

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5295

Chapter 128, Laws of 2010

61st Legislature
2010 Regular Session

PUBLIC RECORDS EXEMPTION ACCOUNTABILITY COMMITTEE--RECOMMENDATIONS

EFFECTIVE DATE: 06/10/10

Passed by the Senate March 8, 2010
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House February 28, 2010
YEAS 96 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 19, 2010, 1:45 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5295** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 19, 2010

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5295

AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Senate Government Operations & Elections (originally sponsored by Senators Kline, Oemig, Rockefeller, Holmquist, King, Hatfield, and Hobbs)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to the unanimous recommendations of the public
2 records exemptions accountability committee; amending RCW 70.05.170,
3 42.56.380, 41.04.362, 28C.18.020, 79A.25.150, 42.56.330, and 42.56.250;
4 reenacting and amending RCW 42.56.360; and repealing RCW 41.04.364.

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

6 **Sec. 1.** RCW 70.05.170 and 2009 c 134 s 1 are each amended to read
7 as follows:

8 (1)(a) The legislature finds that the mortality rate in Washington
9 state among infants and children less than eighteen years of age is
10 unacceptably high, and that such mortality may be preventable. The
11 legislature further finds that, through the performance of child
12 mortality reviews, preventable causes of child mortality can be
13 identified and addressed, thereby reducing the infant and child
14 mortality in Washington state.

15 (b) It is the intent of the legislature to encourage the
16 performance of child death reviews by local health departments by
17 providing necessary legal protections to the families of children whose
18 deaths are studied, local health department officials and employees,

1 and health care professionals participating in child mortality review
2 committee activities.

3 (2) As used in this section, "child mortality review" means a
4 process authorized by a local health department as such department is
5 defined in RCW 70.05.010 for examining factors that contribute to
6 deaths of children less than eighteen years of age. The process may
7 include a systematic review of medical, clinical, and hospital records;
8 home interviews of parents and caretakers of children who have died;
9 analysis of individual case information; and review of this information
10 by a team of professionals in order to identify modifiable medical,
11 socioeconomic, public health, behavioral, administrative, educational,
12 and environmental factors associated with each death.

13 (3) Local health departments are authorized to conduct child
14 mortality reviews. In conducting such reviews, the following
15 provisions shall apply:

16 (a) ~~((All medical records, reports, and statements procured by,
17 furnished to, or maintained by a local health department pursuant to
18 chapter 70.02 RCW for purposes of a child mortality review are
19 confidential insofar as the identity of an individual child and his or
20 her adoptive or natural parents is concerned. Such records may be used
21 solely by local health departments for the purposes of the review.
22 This section does not prevent a local health department from publishing
23 statistical compilations and reports related to the child mortality
24 review, if such compilations and reports do not identify individual
25 cases and sources of information.~~

26 ~~(b) Any records or documents supplied or maintained for the
27 purposes of a child mortality review are not subject to discovery or
28 subpoena in any administrative, civil, or criminal proceeding related
29 to the death of a child reviewed. This provision shall not restrict or
30 limit the discovery or subpoena from a health care provider of records
31 or documents maintained by such health care provider in the ordinary
32 course of business, whether or not such records or documents may have
33 been supplied to a local health department pursuant to this section.~~

34 ~~(c) Any summaries or analyses of records, documents, or records of
35 interviews prepared exclusively for purposes of a child mortality
36 review are not subject to discovery, subpoena, or introduction into
37 evidence in any administrative, civil, or criminal proceeding related
38 to the death of a child reviewed.))~~ All health care information

1 collected as part of a child mortality review is confidential, subject
2 to the restrictions on disclosure provided for in chapter 70.02 RCW.
3 When documents are collected as part of a child mortality review, the
4 records may be used solely by local health departments for the purposes
5 of the review;

