

2 **ESSB 5533** - H COMM AMD

3 By Committee on Commerce & Labor

4

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

7 "Sec. 1. RCW 28C.18.010 and 1996 c 99 s 2 are each amended to read
8 as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this title.

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

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

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

29 (4) "Workforce development system" means public and private
30 programs that use state or federal funds to prepare workers for
31 employment, upgrade worker skills, retrain workers, or provide
32 employment or retention services for workers or employers. "Workforce
33 development system" includes, but is not limited to, secondary
34 vocational education, community and technical college vocational
35 education, private career school and college vocational programs,
36 employer-sponsored training, work-related adult basic education and

1 literacy programs, programs funded by Title 1B of the federal workforce
2 investment act, activities funded under the federal Wagner-Peyser act,
3 programs funded by the federal vocational education act, work-related
4 programs funded under the adult education and family literacy act,
5 publicly funded programs for work-related adult literacy, education,
6 and apprenticeships, the one-stop system, the state job skills program,
7 timber retraining benefits, the work-related components of the
8 vocational rehabilitation program authorized under Title IV of the
9 workforce investment act, P.L. 105-220, the department of services for
10 the blind, and programs offered by private and public nonprofit
11 organizations that are representative of communities or significant
12 segments of communities and provide job training or work-related adult
13 literacy services.

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

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

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

1 105-220, Title II, that enable eligible adults to speak, read, and
2 write in the English language, compute, solve problems, and relate
3 effectively with others in order to exercise the rights and
4 responsibilities of a family member, worker, and community member.

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

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

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

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

1 any given vote. In ~~((making appointments to))~~ recruiting members for
2 the board, the governor shall seek to ensure geographic, ethnic, and
3 gender diversity and balance. The governor shall also seek to ensure
4 diversity and balance by ~~((the appointment of))~~ recruiting persons with
5 disabilities.

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

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

26 (d) The private career school representative shall be selected from
27 among nominations provided by a state-wide organization representing a
28 cross-section of private career schools. However, the governor may
29 request, and the organization shall provide, an additional list or
30 lists from which the governor shall select the private career school
31 representative.

32 (e) The community-based organizations' representative shall be
33 selected from among nominations provided by a state-wide organization
34 representing community-based organizations. However, the governor may
35 request, and the organization shall provide, an additional list or
36 lists from which the governor shall select the community-based
37 organizations' representative.

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

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

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

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

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

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

25 (k) Any vacancies among board members representing business ~~((e))~~,
26 labor, private career schools, or community-based organizations shall
27 be filled by the governor with nominations provided by state-wide
28 organizations representing business ~~((e))~~, labor, private career
29 schools, or community-based organizations respectively.

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

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

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

1 ~~(m))~~ (n) The director of the board shall be appointed by the
2 governor (~~(from a list of three names submitted by a committee made up~~
3 ~~of the business and labor members of the board. However, the governor~~
4 ~~may request, and the committee shall provide, an additional list or~~
5 ~~lists from which the governor shall select the director. The lists~~
6 ~~compiled by the committee shall not be subject to public disclosure.~~
7 ~~The governor may dismiss the director only with the approval of a~~
8 ~~majority vote of the board. The board, by a majority vote, may dismiss~~
9 ~~the director with the approval)), shall serve at the pleasure of the~~
10 governor, and shall be confirmed by the senate.

11 ~~((3) The state board for vocational education is hereby abolished~~
12 ~~and its powers, duties, and functions are hereby transferred to the~~
13 ~~work force training and education coordinating board. All references~~
14 ~~to the director or the state board for vocational education in the~~
15 ~~Revised Code of Washington shall be construed to mean the director or~~
16 ~~the work force training and education coordinating board.))~~

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

19 The purpose of the board is to (~~provide planning, coordination,~~
20 ~~evaluation, monitoring, and policy analysis for the state training~~
21 ~~system as a whole, and advice to the governor and legislature~~
22 ~~concerning the state training system, in cooperation with the state~~
23 ~~training system and the higher education coordinating board)) develop
24 policies that create an integrated state workforce development system
25 that links people to jobs, allows them access to training and
26 education, and provides an opportunity to move up the job ladder over
27 their lifetime. The board shall plan, promote cooperation, measure
28 performance, evaluate, and provide policy analysis for the state
29 workforce development system as a whole, and advise the governor
30 concerning the state's workforce development system in cooperation with
31 the operating agencies of the workforce development system.~~

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

34 (1) The director shall serve as chief executive officer of the
35 board who shall administer the provisions of this chapter, employ such
36 personnel as may be necessary to implement the purposes of this

1 chapter, and utilize staff of existing operating agencies to the
2 fullest extent possible.

