
SENATE BILL 5353

State of Washington

63rd Legislature

2013 Regular Session

By Senators Roach and Holmquist Newbry; by request of Employment Security Department

Read first time 01/28/13. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to providing information to assist in unemployment
2 insurance overpayment recovery; amending RCW 42.56.430; and creating a
3 new section.

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

5 **Sec. 1.** RCW 42.56.430 and 2008 c 252 s 1 are each amended to read
6 as follows:

7 The following information relating to fish and wildlife is exempt
8 from disclosure under this chapter:

9 (1) Commercial fishing catch data from logbooks required to be
10 provided to the department of fish and wildlife under RCW 77.12.047,
11 when the data identifies specific catch location, timing, or
12 methodology and the release of which would result in unfair competitive
13 disadvantage to the commercial fisher providing the catch data,
14 however, this information may be released to government agencies
15 concerned with the management of fish and wildlife resources;

16 (2) Sensitive fish and wildlife data. Sensitive fish and wildlife
17 data may be released to the following entities and their agents for
18 fish, wildlife, land management purposes, or scientific research needs:
19 Government agencies, public utilities, and accredited colleges and

1 universities. Sensitive fish and wildlife data may be released to
2 tribal governments. Sensitive fish and wildlife data may also be
3 released to the owner, lessee, or right-of-way or easement holder of
4 the private land to which the data pertains. The release of sensitive
5 fish and wildlife data may be subject to a confidentiality agreement,
6 except upon release of sensitive fish and wildlife data to the owner,
7 lessee, or right-of-way or easement holder of private land who
8 initially provided the data. Sensitive fish and wildlife data does not
9 include data related to reports of predatory wildlife as specified in
10 RCW 77.12.885. Sensitive fish and wildlife data must meet at least one
11 of the following criteria of this subsection as applied by the
12 department of fish and wildlife:

13 (a) The nesting sites or specific locations of endangered species
14 designated under RCW 77.12.020, or threatened or sensitive species
15 classified by rule of the department of fish and wildlife;

16 (b) Radio frequencies used in, or locational data generated by,
17 telemetry studies; or

18 (c) Other location data that could compromise the viability of a
19 specific fish or wildlife population, and where at least one of the
20 following criteria are met:

21 (i) The species has a known commercial or black market value;

22 (ii) There is a history of malicious take of that species and the
23 species behavior or ecology renders it especially vulnerable;

24 (iii) There is a known demand to visit, take, or disturb the
25 species; or

26 (iv) The species has an extremely limited distribution and
27 concentration;

28 (3) The personally identifying information of persons who acquire
29 recreational licenses under RCW 77.32.010 or commercial licenses under
30 chapter 77.65 or 77.70 RCW, except name, address of contact used by the
31 department, and type of license, endorsement, or tag; however, the
32 department of fish and wildlife must disclose personally identifying
33 information, including social security number, to the employment
34 security department for the purpose of overpayment recovery required
35 under RCW 50.20.190, and may disclose personally identifying
36 information to:

37 (a) Government agencies concerned with the management of fish and
38 wildlife resources;

1 (b) The department of social and health services, child support
2 division, and to the department of licensing in order to implement RCW
3 77.32.014 and 46.20.291; and

4 (c) Law enforcement agencies for the purpose of firearm possession
5 enforcement under RCW 9.41.040; and

6 (4) Information that the department of fish and wildlife has
7 received or accessed but may not disclose due to confidentiality
8 requirements in the Magnuson-Stevens fishery conservation and
9 management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and
10 (i), and Sec. 1881a(b)).

11 NEW SECTION. **Sec. 2.** If any part of this act is found to be in
12 conflict with federal requirements that are a prescribed condition to
13 the allocation of federal funds to the state or the eligibility of
14 employers in this state for federal unemployment tax credits, the
15 conflicting part of this act is inoperative solely to the extent of the
16 conflict, and the finding or determination does not affect the
17 operation of the remainder of this act. Rules adopted under this act
18 must meet federal requirements that are a necessary condition to the
19 receipt of federal funds by the state or the granting of federal
20 unemployment tax credits to employers in this state.

21 NEW SECTION. **Sec. 3.** If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected.

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