
SENATE BILL 5533

State of Washington

56th Legislature

1999 Regular Session

By Senators Fairley, Kline, Franklin, Oke and Kohl-Welles; by request of Governor Locke

Read first time 01/26/1999. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to developing a system of lifelong learning;
2 amending RCW 28C.18.010, 28C.18.020, 28C.18.030, 28C.18.040,
3 28C.18.050, 28C.18.060, 50.38.050, 50.67.010, 42.17.310, and
4 43.20A.080; reenacting and amending RCW 50.13.060; adding a new section
5 to chapter 28C.18 RCW; adding a new chapter to Title 50 RCW; creating
6 new sections; repealing RCW 28C.18.070, 28C.18.080, 28C.18.090,
7 28C.18.100, 28C.18.110, 50.67.020, and 50.67.030; prescribing
8 penalties; providing an expiration date; and declaring an emergency.

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

10 NEW SECTION. **Sec. 1.** The legislature finds that Washington
11 employers are having difficulty finding qualified applicants for jobs,
12 particularly those requiring specialized skills. Many businesses are
13 being forced to curtail expansion in Washington state.

14 The legislature finds that business surveys indicate that the
15 availability of a skilled work force is the most important factor in
16 business location decisions, particularly for high wage employers. Our
17 state's rural development strategy requires a work force focus. Now
18 more than ever, we need to have an explicit work force development
19 strategy linked with our state economic development efforts.

1 The legislature also finds that the consequences for failing to
2 upgrade the skills of our workers are enormous. Family incomes are
3 increasingly linked with skills and training and those who cannot
4 access training and education will continue to see declines in their
5 income.

6 The legislature further finds that in order to succeed we must have
7 a system of lifelong learning that allows workers to upgrade their
8 skills while continuing to work. To achieve that goal we must have a
9 work force development system that is linked directly to jobs, is
10 easily accessible to working families, and can be accessed according to
11 their own schedules. Perhaps more importantly, training and education
12 must be skills-based and certified so that workers can attain certified
13 skills that allow them to move up the job ladder over their lifetime.

14 The legislature recognizes that we must make certain that our
15 public and private institutions of education place appropriate emphasis
16 on the needs of employers and the needs of the approximately seventy-
17 five percent of our young people who enter the world of work without
18 completing a four-year program of higher education.

19 The legislature also recognizes that programs that prepare
20 individuals for the work force, beginning with secondary school and
21 continuing through postsecondary education, apprenticeships, and
22 programs for the disadvantaged and for dislocated workers, must be a
23 coordinated system that enables individuals to obtain skills demanded
24 by employers, and enables individuals to smoothly move back and forth
25 between work force development programs and employment.

26 To support that challenge a work force development system must
27 focus on customer service and performance accountability. The
28 following principles shall govern the work force development system:

29 (1) Provide consumers and policymakers ready access to information
30 in order to make informed decisions related to training and employment;

31 (2) Create a work force development system based on a coherent
32 economic development strategy;

33 (3) Hold the work force delivery system accountable for improved
34 results in employment, earnings, skills gains, and customer
35 satisfaction;

36 (4) Provide universal access to students, job seekers, and
37 employers in order to hasten the time between job openings and jobs
38 filled;

1 (5) Develop a strong leadership role for the private sector at the
2 state and local levels;

3 (6) Establish and maintain state and local flexibility to ensure
4 responsiveness to individuals and communities;

5 (7) Engage in a systematic effort to integrate the multiple
6 programs and services that comprise the work force development system,
7 including activities implemented through the state-wide one stop
8 delivery system; and

9 (8) Strengthen the capacity of local communities to strategically
10 guide work force development in their area and to shape local work
11 force development policies.

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

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this title.

16 (1) "Board" means the work force (~~(training and education~~
17 ~~coordinating)) development board.~~

18 (2) "Director" means the director of the work force (~~(training and~~
19 ~~education coordinating)) development board.~~

20 (3) (~~("Training system" means programs and courses of secondary~~
21 ~~vocational education, technical college programs and courses, community~~
22 ~~college vocational programs and courses, private career school and~~
23 ~~college programs and courses, employer-sponsored training, adult basic~~
24 ~~education programs and courses, programs and courses funded by the job~~
25 ~~training partnership act, programs and courses funded by the federal~~
26 ~~vocational act, programs and courses funded under the federal adult~~
27 ~~education act, publicly funded programs and courses for adult literacy~~
28 ~~education, and apprenticeships, and programs and courses offered by~~
29 ~~private and public nonprofit organizations that are representative of~~
30 ~~communities or significant segments of communities and provide job~~
31 ~~training or adult literacy services.)) "Operating agencies" means those
32 state agencies responsible for the governance and management of state
33 and federal work force development programs.~~

