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ENGROSSED HOUSE BILL 1656

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Dent, Gregerson, Hargrove, Tarleton, Klippert, and  
Clibborn

Read first time 01/26/17. Referred to Committee on Transportation.

1 AN ACT Relating to a community aviation revitalization loan  
2 program; reenacting and amending RCW 43.79A.040 and 42.56.270; adding  
3 new sections to chapter 47.68 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that providing  
6 additional funding mechanisms for public use general aviation  
7 airports to implement infrastructure rehabilitation, upgrades, and  
8 revenue-generating projects is in the best interest of the state. The  
9 legislature declares that a revolving loan program is fundamental for  
10 smaller airport preservation and future vitality.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.68  
12 RCW to read as follows:

13 (1) An airport infrastructure loan program to be known as the  
14 community aviation revitalization loan program is established for  
15 political subdivisions of the state that own or manage airports to  
16 acquire loans to fund capital projects, including repaving runways,  
17 installing runway lights, constructing new airport facilities, and  
18 improving existing facilities.

19 (2) The community aviation revitalization revolving loan account  
20 is created in the custody of the state treasurer. All moneys received

1 for the community aviation revitalization loan program, including  
2 loan and interest payments, must be deposited into the account.  
3 Moneys in the account may be used only for the loan program and for  
4 the department expenditures associated with administering the loan  
5 program, and may not be transferred to any other account or used for  
6 purposes other than that prescribed in this chapter. Only the  
7 secretary or the secretary's designee may authorize expenditures from  
8 the account. The account is subject to allotment procedures under  
9 chapter 43.88 RCW, but an appropriation is not required for  
10 expenditures. Disbursements to political subdivisions for approved  
11 loans are not subject to appropriation or allotment procedures. The  
12 interest on the loans must be the federal rate of interest at the  
13 time the loan is borrowed by the political subdivision of the state.

14 (3) The aviation division of the department must administer the  
15 community aviation revitalization loan program.

16 (4) The department must adopt by rule the criteria to be used in  
17 evaluating and approving the loan applications. These loans may be  
18 provided to political subdivisions of the state that own or manage  
19 airports that do not have more than fifty thousand annual commercial  
20 service passenger enplanements as published by the federal aviation  
21 administration. Before adopting rules under this subsection or  
22 offering a loan contract for a project, the department must consult  
23 with the community aviation revitalization loan oversight task force  
24 created in section 3 of this act.

25 (5) The department must consider the following conditions when  
26 evaluating loan applications:

27 (a) The proposed project will lead to additional investment or  
28 permanent family wage jobs;

29 (b) The proposed project will provide capital improvements to  
30 augment the maintenance, operation, or expansion of an airport or its  
31 associated airport-related business park;

32 (c) The proposed project will result in retention, expansion, or  
33 creation of long-term economic opportunities dependent on the airport  
34 or related aeronautic services; or

35 (d) The proposed project will result in leveraging additional  
36 federal funding to an eligible airport.

37 (6) Loans may only be awarded to applicants that clearly identify  
38 a viable source of funds intended to repay the loan.

39 (7) The department may accept any gifts, grants, loans of funds,  
40 property, contributions, or financial or other aid in any form from

1 other sources that do not conflict with the department's governing  
2 statutes and regulations and the laws of the state in furtherance of  
3 community aviation airport revitalization as proposed in this  
4 section. The department may also accept federal agency loans or  
5 grants for the planned financing of any project and enter into an  
6 agreement with project owners to administer those loans.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.68  
8 RCW to read as follows:

9 (1) The community aviation revitalization loan oversight task  
10 force is created to oversee and provide consultation to the  
11 department in relation to the community aviation revitalization loan  
12 program.

13 (a) The chair of the community aviation revitalization loan  
14 oversight task force is the secretary of transportation. The chair's  
15 authority may be delegated to an employee of the department. The  
16 chair is responsible for organizing meetings of the task force.

17 (b) The community aviation revitalization loan oversight task  
18 force must consist of: Two people from each of the two largest  
19 caucuses of the house of representatives to be appointed by the  
20 speaker of the house of representatives, two people from each of the  
21 two largest caucuses of the senate to be appointed by the president  
22 of the senate, and a nonvoting representative from the department of  
23 commerce as designated by the director of the department of commerce.

24 (2) The community aviation revitalization loan oversight task  
25 force shall review and approve rules prepared by the department to  
26 govern the implementation, management, and administration of the  
27 community aviation revitalization loan program. The task force must  
28 be consulted before the department's approval of a project to receive  
29 a loan.

30 (3) Staff support to the community aviation revitalization loan  
31 oversight task force must be provided by the department as needed.

