 2002, the board shall report to the
38 governor and the legislature on operating agencies' actions to reward

1 exceptional programs and to correct and improve programs that fail to
2 meet standards established in subsection (9)(a) of this section.

3 (11) Establish an incentive fund for workforce development, using
4 federal funding for workforce development programs, and allocate
5 dollars from the incentive fund to reward local workforce development
6 councils and programs that produce exemplary results.

7 (12) Review the plans of local workforce development councils for
8 consistency with the state unified plan and recommend to the governor
9 whether local plans should be approved. The board shall provide
10 technical assistance to local workforce development councils as
11 necessary.

12 (13) Work with local workforce development councils and state
13 operating agencies to implement a one stop delivery system that is
14 seamless and consumer-based.

15 (14) For the purposes of enabling individuals to make smooth
16 transitions into the workforce and back and forth between workforce
17 development programs and employment, make recommendations regarding
18 generic workplace skills that individuals need in order to meet
19 employer expectations.

20 (15) Administer veterans' programs, licensure of private vocational
21 schools, and the Washington award for vocational excellence.

22 (16) Work with the director of community, trade, and economic
23 development to ensure coordination between workforce training
24 priorities and that department's economic development efforts.

25 (17) Work in collaboration with local workforce development
26 councils, business organizations, and economic development councils to
27 create a coordinated and responsive system of outreach for small
28 business.

29 (18) Consult with the programs and the customers of programs in the
30 workforce development system in performing the board's duties.

31 (19) Adopt rules as necessary to implement this chapter.

32 The board may delegate to the director any of the functions of this
33 section.

34 NEW SECTION. Sec. 7. A new section is added to chapter 28C.18 RCW
35 to read as follows:

36 There are hereby created local workforce development councils to
37 serve functions including, but not limited to, those specified for
38 local workforce development councils under P.L. 105-220. The governor,

1 in partnership with the state board, shall establish criteria for use
2 by chief elected officials in the local areas for appointment of
3 members of the local councils. Local workforce development councils
4 shall:

5 (1) In partnership with chief local elected officials, develop and
6 maintain a local unified plan for the workforce development system
7 including but not limited to the local plan required by P.L. 105-220
8 Title I. The unified plan shall include assessments of local
9 employment opportunities and skills needs, the current and future
10 workforce, the current workforce development system, and financial
11 resources; and include goals, objectives, and strategies for the local
12 workforce development system, including a system-wide financial
13 strategy for implementing the plan. Local workforce development
14 councils shall submit their unified plans to the governor for approval
15 and the plan should be consistent with the state unified plan.

16 (2) Conduct oversight over the local one stop system under P.L.
17 105-220 Title 1(b).

18 (3) Coordinate workforce development activities at the local level
19 and ensure a linkage with local economic development strategies.

20 (4) Provide for a coordinated and responsive system of outreach to
21 employers to include the establishment of public-private partnerships
22 of local brokers to connect small businesses to workforce training
23 programs and resources. Brokers may include industry and trade
24 associations, chambers of commerce, central labor councils, and other
25 labor organizations. Broker services may include communicating small
26 business needs to training providers, pooling the specific training
27 needs of several small employers to create cost-effective demand, and
28 supporting the growth of apprenticeship programs.

29 (5) Identify eligible providers of training services.

30 (6) Assess the planning process to identify quality improvements.

31 (7) Execute a master partnership agreement with local elected
32 officials that establishes the working relationships and specifies
33 responsibilities of each body in the partnership.

