

2SSB 5367 - S AMD 384
By Senator Hasegawa

NOT ADOPTED 06/28/2013

1 On page 31, after line 36, insert the following:

2 "NEW SECTION. **Sec. 17.** FINDINGS--INTENT. (1) The legislature
3 finds that there are significant public infrastructure needs of the
4 state that are unmet, and that the level of unmet need has been
5 exacerbated by the economic downturn. The legislature further finds
6 that there are opportunities to use the state's depository assets to
7 generate additional benefit for the people and the economy of the
8 state. Therefore, the legislature intends to create the Washington
9 investment trust as a legacy institution that amasses sufficient
10 capital reserves to address opportunities now and in the future.

11 (2) The legislature intends that the investment trust may:

12 (a) Facilitate investment in, and financing of, public
13 infrastructure systems that will increase public health, safety, and
14 quality of life, improve environmental conditions, and promote
15 community vitality and economic growth; and

16 (b) Leverage Washington's financial capital and resources, and work
17 in partnership with financial institutions, community-based
18 organizations, economic development organizations, guaranty agencies,
19 and other stakeholder groups.

20 (3) The mission of the trust is to use Washington's depository
21 assets in ways that afford most efficient use of taxpayer revenues and
22 public resources for the benefit of the people and economy of the
23 state. The legislature intends for the trust to apply business
24 strategies to manage taxpayer revenues while concurrently meeting
25 identified needs and strategic opportunities across the state. In
26 achieving its purpose of improving public infrastructure, the
27 legislature intends for the trust to adhere to the following
28 priorities:

29 (a) Institutional safety and soundness;

30 (b) Long-term viability;

- 1 (c) Social return and monetary return on investments;
- 2 (d) Prudent and best banking and business practices;
- 3 (e) Highest ethical, accountability, and transparency standards;
- 4 and
- 5 (f) Insulation from political influence.

6 NEW SECTION. **Sec. 18.** DEFINITIONS. The definitions in this
7 section apply throughout this chapter unless the context clearly
8 requires otherwise.

9 (1) "Board" means the advisory board of the Washington investment
10 trust.

11 (2) "Commission" means the Washington investment trust commission.

12 (3) "Department" means the department of financial institutions.

13 (4) "Director" means the director of the department of financial
14 institutions.

15 (5) "Public infrastructure system" means a system of a local
16 government or political subdivision, a special purpose district, a
17 public school district, an institution of higher education as defined
18 in RCW 28B.10.016, a federally recognized Indian tribe, or the state,
19 including but not limited to a system involving: Wastewater treatment;
20 storm water management; solid waste disposal; drinking water treatment;
21 flood control levees; energy efficiency enhancements; roads, streets,
22 and bridges; transportation infrastructure, including freight rail and
23 transit; broadband and telecommunications infrastructure; outdoor
24 recreation and habitat protection facilities; community, social
25 service, or public safety facilities; schools and educational
26 facilities; and affordable housing as defined in RCW 43.63A.510.

27 (6) "State moneys" has the same meaning as in RCW 43.85.200.

28 (7) "Treasurer" means the treasurer of the state of Washington.

29 (8) "Trust" means the Washington investment trust.

30 NEW SECTION. **Sec. 19.** CREATION. The Washington investment trust
31 is created.

32 NEW SECTION. **Sec. 20.** COMMISSION. (1) The Washington investment
33 trust commission is created as the primary governing authority of the
34 trust. The commission shall consist of the governor, the lieutenant

1 governor, the secretary of state, the attorney general, the state
2 treasurer, the superintendent of public instruction, and the
3 commissioner of public lands.

4 (2) The commission may adopt rules regarding the:

5 (a) Safety and soundness standards of the trust;

6 (b) Transparency requirements for trust operations;

7 (c) Ethics and conflict of interest requirements for the
8 commission, the board, and officers and employees of the trust,
9 including rules to ensure that they perform their functions in
10 compliance with chapter 42.52 RCW; and

11 (d) Other topics as needed for efficient administration of the
12 trust.

13 (3) The commission shall commence trust operations by July 1, 2014.