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

4 ~~(3))~~ Subject to the approval of the board, the director shall
5 appoint necessary deputy and assistant directors and other staff who
6 shall be exempt from the provisions of chapter 41.06 RCW. The
7 director's appointees shall serve at the director's pleasure on such
8 terms and conditions as the director determines but subject to chapter
9 42.52 RCW.

10 ~~((4))~~ (3) The director shall appoint and employ such other
11 employees as may be required for the proper discharge of the functions
12 of the board.

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

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

20 (1) The board shall be designated as the state workforce investment
21 board described in P.L. 105-220, the workforce investment act of 1998,
22 and shall perform such functions as necessary to comply with federal
23 directives pertaining to this law. In order to comply with the
24 regulations of P.L. 105-220, the governor may designate the board
25 membership structure of the workforce training and education
26 coordinating board as it existed as of December 31, 1997, as the
27 workforce investment board specifically to carry out the provisions of
28 P.L. 105-220.

29 (2) The board shall be designated as the state board of vocational
30 education as provided for in P.L. ((98-524)) 105-332, as amended, and
31 shall perform such functions as is necessary to comply with federal
32 directives pertaining to the provisions of such law. The board shall
33 establish a subcommittee to study and make recommendations to the board
34 on the use of funds provided under P.L. 105-332. The subcommittee
35 membership shall consist of the superintendent of public instruction,
36 the executive director of the state board for community and technical
37 colleges, two members who are business representatives, and two members
38 who are labor representatives.

1 ~~((+2))~~ (3) The board shall perform the functions of the human
2 resource investment council as provided for in the federal job training
3 partnership act, P.L. 97-300, as amended.

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

7 ~~((+4))~~ (5) Upon enactment of new federal initiatives relating to
8 ~~((work force))~~ workforce development, the board shall advise the
9 governor and the legislature on mechanisms for integrating the federal
10 initiatives into the state's ~~((work force))~~ workforce development
11 system and make recommendations on the legislative or administrative
12 measures necessary to streamline and coordinate state efforts to meet
13 federal guidelines.

14 ~~((+5))~~ (6) The board shall ~~((monitor))~~ review for consistency with
15 the state ~~((comprehensive plan for work force training and education
16 the policies and plans established by the state job training
17 coordinating council))~~ unified plan, the policies and plans established
18 by the advisory council on adult education, and the Washington state
19 plan for adult literacy and basic ~~((education))~~ skills, and provide
20 guidance for making such policies and plans consistent with the state
21 ~~((comprehensive))~~ unified plan for ~~((work force training and
22 education))~~ workforce development system.

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

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

27 (9) For the purposes of P.L. 105-332, the superintendent of public
28 instruction shall have operating responsibility for secondary education
29 and the state board for community and technical colleges shall have
30 operating responsibility for postsecondary vocational and technical
31 education.

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

34 The board, in cooperation with the operating agencies of the state
35 ~~((training))~~ development system and private career schools and colleges
36 shall:

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

4 (2) Advocate for the state training system and for meeting the
5 needs of employers and the work force for work force education and
6 training.

7 (3) Establish and maintain an inventory of the programs of the
8 state training system, and related state programs, and perform a
9 biennial assessment of the vocational education, training, and adult
10 basic education and literacy needs of the state; identify ongoing and
11 strategic education needs; and assess the extent to which employment,
12 training, vocational and basic education, rehabilitation services, and
13 public assistance services represent a consistent, integrated approach
14 to meet such needs.