32 (4) Legislative members of the task force are reimbursed for  
33 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
34 members are not entitled to be reimbursed for travel expenses if they  
35 are elected officials or are participating on behalf of an employer,  
36 governmental entity, or other organization. Any reimbursement for  
37 other nonlegislative members is subject to chapter 43.03 RCW.

1       **Sec. 4.** RCW 43.79A.040 and 2016 c 203 s 2, 2016 c 173 s 10, 2016  
2 c 69 s 21, and 2016 c 39 s 7 are each reenacted and amended to read  
3 as follows:

4       (1) Money in the treasurer's trust fund may be deposited,  
5 invested, and reinvested by the state treasurer in accordance with  
6 RCW 43.84.080 in the same manner and to the same extent as if the  
7 money were in the state treasury, and may be commingled with moneys  
8 in the state treasury for cash management and cash balance purposes.

9       (2) All income received from investment of the treasurer's trust  
10 fund must be set aside in an account in the treasury trust fund to be  
11 known as the investment income account.

12       (3) The investment income account may be utilized for the payment  
13 of purchased banking services on behalf of treasurer's trust funds  
14 including, but not limited to, depository, safekeeping, and  
15 disbursement functions for the state treasurer or affected state  
16 agencies. The investment income account is subject in all respects to  
17 chapter 43.88 RCW, but no appropriation is required for payments to  
18 financial institutions. Payments must occur prior to distribution of  
19 earnings set forth in subsection (4) of this section.

20       (4)(a) Monthly, the state treasurer must distribute the earnings  
21 credited to the investment income account to the state general fund  
22 except under (b), (c), and (d) of this subsection.

23       (b) The following accounts and funds must receive their  
24 proportionate share of earnings based upon each account's or fund's  
25 average daily balance for the period: The 24/7 sobriety account, the  
26 Washington promise scholarship account, the Washington advanced  
27 college tuition payment program account, the Washington college  
28 savings program account, the accessible communities account, the  
29 Washington achieving a better life experience program account, the  
30 community and technical college innovation account, the agricultural  
31 local fund, the American Indian scholarship endowment fund, the  
32 foster care scholarship endowment fund, the foster care endowed  
33 scholarship trust fund, the contract harvesting revolving account,  
34 the Washington state combined fund drive account, the commemorative  
35 works account, the community aviation revitalization revolving loan  
36 account, the county enhanced 911 excise tax account, the toll  
37 collection account, the developmental disabilities endowment trust  
38 fund, the energy account, the fair fund, the family leave insurance  
39 account, the food animal veterinarian conditional scholarship  
40 account, the fruit and vegetable inspection account, the future

1 teachers conditional scholarship account, the game farm alternative  
2 account, the GET ready for math and science scholarship account, the  
3 Washington global health technologies and product development  
4 account, the grain inspection revolving fund, the industrial  
5 insurance rainy day fund, the juvenile accountability incentive  
6 account, the law enforcement officers' and firefighters' plan 2  
7 expense fund, the local tourism promotion account, the multiagency  
8 permitting team account, the pilotage account, the produce railcar  
9 pool account, the regional transportation investment district  
10 account, the rural rehabilitation account, the Washington sexual  
11 assault kit account, the stadium and exhibition center account, the  
12 youth athletic facility account, the self-insurance revolving fund,  
13 the children's trust fund, the Washington horse racing commission  
14 Washington bred owners' bonus fund and breeder awards account, the  
15 Washington horse racing commission class C purse fund account, the  
16 individual development account program account, the Washington horse  
17 racing commission operating account, the life sciences discovery  
18 fund, the Washington state heritage center account, the reduced  
19 cigarette ignition propensity account, the center for childhood  
20 deafness and hearing loss account, the school for the blind account,  
21 the Millersylvania park trust fund, the public employees' and  
22 retirees' insurance reserve fund, and the radiation perpetual  
23 maintenance fund.

24 (c) The following accounts and funds must receive eighty percent  
25 of their proportionate share of earnings based upon each account's or  
26 fund's average daily balance for the period: The advanced right-of-  
27 way revolving fund, the advanced environmental mitigation revolving  
28 account, the federal narcotics asset forfeitures account, the high  
29 occupancy vehicle account, the local rail service assistance account,  
30 and the miscellaneous transportation programs account.

31 (d) Any state agency that has independent authority over accounts  
32 or funds not statutorily required to be held in the custody of the  
33 state treasurer that deposits funds into a fund or account in the  
34 custody of the state treasurer pursuant to an agreement with the  
35 office of the state treasurer shall receive its proportionate share  
36 of earnings based upon each account's or fund's average daily balance  
37 for the period.