14 (4) The commission may delegate to the trust president such duties
15 and powers as deemed necessary to carry on the business of the trust
16 and enforce this chapter efficiently and effectively. The commission
17 may not delegate its rule-making or policy-making authority.

18 (5) The commission may adopt policies and procedures for its own
19 governance.

20 (6) The commission may establish technical advisory committees or
21 consult with public and private sector experts in substantive areas
22 related to the trust's mission, objectives, and duties.

23 NEW SECTION. **Sec. 21.** TRANSITION BOARD. (1)(a) The trust
24 transition board is established, with members as provided in this
25 subsection.

26 (i) The president of the senate shall appoint one member from each
27 of the two largest caucuses of the senate.

28 (ii) The speaker of the house of representatives shall appoint one
29 member from each of the two largest caucuses of the house of
30 representatives.

31 (iii) The president of the senate and the speaker of the house of
32 representatives jointly shall appoint seven citizen members with a
33 background in financial issues.

34 (b) The president of the senate and the speaker of the house of
35 representatives jointly shall select the chair from among the citizen
36 membership. The chair shall convene the initial meeting of the trust

1 transition board within forty-five days after the effective date of
2 this section.

3 (2) The trust transition board shall develop and recommend the
4 following to the commission within the timeline established by the
5 commission:

6 (a) A start-up business plan for the trust that includes plans and
7 timelines for functions that are new and functions transitioning to the
8 trust that were previously performed by another entity;

9 (b) Initial capital requirements of the trust;

10 (c) Options for capitalizing the trust including but not limited
11 to: Federal transportation funds, Taft-Hartley trust funds, revenue
12 bond proceeds, state reserves, and other core capital reserves not
13 needed for liquidity; and

14 (d) Other items requested by the commission in order to commence
15 trust operations by July 1, 2014.

16 (3) Legislative members of the trust transition board must be
17 reimbursed for travel expenses in accordance with RCW 44.04.120.
18 Nonlegislative members, except those representing an employer or
19 organization, are entitled to be reimbursed for expenses incurred in
20 the discharge of their duties under chapter 43.--- RCW (the new chapter
21 created in section 42 of this act) in accordance with RCW 43.03.050 and
22 43.03.060.

23 (4) The trust transition board may appoint an interim president and
24 other necessary staff who are exempt from the provisions of chapter
25 41.06 RCW, and who serve at the board's pleasure on such terms and
26 conditions as the board determines but subject to chapter 42.52 RCW.
27 The department must provide technical assistance to the trust
28 transition board. The board may also contract with additional persons
29 who have specific technical expertise if the expertise is necessary to
30 carry out the requirements of this section.

31 (5) This section expires July 1, 2014.

32 NEW SECTION. **Sec. 22.** DEPOSIT OF PUBLIC FUNDS. (1)(a) The trust
33 may serve as the depository for state moneys and federal transportation
34 funds once the trust has built sufficient capacity to accept and manage
35 state moneys and federal transportation funds, as determined by the
36 commission. The commission shall establish a process and time frame
37 for the deposit of state moneys and federal transportation funds into

1 the trust. In determining whether the trust has built sufficient
2 capacity, the commission shall consider the minimum leverage capital
3 requirements specified in 12 C.F.R. Sec. 325.3 (2012).

4 (b) The treasurer and local government agencies shall deposit state
5 moneys and federal transportation funds in the trust in accordance with
6 the time frame and guidelines determined by the commission under this
7 subsection.

8 (2) All deposits in the trust are guaranteed by the state rather
9 than insured by the federal deposit insurance corporation.

10 (3) All income earned by the trust on state moneys or federal
11 transportation funds that are deposited in or invested with the trust
12 constitute income of the trust and must be credited to the trust except
13 as otherwise required by law.

14 (4) The trust may accept deposits of public funds, but is exempt
15 from the requirements of chapter 39.58 RCW.

16 (5) The trust may accept funds from any public source, including
17 federal funds or other public funds.

18 (6) The commission shall review state accounts that contain public
19 funds that are not state moneys, and make recommendations to the
20 governor and the appropriate committees of the legislature as to which
21 accounts should be deposited in the trust.

22 (7)(a) Administrative and strategic planning expenses of the trust
23 are funded from the earnings of the trust, subject to legislative
24 authorization, and from any other appropriations provided by the
25 legislature.