15 (4) Develop and maintain a state comprehensive plan for work force
16 training and education, including but not limited to, goals,
17 objectives, and priorities for the state training system, and review
18 the state training system for consistency with the state comprehensive
19 plan. In developing the state comprehensive plan for work force
20 training and education, the board shall use, but shall not be limited
21 to: Economic, labor market, and populations trends reports in office
22 of financial management forecasts; joint office of financial management
23 and employment security department labor force, industry employment,
24 and occupational forecasts; the results of scientifically based
25 outcome, net impact and cost benefit evaluations; the needs of
26 employers as evidenced in formal employer surveys and other employer
27 input; and the needs of program participants and workers as evidenced
28 in formal surveys and other input from program participants and the
29 labor community.

30 (5) In consultation with the higher education coordinating board,
31 review and make recommendations to the office of financial management
32 and the legislature on operating and capital facilities budget requests
33 for operating agencies of the state training system for purposes of
34 consistency with the state comprehensive plan for work force training
35 and education.

36 (6) Provide for coordination among the different operating agencies
37 and components of the state training system at the state level and at
38 the regional level.

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

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

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

12 (9) Establish minimum standards for program evaluation for the
13 operating agencies of the state training system, including, but not
14 limited to, the use of common survey instruments and procedures for
15 measuring perceptions of program participants and employers of program
16 participants, and monitor such program evaluation.

17 (10) Every two years administer scientifically based outcome
18 evaluations of the state training system, including, but not limited
19 to, surveys of program participants, surveys of employers of program
20 participants, and matches with employment security department payroll
21 and wage files. Every five years administer scientifically based net-
22 impact and cost benefit evaluations of the state training system.

23 (11) In cooperation with the employment security department,
24 provide for the improvement and maintenance of quality and utility in
25 occupational information and forecasts for use in training system
26 planning and evaluation. Improvements shall include, but not be
27 limited to, development of state based occupational change factors
28 involving input by employers and employees, and delineation of skill
29 and training requirements by education level associated with current
30 and forecasted occupations.

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

34 (13) Provide for effectiveness and efficiency reviews of the state
35 training system.

36 (14) In cooperation with the higher education coordinating board,
37 facilitate transfer of credit policies and agreements between
38 institutions of the state training system, and encourage articulation

1 agreements for programs encompassing two years of secondary work force
2 education and two years of postsecondary work force education.

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

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

10 (17) Make recommendations to the commission of student assessment,
11 the state board of education, and the superintendent of public
12 instruction, concerning basic skill competencies and essential core
13 competencies for K-12 education. Basic skills for this purpose shall
14 be reading, writing, computation, speaking, and critical thinking,
15 essential core competencies for this purpose shall be English, math,
16 science/technology, history, geography, and critical thinking. The
17 board shall monitor the development of and provide advice concerning
18 secondary curriculum which integrates vocational and academic
19 education.

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

22 (19) Facilitate the location of support services, including but not
23 limited to, child care, financial aid, career counseling, and job
24 placement services, for students and trainees at institutions in the
25 state training system, and advocate for support services for trainees
26 and students in the state training system.

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

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

33 (22) Encourage and assess progress for the equitable representation
34 of racial and ethnic minorities, women, and people with disabilities
35 among the students, teachers, and administrators of the state training
36 system. Equitable, for this purpose, shall mean substantially
37 proportional to their percentage of the state population in the
38 geographic area served. This function of the board shall in no way

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

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

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

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

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

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

13 ~~The board may delegate to the director any of the functions of this~~
14 ~~section.)) Establish and maintain an inventory of the programs of the~~
15 ~~state workforce development system and ensure that information is~~
16 ~~provided to consumers and policymakers at the state and local level in~~
17 ~~order to enable them to make informed choices.~~

18 ~~(2) Assess employer and worker needs for workforce training and the~~
19 ~~gap between their needs and the public and private supply of workforce~~
20 ~~training. The assessments of employer and worker needs shall include~~
21 ~~state-wide surveys of employers and workers. The survey sample must be~~
22 ~~statistically representative of the state's employer and employee~~
23 ~~population.~~

