
SUBSTITUTE SENATE BILL 6535

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Fraser, Pelz, Deccio, Hale, Rasmussen, McDonald, Prince, McAuliffe, Winsley and Kohl)

Read first time 02/02/96.

1 AN ACT Relating to international educational, cultural, and
2 business exchanges; amending RCW 42.17.310; reenacting and amending RCW
3 43.79A.040; adding new sections to chapter 43.07 RCW; adding a new
4 chapter to Title 43 RCW; adding a new chapter to Title 28B RCW;
5 creating new sections; and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

8 (a) Educational, cultural, and business exchange programs are
9 important in developing mutually beneficial relationships between
10 Washington state and other countries;

11 (b) Enhanced international trade, cultural, and educational
12 opportunities are developed when cities, counties, ports, and others
13 establish sister relationships with their counterparts in other
14 countries;

15 (c) It is important to the economic future of the state to promote
16 international awareness and understanding; and

17 (d) The state's economy and economic well-being depend heavily on
18 foreign trade and international exchanges.

19 (2) The legislature declares that the purpose of this act is to:

1 (a) Enhance Washington state's ability to develop relationships and
2 contacts throughout the world enabling us to expand international
3 education and trade opportunities for all citizens of the state;

4 (b) Develop and maintain an international data base of contacts in
5 international trade markets;

6 (c) Encourage outstanding international students who reside in
7 countries with existing trade relationships to attend Washington
8 state's institutions of higher education; and

9 (d) Encourage Washington students to attend institutions of higher
10 education located in countries with existing trading relationships with
11 Washington state.

12 **PART I - CULTURAL EXCHANGE COUNCIL**

13 NEW SECTION. **Sec. 101.** The international education and exchange
14 council is created in the secretary of state's office. The council is
15 established as a public-private partnership. The purpose of the
16 council is to assist the governor, the legislature, elected state
17 officials, state and local agencies, educational institutions,
18 businesses, and organizations that foster international educational,
19 business, and cultural exchanges as these organizations and agencies
20 attempt to implement and further develop Washington's efforts to work
21 with targeted trading partners and with educational and trade
22 organizations from outside the United States.

23 NEW SECTION. **Sec. 102.** (1) The initial members of the council may
24 include, but need not be limited to:

25 (a) Representatives from the department of community, trade, and
26 economic development; the department of agriculture; the office of the
27 secretary of state; and the governor's office of protocol;

28 (b) Two members of the house of representatives, one from each
29 caucus, selected by the speaker of the house of representatives;

30 (c) Two members of the senate, one from each caucus, selected by
31 the president of the senate;

32 (d) Representatives of the common schools and public and private
33 institutions of higher education;

34 (e) Representatives of the business community who are working in
35 state-international trade efforts;

1 (f) Representatives of organizations dedicated to international
2 trade and cultural exchanges; and

3 (g) Interested members of the public selected by the secretary of
4 state.

5 (2) The initial nonlegislative members shall be selected by the
6 governor and the secretary of state.

7 (3) When the initial board members leave the council, any
8 replacements shall be selected by members of the council.

9 NEW SECTION. **Sec. 103.** The duties of the council may include, but
10 need not be limited to:

11 (1) Advising the governor, elected state officials, the
12 legislature, and others as appropriate on the needs of Washington state
13 for international education and cultural exchange opportunities;

14 (2) Assisting efforts by state and local governments, business,
15 education, and others to work with businesses, governmental units,
16 educational institutions, and organizations outside the United States,
17 with an emphasis on organizations, businesses, agencies, and
18 educational institutions in the countries that comprise Washington's
19 targeted trading partners;

20 (3) Promoting efforts to enhance cultural, business, and
21 educational exchange opportunities;

22 (4) Assisting the department of community, trade, and economic
23 development and the office of international relations and protocol to
24 provide information and assist local governments in maintaining their
25 established sister relationships in other countries;

26 (5) Assisting in maintaining the data base on cultural exchange
27 opportunities and state residents who have participated in
28 international exchanges;

29 (6) Monitoring the implementation of the recommendations of the
30 Washington task force on international education and cultural
31 exchanges; and

32 (7) Undertaking other duties as assigned.

33 NEW SECTION. **Sec. 104.** The council may establish a private,
34 nonprofit corporation created specifically to foster international
35 educational, business, and cultural exchanges. Any such private,
36 nonprofit corporation must qualify as a tax-exempt, nonprofit
37 corporation under section 501(c) of the federal internal revenue code.