34 (4) "Work force development system" means public and private
35 programs that use state or federal funds to prepare workers for
36 employment, upgrade worker skills, retrain workers, or provide
37 employment or retention services for workers or employers. "Work force
38 development system" includes, but is not limited to, secondary

1 vocational education, community and technical college vocational
2 education, private career school and college vocational programs,
3 employer-sponsored training, work-related adult basic education and
4 literacy programs, programs funded by Title 1B of the federal work
5 force investment act, activities funded under the federal Wagner-Peyser
6 act, programs funded by the federal vocational education act, work-
7 related programs funded under the adult education and family literacy
8 act, publicly funded programs for work-related adult literacy,
9 education, and apprenticeships, the one-stop system, the state job
10 skills program, timber retraining benefits, and programs offered by
11 private and public nonprofit organizations that are representative of
12 communities or significant segments of communities and provide job
13 training or work-related adult literacy services.

14 (5) "Work force skills" means skills developed through applied
15 learning that strengthen and reinforce an individual's academic
16 knowledge, critical thinking, problem solving, and work ethic and,
17 thereby, develop the employability, occupational skills, and management
18 of home and work responsibilities necessary for economic independence.

19 ((+5)) (6) "Vocational education" means organized educational
20 programs offering a sequence of courses which are directly related to
21 the preparation or retraining of individuals in paid or unpaid
22 employment in current or emerging occupations requiring other than a
23 baccalaureate or advanced degree. Such programs shall include
24 competency-based applied learning which contributes to an individual's
25 academic knowledge, higher-order reasoning, and problem-solving skills,
26 work attitudes, general employability skills, and the occupational-
27 specific skills necessary for economic independence as a productive and
28 contributing member of society. Such term also includes applied
29 technology education.

30 ((+6)) (7) "Adult basic education" means ((instruction designed to
31 achieve mastery of skills in reading, writing, oral communication, and
32 computation at a level sufficient to allow the individual to function
33 effectively as a parent, worker, and citizen in the United States,
34 commensurate with that individual's actual ability level, and includes
35 English as a second language and preparation and testing service for
36 the general education development exam)) (a) adult education and
37 literacy services, including work force literacy services; (b) family
38 literacy services; and (c) English literacy services as defined in P.L.
39 105-220, Title II, that enable eligible adults to speak, read, and

1 write in the English language, compute, solve problems, and relate
2 effectively with others in order to exercise the rights and
3 responsibilities of a family member, worker, and community member.

4 (8) "Local work force development councils" means the same as
5 defined in P.L. 105-220, Sec. 117 and are responsible for performing
6 the duties of that section as well as developing a local area unified
7 plan for state purposes as defined in this chapter.

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

10 (1) There is hereby created the work force (~~(training and education~~
11 ~~coordinating)) development board as a state agency (~~and as the~~
12 ~~successor agency to the state board for vocational education. Once the~~
13 ~~coordinating board has convened, all references to the state board for~~
14 ~~vocational education in the Revised Code of Washington shall be~~
15 ~~construed to mean the work force training and education coordinating~~
16 ~~board, except that reference to the state board for vocational~~
17 ~~education in RCW 49.04.030 shall mean the state board for community and~~
18 ~~technical colleges)).~~~~

19 (2)(a) The board shall consist of (~~nine~~) eighteen voting members
20 appointed by the governor with the consent of the senate, as follows:
21 (~~Three~~) Five representatives of business, (~~three~~) five
22 representatives of labor, a representative of private career schools,
23 a representative of community-based organizations, a representative of
24 local elected officials, and, serving as ex officio members, the
25 superintendent of public instruction, the executive director of the
26 state board for community and technical colleges, ((and)) the
27 commissioner of the employment security department, the secretary of
28 the department of social and health services, and the director of the
29 department of community, trade, and economic development. ((The chair
30 of the board shall be a nonvoting member selected by the governor with
31 the consent of the senate, and shall serve at the pleasure of the
32 governor. In selecting the chair, the governor shall seek a person who
33 understands the future economic needs of the state and nation and the
34 role that the state's training system has in meeting those needs.))
35 Each (~~voting~~) member of the board may appoint a designee to function
36 in his or her place with the right to vote. Representatives of
37 business and labor must constitute a majority of those casting votes on
38 any given vote. In ((making appointments to)) recruiting members for

1 the board, the governor shall seek to ensure geographic, ethnic, and
2 gender diversity and balance. The governor shall also seek to ensure
3 diversity and balance by (~~the appointment of~~) recruiting persons with
4 disabilities.

5 (b) The business representatives shall be selected from among
6 nominations provided by a state-wide business organization representing
7 a cross-section of industries. One of the business representatives
8 will serve as the chair of the board on a rotating basis with one of
9 the labor representatives. However, the governor may request, and the
10 organization shall provide, an additional list or lists from which the
11 governor shall select the business representatives. (~~The nominations~~
12 ~~and selections~~) Recruitment shall reflect the cultural diversity of
13 the state, including women, people with disabilities, and racial and
14 ethnic minorities, and diversity in sizes of businesses.