34 **Sec. 8.** RCW 50.38.050 and 1993 c 62 s 5 are each amended to read
35 as follows:

36 The department shall have the following duties:

37 (1) Oversight and management of a state-wide comprehensive labor
38 market and occupational supply and demand information system, including

1 development of a five-year employment forecast for state and labor
2 market areas;

3 (2) Produce local labor market information packages for the state's
4 counties, including special studies and job impact analyses in support
5 of state and local employment, training, education, and job creation
6 programs, especially activities that prevent job loss, reduce
7 unemployment, and create jobs;

8 (3) Coordinate with the office of financial management and the
9 office of the forecast council to improve employment estimates by
10 enhancing data on corporate officers, improving business establishment
11 listings, expanding sample for employment estimates, and developing
12 business entry/exit analysis relevant to the generation of occupational
13 and economic forecasts; ((and))

14 (4) In cooperation with the office of financial management, produce
15 long-term industry and occupational employment forecasts. These
16 forecasts shall be consistent with the official economic and revenue
17 forecast council biennial economic and revenue forecasts; and

18 (5) Provide labor market information needed for the state workforce
19 development board to fulfill its duties under RCW 28C.04.060.

20 **Sec. 9.** RCW 50.67.010 and 1991 c 238 s 14 are each amended to read
21 as follows:

22 ~~(1) ((There is hereby created the Washington state job training~~
23 ~~coordinating council for so long as a state council is required by~~
24 ~~federal law or regulation as a condition for receipt of federal funds.~~
25 ~~The council shall perform all duties of state job training coordinating~~
26 ~~council as specified in the federal job training partnership act, P.L.~~
27 ~~97-300, as amended, including the preparation of a coordination and~~
28 ~~special services plan for a two year period, consistent with the state~~
29 ~~comprehensive plan for work force training and education prepared by~~
30 ~~the work force training and education coordinating board as provided~~
31 ~~for in RCW 28C.18.060.~~

32 ~~(2) The work force training and education coordinating board shall~~
33 ~~monitor the need for the council as described in subsection (1) of this~~
34 ~~section, and, if that need no longer exists, propose legislation to~~
35 ~~terminate the council.))~~ The duties of the job training coordinating
36 council described in section 122 of P.L. 97-300 shall be performed by
37 the workforce development board until July 1, 2000.

38 (2) This section expires July 1, 2000.

1 NEW SECTION. **Sec. 10.** The department is responsible to prepare
2 the following elements for the program plan required by the workforce
3 investment act of 1998 (P.L. 105-220) which include:

4 (1) Detailed plans required under section 8 of the Wagner-Peyser
5 act (29 U.S.C. 49g);

6 (2) Assurances that the state will provide, in accordance with
7 section 184 of the workforce investment act, for fiscal control and
8 fund accounting procedures that are necessary to ensure the proper
9 disbursement of, and accounting for, funds paid to the state through
10 the allotments made under sections 127 and 132 of the workforce
11 investment act;

12 (3)(a) A description of the methods and factors the state will use
13 in distributing funds to local areas for youth activities and adult
14 employment and training activities under sections 128(b)(3)(B) and
15 133(b)(3)(B) of the workforce investment act, including:

16 (i) A description of how the individuals and entities represented
17 on the workforce development board were involved in determining such
18 methods and factors of distribution; and

19 (ii) A description of how that state consulted with chief elected
20 officials in local areas throughout the state in determining such
21 distribution; and

22 (b) Assurances that the funds will be distributed equitably
23 throughout the state, and that no local areas will suffer significant
24 shifts in funding from year to year; and

25 (c) A description of the formula prescribed by the governor
26 pursuant to section 133(b)(2)(B) of the workforce investment act for
27 the allocation of funds to local areas for dislocated worker employment
28 and training activities;

29 (4) With respect to the one stop delivery systems described in
30 section 134(c) of the workforce investment act, a description of the
31 operational strategy of the state for assisting local areas in
32 development and implementation of fully operational one stop delivery
33 systems in the state;

34 (5) A description of the competitive process to be used by the
35 state to award grants and contracts in the state for activities carried
36 out under the workforce investment act;

37 (6) With respect to the employment and training activities
38 authorized in section 134 of the workforce investment act:

1 (a) The employment and training activities that will be carried out
2 with the funds received by the state through the allotment made under
3 section 132 of the workforce investment act;

4 (b) How the state will provide rapid response activities to
5 dislocated workers from funds reserved under section 133(a)(2) of the
6 workforce investment act for such purposes, including the designation
7 of an identifiable state rapid response dislocated worker unit to carry
8 out state-wide rapid response activities; and

