
SUBSTITUTE HOUSE BILL 1179

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Murray, Shabro, Wallace, Woods, Jarrett, Simpson, Springer, Dickerson, Quall, Armstrong, Kenney, Clibborn and McIntire; by request of Department of Transportation)

READ FIRST TIME 02/15/05.

1 AN ACT Relating to high-occupancy toll lanes; amending RCW
2 43.84.092; reenacting and amending RCW 42.17.310, 42.17.310, and
3 43.84.092; adding new sections to chapter 47.56 RCW; adding a new
4 section to chapter 47.66 RCW; creating new sections; prescribing
5 penalties; providing effective dates; providing expiration dates; and
6 declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** LEGISLATIVE INTENT. The legislature
9 recognizes that the Puget Sound region is faced with growing traffic
10 congestion and has limited ability to expand freeway capacity due to
11 financial, environmental, and physical constraints. Freeway high-
12 occupancy vehicle lanes have been an effective means of providing
13 transit, vanpools, and carpools with a fast trip on congested freeway
14 corridors, but in many cases, these lanes are themselves getting
15 crowded during the peak commute times, while some are being underused
16 at off-peak times.

17 It is the intent of the legislature to maximize the effectiveness
18 and efficiency of the freeway system. To evaluate methods to
19 accomplish this, it is beneficial to evaluate alternative approaches to

1 managing the use of freeway high-occupancy vehicle lanes, including
2 pilot projects to determine and demonstrate the effectiveness and
3 benefits of implementing high-occupancy toll lanes. The legislature
4 acknowledges that state route 167 provides an ideal test of the high-
5 occupancy toll lane concept because it is a congested corridor, it has
6 underused capacity in the high-occupancy vehicle lane, and it has
7 adequate right of way for improvements needed to test the concept.
8 Therefore, it is the intent of this act to direct that the department
9 of transportation, as a pilot project, develop and operate a high-
10 occupancy toll lane on state route 167 in King county and to conduct an
11 evaluation of that project to determine impacts on freeway efficiency,
12 effectiveness for transit, feasibility of financing improvements
13 through tolls, and the impacts on freeway users.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.56 RCW
15 to read as follows:

16 DEFINITION OF HIGH-OCCUPANCY TOLL LANES. For the purposes of RCW
17 46.61.165 and sections 3 and 4 of this act, "high-occupancy toll lanes"
18 means one or more lanes of a highway that charges tolls as a means of
19 regulating access to or the use of the facility, to maintain travel
20 speed and reliability. Supporting facilities include, but are not
21 limited to, approaches, enforcement areas, improvements, buildings, and
22 equipment.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.56 RCW
24 to read as follows:

25 AUTHORITY TO DESIGNATE STATE ROUTE 167 HIGH-OCCUPANCY TOLL LANE
26 PILOT PROJECT. (1) The department shall provide for the establishment,
27 construction, and operation of a pilot project of high-occupancy toll
28 lanes on state route 167 high-occupancy vehicle lanes within King
29 county.

30 (2) Tolls for high-occupancy toll lanes will be established as
31 follows:

32 (a) The schedule of toll charges for high-occupancy toll lanes must
33 be established by the transportation commission and collected in a
34 manner determined by the commission.

35 (b) The department shall establish performance standards for the
36 state route 167 high-occupancy toll lane pilot project. The department

1 must automatically adjust the toll charge, using dynamic tolling, to
2 ensure that toll-paying single-occupant vehicle users are only
3 permitted to enter the lane to the extent that average vehicle speeds
4 in the lane remain above forty-five miles per hour at least ninety
5 percent of the time during the peak hour. The toll charge may vary in
6 amount by time of day, level of traffic congestion within the highway
7 facility, vehicle occupancy, or other criteria, as the commission may
8 deem appropriate. The commission may also vary toll charges for
9 single-occupant inherently low-emission vehicles such as those powered
10 by electric batteries, natural gas, propane, or other clean burning
11 fuels.

12 (c) The commission shall periodically review the toll charges to
13 determine if the toll charges are effectively maintaining travel time,
14 speed, and reliability on the highway facilities.

15 (3) The department shall monitor the state route 167 high-occupancy
16 toll lane pilot project and shall annually report to the transportation
17 commission and the legislature on operations and findings. At a
18 minimum, the department shall provide facility use data and review the
19 impacts on:

20 (a) Freeway efficiency and safety;

21 (b) Effectiveness for transit;

22 (c) Person and vehicle movements by mode;

23 (d) Ability to finance improvements and transportation services
24 through tolls; and

25 (e) The impacts on all highway users. The department shall analyze
26 aggregate use data and conduct, as needed, separate surveys to assess
27 usage of the facility in relation to geographic, socioeconomic, and
28 demographic information within the corridor in order to ascertain
29 actual and perceived questions of equitable use of the facility.

30 (4) The department shall modify the pilot project to address
31 identified safety issues and mitigate negative impacts to high-
32 occupancy vehicle lane users.

33 (5) Authorization to impose high-occupancy vehicle tolls for the
34 state route 167 high-occupancy toll pilot project expires if either of
35 the following two conditions apply:

36 (a) If no contracts have been let by the department to begin
37 construction of the toll facilities associated with this pilot project
38 within four years of the effective date of this section; or

1 (b) Four years after toll collection begins under this section.

2 (6) The department of transportation shall adopt rules that allow
3 automatic vehicle identification transponders used for electronic toll
4 collection to be compatible with other electronic payment devices or
5 transponders from the Washington state ferry system, other public
6 transportation systems, or other toll collection systems to the extent
7 that technology permits.

8 (7) The conversion of a single existing high-occupancy vehicle lane
9 to a high-occupancy toll lane as proposed for SR-167 must be taken as
10 the exception for this pilot project.

11 (8) A violation of the lane restrictions applicable to the high-
12 occupancy toll lanes established under this section is a traffic
13 infraction.

14 (9) Procurement activity associated with this pilot project shall
15 be open and competitive in accordance with chapter 39.29 RCW.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.66 RCW
17 to read as follows:

18 The high-occupancy toll lanes operations account is created in the
19 state treasury. The department shall deposit all revenues received by
20 the department as toll charges collected from high-occupancy toll lane
21 users. Moneys in this account may be spent only if appropriated by the
22 legislature. Moneys in this account may be used for, but be not
23 limited to, debt service, planning, administration, construction,
24 maintenance, operation, repair, rebuilding, enforcement, and expansion
25 of high-occupancy toll lanes and to increase transit, vanpool and
26 carpool, and trip reduction services in the corridor. A reasonable
27 proportion of the moneys in this account must be dedicated to increase
28 transit, vanpool, carpool, and trip reduction services in the corridor.

29 **Sec. 5.** RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277 s
30 3, and 2003 c 124 s 1 are each reenacted and amended to read as
31 follows:

32 (1) The following are exempt from public inspection and copying:

33 (a) Personal information in any files maintained for students in
34 public schools, patients or clients of public institutions or public
35 health agencies, or welfare recipients.

1 (b) Personal information in files maintained for employees,
2 appointees, or elected officials of any public agency to the extent
3 that disclosure would violate their right to privacy.