38 (5) In conformance with Article II, section 37 of the state  
39 Constitution, no trust accounts or funds shall be allocated earnings  
40 without the specific affirmative directive of this section.

1       **Sec. 5.** RCW 42.56.270 and 2016 sp.s. c 9 s 3, 2016 sp.s. c 8 s  
2 1, and 2016 c 178 s 1 are each reenacted and amended to read as  
3 follows:

4       The following financial, commercial, and proprietary information  
5 is exempt from disclosure under this chapter:

6       (1) Valuable formulae, designs, drawings, computer source code or  
7 object code, and research data obtained by any agency within five  
8 years of the request for disclosure when disclosure would produce  
9 private gain and public loss;

10       (2) Financial information supplied by or on behalf of a person,  
11 firm, or corporation for the purpose of qualifying to submit a bid or  
12 proposal for (a) a ferry system construction or repair contract as  
13 required by RCW 47.60.680 through 47.60.750 or (b) highway  
14 construction or improvement as required by RCW 47.28.070;

15       (3) Financial and commercial information and records supplied by  
16 private persons pertaining to export services provided under chapters  
17 43.163 and 53.31 RCW, and by persons pertaining to export projects  
18 under RCW 43.23.035;

19       (4) Financial and commercial information and records supplied by  
20 businesses or individuals during application for loans or program  
21 services provided by chapters 43.325, 43.163, 43.160, 43.330, and  
22 43.168 RCW, or section 2 of this act, or during application for  
23 economic development loans or program services provided by any local  
24 agency;

25       (5) Financial information, business plans, examination reports,  
26 and any information produced or obtained in evaluating or examining a  
27 business and industrial development corporation organized or seeking  
28 certification under chapter 31.24 RCW;

29       (6) Financial and commercial information supplied to the state  
30 investment board by any person when the information relates to the  
31 investment of public trust or retirement funds and when disclosure  
32 would result in loss to such funds or in private loss to the  
33 providers of this information;

34       (7) Financial and valuable trade information under RCW 51.36.120;

35       (8) Financial, commercial, operations, and technical and research  
36 information and data submitted to or obtained by the clean Washington  
37 center in applications for, or delivery of, program services under  
38 chapter 70.95H RCW;

1 (9) Financial and commercial information requested by the public  
2 stadium authority from any person or organization that leases or uses  
3 the stadium and exhibition center as defined in RCW 36.102.010;

4 (10)(a) Financial information, including but not limited to  
5 account numbers and values, and other identification numbers supplied  
6 by or on behalf of a person, firm, corporation, limited liability  
7 company, partnership, or other entity related to an application for a  
8 horse racing license submitted pursuant to RCW 67.16.260(1)(b),  
9 marijuana producer, processor, or retailer license, liquor license,  
10 gambling license, or lottery retail license;

11 (b) Internal control documents, independent auditors' reports and  
12 financial statements, and supporting documents: (i) Of house-banked  
13 social card game licensees required by the gambling commission  
14 pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted  
15 by tribes with an approved tribal/state compact for class III gaming;

16 (11) Proprietary data, trade secrets, or other information that  
17 relates to: (a) A vendor's unique methods of conducting business; (b)  
18 data unique to the product or services of the vendor; or (c)  
19 determining prices or rates to be charged for services, submitted by  
20 any vendor to the department of social and health services for  
21 purposes of the development, acquisition, or implementation of state  
22 purchased health care as defined in RCW 41.05.011;

23 (12)(a) When supplied to and in the records of the department of  
24 commerce:

25 (i) Financial and proprietary information collected from any  
26 person and provided to the department of commerce pursuant to RCW  
27 43.330.050(8); and

28 (ii) Financial or proprietary information collected from any  
29 person and provided to the department of commerce or the office of  
30 the governor in connection with the siting, recruitment, expansion,  
31 retention, or relocation of that person's business and until a siting  
32 decision is made, identifying information of any person supplying  
33 information under this subsection and the locations being considered  
34 for siting, relocation, or expansion of a business;

35 (b) When developed by the department of commerce based on  
36 information as described in (a)(i) of this subsection, any work  
37 product is not exempt from disclosure;

38 (c) For the purposes of this subsection, "siting decision" means  
39 the decision to acquire or not to acquire a site;

1 (d) If there is no written contact for a period of sixty days to  
2 the department of commerce from a person connected with siting,  
3 recruitment, expansion, retention, or relocation of that person's  
4 business, information described in (a)(ii) of this subsection will be  
5 available to the public under this chapter;