9 (c) With other state operating agencies, how the state will serve
10 the employment and training needs of dislocated workers, including
11 displaced homemakers; low-income individuals, including recipients of
12 public assistance; individuals training for nontraditional employment;
13 and other individuals with multiple barriers to employment, including
14 older individuals and individuals with disabilities; and

15 (7) With respect to youth activities authorized in section 129 of
16 the workforce investment act, information:

17 (a) Describing the state strategy for providing comprehensive
18 services to eligible youth, particularly those eligible youth who are
19 recognized as having significant barriers to employment;

20 (b) Describing how that state will coordinate the youth activities
21 carried out in the state under section 129 of the workforce investment
22 act with the services provided by job corps centers in the state, where
23 such centers exist; and

24 (c) Describing how the state will coordinate youth activities
25 described in subparagraph (C) of the workforce investment act with
26 activities carried out through the youth opportunity grants under
27 section 169 of the workforce investment act.

28 NEW SECTION. **Sec. 11.** The department shall receive federal funds
29 authorized under the workforce investment act of 1998 (P.L. 105-220)
30 Title 1B and recommend to the governor the allocation of the funds to
31 support this chapter, chapter 28C.18 RCW, and the workforce investment
32 act.

33 NEW SECTION. **Sec. 12.** (1) To ensure that available resources are
34 used for those individuals who are legally entitled to receive benefits
35 and services through Title I-B of P.L. 105-220 and the public labor-
36 exchange, a state or local government agency providing benefits or
37 services to an individual shall screen the individual to determine that

1 he or she is legally eligible to receive state and federally funded
2 benefits and services. The screening shall include notification that
3 the individual must produce necessary documents to be referred to an
4 employer. The individual shall indicate on an application for services
5 or benefits whether or not he or she is legally eligible to work in the
6 United States. For applicants under Title I-B of P.L. 105-220, and for
7 requests by an employer for a review of applicants when placing a job
8 order with the department, the department shall determine whether the
9 applicant has the necessary documentation for employer verification at
10 the time of referral. Where federal law prohibits the conditioning of
11 benefits or assistance on a verification of an individual's status as
12 a qualified or authorized alien, this requirement shall not apply.

13 (2) The department shall appoint a task force, including employers
14 and employees and members of the unemployment insurance advisory
15 committee, to:

16 (a) Develop recommendations on the most effective methods of
17 determining eligibility to work or receive benefits in the United
18 States;

19 (b) Review verification systems developed by federal agencies for
20 verifying a person's eligibility to receive the benefit or service; and

21 (c) Report its initial findings to the legislature by December 1,
22 1999, and annually thereafter through December 1, 2002.

23 (3) State and local government agencies, providing benefits and
24 services described under subsection (1) of this section, shall
25 implement a screening and verification process by January 1, 2004,
26 taking into consideration the recommendations of the task force.

27 **Sec. 13.** RCW 50.13.060 and 1997 c 409 s 605 and 1997 c 58 s 1004
28 are each reenacted and amended to read as follows:

29 (1) Governmental agencies, including law enforcement agencies,
30 prosecuting agencies, and the executive branch, whether state, local,
31 or federal shall have access to information or records deemed private
32 and confidential under this chapter if the information or records are
33 needed by the agency for official purposes and:

34 (a) The agency submits an application in writing to the employment
35 security department for the records or information containing a
36 statement of the official purposes for which the information or records
37 are needed and specific identification of the records or information
38 sought from the department; and

1 (b) The director, commissioner, chief executive, or other official
2 of the agency has verified the need for the specific information in
3 writing either on the application or on a separate document; and

4 (c) The agency requesting access has served a copy of the
5 application for records or information on the individual or employing
6 unit whose records or information are sought and has provided the
7 department with proof of service. Service shall be made in a manner
8 which conforms to the civil rules for superior court. The requesting
9 agency shall include with the copy of the application a statement to
10 the effect that the individual or employing unit may contact the public
11 records officer of the employment security department to state any
12 objections to the release of the records or information. The
13 employment security department shall not act upon the application of
14 the requesting agency until at least five days after service on the
15 concerned individual or employing unit. The employment security
16 department shall consider any objections raised by the concerned
17 individual or employing unit in deciding whether the requesting agency
18 needs the information or records for official purposes.