15 (c) The labor representatives shall be selected from among
16 nominations provided by state-wide labor organizations. One of the
17 labor representatives will serve as the chair of the board on a
18 rotating basis with one of the business representatives. However, the
19 governor may request, and the organizations shall provide, an
20 additional list or lists from which the governor shall select the labor
21 representatives. (~~The nominations and selections~~) Recruitment shall
22 reflect the cultural diversity of the state, including women, people
23 with disabilities, and racial and ethnic minorities.

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

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

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

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

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

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

10 (i) Any vacancies among board members representing business or
11 labor shall be filled by the governor with nominations provided by
12 state-wide organizations representing business or labor, respectively.

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

17 (k) Members of the board shall be compensated in accordance with
18 RCW 43.03.040 and shall receive travel expenses in accordance with RCW
19 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))~~ The director of the board shall be appointed by the governor
23 ~~((from a list of three names submitted by a committee made up of the~~
24 ~~business and labor members of the board. However, the governor may~~
25 ~~request, and the committee shall provide, an additional list or lists~~
26 ~~from which the governor shall select the director. The lists compiled~~
27 ~~by the committee shall not be subject to public disclosure. The~~
28 ~~governor may dismiss the director only with the approval of a majority~~
29 ~~vote of the board. The board, by a majority vote, may dismiss the~~
30 ~~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. 4.** 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 work force 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 work
13 force development system as a whole, and advise the governor concerning
14 the state's work force development system in cooperation with the
15 operating agencies of the work force development system.~~

16 **Sec. 5.** 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. 6.** 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 work force
4 investment board described in P.L. 105-220, the work force investment
5 act of 1998, and shall perform such functions as necessary to comply
6 with federal directives pertaining to this law. In order to comply
7 with the regulations of P.L. 105-220, the governor may designate the
8 board membership structure of the work force training and education
9 coordinating board as it existed as of December 31, 1997, as the work
10 force 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.

16 ((+2)) (3) The board shall perform the functions of the human
17 resource investment council as provided for in the federal job training
18 partnership act, P.L. 97-300, as amended.

19 ((+3)) (4) The board shall provide policy advice for any federal
20 act pertaining to work force development that is not required by state
21 or federal law to be provided by another state body.

22 ((+4)) (5) Upon enactment of new federal initiatives relating to
23 work force development, the board shall advise the governor and the
24 legislature on mechanisms for integrating the federal initiatives into
25 the state's work force development system and make recommendations on
26 the legislative or administrative measures necessary to streamline and
27 coordinate state efforts to meet federal guidelines.

28 ((+5)) (6) The board shall ((monitor)) review for consistency with
29 the state ((comprehensive plan for work force training and education
30 the policies and plans established by the state job training
31 coordinating council)) unified plan, the policies and plans established
32 by the advisory council on adult education, and the Washington state
33 plan for adult literacy and basic ((education)) skills, and provide
34 guidance for making such policies and plans consistent with the state
35 ((comprehensive)) unified plan for work force ((training and
36 education)) development system.

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

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

3 (9) For the purposes of P.L. 105-332, the superintendent of public
4 instruction shall have operating responsibility for secondary education
5 and the state board for community and technical colleges shall have
6 operating responsibility for postsecondary vocational and technical
7 education.

8 **Sec. 7.** RCW 28C.18.060 and 1996 c 99 s 4 are each amended to read
9 as follows:

10 The board, in cooperation with the operating agencies of the state
11 training system and private career schools and colleges shall:

12 ~~(1) ((Concentrate its major efforts on planning, coordination~~
13 ~~evaluation, policy analysis, and recommending improvements to the~~
14 ~~state's training system.~~

15 ~~(2) Advocate for the state training system and for meeting the~~
16 ~~needs of employers and the work force for work force education and~~
17 ~~training.~~

18 ~~(3) Establish and maintain an inventory of the programs of the~~
19 ~~state training system, and related state programs, and perform a~~
20 ~~biennial assessment of the vocational education, training, and adult~~
21 ~~basic education and literacy needs of the state; identify ongoing and~~
22 ~~strategic education needs; and assess the extent to which employment,~~
23 ~~training, vocational and basic education, rehabilitation services, and~~
24 ~~public assistance services represent a consistent, integrated approach~~
25 ~~to meet such needs.~~

26 ~~(4) Develop and maintain a state comprehensive plan for work force~~
27 ~~training and education, including but not limited to, goals,~~
28 ~~objectives, and priorities for the state training system, and review~~
29 ~~the state training system for consistency with the state comprehensive~~
30 ~~plan. In developing the state comprehensive plan for work force~~
31 ~~training and education, the board shall use, but shall not be limited~~
32 ~~to: Economic, labor market, and populations trends reports in office~~
33 ~~of financial management forecasts; joint office of financial management~~
34 ~~and employment security department labor force, industry employment,~~
35 ~~and occupational forecasts; the results of scientifically based~~
36 ~~outcome, net impact and cost benefit evaluations; the needs of~~
37 ~~employers as evidenced in formal employer surveys and other employer~~
38 ~~input; and the needs of program participants and workers as evidenced~~

1 in formal surveys and other input from program participants and the
2 labor community.