1 discrimination against any person based on race, gender, creed, or
2 color.

3 (2) Volunteers shall not be deemed officers or employees of the
4 state of Washington or otherwise in the service or employment of, or
5 holding office under, the state of Washington.

6 (3) The terms and conditions of the enrollment, training,
7 compensation, hours of work, benefits, leave, termination, and all
8 other conditions of service of volunteers shall be exclusively those
9 set forth by the terms of the project. Service as a volunteer may be
10 terminated at any time at the pleasure of the secretary of state.

11 NEW SECTION. **Sec. 204.** (1) If funding is available, volunteers
12 may be provided with living, travel, and leave allowances, and such
13 housing, transportation, supplies, and equipment as the secretary of
14 state may deem necessary for their maintenance and to ensure their
15 health and their capacity to serve effectively. Transportation may be
16 provided to volunteers for travel to and from the country of service.

17 (2) The secretary of state may establish policies regarding
18 arrangements for spouses and children of volunteers to accompany the
19 volunteers abroad.

20 (3) The secretary of state shall indemnify the state for claims
21 relating to the project.

22 NEW SECTION. **Sec. 205.** Funding for the volunteer activities shall
23 come from legislative appropriations, federal funds, private support
24 funds, grant money available to implement technical assistance programs
25 overseas, and such other funds as the secretary of state may receive.

26 **PART III - INTERNATIONAL CONTACT DATA BASE**

27 NEW SECTION. **Sec. 301.** (1) The legislature finds that knowledge
28 of international exchange students who have studied in Washington state
29 institutions of higher education, especially those from key trading
30 partner countries, and knowledge of Washington state students, interns,
31 and citizens working and studying abroad, is critical to the ability of
32 Washington businesses and citizens to establish contacts and networks
33 in the competitive world market.

34 (2) The legislature also finds that knowledge of worldwide business
35 contacts, government contacts, cultural contacts, and international

1 friends is critical to building a solid network of opportunities for
2 developing trade relations for our state.

3 (3) The secretary of state may develop and maintain a data base, to
4 be known as the international contact data base, listing, in addition
5 to any other information: (a) Washington students, interns, and
6 citizens working and studying overseas; (b) international students who
7 have studied at Washington educational institutions; (c) exchange
8 opportunities for Washington residents wishing to participate in
9 education, internships, or technical assistance programs in the areas
10 of agriculture, hydroelectric power, aerospace, computers and
11 technology, academics, medicine, and communications; (d) international
12 business contacts of those people interested in doing business with
13 Washington business; and (e) international government contacts,
14 particularly with our key trading partners.

15 The data base may be designed to be used as a resource for
16 Washington citizens, businesses, and other entities seeking contacts in
17 international trade markets overseas.

18 (4) The department of community, trade, and economic development,
19 the department of agriculture, and the governor's office of protocol
20 may assist the secretary of state in designing and developing the data
21 base and in obtaining data for inclusion in the data base. Four-year
22 educational institutions and their alumni associations are encouraged
23 to maintain data concerning students studying or working abroad,
24 international students attending their institutions, and exchange
25 opportunities available to their students and other citizens, and to
26 make such data freely available to the secretary of state for inclusion
27 in the data base.

28 (5) The information contained in the data base may be made
29 available on request for inspection or copying for free or at cost.
30 The secretary of state shall not distinguish among persons requesting
31 information from the data base, though the secretary of state may
32 request information from requesters for purposes of monitoring trade
33 contacts and evaluating the uses and effectiveness of the data base.

34 (6) Any person listed in the data base may request in writing that
35 his or her name, address, telephone number, or other identifying
36 information be omitted from the data base. Nothing in this section
37 prohibits the secretary of state from refusing to disclose information
38 exempt from disclosure under RCW 42.17.310.

1 **Sec. 302.** RCW 42.17.310 and 1995 c 267 s 6 are each amended to
2 read as follows:

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

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

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

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

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

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

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

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

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

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

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

12 (k) Records, maps, or other information identifying the location of
13 archaeological sites in order to avoid the looting or depredation of
14 such sites.

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

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

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

27 (o) Financial and commercial information and records supplied by
28 private persons pertaining to export services provided pursuant to
29 chapter 43.163 RCW and chapter 53.31 RCW.

30 (p) Financial disclosures filed by private vocational schools under
31 chapter 28C.10 RCW.

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

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

1 (s) Membership lists or lists of members or owners of interests of
2 units in timeshare projects, subdivisions, camping resorts,
3 condominiums, land developments, or common-interest communities
4 affiliated with such projects, regulated by the department of
5 licensing, in the files or possession of the department.