19 (2) The requirements of subsections (1) and (9) of this section
20 shall not apply to the state legislative branch. The state legislature
21 shall have access to information or records deemed private and
22 confidential under this chapter, if the legislature or a legislative
23 committee finds that the information or records are necessary and for
24 official purposes. If the employment security department does not make
25 information or records available as provided in this subsection, the
26 legislature may exercise its authority granted by chapter 44.16 RCW.

27 (3) In cases of emergency the governmental agency requesting access
28 shall not be required to formally comply with the provisions of
29 subsection (1) of this section at the time of the request if the
30 procedures required by subsection (1) of this section are complied with
31 by the requesting agency following the receipt of any records or
32 information deemed private and confidential under this chapter. An
33 emergency is defined as a situation in which irreparable harm or damage
34 could occur if records or information are not released immediately.

35 (4) The requirements of subsection (1)(c) of this section shall not
36 apply to governmental agencies where the procedures would frustrate the
37 investigation of possible violations of criminal laws or to the release
38 of employing unit names, addresses, number of employees, and aggregate
39 employer wage data for the purpose of state governmental agencies

1 preparing small business economic impact statements under chapter 19.85
2 RCW or preparing cost-benefit analyses under RCW 34.05.328(1)(c).
3 Information provided by the department and held to be private and
4 confidential under state or federal laws must not be misused or
5 released to unauthorized parties. A person who misuses such
6 information or releases such information to unauthorized parties is
7 subject to the sanctions in RCW 50.13.080.

8 (5) Governmental agencies shall have access to certain records or
9 information, limited to such items as names, addresses, social security
10 numbers, and general information about benefit entitlement or employer
11 information possessed by the department, for comparison purposes with
12 records or information possessed by the requesting agency to detect
13 improper or fraudulent claims, or to determine potential tax liability
14 or employer compliance with registration and licensing requirements.
15 In those cases the governmental agency shall not be required to comply
16 with subsection (1)(c) of this section, but the requirements of the
17 remainder of subsection (1) of this section must be satisfied.

18 (6) Governmental agencies may have access to certain records and
19 information, limited to employer information possessed by the
20 department for purposes authorized in chapter 50.38 RCW. Access to
21 these records and information is limited to only those individuals
22 conducting authorized statistical analysis, research, and evaluation
23 studies. Only in cases consistent with the purposes of chapter 50.38
24 RCW are government agencies not required to comply with subsection
25 (1)(c) of this section, but the requirements of the remainder of
26 subsection (1) of this section must be satisfied. Information provided
27 by the department and held to be private and confidential under state
28 or federal laws shall not be misused or released to unauthorized
29 parties subject to the sanctions in RCW 50.13.080.

30 (7) Disclosure to governmental agencies of information or records
31 obtained by the employment security department from the federal
32 government shall be governed by any applicable federal law or any
33 agreement between the federal government and the employment security
34 department where so required by federal law. When federal law does not
35 apply to the records or information state law shall control.

36 (8) The department may provide information for purposes of
37 statistical analysis and evaluation of the WorkFirst program or any
38 successor state welfare program((7)) to the department of social and
39 health services, the office of financial management, and other

1 governmental entities with oversight or evaluation responsibilities for
2 the program (~~(shall have access to employer wage information on clients~~
3 ~~in the program whose names and social security numbers are provided to~~
4 ~~the department)) in accordance with RCW 43.20A.080. The confidential
5 information provided by the department shall remain the property of the
6 department and may be used by the authorized requesting agencies only
7 for statistical analysis, research, and evaluation purposes as provided
8 in RCW 74.08A.410 and 74.08A.420. The department of social and health
9 services (~~(is)~~), the office of financial management, or other
10 governmental entities with oversight or evaluation responsibilities for
11 the program are not required to comply with subsection (1)(c) of this
12 section, but the requirements of the remainder of subsection (1) of
13 this section and applicable federal laws and regulations must be
14 satisfied. The confidential information used for evaluation and
15 analysis of welfare reform supplied to the authorized requesting
16 entities with regard to the WorkFirst program or any successor state
17 welfare program are exempt from public inspection and copying under RCW
18 42.17.310.~~

19 (9) The disclosure of any records or information by a governmental
20 agency which has obtained the records or information under this section
21 is prohibited unless the disclosure is directly connected to the
22 official purpose for which the records or information were obtained.

