

CERTIFICATION OF ENROLLMENT

SENATE BILL 6174

Chapter 305, Laws of 1996

54th Legislature
1996 Regular Session

HIGHER EDUCATION COORDINATING BOARD--DUTIES REGARDING FINANCES

EFFECTIVE DATE: 6/6/96 - Except section 3 which becomes effective on 3/30/96.

Passed by the Senate March 7, 1996
YEAS 49 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House March 7, 1996
YEAS 98 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 30, 1996

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6174** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 30, 1996 - 4:39 p.m.

MIKE LOWRY

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 6174

AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Senators Bauer and Kohl; by request of Higher Education Coordinating Board

Read first time 01/08/96. Referred to Committee on Higher Education.

1 AN ACT Relating to duties of the higher education coordinating
2 board; amending RCW 28B.85.020, 42.17.310, and 28B.15.558; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 28B.85.020 and 1994 c 38 s 1 are each amended to read
6 as follows:

7 (1) The board:

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

14 ~~((2))~~ (b) May investigate any entity the board reasonably
15 believes to be subject to the jurisdiction of this chapter. In
16 connection with the investigation, the board may administer oaths and
17 affirmations, issue subpoenas and compel attendance, take evidence, and
18 require the production of any books, papers, correspondence,
19 memorandums, or other records which the board deems relevant or

1 material to the investigation. The board, including its staff and any
2 other authorized persons, may conduct site inspections and examine
3 records of all institutions subject to this chapter;

4 ~~((+3+))~~ (c) Shall develop an interagency agreement with the work
5 force training and education coordinating board to regulate degree-
6 granting private vocational schools with respect to degree and
7 nondegree programs.

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

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

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

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

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

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

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

31 (e) Information revealing the identity of persons who are witnesses
32 to or victims of crime or who file complaints with investigative, law
33 enforcement, or penology agencies, other than the public disclosure
34 commission, if disclosure would endanger any person's life, physical
35 safety, or property. If at the time a complaint is filed the
36 complainant, victim or witness indicates a desire for disclosure or
37 nondisclosure, such desire shall govern. However, all complaints filed
38 with the public disclosure commission about any elected official or

1 candidate for public office must be made in writing and signed by the
2 complainant under oath.

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

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

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

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

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

23 (k) Records, maps, or other information identifying the location of
24 archaeological sites in order to avoid the looting or depredation of
25 such sites.

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

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

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

1 (o) Financial and commercial information and records supplied by
2 private persons pertaining to export services provided pursuant to
3 chapter 43.163 RCW and chapter 53.31 RCW.

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

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

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

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

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

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

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

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

1 and business telephone number. On or after January 1, 1995, the
2 current residential address and residential telephone number of a
3 health care provider governed under RCW 18.130.140 maintained in the
4 files of the department shall automatically be withheld from public
5 inspection and copying if the provider has provided the department with
6 an accurate alternative or business address and telephone number.

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

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

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

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

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

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

35 (b) Enrollment information on state employees registered pursuant
36 to this section shall be maintained separately from other enrollment
37 information and shall not be included in official enrollment reports,

1 nor shall such state employees be considered in any enrollment
2 statistics which would affect budgetary determinations; and

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

5 (2) For the purposes of this section, "state employees" means
6 permanent (~~full-time~~) employees employed half-time or more in
7 classified service under chapter(~~s 28B.16 and~~) 41.06 RCW; permanent
8 employees employed half-time or more who are governed by chapter 41.56
9 RCW pursuant to the exercise of the option under RCW 41.56.201;
10 permanent classified employees and exempt paraprofessional employees of
11 technical colleges employed half-time or more; and nonacademic
12 employees and members of the faculties and instructional staff employed
13 half-time or more at institutions of higher education as defined in RCW
14 28B.10.016.

15 NEW SECTION. **Sec. 4.** Section 3 of this act is necessary for the
16 immediate preservation of the public peace, health, or safety, or
17 support of the state government and its existing public institutions,
18 and shall take effect immediately.

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

Passed the Senate March 7, 1996.

Passed the House March 7, 1996.

Approved by the Governor March 30, 1996.

Filed in Office of Secretary of State March 30, 1996.