24 ~~(3) Analyze the future employment needs of employers and develop~~
25 ~~strategies to ensure that Washington residents are prepared to meet~~
26 ~~those needs. The board shall work with industry, labor, and business~~
27 ~~associations, the operating agencies, and the department of community,~~
28 ~~trade, and economic development, and local workforce investment~~
29 ~~councils, to develop demand driven and targeted industry strategies to~~
30 ~~build a world class workforce.~~

31 ~~(4) Develop and maintain a state unified plan for the workforce~~
32 ~~development system. The unified plan shall include assessments of the~~
33 ~~state's employment opportunities and skills needs, the current and~~
34 ~~future workforce, and the current workforce development system; and~~
35 ~~include goals, objectives, and strategies for improving the workforce~~
36 ~~development system and a description of the performance measurement~~
37 ~~system for workforce development.~~

38 ~~(5) Work in collaboration with local workforce development councils~~
39 ~~to develop the state unified plan. Local workforce development~~

1 councils shall provide input to the board in the development of the
2 state unified plan which articulate their local strategy and needs.

3 (6) Work in partnership with the training related components of the
4 temporary assistance for needy families program, community service
5 employment under Title V of the older Americans act, and the retraining
6 component of the workers' compensation vocational rehabilitation
7 program; training activities carried out through contracts with the
8 United States department of housing and urban development; and
9 community services block grants authorized under the national community
10 service act, to integrate these programs into the unified planning.
11 The governor may approve inclusion of these programs into the workforce
12 development system.

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

16 (8) Recommend to the governor strategies to assure coordination and
17 avoid duplication among the programs of the workforce development
18 system.

19 (9) Design and implement a performance measurement system for
20 workforce development in cooperation with the operating agencies and
21 with the review of the joint legislative audit and review committee.
22 The performance measurement system for the workforce development system
23 shall be coordinated with the state's accountability system for K-12
24 education. The performance measurement system includes:

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

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

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

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

4 (e) Recommendations to the governor regarding expected performance
5 levels using the performance measurement system established under this
6 section; and

7 (f) Information provided to the governor and the legislature on the
8 outcomes of workforce development programs. Such information shall
9 include, but not be limited to, program results in the following areas:
10 Participant competencies, employment, wages and earnings, and receipt
11 of public assistance; customer satisfaction, including employer
12 customers who have hired program participants; and the public cost per
13 benefit received.

14 (10) Measure the performance of the workforce development system
15 using the performance measurement system established in subsection (9)
16 of this section. Operating agencies shall establish and implement
17 rewards for exceptional programs and corrective actions for programs
18 failing to meet minimum performance standards as defined in subsection
19 (9)(a) of this section. Operating agencies shall report to the board
20 annually beginning December 31, 2001, on corrective action taken and
21 rewards granted. Beginning July 1, 2002, the board shall report to the
22 governor and the legislature on operating agencies' actions to reward
23 exceptional programs and to correct and improve programs that fail to
24 meet standards established in subsection (9)(a) of this section.

25 (11) Establish an incentive fund for workforce development, using
26 federal funding for workforce development programs, and allocate
27 dollars from the incentive fund to reward local workforce development
28 councils and programs that produce exemplary results.

29 (12) Review the plans of local workforce development councils for
30 consistency with the state unified plan and recommend to the governor
31 whether local plans should be approved. The board shall provide
32 technical assistance to local workforce development councils as
33 necessary.

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

37 (14) For the purposes of enabling individuals to make smooth
38 transitions into the workforce and back and forth between workforce
39 development programs and employment, make recommendations regarding

1 generic workplace skills that individuals need in order to meet
2 employer expectations.

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

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

8 (17) Work in collaboration with local workforce development
9 councils, business organizations, and economic development councils to
10 create a coordinated and responsive system of outreach for small
11 business.