23 (10) In conducting periodic salary or fringe benefit studies
24 pursuant to law, the department of personnel shall have access to
25 records of the employment security department as may be required for
26 such studies. For such purposes, the requirements of subsection (1)(c)
27 of this section need not apply.

28 (11) To promote the reemployment of job seekers, the commissioner
29 may enter into data-sharing contracts with partners of the one-stop
30 career development system. The contracts shall provide for the
31 transfer of data only to the extent that the transfer is necessary for
32 the efficient provisions of workforce programs, including but not
33 limited to public labor exchange, unemployment insurance, worker
34 training and retraining, vocational rehabilitation, vocational
35 education, adult education, transition from public assistance, and
36 support services. The transfer of information under contracts with
37 one-stop partners is exempt from subsection (1)(c) of this section.

38 (12) To facilitate improved operation and evaluation of state
39 programs, the commissioner may enter into data-sharing contracts with

1 other state agencies only to the extent that such transfer is necessary
2 for the efficient operation or evaluation of outcomes for those
3 programs. The transfer of information by contract under this
4 subsection is exempt from subsection (1)(c) of this section.

5 (13) The misuse or unauthorized release of records or information
6 by any person or organization to which access is permitted by this
7 chapter subjects the person or organization to a civil penalty of five
8 thousand dollars and other applicable sanctions under state and federal
9 law. Suit to enforce this section shall be brought by the attorney
10 general and the amount of any penalties collected shall be paid into
11 the employment security department administrative contingency fund.
12 The attorney general may recover reasonable attorneys' fees for any
13 action brought to enforce this section.

14 **Sec. 14.** RCW 42.17.310 and 1998 c 69 s 1 are each amended to read
15 as follows:

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

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

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

23 (c) Information required of any taxpayer in connection with the
24 assessment or collection of any tax if the disclosure of the
25 information to other persons would (i) be prohibited to such persons by
26 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
27 taxpayer's right to privacy or result in unfair competitive
28 disadvantage to the taxpayer.

29 (d) Specific intelligence information and specific investigative
30 records compiled by investigative, law enforcement, and penology
31 agencies, and state agencies vested with the responsibility to
32 discipline members of any profession, the nondisclosure of which is
33 essential to effective law enforcement or for the protection of any
34 person's right to privacy.

35 (e) Information revealing the identity of persons who are witnesses
36 to or victims of crime or who file complaints with investigative, law
37 enforcement, or penology agencies, other than the public disclosure
38 commission, if disclosure would endanger any person's life, physical

1 safety, or property. If at the time a complaint is filed the
2 complainant, victim or witness indicates a desire for disclosure or
3 nondisclosure, such desire shall govern. However, all complaints filed
4 with the public disclosure commission about any elected official or
5 candidate for public office must be made in writing and signed by the
6 complainant under oath.

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

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

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

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

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

27 (k) Records, maps, or other information identifying the location of
28 archaeological sites in order to avoid the looting or depredation of
29 such sites.

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

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

38 (n) Railroad company contracts filed prior to July 28, 1991, with
39 the utilities and transportation commission under RCW 81.34.070, except

1 that the summaries of the contracts are open to public inspection and
2 copying as otherwise provided by this chapter.

3 (o) Financial and commercial information and records supplied by
4 private persons pertaining to export services provided pursuant to
5 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
6 export projects pursuant to RCW 43.23.035.

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

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

12 (r) Financial and commercial information and records supplied by
13 businesses or individuals during application for loans or program
14 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
15 or during application for economic development loans or program
16 services provided by any local agency.