6 (b) No identifying information related to the deceased child, the
7 child's guardians, or anyone interviewed as part of the child mortality
8 review may be disclosed. Any such information shall be redacted from
9 any records produced as part of the review;

10 (c) Any witness statements or documents collected from witnesses,
11 or summaries or analyses of those statements or records prepared
12 exclusively for purposes of a child mortality review, are not subject
13 to public disclosure, discovery, subpoena, or introduction into
14 evidence in any administrative, civil, or criminal proceeding related
15 to the death of a child reviewed. This provision does not restrict or
16 limit the discovery or subpoena from a health care provider of records
17 or documents maintained by such health care provider in the ordinary
18 course of business, whether or not such records or documents may have
19 been supplied to a local health department pursuant to this section.
20 This provision shall not restrict or limit the discovery or subpoena of
21 documents from such witnesses simply because a copy of a document was
22 collected as part of a child mortality review;

23 (d) No local health department official or employee, and no members
24 of technical committees established to perform case reviews of selected
25 child deaths may be examined in any administrative, civil, or criminal
26 proceeding as to the existence or contents of documents assembled,
27 prepared, or maintained for purposes of a child mortality review.

28 (e) This section shall not be construed to prohibit or restrict any
29 person from reporting suspected child abuse or neglect under chapter
30 26.44 RCW nor to limit access to or use of any records, documents,
31 information, or testimony in any civil or criminal action arising out
32 of any report made pursuant to chapter 26.44 RCW.

33 (4) The department shall assist local health departments to collect
34 the reports of any child mortality reviews conducted by local health
35 departments and assist with entering the reports into a database to the
36 extent that the data is not protected under subsection (3) of this
37 section. Notwithstanding subsection (3) of this section, the
38 department shall respond to any requests for data from the database to

1 the extent permitted for health care information under chapter 70.02
2 RCW. In addition, the department shall provide technical assistance to
3 local health departments and child death review coordinators conducting
4 child mortality reviews and encourage communication among child death
5 review teams. The department shall conduct these activities using only
6 federal and private funding.

7 (5) This section does not prevent a local health department from
8 publishing statistical compilations and reports related to the child
9 mortality review. Any portions of such compilations and reports that
10 identify individual cases and sources of information must be redacted.

11 **Sec. 2.** RCW 42.56.380 and 2009 c 33 s 37 are each amended to read
12 as follows:

13 The following information relating to agriculture and livestock is
14 exempt from disclosure under this chapter:

15 (1) Business-related information under RCW 15.86.110;

16 (2) Information provided under RCW 15.54.362;

17 (3) Production or sales records required to determine assessment
18 levels and actual assessment payments to commodity boards and
19 commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65,
20 15.66, 15.74, 15.88, 15.115, 15.100, 15.89, and 16.67 RCW or required
21 by the department of agriculture to administer these chapters or the
22 department's programs;

23 (4) Consignment information contained on phytosanitary certificates
24 issued by the department of agriculture under chapters 15.13, 15.49,
25 and 15.17 RCW or federal phytosanitary certificates issued under 7
26 C.F.R. 353 through cooperative agreements with the animal and plant
27 health inspection service, United States department of agriculture, or
28 on applications for phytosanitary certification required by the
29 department of agriculture;

30 (5) Financial and commercial information and records supplied by
31 persons (a) to the department of agriculture for the purpose of
32 conducting a referendum for the potential establishment of a commodity
33 board or commission; or (b) to the department of agriculture or
34 commodity boards or commissions formed under chapter 15.24, 15.28,
35 15.44, 15.65, 15.66, 15.74, 15.88, 15.115, 15.100, 15.89, or 16.67 RCW
36 with respect to domestic or export marketing activities or individual
37 producer's production information;

1 ~~(6) ((Except under RCW 15.19.080, information obtained regarding~~
2 ~~the purchases, sales, or production of an individual American ginseng~~
3 ~~grower or dealer;~~