4 (c) Information required of any taxpayer in connection with the
5 assessment or collection of any tax if the disclosure of the
6 information to other persons would (i) be prohibited to such persons by
7 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
8 taxpayer's right to privacy or result in unfair competitive
9 disadvantage to the taxpayer.

10 (d) Specific intelligence information and specific investigative
11 records compiled by investigative, law enforcement, and penology
12 agencies, and state agencies vested with the responsibility to
13 discipline members of any profession, the nondisclosure of which is
14 essential to effective law enforcement or for the protection of any
15 person's right to privacy.

16 (e) Information revealing the identity of persons who are witnesses
17 to or victims of crime or who file complaints with investigative, law
18 enforcement, or penology agencies, other than the public disclosure
19 commission, if disclosure would endanger any person's life, physical
20 safety, or property. If at the time a complaint is filed the
21 complainant, victim or witness indicates a desire for disclosure or
22 nondisclosure, such desire shall govern. However, all complaints filed
23 with the public disclosure commission about any elected official or
24 candidate for public office must be made in writing and signed by the
25 complainant under oath.

26 (f) Test questions, scoring keys, and other examination data used
27 to administer a license, employment, or academic examination.

28 (g) Except as provided by chapter 8.26 RCW, the contents of real
29 estate appraisals, made for or by any agency relative to the
30 acquisition or sale of property, until the project or prospective sale
31 is abandoned or until such time as all of the property has been
32 acquired or the property to which the sale appraisal relates is sold,
33 but in no event shall disclosure be denied for more than three years
34 after the appraisal.

35 (h) Valuable formulae, designs, drawings, computer source code or
36 object code, and research data obtained by any agency within five years
37 of the request for disclosure when disclosure would produce private
38 gain and public loss.

1 (i) Preliminary drafts, notes, recommendations, and intra-agency
2 memorandums in which opinions are expressed or policies formulated or
3 recommended except that a specific record shall not be exempt when
4 publicly cited by an agency in connection with any agency action.

5 (j) Records which are relevant to a controversy to which an agency
6 is a party but which records would not be available to another party
7 under the rules of pretrial discovery for causes pending in the
8 superior courts.

9 (k) Records, maps, or other information identifying the location of
10 archaeological sites in order to avoid the looting or depredation of
11 such sites.

12 (l) Any library record, the primary purpose of which is to maintain
13 control of library materials, or to gain access to information, which
14 discloses or could be used to disclose the identity of a library user.

15 (m) Financial information supplied by or on behalf of a person,
16 firm, or corporation for the purpose of qualifying to submit a bid or
17 proposal for (i) a ferry system construction or repair contract as
18 required by RCW 47.60.680 through 47.60.750 or (ii) highway
19 construction or improvement as required by RCW 47.28.070.

20 (n) Railroad company contracts filed prior to July 28, 1991, with
21 the utilities and transportation commission under RCW 81.34.070, except
22 that the summaries of the contracts are open to public inspection and
23 copying as otherwise provided by this chapter.

24 (o) Financial and commercial information and records supplied by
25 private persons pertaining to export services provided pursuant to
26 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
27 export projects pursuant to RCW 43.23.035.

28 (p) Financial disclosures filed by private vocational schools under
29 chapters 28B.85 and 28C.10 RCW.

30 (q) Records filed with the utilities and transportation commission
31 or attorney general under RCW 80.04.095 that a court has determined are
32 confidential under RCW 80.04.095.

33 (r) Financial and commercial information and records supplied by
34 businesses or individuals during application for loans or program
35 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
36 or during application for economic development loans or program
37 services provided by any local agency.

1 (s) Membership lists or lists of members or owners of interests of
2 units in timeshare projects, subdivisions, camping resorts,
3 condominiums, land developments, or common-interest communities
4 affiliated with such projects, regulated by the department of
5 licensing, in the files or possession of the department.

6 (t) All applications for public employment, including the names of
7 applicants, resumes, and other related materials submitted with respect
8 to an applicant.

9 (u) The residential addresses or residential telephone numbers of
10 employees or volunteers of a public agency which are held by any public
11 agency in personnel records, public employment related records, or
12 volunteer rosters, or are included in any mailing list of employees or
13 volunteers of any public agency.

14 (v) The residential addresses and residential telephone numbers of
15 the customers of a public utility contained in the records or lists
16 held by the public utility of which they are customers, except that
17 this information may be released to the division of child support or
18 the agency or firm providing child support enforcement for another
19 state under Title IV-D of the federal social security act, for the
20 establishment, enforcement, or modification of a support order.

21 (w)(i) The federal social security number of individuals governed
22 under chapter 18.130 RCW maintained in the files of the department of
23 health, except this exemption does not apply to requests made directly
24 to the department from federal, state, and local agencies of
25 government, and national and state licensing, credentialing,
26 investigatory, disciplinary, and examination organizations; (ii) the
27 current residential address and current residential telephone number of
28 a health care provider governed under chapter 18.130 RCW maintained in
29 the files of the department, if the provider requests that this
30 information be withheld from public inspection and copying, and
31 provides to the department an accurate alternate or business address
32 and business telephone number. On or after January 1, 1995, the
33 current residential address and residential telephone number of a
34 health care provider governed under RCW 18.130.040 maintained in the
35 files of the department shall automatically be withheld from public
36 inspection and copying unless the provider specifically requests the
37 information be released, and except as provided for under RCW
38 42.17.260(9).

1 (x) Information obtained by the board of pharmacy as provided in
2 RCW 69.45.090.

3 (y) Information obtained by the board of pharmacy or the department
4 of health and its representatives as provided in RCW 69.41.044,
5 69.41.280, and 18.64.420.

6 (z) Financial information, business plans, examination reports, and
7 any information produced or obtained in evaluating or examining a
8 business and industrial development corporation organized or seeking
9 certification under chapter 31.24 RCW.

10 (aa) Financial and commercial information supplied to the state
11 investment board by any person when the information relates to the
12 investment of public trust or retirement funds and when disclosure
13 would result in loss to such funds or in private loss to the providers
14 of this information.

15 (bb) Financial and valuable trade information under RCW 51.36.120.

16 (cc) Client records maintained by an agency that is a domestic
17 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
18 crisis center as defined in RCW 70.125.030.

19 (dd) Information that identifies a person who, while an agency
20 employee: (i) Seeks advice, under an informal process established by
21 the employing agency, in order to ascertain his or her rights in
22 connection with a possible unfair practice under chapter 49.60 RCW
23 against the person; and (ii) requests his or her identity or any
24 identifying information not be disclosed.

25 (ee) Investigative records compiled by an employing agency
26 conducting a current investigation of a possible unfair practice under
27 chapter 49.60 RCW or of a possible violation of other federal, state,
28 or local laws prohibiting discrimination in employment.

29 (ff) Business related information protected from public inspection
30 and copying under RCW 15.86.110.

31 (gg) Financial, commercial, operations, and technical and research
32 information and data submitted to or obtained by the clean Washington
33 center in applications for, or delivery of, program services under
34 chapter 70.95H RCW.

35 (hh) Information and documents created specifically for, and
36 collected and maintained by a quality improvement committee pursuant to
37 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW

1 4.24.250, regardless of which agency is in possession of the
2 information and documents.

3 (ii) Personal information in files maintained in a data base
4 created under RCW 43.07.360.