3 (5) In consultation with the higher education coordinating board,
4 review and make recommendations to the office of financial management
5 and the legislature on operating and capital facilities budget requests
6 for operating agencies of the state training system for purposes of
7 consistency with the state comprehensive plan for work force training
8 and education.

9 (6) Provide for coordination among the different operating agencies
10 and components of the state training system at the state level and at
11 the regional level.

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

15 (8) Establish standards for data collection and maintenance for the
16 operating agencies of the state training system in a format that is
17 accessible to use by the board. The board shall require a minimum of
18 common core data to be collected by each operating agency of the state
19 training system.

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

23 (9) Establish minimum standards for program evaluation for the
24 operating agencies of the state training system, including, but not
25 limited to, the use of common survey instruments and procedures for
26 measuring perceptions of program participants and employers of program
27 participants, and monitor such program evaluation.

28 (10) Every two years administer scientifically based outcome
29 evaluations of the state training system, including, but not limited
30 to, surveys of program participants, surveys of employers of program
31 participants, and matches with employment security department payroll
32 and wage files. Every five years administer scientifically based net-
33 impact and cost-benefit evaluations of the state training system.

34 (11) In cooperation with the employment security department,
35 provide for the improvement and maintenance of quality and utility in
36 occupational information and forecasts for use in training system
37 planning and evaluation. Improvements shall include, but not be
38 limited to, development of state-based occupational change factors
39 involving input by employers and employees, and delineation of skill

1 and training requirements by education level associated with current
2 and forecasted occupations.

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

6 (13) Provide for effectiveness and efficiency reviews of the state
7 training system.

8 (14) In cooperation with the higher education coordinating board,
9 facilitate transfer of credit policies and agreements between
10 institutions of the state training system, and encourage articulation
11 agreements for programs encompassing two years of secondary work force
12 education and two years of postsecondary work force education.

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

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

20 (17) Make recommendations to the commission of student assessment,
21 the state board of education, and the superintendent of public
22 instruction, concerning basic skill competencies and essential core
23 competencies for K-12 education. Basic skills for this purpose shall
24 be reading, writing, computation, speaking, and critical thinking,
25 essential core competencies for this purpose shall be English, math,
26 science/technology, history, geography, and critical thinking. The
27 board shall monitor the development of and provide advice concerning
28 secondary curriculum which integrates vocational and academic
29 education.

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

32 (19) Facilitate the location of support services, including but not
33 limited to, child care, financial aid, career counseling, and job
34 placement services, for students and trainees at institutions in the
35 state training system, and advocate for support services for trainees
36 and students in the state training system.

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

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

4 ~~(22) Encourage and assess progress for the equitable representation~~
5 ~~of racial and ethnic minorities, women, and people with disabilities~~
6 ~~among the students, teachers, and administrators of the state training~~
7 ~~system. Equitable, for this purpose, shall mean substantially~~
8 ~~proportional to their percentage of the state population in the~~
9 ~~geographic area served. This function of the board shall in no way~~

10 ~~lessen more stringent state or federal requirements for representation~~
11 ~~of racial and ethnic minorities, women, and people with disabilities.~~

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

14 ~~(24) Administer veterans' programs, licensure of private vocational~~
15 ~~schools, the job skills program, and the Washington award for~~
16 ~~vocational excellence.~~

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

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

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

22 The board may delegate to the director any of the functions of this
23 section.)) Advocate for the state work force development system and for
24 meeting the needs of employers and the work force for the work force
25 development system.

26 (2) Establish and maintain an inventory of the programs of the
27 state work force development system and ensure that information is
28 provided to consumers and policymakers at the state and local level in
29 order to enable them to make informed choices.

30 (3) Assess employer and worker needs for work force training and
31 the gap between their needs and the public and private supply of work
32 force training. The assessments of employer and worker needs shall
33 include state-wide surveys of employers and workers.

34 (4) Analyze the future employment needs of employers and develop
35 strategies to ensure that Washington residents are prepared to meet
36 those needs. The board shall work with industry, labor, and business
37 associations, the operating agencies, and the department of community,
38 trade, and economic development, and local work force investment

1 councils, to develop demand driven and targeted industry strategies to
2 build a world class work force.