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

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

15 The board may delegate to the director any of the functions of this
16 section.

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

19 There are hereby created local workforce development councils to
20 serve functions including, but not limited to, those specified for
21 local workforce development councils under P.L. 105-220. The governor,
22 in partnership with the state board, shall establish criteria for use
23 by chief elected officials in the local areas for appointment of
24 members of the local councils. Local workforce development councils
25 shall:

26 (1) In partnership with chief local elected officials, develop and
27 maintain a local unified plan for the workforce development system
28 including but not limited to the local plan required by P.L. 105-220
29 Title I. The unified plan shall include assessments of local
30 employment opportunities and skills needs, the current and future
31 workforce, the current workforce development system, and financial
32 resources; and include goals, objectives, and strategies for the local
33 workforce development system, including a system-wide financial
34 strategy for implementing the plan. Local workforce development
35 councils shall submit their unified plans to the governor for approval
36 and the plan should be consistent with the state unified plan.

37 (2) Conduct oversight over the local one stop system under P.L.
38 105-220 Title 1(b).

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

3 (4) Provide for a coordinated and responsive system of outreach to
4 employers to include the establishment of public-private partnerships
5 of local brokers to connect small businesses to workforce training
6 programs and resources. Brokers may include industry and trade
7 associations, chambers of commerce, central labor councils, and other
8 labor organizations. Broker services may include communicating small
9 business needs to training providers, pooling the specific training
10 needs of several small employers to create cost-effective demand, and
11 supporting the growth of apprenticeship programs.

12 (5) Identify eligible providers of training services.

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

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

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

19 The department shall have the following duties:

20 (1) Oversight and management of a state-wide comprehensive labor
21 market and occupational supply and demand information system, including
22 development of a five-year employment forecast for state and labor
23 market areas;

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

29 (3) Coordinate with the office of financial management and the
30 office of the forecast council to improve employment estimates by
31 enhancing data on corporate officers, improving business establishment
32 listings, expanding sample for employment estimates, and developing
33 business entry/exit analysis relevant to the generation of occupational
34 and economic forecasts; (~~and~~)

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

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

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

5 ~~(1) ((There is hereby created the Washington state job training~~
6 ~~coordinating council for so long as a state council is required by~~
7 ~~federal law or regulation as a condition for receipt of federal funds.~~
8 ~~The council shall perform all duties of state job training coordinating~~
9 ~~council as specified in the federal job training partnership act, P.L.~~
10 ~~97-300, as amended, including the preparation of a coordination and~~
11 ~~special services plan for a two year period, consistent with the state~~
12 ~~comprehensive plan for work force training and education prepared by~~
13 ~~the work force training and education coordinating board as provided~~
14 ~~for in RCW 28C.18.060.~~

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

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

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

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

27 (2) Assurances that the state will provide, in accordance with
28 section 184 of the workforce investment act, for fiscal control and
29 fund accounting procedures that are necessary to ensure the proper
30 disbursement of, and accounting for, funds paid to the state through
31 the allotments made under sections 127 and 132 of the workforce
32 investment act;

33 (3)(a) A description of the methods and factors the state will use
34 in distributing funds to local areas for youth activities and adult
35 employment and training activities under sections 128(b)(3)(B) and
36 133(b)(3)(B) of the workforce investment act, including:

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

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

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

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

14 (4) With respect to the one stop delivery systems described in
15 section 134(c) of the workforce investment act, a description of the
16 operational strategy of the state for assisting local areas in
17 development and implementation of fully operational one stop delivery
18 systems in the state;

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

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

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

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

32 (c) With other state operating agencies, how the state will serve
33 the employment and training needs of dislocated workers, including
34 displaced homemakers; low-income individuals, including recipients of
35 public assistance; individuals training for nontraditional employment;
36 and other individuals with multiple barriers to employment, including
37 older individuals and individuals with disabilities; and

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

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

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

8 (c) Describing how the state will coordinate youth activities
9 described in subparagraph (C) of the workforce investment act with
10 activities carried out through the youth opportunity grants under
11 section 169 of the workforce investment act.