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

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

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

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

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

35 (y) Information obtained by the board of pharmacy or the department
36 of health and its representatives as provided in RCW 69.41.044,
37 69.41.280, and 18.64.420.

38 (z) Financial information, business plans, examination reports, and
39 any information produced or obtained in evaluating or examining a

1 business and industrial development corporation organized or seeking
2 certification under chapter 31.24 RCW.

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

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

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

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

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

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

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

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

32 (ii) Personal information in files maintained in a data base
33 created under section 301 of this act.

34 (2) Except for information described in subsection (1)(c)(i) of
35 this section and confidential income data exempted from public
36 inspection pursuant to RCW 84.40.020, the exemptions of this section
37 are inapplicable to the extent that information, the disclosure of
38 which would violate personal privacy or vital governmental interests,
39 can be deleted from the specific records sought. No exemption may be

1 construed to permit the nondisclosure of statistical information not
2 descriptive of any readily identifiable person or persons.

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

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

13 NEW SECTION. **Sec. 303.** The department of community, trade, and
14 economic development, in consultation with the office of protocol, the
15 office of the secretary of state, the department of agriculture, and
16 the employment security department shall identify up to fifteen
17 countries that are of strategic importance to the development of
18 Washington's international trade relations.

19 **PART IV - INTERNATIONAL STUDENT EXCHANGES AND INTERNSHIPS**

20 NEW SECTION. **Sec. 401.** Unless the context clearly requires
21 otherwise, the definitions in this section apply throughout this
22 chapter.

23 (1) "Board" means the higher education coordinating board.

24 (2) "Eligible participant" means an international student whose
25 country of residence has a trade relationship with the state of
26 Washington.

27 (3) "Institution of higher education" or "institution" means a
28 college or university in the state of Washington that is accredited by
29 an accrediting association recognized as such by rule of the board.

30 (4) "Service obligation" means volunteering for a minimum number of
31 hours as established by the board based on the amount of scholarship
32 award, to speak to or teach groups of Washington citizens, including
33 but not limited to elementary, middle, and high schools, service clubs,
34 and universities.

35 (5) "Washington international exchange scholarship program" means
36 a scholarship award for a period not to exceed one academic year to

1 attend a Washington institution of higher education made to an
2 international student whose country has an established trade
3 relationship with Washington.

4 NEW SECTION. **Sec. 402.** The Washington international exchange
5 scholarship program is created. The program shall be administered by
6 the board. In administering the program, the board shall:

7 (1) Convene an advisory committee that may include but need not be
8 limited to representatives of the office of the superintendent of
9 public instruction, the department of community, trade, and economic
10 development, the secretary of state, private business, and institutions
11 of higher education;

12 (2) Select students to receive the scholarship with the assistance
13 of a screening committee composed of leaders in business, international
14 trade, and education;

15 (3) Adopt necessary rules and guidelines including rules for
16 disbursing scholarship funds to participants;

17 (4) Publicize the program;

18 (5) Solicit and accept grants and donations from public and private
19 sources for the program;

20 (6) Establish and notify participants of service obligations; and

21 (7) Establish a formula for selecting the countries from which
22 participants may be selected in consultation with the department of
23 community, trade, and economic development.

24 NEW SECTION. **Sec. 403.** The board may negotiate and enter into a
25 reciprocal agreement with foreign countries that have international
26 students attending institutions in Washington. The goal of the
27 reciprocal agreements shall be to allow Washington students enrolled in
28 an institution of higher education to attend an international
29 institution under similar terms and conditions.

30 NEW SECTION. **Sec. 404.** If funds are available, the board shall
31 select students yearly to receive a Washington international exchange
32 student scholarship from moneys earned from the Washington
33 international exchange scholarship endowment fund created in section
34 406 of this act, from funds appropriated to the board for this purpose,
35 or from any private donations, or from any other funds given to the
36 board for this program.

1 NEW SECTION. **Sec. 405.** The Washington international exchange
2 trust fund is established in the custody of the state treasurer. Any
3 funds appropriated by the legislature for the trust fund shall be
4 deposited into the fund. At the request of the board, and when
5 conditions set forth in section 407 of this act are met, the treasurer
6 shall deposit state matching moneys from the Washington international
7 exchange trust fund into the Washington international exchange
8 scholarship endowment fund. No appropriation is required for
9 expenditures from the trust fund.

