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SENATE BILL 5353

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State of Washington

63rd Legislature

2013 Regular Session

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

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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