5 (jj) Financial and commercial information requested by the public
6 stadium authority from any person or organization that leases or uses
7 the stadium and exhibition center as defined in RCW 36.102.010.

8 (kk) Names of individuals residing in emergency or transitional
9 housing that are furnished to the department of revenue or a county
10 assessor in order to substantiate a claim for property tax exemption
11 under RCW 84.36.043.

12 (ll) The names, residential addresses, residential telephone
13 numbers, and other individually identifiable records held by an agency
14 in relation to a vanpool, carpool, or other ride-sharing program or
15 service. However, these records may be disclosed to other persons who
16 apply for ride-matching services and who need that information in order
17 to identify potential riders or drivers with whom to share rides.

18 (mm) The personally identifying information of current or former
19 participants or applicants in a paratransit or other transit service
20 operated for the benefit of persons with disabilities or elderly
21 persons.

22 (nn) The personally identifying information of persons who acquire
23 and use transit passes and other fare payment media including, but not
24 limited to, stored value smart cards and magnetic strip cards, except
25 that an agency may disclose this information to a person, employer,
26 educational institution, or other entity that is responsible, in whole
27 or in part, for payment of the cost of acquiring or using a transit
28 pass or other fare payment media, or to the news media when reporting
29 on public transportation or public safety. This information may also
30 be disclosed at the agency's discretion to governmental agencies or
31 groups concerned with public transportation or public safety.

32 (oo) Proprietary financial and commercial information that the
33 submitting entity, with review by the department of health,
34 specifically identifies at the time it is submitted and that is
35 provided to or obtained by the department of health in connection with
36 an application for, or the supervision of, an antitrust exemption
37 sought by the submitting entity under RCW 43.72.310. If a request for
38 such information is received, the submitting entity must be notified of

1 the request. Within ten business days of receipt of the notice, the
2 submitting entity shall provide a written statement of the continuing
3 need for confidentiality, which shall be provided to the requester.
4 Upon receipt of such notice, the department of health shall continue to
5 treat information designated under this section as exempt from
6 disclosure. If the requester initiates an action to compel disclosure
7 under this chapter, the submitting entity must be joined as a party to
8 demonstrate the continuing need for confidentiality.

9 (pp) Records maintained by the board of industrial insurance
10 appeals that are related to appeals of crime victims' compensation
11 claims filed with the board under RCW 7.68.110.

12 (qq) Financial and commercial information supplied by or on behalf
13 of a person, firm, corporation, or entity under chapter 28B.95 RCW
14 relating to the purchase or sale of tuition units and contracts for the
15 purchase of multiple tuition units.

16 (rr) Any records of investigative reports prepared by any state,
17 county, municipal, or other law enforcement agency pertaining to sex
18 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
19 defined in RCW 71.09.020, which have been transferred to the Washington
20 association of sheriffs and police chiefs for permanent electronic
21 retention and retrieval pursuant to RCW 40.14.070(2)(b).

22 (ss) Credit card numbers, debit card numbers, electronic check
23 numbers, card expiration dates, or bank or other financial account
24 numbers, except when disclosure is expressly required by or governed by
25 other law.

26 (tt) Financial information, including but not limited to account
27 numbers and values, and other identification numbers supplied by or on
28 behalf of a person, firm, corporation, limited liability company,
29 partnership, or other entity related to an application for a liquor
30 license, gambling license, or lottery retail license.

31 (uu) Records maintained by the employment security department and
32 subject to chapter 50.13 RCW if provided to another individual or
33 organization for operational, research, or evaluation purposes.

34 (vv) Individually identifiable information received by the work
35 force training and education coordinating board for research or
36 evaluation purposes.

37 (ww) Those portions of records assembled, prepared, or maintained
38 to prevent, mitigate, or respond to criminal terrorist acts, which are

1 acts that significantly disrupt the conduct of government or of the
2 general civilian population of the state or the United States and that
3 manifest an extreme indifference to human life, the public disclosure
4 of which would have a substantial likelihood of threatening public
5 safety, consisting of:

6 (i) Specific and unique vulnerability assessments or specific and
7 unique response or deployment plans, including compiled underlying data
8 collected in preparation of or essential to the assessments, or to the
9 response or deployment plans; and

10 (ii) Records not subject to public disclosure under federal law
11 that are shared by federal or international agencies, and information
12 prepared from national security briefings provided to state or local
13 government officials related to domestic preparedness for acts of
14 terrorism.

15 (xx) Commercial fishing catch data from logbooks required to be
16 provided to the department of fish and wildlife under RCW 77.12.047,
17 when the data identifies specific catch location, timing, or
18 methodology and the release of which would result in unfair competitive
19 disadvantage to the commercial fisher providing the catch data.
20 However, this information may be released to government agencies
21 concerned with the management of fish and wildlife resources.

22 (yy) Sensitive wildlife data obtained by the department of fish and
23 wildlife. However, sensitive wildlife data may be released to
24 government agencies concerned with the management of fish and wildlife
25 resources. Sensitive wildlife data includes:

26 (i) The nesting sites or specific locations of endangered species
27 designated under RCW 77.12.020, or threatened or sensitive species
28 classified by rule of the department of fish and wildlife;

29 (ii) Radio frequencies used in, or locational data generated by,
30 telemetry studies; or

31 (iii) Other location data that could compromise the viability of a
32 specific fish or wildlife population, and where at least one of the
33 following criteria are met:

34 (A) The species has a known commercial or black market value;

35 (B) There is a history of malicious take of that species; or

36 (C) There is a known demand to visit, take, or disturb, and the
37 species behavior or ecology renders it especially vulnerable or the
38 species has an extremely limited distribution and concentration.

1 (zz) The personally identifying information of persons who acquire
2 recreational licenses under RCW 77.32.010 or commercial licenses under
3 chapter 77.65 or 77.70 RCW, except name, address of contact used by the
4 department, and type of license, endorsement, or tag. However, the
5 department of fish and wildlife may disclose personally identifying
6 information to:

7 (i) Government agencies concerned with the management of fish and
8 wildlife resources;

9 (ii) The department of social and health services, child support
10 division, and to the department of licensing in order to implement RCW
11 77.32.014 and 46.20.291; and

12 (iii) Law enforcement agencies for the purpose of firearm
13 possession enforcement under RCW 9.41.040.

14 (aaa)(i) Discharge papers of a veteran of the armed forces of the
15 United States filed at the office of the county auditor before July 1,
16 2002, that have not been commingled with other recorded documents.
17 These records will be available only to the veteran, the veteran's next
18 of kin, a deceased veteran's properly appointed personal representative
19 or executor, a person holding that veteran's general power of attorney,
20 or to anyone else designated in writing by that veteran to receive the
21 records.

22 (ii) Discharge papers of a veteran of the armed forces of the
23 United States filed at the office of the county auditor before July 1,
24 2002, that have been commingled with other records, if the veteran has
25 recorded a "request for exemption from public disclosure of discharge
26 papers" with the county auditor. If such a request has been recorded,
27 these records may be released only to the veteran filing the papers,
28 the veteran's next of kin, a deceased veteran's properly appointed
29 personal representative or executor, a person holding the veteran's
30 general power of attorney, or anyone else designated in writing by the
31 veteran to receive the records.