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

17 **Sec. 12.** RCW 50.13.060 and 1997 c 409 s 605 and 1997 c 58 s 1004
18 are each reenacted and amended to read as follows:

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

24 (a) The agency submits an application in writing to the employment
25 security department for the records or information containing a
26 statement of the official purposes for which the information or records
27 are needed and specific identification of the records or information
28 sought from the department; and

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

32 (c) The agency requesting access has served a copy of the
33 application for records or information on the individual or employing
34 unit whose records or information are sought and has provided the
35 department with proof of service. Service shall be made in a manner
36 which conforms to the civil rules for superior court. The requesting
37 agency shall include with the copy of the application a statement to

1 the effect that the individual or employing unit may contact the public
2 records officer of the employment security department to state any
3 objections to the release of the records or information. The
4 employment security department shall not act upon the application of
5 the requesting agency until at least five days after service on the
6 concerned individual or employing unit. The employment security
7 department shall consider any objections raised by the concerned
8 individual or employing unit in deciding whether the requesting agency
9 needs the information or records for official purposes.

10 (2) The requirements of subsections (1) and (9) of this section
11 shall not apply to the state legislative branch. The state legislature
12 shall have access to information or records deemed private and
13 confidential under this chapter, if the legislature or a legislative
14 committee finds that the information or records are necessary and for
15 official purposes. If the employment security department does not make
16 information or records available as provided in this subsection, the
17 legislature may exercise its authority granted by chapter 44.16 RCW.

18 (3) In cases of emergency the governmental agency requesting access
19 shall not be required to formally comply with the provisions of
20 subsection (1) of this section at the time of the request if the
21 procedures required by subsection (1) of this section are complied with
22 by the requesting agency following the receipt of any records or
23 information deemed private and confidential under this chapter. An
24 emergency is defined as a situation in which irreparable harm or damage
25 could occur if records or information are not released immediately.

26 (4) The requirements of subsection (1)(c) of this section shall not
27 apply to governmental agencies where the procedures would frustrate the
28 investigation of possible violations of criminal laws or to the release
29 of employing unit names, addresses, number of employees, and aggregate
30 employer wage data for the purpose of state governmental agencies
31 preparing small business economic impact statements under chapter 19.85
32 RCW or preparing cost-benefit analyses under RCW 34.05.328(1)(c).
33 Information provided by the department and held to be private and
34 confidential under state or federal laws must not be misused or
35 released to unauthorized parties. A person who misuses such
36 information or releases such information to unauthorized parties is
37 subject to the sanctions in RCW 50.13.080.

38 (5) Governmental agencies shall have access to certain records or
39 information, limited to such items as names, addresses, social security

1 numbers, and general information about benefit entitlement or employer
2 information possessed by the department, for comparison purposes with
3 records or information possessed by the requesting agency to detect
4 improper or fraudulent claims, or to determine potential tax liability
5 or employer compliance with registration and licensing requirements.
6 In those cases the governmental agency shall not be required to comply
7 with subsection (1)(c) of this section, but the requirements of the
8 remainder of subsection (1) of this section must be satisfied.

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

21 (7) Disclosure to governmental agencies of information or records
22 obtained by the employment security department from the federal
23 government shall be governed by any applicable federal law or any
24 agreement between the federal government and the employment security
25 department where so required by federal law. When federal law does not
26 apply to the records or information state law shall control.

27 (8) The department may provide information for purposes of
28 statistical analysis and evaluation of the WorkFirst program or any
29 successor state welfare program((7)) to the department of social and
30 health services, the office of financial management, and other
31 governmental entities with oversight or evaluation responsibilities for
32 the program ((shall have access to employer wage information on clients
33 in the program whose names and social security numbers are provided to
34 the department)) in accordance with RCW 43.20A.080. The confidential
35 information provided by the department shall remain the property of the
36 department and may be used by the authorized requesting agencies only
37 for statistical analysis, research, and evaluation purposes as provided
38 in RCW 74.08A.410 and 74.08A.420. The department of social and health
39 services ((is)), the office of financial management, or other

1 governmental entities with oversight or evaluation responsibilities for
2 the program are not required to comply with subsection (1)(c) of this
3 section, but the requirements of the remainder of subsection (1) of
4 this section and applicable federal laws and regulations must be
5 satisfied. The confidential information used for evaluation and
6 analysis of welfare reform supplied to the authorized requesting
7 entities with regard to the WorkFirst program or any successor state
8 welfare program are exempt from public inspection and copying under RCW
9 42.17.310.