4 ~~(7) Information that can be identified to a particular business and~~
5 ~~that is collected under RCW 15.17.140(2) and 15.17.143 for certificates~~
6 ~~of compliance;~~

7 ~~(8) Financial statements provided under RCW 16.65.030(1)(d);~~)
8 Information obtained regarding the purchases, sales, or production of
9 an individual American ginseng grower or dealer, except for providing
10 reports to the United States fish and wildlife service under RCW
11 15.19.080;

12 (7) Information collected regarding packers and shippers of fruits
13 and vegetables for the issuance of certificates of compliance under RCW
14 15.17.140(2) and 15.17.143;

15 (8) Financial statements obtained under RCW 16.65.030(1)(d) for the
16 purposes of determining whether or not the applicant meets the minimum
17 net worth requirements to construct or operate a public livestock
18 market;

19 (9) Information submitted by an individual or business for the
20 purpose of participating in a state or national animal identification
21 system. Disclosure to local, state, and federal officials is not
22 public disclosure. This exemption does not affect the disclosure of
23 information used in reportable animal health investigations under
24 chapter 16.36 RCW once they are complete; and

25 (10) Results of testing for animal diseases not required to be
26 reported under chapter 16.36 RCW that is done at the request of the
27 animal owner or his or her designee that can be identified to a
28 particular business or individual.

29 **Sec. 3.** RCW 42.56.360 and 2009 c 1 s 24 (Initiative Measure No.
30 1000) and 2008 c 136 s 5 are each reenacted and amended to read as
31 follows:

32 (1) The following health care information is exempt from disclosure
33 under this chapter:

34 (a) Information obtained by the board of pharmacy as provided in
35 RCW 69.45.090;

36 (b) Information obtained by the board of pharmacy or the department

1 of health and its representatives as provided in RCW 69.41.044,
2 69.41.280, and 18.64.420;

3 (c) Information and documents created specifically for, and
4 collected and maintained by a quality improvement committee under RCW
5 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee
6 under RCW 4.24.250, or by a quality assurance committee pursuant to RCW
7 74.42.640 or 18.20.390, or by a hospital, as defined in RCW 43.70.056,
8 for reporting of health care-associated infections under RCW 43.70.056,
9 a notification of an incident under RCW 70.56.040(5), and reports
10 regarding adverse events under RCW 70.56.020(2)(b), regardless of which
11 agency is in possession of the information and documents;

12 (d)(i) Proprietary financial and commercial information that the
13 submitting entity, with review by the department of health,
14 specifically identifies at the time it is submitted and that is
15 provided to or obtained by the department of health in connection with
16 an application for, or the supervision of, an antitrust exemption
17 sought by the submitting entity under RCW 43.72.310;

18 (ii) If a request for such information is received, the submitting
19 entity must be notified of the request. Within ten business days of
20 receipt of the notice, the submitting entity shall provide a written
21 statement of the continuing need for confidentiality, which shall be
22 provided to the requester. Upon receipt of such notice, the department
23 of health shall continue to treat information designated under this
24 subsection (1)(d) as exempt from disclosure;

25 (iii) If the requester initiates an action to compel disclosure
26 under this chapter, the submitting entity must be joined as a party to
27 demonstrate the continuing need for confidentiality;

28 (e) Records of the entity obtained in an action under RCW 18.71.300
29 through 18.71.340;

30 (f) ~~((Except for published statistical compilations and reports
31 relating to the infant mortality review studies that do not identify
32 individual cases and sources of information, any records or documents
33 obtained, prepared, or maintained by the local health department for
34 the purposes of an infant mortality review conducted by the department
35 of health under RCW 70.05.170;~~

36 ~~(g))~~ Complaints filed under chapter 18.130 RCW after July 27,
37 1997, to the extent provided in RCW 18.130.095(1);

1 ~~((h))~~ (g) Information obtained by the department of health under
2 chapter 70.225 RCW; ~~(and~~

3 ~~(i))~~ (h) Information collected by the department of health under
4 chapter 70.245 RCW except as provided in RCW 70.245.150; and

5 (i) All documents, including completed forms, received pursuant to
6 a wellness program under RCW 41.04.362, but not statistical reports
7 that do not identify an individual.