32 (iii) Discharge papers of a veteran filed at the office of the
33 county auditor after June 30, 2002, are not public records, but will be
34 available only to the veteran, the veteran's next of kin, a deceased
35 veteran's properly appointed personal representative or executor, a
36 person holding the veteran's general power of attorney, or anyone else
37 designated in writing by the veteran to receive the records.

1 (iv) For the purposes of this subsection (1)(aaa), next of kin of
2 deceased veterans have the same rights to full access to the record.
3 Next of kin are the veteran's widow or widower who has not remarried,
4 son, daughter, father, mother, brother, and sister.

5 (bbb) Those portions of records containing specific and unique
6 vulnerability assessments or specific and unique emergency and escape
7 response plans at a city, county, or state adult or juvenile
8 correctional facility, the public disclosure of which would have a
9 substantial likelihood of threatening the security of a city, county,
10 or state adult or juvenile correctional facility or any individual's
11 safety.

12 (ccc) Information compiled by school districts or schools in the
13 development of their comprehensive safe school plans pursuant to RCW
14 28A.320.125, to the extent that they identify specific vulnerabilities
15 of school districts and each individual school.

16 (ddd) Information regarding the infrastructure and security of
17 computer and telecommunications networks, consisting of security
18 passwords, security access codes and programs, access codes for secure
19 software applications, security and service recovery plans, security
20 risk assessments, and security test results to the extent that they
21 identify specific system vulnerabilities.

22 (eee) Information obtained and exempted or withheld from public
23 inspection by the health care authority under RCW 41.05.026, whether
24 retained by the authority, transferred to another state purchased
25 health care program by the authority, or transferred by the authority
26 to a technical review committee created to facilitate the development,
27 acquisition, or implementation of state purchased health care under
28 chapter 41.05 RCW.

29 (fff) Proprietary data, trade secrets, or other information that
30 relates to: (i) A vendor's unique methods of conducting business; (ii)
31 data unique to the product or services of the vendor; or (iii)
32 determining prices or rates to be charged for services, submitted by
33 any vendor to the department of social and health services for purposes
34 of the development, acquisition, or implementation of state purchased
35 health care as defined in RCW 41.05.011.

36 (ggg) Proprietary information deemed confidential for the purposes
37 of section 923, chapter 26, Laws of 2003 1st sp. sess.

1 (hhh) The personally identifying information of persons who acquire
2 and use transponders or other technology to facilitate payment of
3 tolls. This information may be disclosed in aggregate form as long as
4 the data does not contain any personally identifying information. For
5 these purposes aggregate data may include the census tract of the
6 account holder as long as any individual personally identifying
7 information is not released. Personally identifying information may be
8 released to law enforcement agencies only for toll enforcement
9 purposes. Personally identifying information may be released to law
10 enforcement agencies for other purposes only if the request is
11 accompanied by a court order.

12 (2) Except for information described in subsection (1)(c)(i) of
13 this section and confidential income data exempted from public
14 inspection pursuant to RCW 84.40.020, the exemptions of this section
15 are inapplicable to the extent that information, the disclosure of
16 which would violate personal privacy or vital governmental interests,
17 can be deleted from the specific records sought. No exemption may be
18 construed to permit the nondisclosure of statistical information not
19 descriptive of any readily identifiable person or persons.

20 (3) Inspection or copying of any specific records exempt under the
21 provisions of this section may be permitted if the superior court in
22 the county in which the record is maintained finds, after a hearing
23 with notice thereof to every person in interest and the agency, that
24 the exemption of such records is clearly unnecessary to protect any
25 individual's right of privacy or any vital governmental function.

26 (4) Agency responses refusing, in whole or in part, inspection of
27 any public record shall include a statement of the specific exemption
28 authorizing the withholding of the record (or part) and a brief
29 explanation of how the exemption applies to the record withheld.

30 **Sec. 6.** RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are
31 each reenacted and amended to read as follows:

32 (1) The following are exempt from public inspection and copying:

33 (a) Personal information in any files maintained for students in
34 public schools, patients or clients of public institutions or public
35 health agencies, or welfare recipients.

36 (b) Personal information in files maintained for employees,

1 appointees, or elected officials of any public agency to the extent
2 that disclosure would violate their right to privacy.

3 (c) Information required of any taxpayer in connection with the
4 assessment or collection of any tax if the disclosure of the
5 information to other persons would (i) be prohibited to such persons by
6 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
7 taxpayer's right to privacy or result in unfair competitive
8 disadvantage to the taxpayer.

9 (d) Specific intelligence information and specific investigative
10 records compiled by investigative, law enforcement, and penology
11 agencies, and state agencies vested with the responsibility to
12 discipline members of any profession, the nondisclosure of which is
13 essential to effective law enforcement or for the protection of any
14 person's right to privacy.

15 (e) Information revealing the identity of persons who are witnesses
16 to or victims of crime or who file complaints with investigative, law
17 enforcement, or penology agencies, other than the public disclosure
18 commission, if disclosure would endanger any person's life, physical
19 safety, or property. If at the time a complaint is filed the
20 complainant, victim or witness indicates a desire for disclosure or
21 nondisclosure, such desire shall govern. However, all complaints filed
22 with the public disclosure commission about any elected official or
23 candidate for public office must be made in writing and signed by the
24 complainant under oath.

25 (f) Test questions, scoring keys, and other examination data used
26 to administer a license, employment, or academic examination.

27 (g) Except as provided by chapter 8.26 RCW, the contents of real
28 estate appraisals, made for or by any agency relative to the
29 acquisition or sale of property, until the project or prospective sale
30 is abandoned or until such time as all of the property has been
31 acquired or the property to which the sale appraisal relates is sold,
32 but in no event shall disclosure be denied for more than three years
33 after the appraisal.

34 (h) Valuable formulae, designs, drawings, computer source code or
35 object code, and research data obtained by any agency within five years
36 of the request for disclosure when disclosure would produce private
37 gain and public loss.

1 (i) Preliminary drafts, notes, recommendations, and intra-agency
2 memorandums in which opinions are expressed or policies formulated or
3 recommended except that a specific record shall not be exempt when
4 publicly cited by an agency in connection with any agency action.

5 (j) Records which are relevant to a controversy to which an agency
6 is a party but which records would not be available to another party
7 under the rules of pretrial discovery for causes pending in the
8 superior courts.

9 (k) Records, maps, or other information identifying the location of
10 archaeological sites in order to avoid the looting or depredation of
11 such sites.

12 (l) Any library record, the primary purpose of which is to maintain
13 control of library materials, or to gain access to information, which
14 discloses or could be used to disclose the identity of a library user.

15 (m) Financial information supplied by or on behalf of a person,
16 firm, or corporation for the purpose of qualifying to submit a bid or
17 proposal for (i) a ferry system construction or repair contract as
18 required by RCW 47.60.680 through 47.60.750 or (ii) highway
19 construction or improvement as required by RCW 47.28.070.

20 (n) Railroad company contracts filed prior to July 28, 1991, with
21 the utilities and transportation commission under RCW 81.34.070, except
22 that the summaries of the contracts are open to public inspection and
23 copying as otherwise provided by this chapter.