3 (5) Develop and maintain a state unified plan for the work force
4 development system. The unified plan shall include assessments of the
5 state's employment opportunities and skills needs, the current and
6 future work force, and the current work force development system; and
7 include goals, objectives, and strategies for improving the work force
8 development system and a description of the performance measurement
9 system for work force development.

10 (6) Work in collaboration with local work force development
11 councils to develop the state unified plan. Local work force
12 development councils shall provide input to the board in the
13 development of the state unified plan which articulate their local
14 strategy and needs.

15 (7) Work in partnership with the training related components of the
16 temporary assistance for needy families program, the work related
17 components of the state vocational rehabilitation program, community
18 service employment under Title V of the older Americans act; training
19 activities carried out through contracts with the United States
20 department of housing and urban development; and community services
21 block grants authorized under the national community service act, to
22 integrate these programs into the unified planning. The governor may
23 approve inclusion of these programs into the work force development
24 system.

25 (8) Review and make recommendations to the governor concerning the
26 program plans of the operating agencies of the state work force
27 development system regarding consistency with the unified plan.

28 (9) Recommend to the governor strategies to assure coordination and
29 avoid duplication among the programs of the work force development
30 system.

31 (10) Design and implement a performance measurement system for work
32 force development in cooperation with the operating agencies,
33 including:

34 (a) Minimum standards for performance measurement for the state
35 work force development system including, but not limited to, the use of
36 common survey instruments and common performance indicators;

37 (b) Standards for data collection and maintenance for the operating
38 agencies of the state work force development system. The board shall

1 require a minimum of common core data to be collected by each operating
2 agency of the state work force development system;

3 (c) Evaluations of the state work force development system
4 including, but not limited to, outcome, net impact, and cost benefit
5 evaluations and surveys of program participants, surveys of employers
6 of program participants, and matches with employment security
7 department payroll and wage files; and

8 (d) Standards for measuring the performance of local training
9 providers to enable consumers to make informed choices and gain access
10 to services they need.

11 (11) Make recommendations to the governor regarding expected
12 performance levels and incentives and sanctions for performance
13 outcomes for local work force development areas and state work force
14 development programs. The board shall assist the governor in making
15 decisions regarding the certification and decertification of local work
16 force development councils.

17 (12) Review the plans of local work force development councils for
18 consistency with the state unified plan and recommend to the governor
19 whether local plans should be approved. The board shall provide
20 technical assistance to local work force development councils as
21 necessary.

22 (13) Work with local work force development councils and state
23 operating agencies to implement a one stop delivery system that is
24 seamless and consumer-based.

25 (14) For the purposes of enabling individuals to make smooth
26 transitions into the work force and back and forth between work force
27 development programs and employment, make recommendations regarding
28 generic workplace skills that individuals need in order to meet
29 employer expectations.

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

32 (16) Work with the director of community, trade, and economic
33 development to ensure coordination between work force training
34 priorities and that department's economic development efforts.

35 (17) Adopt rules as necessary to implement this chapter.

36 The board may delegate to the director any of the functions of this
37 section.

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 28C.18 RCW
2 to read as follows:

3 There are hereby created local work force development councils to
4 serve functions including, but not limited to, those specified for
5 local work force development councils under P.L. 105-220. The
6 governor, in partnership with the state board, shall establish criteria
7 for use by chief elected officials in the local areas for appointment
8 of members of the local councils. Local work force development
9 councils shall:

10 (1) In partnership with local elected officials, develop and
11 maintain a local unified plan for the work force development system
12 including but not limited to the local plan required by P.L. 105-220
13 Title I. The unified plan shall include assessments of local
14 employment opportunities and skills needs, the current and future work
15 force, and the current work force development system; and include
16 goals, objectives, and strategies for the local work force development
17 system. Local work force development councils shall submit their
18 unified plans to the governor for approval and the plan should be
19 consistent with the state unified plan.

20 (2) Conduct oversight over the local one stop system under P.L.
21 105-220 Title 1(b).

22 (3) Coordinate work force development activities at the local level
23 and ensure a linkage with local economic development strategies.

24 (4) Provide for a coordinated and responsive system of outreach to
25 employers.

26 (5) Identify eligible providers of training services.

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

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

31 **Sec. 9.** RCW 50.38.050 and 1993 c 62 s 5 are each amended to read
32 as follows:

33 The department shall have the following duties:

34 (1) Oversight and management of a state-wide comprehensive labor
35 market and occupational supply and demand information system, including
36 development of a five-year employment forecast for state and labor
37 market areas;

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

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

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

16 (5) Provide labor market information needed for the state work
17 force development board to fulfill its duties under RCW 28C.04.060.