8 (2) Chapter 70.02 RCW applies to public inspection and copying of
9 health care information of patients.

10 (3)(a) Documents related to infant mortality reviews conducted
11 pursuant to RCW 70.05.170 are exempt from disclosure as provided for in
12 RCW 70.05.170(3).

13 (b)(i) If an agency provides copies of public records to another
14 agency that are exempt from public disclosure under this subsection
15 (3), those records remain exempt to the same extent the records were
16 exempt in the possession of the originating entity.

17 (ii) For notice purposes only, agencies providing exempt records
18 under this subsection (3) to other agencies may mark any exempt records
19 as "exempt" so that the receiving agency is aware of the exemption,
20 however whether or not a record is marked exempt does not affect
21 whether the record is actually exempt from disclosure.

22 **Sec. 4.** RCW 41.04.362 and 1987 c 248 s 2 are each amended to read
23 as follows:

24 (1) ~~((The))~~ Directors of ~~((the department of personnel))~~ state and
25 local entities, in consultation with applicable state agencies and
26 employee organizations, may develop and administer a voluntary state
27 employee wellness program.

28 (2) ~~((The))~~ A director may:

29 (a) Develop and implement state employee wellness policies,
30 procedures, and activities;

31 (b) Disseminate wellness educational materials to ~~((state))~~
32 agencies and employees;

33 (c) Encourage the establishment of wellness activities in ~~((state))~~
34 agencies;

35 (d) Provide technical assistance and training to agencies
36 conducting wellness activities for their employees;

1 (e) Develop standards by which agencies sponsoring specific
2 wellness activities may impose a fee to participating employees to help
3 defray the cost of those activities;

4 (f) Monitor and evaluate the effectiveness of this program,
5 including the collection, analysis, and publication of relevant
6 statistical information; and

7 (g) Perform other duties and responsibilities as necessary to carry
8 out the purpose of this section.

9 (3) No wellness program or activity that involves or requires
10 organized or systematic physical exercise may be implemented or
11 conducted during normal working hours.

12 NEW SECTION. **Sec. 5.** RCW 41.04.364 (State employee wellness
13 program--Confidentiality of individually identifiable information) and
14 1987 c 248 s 3 are each repealed.

15 **Sec. 6.** RCW 28C.18.020 and 1991 c 238 s 3 are each amended to read
16 as follows:

17 (1) There is hereby created the workforce training and education
18 coordinating board as a state agency and as the successor agency to the
19 state board for vocational education. Once the coordinating board has
20 convened, all references to the state board for vocational education in
21 the Revised Code of Washington shall be construed to mean the workforce
22 training and education coordinating board, except that reference to the
23 state board for vocational education in RCW 49.04.030 shall mean the
24 state board for community and technical colleges.

25 (2)(a) The board shall consist of nine voting members appointed by
26 the governor with the consent of the senate, as follows: Three
27 representatives of business, three representatives of labor, and,
28 serving as ex officio members, the superintendent of public
29 instruction, the executive director of the state board for community
30 and technical colleges, and the commissioner of the employment security
31 department. The chair of the board shall be a nonvoting member
32 selected by the governor with the consent of the senate, and shall
33 serve at the pleasure of the governor. In selecting the chair, the
34 governor shall seek a person who understands the future economic needs
35 of the state and nation and the role that the state's training system
36 has in meeting those needs. Each voting member of the board may

1 appoint a designee to function in his or her place with the right to
2 vote. In making appointments to the board, the governor shall seek to
3 ensure geographic, ethnic, and gender diversity and balance. The
4 governor shall also seek to ensure diversity and balance by the
5 appointment of persons with disabilities.