6 (13) Financial and proprietary information submitted to or  
7 obtained by the department of ecology or the authority created under  
8 chapter 70.95N RCW to implement chapter 70.95N RCW;

9 (14) Financial, commercial, operations, and technical and  
10 research information and data submitted to or obtained by the life  
11 sciences discovery fund authority in applications for, or delivery  
12 of, grants under chapter 43.350 RCW, to the extent that such  
13 information, if revealed, would reasonably be expected to result in  
14 private loss to the providers of this information;

15 (15) Financial and commercial information provided as evidence to  
16 the department of licensing as required by RCW 19.112.110 or  
17 19.112.120, except information disclosed in aggregate form that does  
18 not permit the identification of information related to individual  
19 fuel licensees;

20 (16) Any production records, mineral assessments, and trade  
21 secrets submitted by a permit holder, mine operator, or landowner to  
22 the department of natural resources under RCW 78.44.085;

23 (17)(a) Farm plans developed by conservation districts, unless  
24 permission to release the farm plan is granted by the landowner or  
25 operator who requested the plan, or the farm plan is used for the  
26 application or issuance of a permit;

27 (b) Farm plans developed under chapter 90.48 RCW and not under  
28 the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject  
29 to RCW 42.56.610 and 90.64.190;

30 (18) Financial, commercial, operations, and technical and  
31 research information and data submitted to or obtained by a health  
32 sciences and services authority in applications for, or delivery of,  
33 grants under RCW 35.104.010 through 35.104.060, to the extent that  
34 such information, if revealed, would reasonably be expected to result  
35 in private loss to providers of this information;

36 (19) Information gathered under chapter 19.85 RCW or RCW  
37 34.05.328 that can be identified to a particular business;

38 (20) Financial and commercial information submitted to or  
39 obtained by the University of Washington, other than information the  
40 university is required to disclose under RCW 28B.20.150, when the



1 information relates to investments in private funds, to the extent  
2 that such information, if revealed, would reasonably be expected to  
3 result in loss to the University of Washington consolidated endowment  
4 fund or to result in private loss to the providers of this  
5 information;

6 (21) Market share data submitted by a manufacturer under RCW  
7 70.95N.190(4);

8 (22) Financial information supplied to the department of  
9 financial institutions or to a portal under RCW 21.20.883, when filed  
10 by or on behalf of an issuer of securities for the purpose of  
11 obtaining the exemption from state securities registration for small  
12 securities offerings provided under RCW 21.20.880 or when filed by or  
13 on behalf of an investor for the purpose of purchasing such  
14 securities;

15 (23) Unaggregated or individual notices of a transfer of crude  
16 oil that is financial, proprietary, or commercial information,  
17 submitted to the department of ecology pursuant to RCW  
18 90.56.565(1)(a), and that is in the possession of the department of  
19 ecology or any entity with which the department of ecology has shared  
20 the notice pursuant to RCW 90.56.565;

21 (24) Financial institution and retirement account information,  
22 and building security plan information, supplied to the liquor and  
23 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and  
24 69.50.345, when filed by or on behalf of a licensee or prospective  
25 licensee for the purpose of obtaining, maintaining, or renewing a  
26 license to produce, process, transport, or sell marijuana as allowed  
27 under chapter 69.50 RCW; ((and))

28 (25) Marijuana transport information, vehicle and driver  
29 identification data, and account numbers or unique access identifiers  
30 issued to private entities for traceability system access, submitted  
31 by an individual or business to the liquor and cannabis board under  
32 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and  
33 69.50.345 for the purpose of marijuana product traceability.  
34 Disclosure to local, state, and federal officials is not considered  
35 public disclosure for purposes of this section; ((and))

36 (26) Financial and commercial information submitted to or  
37 obtained by the retirement board of any city that is responsible for  
38 the management of an employees' retirement system pursuant to the  
39 authority of chapter 35.39 RCW, when the information relates to  
40 investments in private funds, to the extent that such information, if

1 revealed, would reasonably be expected to result in loss to the  
2 retirement fund or to result in private loss to the providers of this  
3 information except that (a) the names and commitment amounts of the  
4 private funds in which retirement funds are invested and (b) the  
5 aggregate quarterly performance results for a retirement fund's  
6 portfolio of investments in such funds are subject to disclosure; and  
7 (27) Proprietary financial, commercial, operations, and technical  
8 and research information and data submitted to or obtained by the  
9 liquor and cannabis board in applications for marijuana research  
10 licenses under RCW 69.50.372, or in reports submitted by marijuana  
11 research licensees in accordance with rules adopted by the liquor and  
12 cannabis board under RCW 69.50.372.

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