24 (o) Financial and commercial information and records supplied by
25 private persons pertaining to export services provided pursuant to
26 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
27 export projects pursuant to RCW 43.23.035.

28 (p) Financial disclosures filed by private vocational schools under
29 chapters 28B.85 and 28C.10 RCW.

30 (q) Records filed with the utilities and transportation commission
31 or attorney general under RCW 80.04.095 that a court has determined are
32 confidential under RCW 80.04.095.

33 (r) Financial and commercial information and records supplied by
34 businesses or individuals during application for loans or program
35 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
36 or during application for economic development loans or program
37 services provided by any local agency.

1 (s) Membership lists or lists of members or owners of interests of
2 units in timeshare projects, subdivisions, camping resorts,
3 condominiums, land developments, or common-interest communities
4 affiliated with such projects, regulated by the department of
5 licensing, in the files or possession of the department.

6 (t) All applications for public employment, including the names of
7 applicants, resumes, and other related materials submitted with respect
8 to an applicant.

9 (u) The residential addresses or residential telephone numbers of
10 employees or volunteers of a public agency which are held by any public
11 agency in personnel records, public employment related records, or
12 volunteer rosters, or are included in any mailing list of employees or
13 volunteers of any public agency.

14 (v) The residential addresses and residential telephone numbers of
15 the customers of a public utility contained in the records or lists
16 held by the public utility of which they are customers, except that
17 this information may be released to the division of child support or
18 the agency or firm providing child support enforcement for another
19 state under Title IV-D of the federal social security act, for the
20 establishment, enforcement, or modification of a support order.

21 (w)(i) The federal social security number of individuals governed
22 under chapter 18.130 RCW maintained in the files of the department of
23 health, except this exemption does not apply to requests made directly
24 to the department from federal, state, and local agencies of
25 government, and national and state licensing, credentialing,
26 investigatory, disciplinary, and examination organizations; (ii) the
27 current residential address and current residential telephone number of
28 a health care provider governed under chapter 18.130 RCW maintained in
29 the files of the department, if the provider requests that this
30 information be withheld from public inspection and copying, and
31 provides to the department an accurate alternate or business address
32 and business telephone number. On or after January 1, 1995, the
33 current residential address and residential telephone number of a
34 health care provider governed under RCW 18.130.040 maintained in the
35 files of the department shall automatically be withheld from public
36 inspection and copying unless the provider specifically requests the
37 information be released, and except as provided for under RCW
38 42.17.260(9).

1 (x) Information obtained by the board of pharmacy as provided in
2 RCW 69.45.090.

3 (y) Information obtained by the board of pharmacy or the department
4 of health and its representatives as provided in RCW 69.41.044,
5 69.41.280, and 18.64.420.

6 (z) Financial information, business plans, examination reports, and
7 any information produced or obtained in evaluating or examining a
8 business and industrial development corporation organized or seeking
9 certification under chapter 31.24 RCW.

10 (aa) Financial and commercial information supplied to the state
11 investment board by any person when the information relates to the
12 investment of public trust or retirement funds and when disclosure
13 would result in loss to such funds or in private loss to the providers
14 of this information.

15 (bb) Financial and valuable trade information under RCW 51.36.120.

16 (cc) Client records maintained by an agency that is a domestic
17 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
18 crisis center as defined in RCW 70.125.030.

19 (dd) Information that identifies a person who, while an agency
20 employee: (i) Seeks advice, under an informal process established by
21 the employing agency, in order to ascertain his or her rights in
22 connection with a possible unfair practice under chapter 49.60 RCW
23 against the person; and (ii) requests his or her identity or any
24 identifying information not be disclosed.

25 (ee) Investigative records compiled by an employing agency
26 conducting a current investigation of a possible unfair practice under
27 chapter 49.60 RCW or of a possible violation of other federal, state,
28 or local laws prohibiting discrimination in employment.

29 (ff) Business related information protected from public inspection
30 and copying under RCW 15.86.110.

31 (gg) Financial, commercial, operations, and technical and research
32 information and data submitted to or obtained by the clean Washington
33 center in applications for, or delivery of, program services under
34 chapter 70.95H RCW.

35 (hh) Information and documents created specifically for, and
36 collected and maintained by a quality improvement committee pursuant to
37 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW

1 4.24.250, regardless of which agency is in possession of the
2 information and documents.

3 (ii) Personal information in files maintained in a data base
4 created under RCW 43.07.360.

5 (jj) Financial and commercial information requested by the public
6 stadium authority from any person or organization that leases or uses
7 the stadium and exhibition center as defined in RCW 36.102.010.

8 (kk) Names of individuals residing in emergency or transitional
9 housing that are furnished to the department of revenue or a county
10 assessor in order to substantiate a claim for property tax exemption
11 under RCW 84.36.043.

12 (ll) The names, residential addresses, residential telephone
13 numbers, and other individually identifiable records held by an agency
14 in relation to a vanpool, carpool, or other ride-sharing program or
15 service. However, these records may be disclosed to other persons who
16 apply for ride-matching services and who need that information in order
17 to identify potential riders or drivers with whom to share rides.

18 (mm) The personally identifying information of current or former
19 participants or applicants in a paratransit or other transit service
20 operated for the benefit of persons with disabilities or elderly
21 persons.

22 (nn) The personally identifying information of persons who acquire
23 and use transit passes and other fare payment media including, but not
24 limited to, stored value smart cards and magnetic strip cards, except
25 that an agency may disclose this information to a person, employer,
26 educational institution, or other entity that is responsible, in whole
27 or in part, for payment of the cost of acquiring or using a transit
28 pass or other fare payment media, or to the news media when reporting
29 on public transportation or public safety. This information may also
30 be disclosed at the agency's discretion to governmental agencies or
31 groups concerned with public transportation or public safety.

32 (oo) Proprietary financial and commercial information that the
33 submitting entity, with review by the department of health,
34 specifically identifies at the time it is submitted and that is
35 provided to or obtained by the department of health in connection with
36 an application for, or the supervision of, an antitrust exemption
37 sought by the submitting entity under RCW 43.72.310. If a request for
38 such information is received, the submitting entity must be notified of

1 the request. Within ten business days of receipt of the notice, the
2 submitting entity shall provide a written statement of the continuing
3 need for confidentiality, which shall be provided to the requester.
4 Upon receipt of such notice, the department of health shall continue to
5 treat information designated under this section as exempt from
6 disclosure. If the requester initiates an action to compel disclosure
7 under this chapter, the submitting entity must be joined as a party to
8 demonstrate the continuing need for confidentiality.

9 (pp) Records maintained by the board of industrial insurance
10 appeals that are related to appeals of crime victims' compensation
11 claims filed with the board under RCW 7.68.110.

12 (qq) Financial and commercial information supplied by or on behalf
13 of a person, firm, corporation, or entity under chapter 28B.95 RCW
14 relating to the purchase or sale of tuition units and contracts for the
15 purchase of multiple tuition units.

16 (rr) Any records of investigative reports prepared by any state,
17 county, municipal, or other law enforcement agency pertaining to sex
18 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
19 defined in RCW 71.09.020, which have been transferred to the Washington
20 association of sheriffs and police chiefs for permanent electronic
21 retention and retrieval pursuant to RCW 40.14.070(2)(b).