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

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

19 (11) To promote the reemployment of job seekers, the commissioner
20 may enter into data-sharing contracts with partners of the one-stop
21 career development system. The contracts shall provide for the
22 transfer of data only to the extent that the transfer is necessary for
23 the efficient provisions of work force programs, including but not
24 limited to public labor exchange, unemployment insurance, worker
25 training and retraining, vocational rehabilitation, vocational
26 education, adult education, transition from public assistance, and
27 support services. The transfer of information under contracts with
28 one-stop partners is exempt from subsection (1)(c) of this section.

29 (12) To facilitate improved operation and evaluation of state
30 programs, the commissioner may enter into data-sharing contracts with
31 other state agencies only to the extent that such transfer is necessary
32 for the efficient operation or evaluation of outcomes for those
33 programs. The transfer of information by contract under this
34 subsection is exempt from subsection (1)(c) of this section.

35 (13) The misuse or unauthorized release of records or information
36 by any person or organization to which access is permitted by this
37 chapter subjects the person or organization to a civil penalty of five
38 thousand dollars and other applicable sanctions under state and federal
39 law. Suit to enforce this section shall be brought by the attorney

1 general and the amount of any penalties collected shall be paid into
2 the employment security department administrative contingency fund.
3 The attorney general may recover reasonable attorneys' fees for any
4 action brought to enforce this section.

5 **Sec. 13.** RCW 42.17.310 and 1998 c 69 s 1 are each amended to read
6 as follows:

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

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

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

14 (c) Information required of any taxpayer in connection with the
15 assessment or collection of any tax if the disclosure of the
16 information to other persons would (i) be prohibited to such persons by
17 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
18 taxpayer's right to privacy or result in unfair competitive
19 disadvantage to the taxpayer.

20 (d) Specific intelligence information and specific investigative
21 records compiled by investigative, law enforcement, and penology
22 agencies, and state agencies vested with the responsibility to
23 discipline members of any profession, the nondisclosure of which is
24 essential to effective law enforcement or for the protection of any
25 person's right to privacy.

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

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

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

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

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

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

19 (k) Records, maps, or other information identifying the location of
20 archaeological sites in order to avoid the looting or depredation of
21 such sites.

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

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

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

34 (o) Financial and commercial information and records supplied by
35 private persons pertaining to export services provided pursuant to
36 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
37 export projects pursuant to RCW 43.23.035.

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

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

4 (r) Financial and commercial information and records supplied by
5 businesses or individuals during application for loans or program
6 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
7 or during application for economic development loans or program
8 services provided by any local agency.

9 (s) Membership lists or lists of members or owners of interests of
10 units in timeshare projects, subdivisions, camping resorts,
11 condominiums, land developments, or common-interest communities
12 affiliated with such projects, regulated by the department of
13 licensing, in the files or possession of the department.

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

17 (u) The residential addresses and residential telephone numbers of
18 employees or volunteers of a public agency which are held by the agency
19 in personnel records, employment or volunteer rosters, or mailing lists
20 of employees or volunteers.

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

28 (w)(i) The federal social security number of individuals governed
29 under chapter 18.130 RCW maintained in the files of the department of
30 health, except this exemption does not apply to requests made directly
31 to the department from federal, state, and local agencies of
32 government, and national and state licensing, credentialing,
33 investigatory, disciplinary, and examination organizations; (ii) the
34 current residential address and current residential telephone number of
35 a health care provider governed under chapter 18.130 RCW maintained in
36 the files of the department, if the provider requests that this
37 information be withheld from public inspection and copying, and
38 provides to the department an accurate alternate or business address
39 and business telephone number. On or after January 1, 1995, the

1 current residential address and residential telephone number of a
2 health care provider governed under RCW 18.130.140 maintained in the
3 files of the department shall automatically be withheld from public
4 inspection and copying unless the provider specifically requests the
5 information be released, and except as provided for under RCW
6 42.17.260(9).

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

9 (y) Information obtained by the board of pharmacy or the department
10 of health and its representatives as provided in RCW 69.41.044,
11 69.41.280, and 18.64.420.

12 (z) Financial information, business plans, examination reports, and
13 any information produced or obtained in evaluating or examining a
14 business and industrial development corporation organized or seeking
15 certification under chapter 31.24 RCW.