6 (b) The business representatives shall be selected from among
7 nominations provided by a statewide business organization representing
8 a cross-section of industries. However, the governor may request, and
9 the organization shall provide, an additional list or lists from which
10 the governor shall select the business representatives. The
11 nominations and selections shall reflect the cultural diversity of the
12 state, including women, people with disabilities, and racial and ethnic
13 minorities, and diversity in sizes of businesses.

14 (c) The labor representatives shall be selected from among
15 nominations provided by statewide labor organizations. However, the
16 governor may request, and the organizations shall provide, an
17 additional list or lists from which the governor shall select the labor
18 representatives. The nominations and selections shall reflect the
19 cultural diversity of the state, including women, people with
20 disabilities, and racial and ethnic minorities.

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

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

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

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

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

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

3 (i) Any vacancies among board members representing business or
4 labor shall be filled by the governor with nominations provided by
5 statewide organizations representing business or labor, respectively.

6 (j) The board shall adopt bylaws and shall meet at least bimonthly
7 and at such other times as determined by the chair who shall give
8 reasonable prior notice to the members or at the request of a majority
9 of the voting members.

10 (k) Members of the board shall be compensated in accordance with
11 RCW 43.03.040 and shall receive travel expenses in accordance with RCW
12 43.03.050 and 43.03.060.

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

15 (m) The director of the board shall be appointed by the governor
16 from a list of three names submitted by a committee made up of the
17 business and labor members of the board. However, the governor may
18 request, and the committee shall provide, an additional list or lists
19 from which the governor shall select the director. ~~((The lists
20 compiled by the committee shall not be subject to public disclosure.))~~
21 The governor may dismiss the director only with the approval of a
22 majority vote of the board. The board, by a majority vote, may dismiss
23 the director with the approval of the governor.

24 (3) The state board for vocational education is hereby abolished
25 and its powers, duties, and functions are hereby transferred to the
26 workforce training and education coordinating board. All references to
27 the director or the state board for vocational education in the Revised
28 Code of Washington shall be construed to mean the director or the
29 workforce training and education coordinating board.

30 **Sec. 7.** RCW 79A.25.150 and 2007 c 241 s 51 are each amended to
31 read as follows:

32 When requested by the board, members employed by the state shall
33 furnish assistance to the board from their departments for the analysis
34 and review of proposed plans and projects, and such assistance shall be
35 a proper charge against the appropriations to the several agencies
36 represented on the board. Assistance may be in the form of money,

1 personnel, or equipment and supplies, whichever is most suitable to the
2 needs of the board.

3 The director of the recreation and conservation office shall be
4 appointed by, and serve at the pleasure of, the governor. The governor
5 shall select the director from a list of three candidates submitted by
6 the board. However, the governor may request and the board shall
7 provide an additional list or lists from which the governor may select
8 the director. (~~The lists compiled by the board shall not be subject~~
9 ~~to public disclosure.~~) The director shall have background and
10 experience in the areas of recreation and conservation management and
11 policy. The director shall be paid a salary to be fixed by the
12 governor in accordance with the provisions of RCW 43.03.040. The
13 director shall appoint such personnel as may be necessary to carry out
14 the duties of the office. Not more than three employees appointed by
15 the director shall be exempt from the provisions of chapter 41.06 RCW.