18 **Sec. 10.** RCW 50.67.010 and 1991 c 238 s 14 are each amended to
19 read as follows:

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

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

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

1 NEW SECTION. **Sec. 11.** The department is responsible to prepare
2 the following elements for the program plan required by the work force
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 work force 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 work force
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 work force investment act, including:

16 (i) A description of how the individuals and entities represented
17 on the work force 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 work force 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 work force 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 work force investment act;

37 (6) With respect to the employment and training activities
38 authorized in section 134 of the work force 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 work force 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 work force 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 work force 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 work force 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 work force investment act with
26 activities carried out through the youth opportunity grants under
27 section 169 of the work force investment act.

28 NEW SECTION. **Sec. 12.** The department shall receive federal funds
29 authorized under the work force 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 work force investment
32 act.

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

35 (1) Governmental agencies, including law enforcement agencies,
36 prosecuting agencies, and the executive branch, whether state, local,
37 or federal shall have access to information or records deemed private

1 and confidential under this chapter if the information or records are
2 needed by the agency for official purposes and:

3 (a) The agency submits an application in writing to the employment
4 security department for the records or information containing a
5 statement of the official purposes for which the information or records
6 are needed and specific identification of the records or information
7 sought from the department; and

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

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

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

34 (3) In cases of emergency the governmental agency requesting access
35 shall not be required to formally comply with the provisions of
36 subsection (1) of this section at the time of the request if the
37 procedures required by subsection (1) of this section are complied with
38 by the requesting agency following the receipt of any records or
39 information deemed private and confidential under this chapter. An

1 emergency is defined as a situation in which irreparable harm or damage
2 could occur if records or information are not released immediately.

3 (4) The requirements of subsection (1)(c) of this section shall not
4 apply to governmental agencies where the procedures would frustrate the
5 investigation of possible violations of criminal laws or to the release
6 of employing unit names, addresses, number of employees, and aggregate
7 employer wage data for the purpose of state governmental agencies
8 preparing small business economic impact statements under chapter 19.85
9 RCW or preparing cost-benefit analyses under RCW 34.05.328(1)(c).
10 Information provided by the department and held to be private and
11 confidential under state or federal laws must not be misused or
12 released to unauthorized parties. A person who misuses such
13 information or releases such information to unauthorized parties is
14 subject to the sanctions in RCW 50.13.080.

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

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

37 (7) Disclosure to governmental agencies of information or records
38 obtained by the employment security department from the federal
39 government shall be governed by any applicable federal law or any

1 agreement between the federal government and the employment security
2 department where so required by federal law. When federal law does not
3 apply to the records or information state law shall control.

4 (8) The department may provide information for purposes of
5 statistical analysis and evaluation of the WorkFirst program or any
6 successor state welfare program, the department of social and health
7 services, the office of financial management, and other governmental
8 entities with oversight or evaluation responsibilities for the program
9 ((shall have access to employer wage information on clients in the
10 program whose names and social security numbers are provided to the
11 department)) in accordance with RCW 43.20A.080. The confidential
12 information provided by the department shall remain the property of the
13 department and may be used by the authorized requesting agencies only
14 for statistical analysis, research, and evaluation purposes as provided
15 in RCW 74.08A.410 and 74.08A.420. The department of social and health
16 services ((is)), the office of financial management, or other
17 governmental entities with oversight or evaluation responsibilities for
18 the program are not required to comply with subsection (1)(c) of this
19 section, but the requirements of the remainder of subsection (1) of
20 this section and applicable federal laws and regulations must be
21 satisfied. The confidential information used for evaluation and
22 analysis of welfare reform supplied to the authorized requesting
23 entities with regard to the WorkFirst program or any successor state
24 welfare program are exempt from public inspection and copying under RCW
25 42.17.310.

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

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

35 (11) To promote the reemployment of job seekers, the commissioner
36 may enter into data-sharing contracts with partners of the one-stop
37 career development system. The contracts shall provide for the
38 exchange of data only to the extent that the exchange is necessary for
39 the efficient provisions of work force programs, including but not

1 limited to public labor exchange, unemployment insurance, worker
2 training and retraining, vocational rehabilitation, vocational
3 education, adult education, transition from public assistance, and
4 support services. The exchange of information under contracts with
5 one-stop partners is exempt from subsections (1), (5), and (6) of this
6 section.

7 (12) To facilitate improved operation and evaluation of state
8 programs, the commissioner may enter into data-sharing contracts with
9 other state agencies only to the extent that such exchange is necessary
10 for the efficient operation or evaluation of outcomes for those
11 programs. The exchange of information by contract under this
12 subsection is exempt from subsections (1), (5), and (6) of this
13 section.

14 (13) The misuse or unauthorized release of records or information
15 by any person or organization to which access is permitted by this
16 chapter subjects the person or organization to a civil penalty of five
17 thousand dollars and other applicable sanctions under state and federal
18 law. Suit to enforce this section shall be brought by the attorney
19 general and the amount of any penalties collected shall be paid into
20 the employment security department administrative contingency fund.
21 The attorney general may recover reasonable attorneys' fees for any
22 action brought to enforce this section.