16 (aa) Financial and commercial information supplied to the state
17 investment board by any person when the information relates to the
18 investment of public trust or retirement funds and when disclosure
19 would result in loss to such funds or in private loss to the providers
20 of this information.

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

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

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

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

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

37 (gg) Financial, commercial, operations, and technical and research
38 information and data submitted to or obtained by the clean Washington

1 center in applications for, or delivery of, program services under
2 chapter 70.95H RCW.

3 (hh) Information and documents created specifically for, and
4 collected and maintained by a quality improvement committee pursuant to
5 RCW 43.70.510, regardless of which agency is in possession of the
6 information and documents.

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

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

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

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

22 (mm) Proprietary financial and commercial information that the
23 submitting entity, with review by the department of health,
24 specifically identifies at the time it is submitted and that is
25 provided to or obtained by the department of health in connection with
26 an application for, or the supervision of, an antitrust exemption
27 sought by the submitting entity under RCW 43.72.310. If a request for
28 such information is received, the submitting entity must be notified of
29 the request. Within ten business days of receipt of the notice, the
30 submitting entity shall provide a written statement of the continuing
31 need for confidentiality, which shall be provided to the requester.
32 Upon receipt of such notice, the department of health shall continue to
33 treat information designated under this section as exempt from
34 disclosure. If the requester initiates an action to compel disclosure
35 under this chapter, the submitting entity must be joined as a party to
36 demonstrate the continuing need for confidentiality.

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

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

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

8 (qq) Individually identifiable information received by the work
9 force training and education coordinating board for research or
10 evaluation purposes.

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

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

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

29 NEW SECTION. Sec. 14. Training and placement activities of the
30 WorkFirst program or any successor program shall be included in the
31 state workforce development system by July 1, 2001.

32 NEW SECTION. Sec. 15. The joint legislative audit and review
33 committee shall conduct a performance audit of the state workforce
34 development system including but not limited to outcome, net impact,
35 and cost-benefit evaluations. A performance audit may include, where
36 practical and feasible, surveys of program participants and employers,
37 and analyses of employment outcomes for participants.

1 The joint legislative audit and review committee shall prepare an
2 interim report of its performance audit findings by December 1, 2003,
3 and a final report by December 1, 2004, and deliver the reports to the
4 appropriate committees of the legislature. The operating agencies of
5 the workforce development system, the workforce development board, and
6 the private career schools and colleges shall provide administrative,
7 program, and client data to the joint legislative audit and review
8 committee for this performance audit.

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

11 (1) RCW 28C.18.070 (Intent--"Program" clarified) and 1995 c 130 s
12 1;

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

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

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

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

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

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

27 NEW SECTION. **Sec. 17.** Sections 10 and 11 of this act constitute
28 a new chapter in Title 50 RCW.

29 NEW SECTION. **Sec. 18.** If any part of this act is found to be in
30 conflict with federal requirements that are a prescribed condition to
31 the allocation of federal funds to the state, the conflicting part of
32 this act is inoperative solely to the extent of the conflict and with
33 respect to the agencies directly affected, and this finding does not
34 affect the operation of the remainder of this act in its application to
35 the agencies concerned. Rules adopted under this act must meet federal

1 requirements that are a necessary condition to the receipt of federal
2 funds by the state.

3 NEW SECTION. **Sec. 19.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 20.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 immediately."

11 Correct the title.

EFFECT: (1) Deletes the training and work-related components of
TANF from the definition of the workforce development system;

(2) Allows the community-based organizations' representative on the
Workforce Development Board to be chosen from nominees submitted by a
state-wide organization of community-based organizations;

(3) Increases the membership of the subcommittee on Carl Perkins
funds by one business and one labor member;

(4) Deletes the board's duty to advocate for the workforce
development system;

(5) Deletes the date by which the initial unified plan must be
completed;

(6) Includes a review of the performance measurement system by
JLARC; and

(7) Requires the board to work in partnership with the training and
work-related components of TANF and the retraining component of the
workers' compensation vocational rehabilitation program. The
components of TANF are added to the workforce development system by
July 1, 2001.

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