16 **Sec. 8.** RCW 42.56.330 and 2008 c 200 s 6 are each amended to read
17 as follows:

18 The following information relating to public utilities and
19 transportation is exempt from disclosure under this chapter:

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

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

30 (3) The names, residential addresses, residential telephone
31 numbers, and other individually identifiable records held by an agency
32 in relation to a vanpool, carpool, or other ride-sharing program or
33 service; however, these records may be disclosed to other persons who
34 apply for ride-matching services and who need that information in order
35 to identify potential riders or drivers with whom to share rides;

36 (4) The personally identifying information of current or former

1 participants or applicants in a paratransit or other transit service
2 operated for the benefit of persons with disabilities or elderly
3 persons;

4 (5) The personally identifying information of persons who acquire
5 and use transit passes and other fare payment media including, but not
6 limited to, stored value smart cards and magnetic strip cards, except
7 that an agency may disclose this information to a person, employer,
8 educational institution, or other entity that is responsible, in whole
9 or in part, for payment of the cost of acquiring or using a transit
10 pass or other fare payment media for the purpose of preventing fraud,
11 or to the news media when reporting on public transportation or public
12 safety. (~~This information may also be disclosed at the agency's
13 discretion to governmental agencies or groups concerned with public
14 transportation or public safety~~)

15 (a) This information may be disclosed in aggregate form if the data
16 does not contain any personally identifying information.

17 (b) Personally identifying information may be released to law
18 enforcement agencies if the request is accompanied by a court order;

19 (6) Any information obtained by governmental agencies that is
20 collected by the use of a motor carrier intelligent transportation
21 system or any comparable information equipment attached to a truck,
22 tractor, or trailer; however, the information may be given to other
23 governmental agencies or the owners of the truck, tractor, or trailer
24 from which the information is obtained. As used in this subsection,
25 "motor carrier" has the same definition as provided in RCW 81.80.010;

26 (7) The personally identifying information of persons who acquire
27 and use transponders or other technology to facilitate payment of
28 tolls. This information may be disclosed in aggregate form as long as
29 the data does not contain any personally identifying information. For
30 these purposes aggregate data may include the census tract of the
31 account holder as long as any individual personally identifying
32 information is not released. Personally identifying information may be
33 released to law enforcement agencies only for toll enforcement
34 purposes. Personally identifying information may be released to law
35 enforcement agencies for other purposes only if the request is
36 accompanied by a court order; and

37 (8) The personally identifying information of persons who acquire
38 and use a driver's license or identicard that includes a radio

1 frequency identification chip or similar technology to facilitate
2 border crossing. This information may be disclosed in aggregate form
3 as long as the data does not contain any personally identifying
4 information. Personally identifying information may be released to law
5 enforcement agencies only for United States customs and border
6 protection enforcement purposes. Personally identifying information
7 may be released to law enforcement agencies for other purposes only if
8 the request is accompanied by a court order.

9 **Sec. 9.** RCW 42.56.250 and 2006 c 209 s 6 are each amended to read
10 as follows:

11 The following employment and licensing information is exempt from
12 public inspection and copying under this chapter:

13 (1) Test questions, scoring keys, and other examination data used
14 to administer a license, employment, or academic examination;

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

18 (3) The residential addresses, residential telephone numbers,
19 personal wireless telephone numbers, personal electronic mail
20 addresses, social security numbers, and emergency contact information
21 of employees or volunteers of a public agency, and the names, dates of
22 birth, residential addresses, residential telephone numbers, personal
23 wireless telephone numbers, personal electronic mail addresses, social
24 security numbers, and emergency contact information of dependents of
25 employees or volunteers of a public agency that are held by any public
26 agency in personnel records, public employment related records, or
27 volunteer rosters, or are included in any mailing list of employees or
28 volunteers of any public agency. For purposes of this subsection,
29 "employees" includes independent provider home care workers as defined
30 in RCW 74.39A.240;

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

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

6 (6) ~~((Except as provided in RCW 47.64.220, salary and employee
7 benefit information collected under RCW 47.64.220(1) and described in
8 RCW 47.64.220(2).))~~ Criminal history records checks for board staff
9 finalist candidates conducted pursuant to RCW 43.33A.025; and

10 (7) Except as provided in RCW 47.64.220, salary and benefit
11 information for maritime employees collected from private employers
12 under RCW 47.64.220(1) and described in RCW 47.64.220(2).

Passed by the Senate March 8, 2010.

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