22 (ss) Credit card numbers, debit card numbers, electronic check
23 numbers, card expiration dates, or bank or other financial account
24 numbers, except when disclosure is expressly required by or governed by
25 other law.

26 (tt) Financial information, including but not limited to account
27 numbers and values, and other identification numbers supplied by or on
28 behalf of a person, firm, corporation, limited liability company,
29 partnership, or other entity related to an application for a liquor
30 license, gambling license, or lottery retail license.

31 (uu) Records maintained by the employment security department and
32 subject to chapter 50.13 RCW if provided to another individual or
33 organization for operational, research, or evaluation purposes.

34 (vv) Individually identifiable information received by the work
35 force training and education coordinating board for research or
36 evaluation purposes.

37 (ww) Those portions of records assembled, prepared, or maintained
38 to prevent, mitigate, or respond to criminal terrorist acts, which are

1 acts that significantly disrupt the conduct of government or of the
2 general civilian population of the state or the United States and that
3 manifest an extreme indifference to human life, the public disclosure
4 of which would have a substantial likelihood of threatening public
5 safety, consisting of:

6 (i) Specific and unique vulnerability assessments or specific and
7 unique response or deployment plans, including compiled underlying data
8 collected in preparation of or essential to the assessments, or to the
9 response or deployment plans; and

10 (ii) Records not subject to public disclosure under federal law
11 that are shared by federal or international agencies, and information
12 prepared from national security briefings provided to state or local
13 government officials related to domestic preparedness for acts of
14 terrorism.

15 (xx) Commercial fishing catch data from logbooks required to be
16 provided to the department of fish and wildlife under RCW 77.12.047,
17 when the data identifies specific catch location, timing, or
18 methodology and the release of which would result in unfair competitive
19 disadvantage to the commercial fisher providing the catch data.
20 However, this information may be released to government agencies
21 concerned with the management of fish and wildlife resources.

22 (yy) Sensitive wildlife data obtained by the department of fish and
23 wildlife. However, sensitive wildlife data may be released to
24 government agencies concerned with the management of fish and wildlife
25 resources. Sensitive wildlife data includes:

26 (i) The nesting sites or specific locations of endangered species
27 designated under RCW 77.12.020, or threatened or sensitive species
28 classified by rule of the department of fish and wildlife;

29 (ii) Radio frequencies used in, or locational data generated by,
30 telemetry studies; or

31 (iii) Other location data that could compromise the viability of a
32 specific fish or wildlife population, and where at least one of the
33 following criteria are met:

34 (A) The species has a known commercial or black market value;

35 (B) There is a history of malicious take of that species; or

36 (C) There is a known demand to visit, take, or disturb, and the
37 species behavior or ecology renders it especially vulnerable or the
38 species has an extremely limited distribution and concentration.

1 (zz) The personally identifying information of persons who acquire
2 recreational licenses under RCW 77.32.010 or commercial licenses under
3 chapter 77.65 or 77.70 RCW, except name, address of contact used by the
4 department, and type of license, endorsement, or tag. However, the
5 department of fish and wildlife may disclose personally identifying
6 information to:

7 (i) Government agencies concerned with the management of fish and
8 wildlife resources;

9 (ii) The department of social and health services, child support
10 division, and to the department of licensing in order to implement RCW
11 77.32.014 and 46.20.291; and

12 (iii) Law enforcement agencies for the purpose of firearm
13 possession enforcement under RCW 9.41.040.

14 (aaa)(i) Discharge papers of a veteran of the armed forces of the
15 United States filed at the office of the county auditor before July 1,
16 2002, that have not been commingled with other recorded documents.
17 These records will be available only to the veteran, the veteran's next
18 of kin, a deceased veteran's properly appointed personal representative
19 or executor, a person holding that veteran's general power of attorney,
20 or to anyone else designated in writing by that veteran to receive the
21 records.

22 (ii) Discharge papers of a veteran of the armed forces of the
23 United States filed at the office of the county auditor before July 1,
24 2002, that have been commingled with other records, if the veteran has
25 recorded a "request for exemption from public disclosure of discharge
26 papers" with the county auditor. If such a request has been recorded,
27 these records may be released only to the veteran filing the papers,
28 the veteran's next of kin, a deceased veteran's properly appointed
29 personal representative or executor, a person holding the veteran's
30 general power of attorney, or anyone else designated in writing by the
31 veteran to receive the records.

32 (iii) Discharge papers of a veteran filed at the office of the
33 county auditor after June 30, 2002, are not public records, but will be
34 available only to the veteran, the veteran's next of kin, a deceased
35 veteran's properly appointed personal representative or executor, a
36 person holding the veteran's general power of attorney, or anyone else
37 designated in writing by the veteran to receive the records.

1 (iv) For the purposes of this subsection (1)(aaa), next of kin of
2 deceased veterans have the same rights to full access to the record.
3 Next of kin are the veteran's widow or widower who has not remarried,
4 son, daughter, father, mother, brother, and sister.

5 (bbb) Those portions of records containing specific and unique
6 vulnerability assessments or specific and unique emergency and escape
7 response plans at a city, county, or state adult or juvenile
8 correctional facility, the public disclosure of which would have a
9 substantial likelihood of threatening the security of a city, county,
10 or state adult or juvenile correctional facility or any individual's
11 safety.

12 (ccc) Information compiled by school districts or schools in the
13 development of their comprehensive safe school plans pursuant to RCW
14 28A.320.125, to the extent that they identify specific vulnerabilities
15 of school districts and each individual school.

16 (ddd) Information regarding the infrastructure and security of
17 computer and telecommunications networks, consisting of security
18 passwords, security access codes and programs, access codes for secure
19 software applications, security and service recovery plans, security
20 risk assessments, and security test results to the extent that they
21 identify specific system vulnerabilities.

22 (eee) Information obtained and exempted or withheld from public
23 inspection by the health care authority under RCW 41.05.026, whether
24 retained by the authority, transferred to another state purchased
25 health care program by the authority, or transferred by the authority
26 to a technical review committee created to facilitate the development,
27 acquisition, or implementation of state purchased health care under
28 chapter 41.05 RCW.

29 (fff) Proprietary data, trade secrets, or other information that
30 relates to: (i) A vendor's unique methods of conducting business; (ii)
31 data unique to the product or services of the vendor; or (iii)
32 determining prices or rates to be charged for services, submitted by
33 any vendor to the department of social and health services for purposes
34 of the development, acquisition, or implementation of state purchased
35 health care as defined in RCW 41.05.011.

36 (ggg) The personally identifying information of persons who acquire
37 and use transponders or other technology to facilitate payment of
38 tolls. This information may be disclosed in aggregate form as long as

1 the data does not contain any personally identifying information. For
2 these purposes aggregate data may include the census tract of the
3 account holder as long as any individual personally identifying
4 information is not released. Personally identifying information may be
5 released to law enforcement agencies only for toll enforcement
6 purposes. Personally identifying information may be released to law
7 enforcement agencies for other purposes only if the request is
8 accompanied by a court order.

