
SENATE BILL 5126

State of Washington 64th Legislature 2015 Regular Session

By Senators Padden, Darneille, Roach, and Hatfield

Read first time 01/14/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the issuance of subpoenas in proceedings
2 involving the employment security department; and amending RCW
3 50.13.070.

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

5 **Sec. 1.** RCW 50.13.070 and 1977 ex.s. c 153 s 7 are each amended
6 to read as follows:

7 Information or records deemed private and confidential under this
8 chapter shall be available to parties to judicial or formal
9 administrative proceedings only upon an affidavit by a lawyer
10 licensed to practice law in the state of Washington or a finding by
11 the presiding officer that the need for the information or records in
12 the proceeding outweighs any reasons for the privacy and
13 confidentiality of the information or records. Information or records
14 deemed private and confidential under this chapter shall not be
15 available in discovery proceedings unless an affidavit by a lawyer
16 licensed to practice law in the state of Washington or the court in
17 which the action has been filed has made the finding specified above.
18 A judicial or administrative subpoena directed to the employment
19 security department must contain this finding. A subpoena for records
20 or information held by the department may be directed to and served
21 upon any employee of the department, but the department may specify

1 by rule which employee shall produce the records or information in
2 compliance with the subpoena.

3 A subpoena issued pursuant to an affidavit by a lawyer licensed
4 to practice law in the state of Washington shall lapse by its terms
5 within one year of the date of issuance. A copy of any subpoena
6 issued shall be simultaneously mailed or delivered to the person
7 whose records or information is being sought, and an affidavit of
8 mailing or other delivery shall accompany the subpoena directed to
9 the department. Any controversion of the subpoena shall be heard in
10 the judicial or administrative forum or court through which the
11 subpoena was issued.

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