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

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

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

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

32 (c) Information required of any taxpayer in connection with the
33 assessment or collection of any tax if the disclosure of the
34 information to other persons would (i) be prohibited to such persons by
35 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
36 taxpayer's right to privacy or result in unfair competitive
37 disadvantage to the taxpayer.

1 (d) Specific intelligence information and specific investigative
2 records compiled by investigative, law enforcement, and penology
3 agencies, and state agencies vested with the responsibility to
4 discipline members of any profession, the nondisclosure of which is
5 essential to effective law enforcement or for the protection of any
6 person's right to privacy.

7 (e) Information revealing the identity of persons who are witnesses
8 to or victims of crime or who file complaints with investigative, law
9 enforcement, or penology agencies, other than the public disclosure
10 commission, if disclosure would endanger any person's life, physical
11 safety, or property. If at the time a complaint is filed the
12 complainant, victim or witness indicates a desire for disclosure or
13 nondisclosure, such desire shall govern. However, all complaints filed
14 with the public disclosure commission about any elected official or
15 candidate for public office must be made in writing and signed by the
16 complainant under oath.

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

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

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

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

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

37 (k) Records, maps, or other information identifying the location of
38 archaeological sites in order to avoid the looting or depredation of
39 such sites.

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

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

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

13 (o) Financial and commercial information and records supplied by
14 private persons pertaining to export services provided pursuant to
15 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
16 export projects pursuant to RCW 43.23.035.

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

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

22 (r) Financial and commercial information and records supplied by
23 businesses or individuals during application for loans or program
24 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
25 or during application for economic development loans or program
26 services provided by any local agency.

27 (s) Membership lists or lists of members or owners of interests of
28 units in timeshare projects, subdivisions, camping resorts,
29 condominiums, land developments, or common-interest communities
30 affiliated with such projects, regulated by the department of
31 licensing, in the files or possession of the department.

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

35 (u) The residential addresses and residential telephone numbers of
36 employees or volunteers of a public agency which are held by the agency
37 in personnel records, employment or volunteer rosters, or mailing lists
38 of employees or volunteers.

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

8 (w)(i) The federal social security number of individuals governed
9 under chapter 18.130 RCW maintained in the files of the department of
10 health, except this exemption does not apply to requests made directly
11 to the department from federal, state, and local agencies of
12 government, and national and state licensing, credentialing,
13 investigatory, disciplinary, and examination organizations; (ii) the
14 current residential address and current residential telephone number of
15 a health care provider governed under chapter 18.130 RCW maintained in
16 the files of the department, if the provider requests that this
17 information be withheld from public inspection and copying, and
18 provides to the department an accurate alternate or business address
19 and business telephone number. On or after January 1, 1995, the
20 current residential address and residential telephone number of a
21 health care provider governed under RCW 18.130.140 maintained in the
22 files of the department shall automatically be withheld from public
23 inspection and copying unless the provider specifically requests the
24 information be released, and except as provided for under RCW
25 42.17.260(9).

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

28 (y) Information obtained by the board of pharmacy or the department
29 of health and its representatives as provided in RCW 69.41.044,
30 69.41.280, and 18.64.420.

31 (z) Financial information, business plans, examination reports, and
32 any information produced or obtained in evaluating or examining a
33 business and industrial development corporation organized or seeking
34 certification under chapter 31.24 RCW.

35 (aa) Financial and commercial information supplied to the state
36 investment board by any person when the information relates to the
37 investment of public trust or retirement funds and when disclosure
38 would result in loss to such funds or in private loss to the providers
39 of this information.

1 (bb) Financial and valuable trade information under RCW 51.36.120.
2 (cc) Client records maintained by an agency that is a domestic
3 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
4 crisis center as defined in RCW 70.125.030.
5 (dd) Information that identifies a person who, while an agency
6 employee: (i) Seeks advice, under an informal process established by
7 the employing agency, in order to ascertain his or her rights in
8 connection with a possible unfair practice under chapter 49.60 RCW
9 against the person; and (ii) requests his or her identity or any
10 identifying information not be disclosed.
11 (ee) Investigative records compiled by an employing agency
12 conducting a current investigation of a possible unfair practice under
13 chapter 49.60 RCW or of a possible violation of other federal, state,
14 or local laws prohibiting discrimination in employment.
15 (ff) Business related information protected from public inspection
16 and copying under RCW 15.86.110.
17 (gg) Financial, commercial, operations, and technical and research
18 information and data submitted to or obtained by the clean Washington
19 center in applications for, or delivery of, program services under
20 chapter 70.95H RCW.
21 (hh) Information and documents created specifically for, and
22 collected and maintained by a quality improvement committee pursuant to
23 RCW 43.70.510, regardless of which agency is in possession of the
24 information and documents.
25 (ii) Personal information in files maintained in a data base
26 created under RCW 43.07.360.
27 (jj) Financial and commercial information requested by the public
28 stadium authority from any person or organization that leases or uses
29 the stadium and exhibition center as defined in RCW 36.102.010.
30 (kk) Names of individuals residing in emergency or transitional
31 housing that are furnished to the department of revenue or a county
32 assessor in order to substantiate a claim for property tax exemption
33 under RCW 84.36.043.
34 (ll) The names, residential addresses, residential telephone
35 numbers, and other individually identifiable records held by an agency
36 in relation to a vanpool, carpool, or other ride-sharing program or
37 service. However, these records may be disclosed to other persons who
38 apply for ride-matching services and who need that information in order
39 to identify potential riders or drivers with whom to share rides.