17 (s) Membership lists or lists of members or owners of interests of
18 units in timeshare projects, subdivisions, camping resorts,
19 condominiums, land developments, or common-interest communities
20 affiliated with such projects, regulated by the department of
21 licensing, in the files or possession of the department.

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

25 (u) The residential addresses and residential telephone numbers of
26 employees or volunteers of a public agency which are held by the agency
27 in personnel records, employment or volunteer rosters, or mailing lists
28 of employees or volunteers.

29 (v) The residential addresses and residential telephone numbers of
30 the customers of a public utility contained in the records or lists
31 held by the public utility of which they are customers, except that
32 this information may be released to the division of child support or
33 the agency or firm providing child support enforcement for another
34 state under Title IV-D of the federal social security act, for the
35 establishment, enforcement, or modification of a support order.

36 (w)(i) The federal social security number of individuals governed
37 under chapter 18.130 RCW maintained in the files of the department of
38 health, except this exemption does not apply to requests made directly
39 to the department from federal, state, and local agencies of

1 government, and national and state licensing, credentialing,
2 investigatory, disciplinary, and examination organizations; (ii) the
3 current residential address and current residential telephone number of
4 a health care provider governed under chapter 18.130 RCW maintained in
5 the files of the department, if the provider requests that this
6 information be withheld from public inspection and copying, and
7 provides to the department an accurate alternate or business address
8 and business telephone number. On or after January 1, 1995, the
9 current residential address and residential telephone number of a
10 health care provider governed under RCW 18.130.140 maintained in the
11 files of the department shall automatically be withheld from public
12 inspection and copying unless the provider specifically requests the
13 information be released, and except as provided for under RCW
14 42.17.260(9).

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

17 (y) Information obtained by the board of pharmacy or the department
18 of health and its representatives as provided in RCW 69.41.044,
19 69.41.280, and 18.64.420.

20 (z) Financial information, business plans, examination reports, and
21 any information produced or obtained in evaluating or examining a
22 business and industrial development corporation organized or seeking
23 certification under chapter 31.24 RCW.

24 (aa) Financial and commercial information supplied to the state
25 investment board by any person when the information relates to the
26 investment of public trust or retirement funds and when disclosure
27 would result in loss to such funds or in private loss to the providers
28 of this information.

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

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

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

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

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

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

11 (hh) Information and documents created specifically for, and
12 collected and maintained by a quality improvement committee pursuant to
13 RCW 43.70.510, regardless of which agency is in possession of the
14 information and documents.

15 (ii) Personal information in files maintained in a data base
16 created under RCW 43.07.360.

17 (jj) Financial and commercial information requested by the public
18 stadium authority from any person or organization that leases or uses
19 the stadium and exhibition center as defined in RCW 36.102.010.

20 (kk) Names of individuals residing in emergency or transitional
21 housing that are furnished to the department of revenue or a county
22 assessor in order to substantiate a claim for property tax exemption
23 under RCW 84.36.043.

24 (ll) The names, residential addresses, residential telephone
25 numbers, and other individually identifiable records held by an agency
26 in relation to a vanpool, carpool, or other ride-sharing program or
27 service. However, these records may be disclosed to other persons who
28 apply for ride-matching services and who need that information in order
29 to identify potential riders or drivers with whom to share rides.

30 (mm) Proprietary financial and commercial information that the
31 submitting entity, with review by the department of health,
32 specifically identifies at the time it is submitted and that is
33 provided to or obtained by the department of health in connection with
34 an application for, or the supervision of, an antitrust exemption
35 sought by the submitting entity under RCW 43.72.310. If a request for
36 such information is received, the submitting entity must be notified of
37 the request. Within ten business days of receipt of the notice, the
38 submitting entity shall provide a written statement of the continuing
39 need for confidentiality, which shall be provided to the requester.

1 Upon receipt of such notice, the department of health shall continue to
2 treat information designated under this section as exempt from
3 disclosure. If the requester initiates an action to compel disclosure
4 under this chapter, the submitting entity must be joined as a party to
5 demonstrate the continuing need for confidentiality.