9 (2) Except for information described in subsection (1)(c)(i) of
10 this section and confidential income data exempted from public
11 inspection pursuant to RCW 84.40.020, the exemptions of this section
12 are inapplicable to the extent that information, the disclosure of
13 which would violate personal privacy or vital governmental interests,
14 can be deleted from the specific records sought. No exemption may be
15 construed to permit the nondisclosure of statistical information not
16 descriptive of any readily identifiable person or persons.

17 (3) Inspection or copying of any specific records exempt under the
18 provisions of this section may be permitted if the superior court in
19 the county in which the record is maintained finds, after a hearing
20 with notice thereof to every person in interest and the agency, that
21 the exemption of such records is clearly unnecessary to protect any
22 individual's right of privacy or any vital governmental function.

23 (4) Agency responses refusing, in whole or in part, inspection of
24 any public record shall include a statement of the specific exemption
25 authorizing the withholding of the record (or part) and a brief
26 explanation of how the exemption applies to the record withheld.

27 **Sec. 7.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003
28 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as
29 follows:

30 (1) All earnings of investments of surplus balances in the state
31 treasury shall be deposited to the treasury income account, which
32 account is hereby established in the state treasury.

33 (2) The treasury income account shall be utilized to pay or receive
34 funds associated with federal programs as required by the federal cash
35 management improvement act of 1990. The treasury income account is
36 subject in all respects to chapter 43.88 RCW, but no appropriation is
37 required for refunds or allocations of interest earnings required by

1 the cash management improvement act. Refunds of interest to the
2 federal treasury required under the cash management improvement act
3 fall under RCW 43.88.180 and shall not require appropriation. The
4 office of financial management shall determine the amounts due to or
5 from the federal government pursuant to the cash management improvement
6 act. The office of financial management may direct transfers of funds
7 between accounts as deemed necessary to implement the provisions of the
8 cash management improvement act, and this subsection. Refunds or
9 allocations shall occur prior to the distributions of earnings set
10 forth in subsection (4) of this section.

11 (3) Except for the provisions of RCW 43.84.160, the treasury income
12 account may be utilized for the payment of purchased banking services
13 on behalf of treasury funds including, but not limited to, depository,
14 safekeeping, and disbursement functions for the state treasury and
15 affected state agencies. The treasury income account is subject in all
16 respects to chapter 43.88 RCW, but no appropriation is required for
17 payments to financial institutions. Payments shall occur prior to
18 distribution of earnings set forth in subsection (4) of this section.

19 (4) Monthly, the state treasurer shall distribute the earnings
20 credited to the treasury income account. The state treasurer shall
21 credit the general fund with all the earnings credited to the treasury
22 income account except:

23 (a) The following accounts and funds shall receive their
24 proportionate share of earnings based upon each account's and fund's
25 average daily balance for the period: The capitol building
26 construction account, the Cedar River channel construction and
27 operation account, the Central Washington University capital projects
28 account, the charitable, educational, penal and reformatory
29 institutions account, the common school construction fund, the county
30 criminal justice assistance account, the county sales and use tax
31 equalization account, the data processing building construction
32 account, the deferred compensation administrative account, the deferred
33 compensation principal account, the department of retirement systems
34 expense account, the drinking water assistance account, the drinking
35 water assistance administrative account, the drinking water assistance
36 repayment account, the Eastern Washington University capital projects
37 account, the education construction fund, the election account, the
38 emergency reserve fund, The Evergreen State College capital projects

1 account, the federal forest revolving account, the health services
2 account, the public health services account, the health system capacity
3 account, the personal health services account, the state higher
4 education construction account, the higher education construction
5 account, the highway infrastructure account, the high-occupancy toll
6 lanes operations account, the industrial insurance premium refund
7 account, the judges' retirement account, the judicial retirement
8 administrative account, the judicial retirement principal account, the
9 local leasehold excise tax account, the local real estate excise tax
10 account, the local sales and use tax account, the medical aid account,
11 the mobile home park relocation fund, the multimodal transportation
12 account, the municipal criminal justice assistance account, the
13 municipal sales and use tax equalization account, the natural resources
14 deposit account, the oyster reserve land account, the perpetual
15 surveillance and maintenance account, the public employees' retirement
16 system plan 1 account, the public employees' retirement system combined
17 plan 2 and plan 3 account, the public facilities construction loan
18 revolving account beginning July 1, 2004, the public health
19 supplemental account, the public works assistance account, the Puyallup
20 tribal settlement account, the regional transportation investment
21 district account, the resource management cost account, the site
22 closure account, the special wildlife account, the state employees'
23 insurance account, the state employees' insurance reserve account, the
24 state investment board expense account, the state investment board
25 commingled trust fund accounts, the supplemental pension account, the
26 Tacoma Narrows toll bridge account, the teachers' retirement system
27 plan 1 account, the teachers' retirement system combined plan 2 and
28 plan 3 account, the tobacco prevention and control account, the tobacco
29 settlement account, the transportation infrastructure account, the
30 tuition recovery trust fund, the University of Washington bond
31 retirement fund, the University of Washington building account, the
32 volunteer fire fighters' and reserve officers' relief and pension
33 principal fund, the volunteer fire fighters' and reserve officers'
34 administrative fund, the Washington fruit express account, the
35 Washington judicial retirement system account, the Washington law
36 enforcement officers' and fire fighters' system plan 1 retirement
37 account, the Washington law enforcement officers' and fire fighters'
38 system plan 2 retirement account, the Washington school employees'

1 retirement system combined plan 2 and 3 account, the Washington state
2 health insurance pool account, the Washington state patrol retirement
3 account, the Washington State University building account, the
4 Washington State University bond retirement fund, the water pollution
5 control revolving fund, and the Western Washington University capital
6 projects account. Earnings derived from investing balances of the
7 agricultural permanent fund, the normal school permanent fund, the
8 permanent common school fund, the scientific permanent fund, and the
9 state university permanent fund shall be allocated to their respective
10 beneficiary accounts. All earnings to be distributed under this
11 subsection (4)(a) shall first be reduced by the allocation to the state
12 treasurer's service fund pursuant to RCW 43.08.190.

13 (b) The following accounts and funds shall receive eighty percent
14 of their proportionate share of earnings based upon each account's or
15 fund's average daily balance for the period: The aeronautics account,
16 the aircraft search and rescue account, the county arterial
17 preservation account, the department of licensing services account, the
18 essential rail assistance account, the ferry bond retirement fund, the
19 grade crossing protective fund, the high capacity transportation
20 account, the highway bond retirement fund, the highway safety account,
21 the motor vehicle fund, the motorcycle safety education account, the
22 pilotage account, the public transportation systems account, the Puget
23 Sound capital construction account, the Puget Sound ferry operations
24 account, the recreational vehicle account, the rural arterial trust
25 account, the safety and education account, the special category C
26 account, the state patrol highway account, the transportation 2003
27 account (nickel account), the transportation equipment fund, the
28 transportation fund, the transportation improvement account, the
29 transportation improvement board bond retirement account, and the urban
30 arterial trust account.

31 (5) In conformance with Article II, section 37 of the state
32 Constitution, no treasury accounts or funds shall be allocated earnings
33 without the specific affirmative directive of this section.

34 **Sec. 8.** RCW 43.84.092 and 2004 c 242 s 60 are each amended to read
35 as follows:

36 (1) All earnings of investments of surplus balances in the state

1 treasury shall be deposited to the treasury income account, which
2 account is hereby established in the state treasury.