10 NEW SECTION. **Sec. 406.** The Washington international exchange
11 scholarship endowment fund is established in the custody of the state
12 treasurer. Moneys received from the private donations and funds
13 received from any other source may be deposited into the endowment
14 fund. At the request of the board, the treasurer shall release
15 earnings from the endowment fund to the board for scholarships. No
16 appropriation is required for expenditures from the endowment fund.
17 The principal of the endowment fund shall not be invaded. The earnings
18 on the fund shall be used solely for the purposes in this chapter.

19 NEW SECTION. **Sec. 407.** The board may request that the treasurer
20 deposit state matching funds into the Washington international exchange
21 scholarship endowment fund when the board can match the state funds
22 with an equal amount of private cash donations, including conditional
23 gifts.

24 NEW SECTION. **Sec. 408.** Each Washington international exchange
25 scholarship recipient shall agree to complete the service obligation as
26 defined by the board.

27 **Sec. 409.** RCW 43.79A.040 and 1995 c 394 s 2 and 1995 c 365 s 1 are
28 each reenacted and amended to read as follows:

29 (1) Money in the treasurer's trust fund may be deposited, invested
30 and reinvested by the state treasurer in accordance with RCW 43.84.080
31 in the same manner and to the same extent as if the money were in the
32 state treasury.

33 (2) All income received from investment of the treasurer's trust
34 fund shall be set aside in an account in the treasury trust fund to be
35 known as the investment income account.

1 (3) The investment income account may be utilized for the payment
2 of purchased banking services on behalf of treasurer's trust funds
3 including, but not limited to, depository, safekeeping, and
4 disbursement functions for the state treasurer or affected state
5 agencies. The investment income account is subject in all respects to
6 chapter 43.88 RCW, but no appropriation is required for payments to
7 financial institutions. Payments shall occur prior to distribution of
8 earnings set forth in subsection (4) of this section.

9 (4)(a) Monthly, the state treasurer shall distribute the earnings
10 credited to the investment income account to the state general fund
11 except under (b) and (c) of this subsection.

12 (b) The following accounts and funds shall receive their
13 proportionate share of earnings based upon each account's or fund's
14 average daily balance for the period: The agricultural local fund, the
15 American Indian scholarship endowment fund, the Washington
16 international exchange scholarship endowment fund, the energy account,
17 the fair fund, the game farm alternative account, the grain inspection
18 revolving fund, the rural rehabilitation account, and the self-
19 insurance revolving fund. However, the earnings to be distributed
20 shall first be reduced by the allocation to the state treasurer's
21 service fund pursuant to RCW 43.08.190.

22 (c) The following accounts and funds shall receive eighty percent
23 of their proportionate share of earnings based upon each account's or
24 fund's average daily balance for the period: The advanced right of way
25 revolving fund, the federal narcotics asset forfeitures account, the
26 high occupancy vehicle account, and the local rail service assistance
27 account.

28 (5) In conformance with Article II, section 37 of the state
29 Constitution, no trust accounts or funds shall be allocated earnings
30 without the specific affirmative directive of this section.

31 NEW SECTION. Sec. 410. (1) The higher education coordinating
32 board shall establish an advisory committee to assist in program design
33 and to develop criteria for an international students internship
34 program.

35 (2) The advisory committee may include, but need not be limited to
36 the governor, a representative of the department of community, trade,
37 and economic development, the secretary of state, and representatives

1 of institutions of higher education, cultural exchange organizations,
2 international trade organizations, and business.

3 (3) By December 31, 1997, the board shall make recommendations for
4 legislation establishing a program for successful completion of
5 internships within countries of targeted trading partners identified by
6 the department of community, trade, and economic development that
7 provides for credit opportunities toward degree programs for Washington
8 state students.

9 (4) The advisory committee established in subsection (1) of this
10 section shall expire December 1, 1997.

11 **PART V - TECHNICAL PROVISIONS**

12 NEW SECTION. **Sec. 501.** Sections 101 through 105 and 301 of this
13 act are each added to chapter 43.07 RCW.

14 NEW SECTION. **Sec. 502.** Sections 201 through 205 and 301 of this
15 act shall expire December 31, 2000.

16 NEW SECTION. **Sec. 503.** (1) Sections 201 through 205 of this act
17 shall constitute a new chapter in Title 43 RCW.

18 (2) Sections 401 through 408 and 410 of this act shall constitute
19 a new chapter in Title 28B RCW.

20 NEW SECTION. **Sec. 504.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

24 NEW SECTION. **Sec. 505.** Part headings as used in this act
25 constitute no part of the law.

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