6 (nn) Records maintained by the board of industrial insurance
7 appeals that are related to appeals of crime victims' compensation
8 claims filed with the board under RCW 7.68.110.

9 (oo) Financial and commercial information supplied by or on behalf
10 of a person, firm, corporation, or entity under chapter 28B.95 RCW
11 relating to the purchase or sale of tuition units and contracts for the
12 purchase of multiple tuition units.

13 (pp) Records maintained by the employment security department and
14 subject to chapter 50.13 RCW if provided to another individual or
15 organization for operational, research, or evaluation purposes.

16 (qq) Individually identifiable information received by the
17 workforce development board for research or evaluation purposes.

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

26 (3) Inspection or copying of any specific records exempt under the
27 provisions of this section may be permitted if the superior court in
28 the county in which the record is maintained finds, after a hearing
29 with notice thereof to every person in interest and the agency, that
30 the exemption of such records is clearly unnecessary to protect any
31 individual's right of privacy or any vital governmental function.

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

36 NEW SECTION. Sec. 15. Training and placement activities of the
37 WorkFirst program or any successor program shall be included in the
38 state workforce development system by July 1, 2001.

1 NEW SECTION. **Sec. 16.** The joint legislative audit and review
2 committee shall conduct a performance audit of the state workforce
3 development system. The performance audit may include but is not
4 limited to outcome, net impact, and cost-benefit evaluations. A
5 performance audit may include, where practical and feasible, surveys of
6 program participants and employers, and analyses of employment outcomes
7 for participants. The performance audit shall consider, but not
8 duplicate, the outcome, net impact, and cost-benefit evaluations
9 conducted by the workforce development board.

10 The joint legislative audit and review committee shall prepare an
11 interim report of its performance audit findings by December 1, 2003,
12 and a final report by December 1, 2004, and deliver the reports to the
13 appropriate committees of the legislature. The operating agencies of
14 the workforce development system, the workforce development board, and
15 the private career schools and colleges shall provide administrative,
16 program, and client data to the joint legislative audit and review
17 committee for this performance audit.

18 NEW SECTION. **Sec. 17.** The following acts or parts of acts are
19 each repealed:

20 (1) RCW 28C.18.070 (Intent--"Program" clarified) and 1995 c 130 s
21 1;

22 (2) RCW 28C.18.080 (Comprehensive plan--Contents--Updates--Agency
23 operating plans--Reports to the legislature) and 1997 c 369 s 5 & 1995
24 c 130 s 2;

25 (3) RCW 28C.18.090 (Additional board duties--Program evaluation by
26 operating agencies) and 1995 c 130 s 4;

27 (4) RCW 28C.18.100 (Assessments by board--Biennial report to
28 legislature and governor) and 1995 c 130 s 5;

29 (5) RCW 28C.18.110 (Identification of policies and methods to
30 promote efficiency and sharing of resources--Report to governor and
31 legislature) and 1995 c 130 s 6;

32 (6) RCW 50.67.020 (Membership of council--Assistance to work force
33 training and education coordinating board) and 1991 c 238 s 15; and

34 (7) RCW 50.67.030 (Washington youthbuild program--Council to
35 advise) and 1994 sp.s. c 3 s 8.

36 NEW SECTION. **Sec. 18.** Sections 10 through 12 of this act
37 constitute a new chapter in Title 50 RCW.

1 NEW SECTION. **Sec. 19.** If any part of this act is found to be in
2 conflict with federal requirements that are a prescribed condition to
3 the allocation of federal funds to the state, the conflicting part of
4 this act is inoperative solely to the extent of the conflict and with
5 respect to the agencies directly affected, and this finding does not
6 affect the operation of the remainder of this act in its application to
7 the agencies concerned. Rules adopted under this act must meet federal
8 requirements that are a necessary condition to the receipt of federal
9 funds by the state.

10 NEW SECTION. **Sec. 20.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

14 NEW SECTION. **Sec. 21.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and takes effect
17 immediately.

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