3 (2) The treasury income account shall be utilized to pay or receive
4 funds associated with federal programs as required by the federal cash
5 management improvement act of 1990. The treasury income account is
6 subject in all respects to chapter 43.88 RCW, but no appropriation is
7 required for refunds or allocations of interest earnings required by
8 the cash management improvement act. Refunds of interest to the
9 federal treasury required under the cash management improvement act
10 fall under RCW 43.88.180 and shall not require appropriation. The
11 office of financial management shall determine the amounts due to or
12 from the federal government pursuant to the cash management improvement
13 act. The office of financial management may direct transfers of funds
14 between accounts as deemed necessary to implement the provisions of the
15 cash management improvement act, and this subsection. Refunds or
16 allocations shall occur prior to the distributions of earnings set
17 forth in subsection (4) of this section.

18 (3) Except for the provisions of RCW 43.84.160, the treasury income
19 account may be utilized for the payment of purchased banking services
20 on behalf of treasury funds including, but not limited to, depository,
21 safekeeping, and disbursement functions for the state treasury and
22 affected state agencies. The treasury income account is subject in all
23 respects to chapter 43.88 RCW, but no appropriation is required for
24 payments to financial institutions. Payments shall occur prior to
25 distribution of earnings set forth in subsection (4) of this section.

26 (4) Monthly, the state treasurer shall distribute the earnings
27 credited to the treasury income account. The state treasurer shall
28 credit the general fund with all the earnings credited to the treasury
29 income account except:

30 (a) The following accounts and funds shall receive their
31 proportionate share of earnings based upon each account's and fund's
32 average daily balance for the period: The capitol building
33 construction account, the Cedar River channel construction and
34 operation account, the Central Washington University capital projects
35 account, the charitable, educational, penal and reformatory
36 institutions account, the common school construction fund, the county
37 criminal justice assistance account, the county sales and use tax
38 equalization account, the data processing building construction

1 account, the deferred compensation administrative account, the deferred
2 compensation principal account, the department of retirement systems
3 expense account, the drinking water assistance account, the drinking
4 water assistance administrative account, the drinking water assistance
5 repayment account, the Eastern Washington University capital projects
6 account, the education construction fund, the election account, the
7 emergency reserve fund, The Evergreen State College capital projects
8 account, the federal forest revolving account, the health services
9 account, the public health services account, the health system capacity
10 account, the personal health services account, the state higher
11 education construction account, the higher education construction
12 account, the highway infrastructure account, the high-occupancy toll
13 lanes operations account, the industrial insurance premium refund
14 account, the judges' retirement account, the judicial retirement
15 administrative account, the judicial retirement principal account, the
16 local leasehold excise tax account, the local real estate excise tax
17 account, the local sales and use tax account, the medical aid account,
18 the mobile home park relocation fund, the multimodal transportation
19 account, the municipal criminal justice assistance account, the
20 municipal sales and use tax equalization account, the natural resources
21 deposit account, the oyster reserve land account, the perpetual
22 surveillance and maintenance account, the public employees' retirement
23 system plan 1 account, the public employees' retirement system combined
24 plan 2 and plan 3 account, the public facilities construction loan
25 revolving account beginning July 1, 2004, the public health
26 supplemental account, the public works assistance account, the Puyallup
27 tribal settlement account, the regional transportation investment
28 district account, the resource management cost account, the site
29 closure account, the special wildlife account, the state employees'
30 insurance account, the state employees' insurance reserve account, the
31 state investment board expense account, the state investment board
32 commingled trust fund accounts, the supplemental pension account, the
33 Tacoma Narrows toll bridge account, the teachers' retirement system
34 plan 1 account, the teachers' retirement system combined plan 2 and
35 plan 3 account, the tobacco prevention and control account, the tobacco
36 settlement account, the transportation infrastructure account, the
37 tuition recovery trust fund, the University of Washington bond
38 retirement fund, the University of Washington building account, the

1 volunteer fire fighters' and reserve officers' relief and pension
2 principal fund, the volunteer fire fighters' and reserve officers'
3 administrative fund, the Washington fruit express account, the
4 Washington judicial retirement system account, the Washington law
5 enforcement officers' and fire fighters' system plan 1 retirement
6 account, the Washington law enforcement officers' and fire fighters'
7 system plan 2 retirement account, the Washington public safety
8 employees' plan 2 retirement account, the Washington school employees'
9 retirement system combined plan 2 and 3 account, the Washington state
10 health insurance pool account, the Washington state patrol retirement
11 account, the Washington State University building account, the
12 Washington State University bond retirement fund, the water pollution
13 control revolving fund, and the Western Washington University capital
14 projects account. Earnings derived from investing balances of the
15 agricultural permanent fund, the normal school permanent fund, the
16 permanent common school fund, the scientific permanent fund, and the
17 state university permanent fund shall be allocated to their respective
18 beneficiary accounts. All earnings to be distributed under this
19 subsection (4)(a) shall first be reduced by the allocation to the state
20 treasurer's service fund pursuant to RCW 43.08.190.

21 (b) The following accounts and funds shall receive eighty percent
22 of their proportionate share of earnings based upon each account's or
23 fund's average daily balance for the period: The aeronautics account,
24 the aircraft search and rescue account, the county arterial
25 preservation account, the department of licensing services account, the
26 essential rail assistance account, the ferry bond retirement fund, the
27 grade crossing protective fund, the high capacity transportation
28 account, the highway bond retirement fund, the highway safety account,
29 the motor vehicle fund, the motorcycle safety education account, the
30 pilotage account, the public transportation systems account, the Puget
31 Sound capital construction account, the Puget Sound ferry operations
32 account, the recreational vehicle account, the rural arterial trust
33 account, the safety and education account, the special category C
34 account, the state patrol highway account, the transportation 2003
35 account (nickel account), the transportation equipment fund, the
36 transportation fund, the transportation improvement account, the
37 transportation improvement board bond retirement account, and the urban
38 arterial trust account.

1 (5) In conformance with Article II, section 37 of the state
2 Constitution, no treasury accounts or funds shall be allocated earnings
3 without the specific affirmative directive of this section.

4 NEW SECTION. **Sec. 9.** Captions used in this act are not any part
5 of the law.

6 NEW SECTION. **Sec. 10.** (1) Section 5 of this act expires June 30,
7 2005.

8 (2) Section 7 of this act expires July 1, 2006.

9 NEW SECTION. **Sec. 11.** (1) Section 6 of this act is necessary for
10 the immediate preservation of the public peace, health, or safety, or
11 support of the state government and its existing public institutions,
12 and takes effect June 30, 2005.

13 (2) Section 8 of this act takes effect July 1, 2006.

14 NEW SECTION. **Sec. 12.** Section 5 of this act is necessary for the
15 immediate preservation of the public peace, health, or safety, or
16 support of the state government and its existing public institutions,
17 and takes effect immediately.

18 NEW SECTION. **Sec. 13.** If specific funding for the purposes of
19 this act, referencing this act by bill or chapter number, is not
20 provided by June 30, 2005, in the transportation appropriations act,
21 this act is null and void.

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