1 (mm) Proprietary financial and commercial information that the
2 submitting entity, with review by the department of health,
3 specifically identifies at the time it is submitted and that is
4 provided to or obtained by the department of health in connection with
5 an application for, or the supervision of, an antitrust exemption
6 sought by the submitting entity under RCW 43.72.310. If a request for
7 such information is received, the submitting entity must be notified of
8 the request. Within ten business days of receipt of the notice, the
9 submitting entity shall provide a written statement of the continuing
10 need for confidentiality, which shall be provided to the requester.
11 Upon receipt of such notice, the department of health shall continue to
12 treat information designated under this section as exempt from
13 disclosure. If the requester initiates an action to compel disclosure
14 under this chapter, the submitting entity must be joined as a party to
15 demonstrate the continuing need for confidentiality.

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

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

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

26 (qq) Individually identifiable information received by the work
27 force development board for research or evaluation purposes.

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

36 (3) Inspection or copying of any specific records exempt under the
37 provisions of this section may be permitted if the superior court in
38 the county in which the record is maintained finds, after a hearing
39 with notice thereof to every person in interest and the agency, that

1 the exemption of such records is clearly unnecessary to protect any
2 individual's right of privacy or any vital governmental function.

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

7 **Sec. 15.** RCW 43.20A.080 and 1997 c 58 s 1005 are each amended to
8 read as follows:

9 (1) The department shall provide the employment security department
10 quarterly with the names ~~((and)),~~ social security numbers, and program
11 information of all clients in the WorkFirst program and any successor
12 state welfare program needed to assess and improve the quality of the
13 employment outcomes.

14 (2) The information provided by the employment security department
15 under RCW 50.13.060 for statistical analysis and welfare program
16 evaluation purposes may be used only for statistical analysis,
17 research, and evaluation purposes as provided in RCW 74.08A.410 and
18 74.08A.420. ~~((Through individual matches with accessed employment~~
19 ~~security department confidential employer wage files, only aggregate,~~
20 ~~statistical, group level data shall be reported. Data sharing by the~~
21 ~~employment security department may be extended to include the office of~~
22 ~~financial management and other such governmental entities with~~
23 ~~oversight responsibility for this program.))~~

24 (3) The department and other agencies of state government shall
25 protect the privacy of confidential personal data supplied under RCW
26 50.13.060 consistent with federal law, chapter 50.13 RCW, and the terms
27 and conditions of a formal data-sharing agreement between the
28 employment security department and agencies of state government,
29 however the misuse or unauthorized use of confidential data supplied by
30 the employment security department is subject to the penalties in RCW
31 50.13.080.

32 NEW SECTION. **Sec. 16.** The following acts or parts of acts are
33 each repealed:

- 34 (1) RCW 28C.18.070 and 1995 c 130 s 1;
35 (2) RCW 28C.18.080 and 1997 c 369 s 5 & 1995 c 130 s 2;
36 (3) RCW 28C.18.090 and 1995 c 130 s 4;
37 (4) RCW 28C.18.100 and 1995 c 130 s 5;

1 (5) RCW 28C.18.110 and 1995 c 130 s 6;
2 (6) RCW 50.67.020 and 1991 c 238 s 15; and
3 (7) RCW 50.67.030 and 1994 sp.s. c 3 s 8.

4 NEW SECTION. **Sec. 17.** Sections 11 and 12 of this act constitute
5 a new chapter in Title 50 RCW.

6 NEW SECTION. **Sec. 18.** If any part of this act is found to be in
7 conflict with federal requirements that are a prescribed condition to
8 the allocation of federal funds to the state, the conflicting part of
9 this act is inoperative solely to the extent of the conflict and with
10 respect to the agencies directly affected, and this finding does not
11 affect the operation of the remainder of this act in its application to
12 the agencies concerned. Rules adopted under this act must meet federal
13 requirements that are a necessary condition to the receipt of federal
14 funds by the state.

15 NEW SECTION. **Sec. 19.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 20.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and takes effect
22 immediately.

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