26 (b) The commission shall establish a separate administrative
27 account within the trust from which its administrative and strategic
28 planning costs must be funded. In each biennial operating budget, the
29 legislature shall authorize the commission to incur a maximum
30 expenditure from the administrative account.

31 (c) In an amount not to exceed the authorized expenditures, the
32 commission shall proportionally allocate interest earnings from
33 accounts and moneys under its management and shall transfer this amount
34 to the administrative fund. This transfer shall precede the
35 distribution of remaining earnings under applicable statutes.

36 (d) The trust shall deposit in the general fund any interest
37 earnings that exceed the total of those necessary to make required

1 distributions and those necessary for the continued sound operation of
2 the trust as determined by the commission.

3 NEW SECTION. **Sec. 23.** INVESTMENT OF STATE MONEYS. The commission
4 and the state treasurer shall jointly determine the amount of funds
5 necessary to meet the operational needs of state government. The state
6 treasurer retains authority to manage and invest the amount of funds
7 necessary to meet the operational needs of state government. The trust
8 may invest state moneys deposited in the trust that are not reasonably
9 expected to be necessary to meet the short or intermediate-term
10 liquidity needs of the state.

11 NEW SECTION. **Sec. 24.** FEDERAL RESERVE SYSTEM MEMBERSHIP. The
12 trust may become a member of the federal reserve system.

13 NEW SECTION. **Sec. 25.** INFRASTRUCTURE FUNDING. The trust is
14 authorized to manage and invest state moneys in order to facilitate
15 investment in, and financing of, construction, rehabilitation,
16 replacement, and improvement of new and existing public infrastructure
17 systems. By November 1, 2013, the commission must present an
18 implementation plan and any necessary legislation to the governor and
19 appropriate legislative committees, that:

20 (1) Identifies any existing accounts in the state treasury
21 associated with state infrastructure programs that the trust recommends
22 be transferred under its umbrella, and the steps and timelines for the
23 transitions;

24 (2) Identifies additional infrastructure funding that the trust
25 recommends be sought and secured under its umbrella, and the steps and
26 timelines required; and

27 (3) Demonstrates how the trust plans to maximize revenues and
28 public benefit.

29 NEW SECTION. **Sec. 26.** LEGISLATIVE AND STATE AGENCIES AUTHORITIES.
30 Nothing in this chapter affects:

31 (1) The ability of the legislature to appropriate from public
32 accounts managed by the trust, including the ability to place any
33 conditions or limitations on those appropriations; or

1 (2) After the legislature appropriates moneys from public accounts
2 managed by the trust, the use of those moneys by the state agencies
3 receiving the appropriations.

4 NEW SECTION. **Sec. 27.** MANAGEMENT. (1) The commission shall
5 appoint a trust president. The president is exempt from the provisions
6 of chapter 41.06 RCW. The president shall serve at the commission's
7 pleasure, on such terms and conditions as the commission determines,
8 but subject to chapter 42.52 RCW.

9 (2) The president shall provide support to the commission and the
10 advisory board, carry out trust policies and programs, and exercise
11 additional authority as may be delegated by the commission.

12 (3) Subject to available funding and consistent with commission
13 direction, the trust president:

14 (a) May employ such additional personnel as are necessary to the
15 bank's operations. This employment shall be in accordance with the
16 state civil service law, chapter 41.06 RCW; and

17 (b) May contract with persons who have the technical expertise
18 needed to carry out a specific, time-limited project.

19 NEW SECTION. **Sec. 28.** ADVISORY BOARD. (1)(a) An investment trust
20 advisory board consisting of eleven members is created to review the
21 trust's operations and make recommendations relating to the trust's
22 management, services, policies, and procedures.

23 (b) The governor shall appoint members of the advisory board,
24 subject to confirmation by the senate. The members of the advisory
25 board must represent a diversity of experience relevant to activities
26 of the trust. Six or more of the members must have expertise in
27 finance. Advisory board members serve at the pleasure of the governor.

28 (c) The board shall choose its chair from among its membership.

29 (2) The term of the members is three years. Five of the initial
30 board members must be appointed to serve an initial term of three
31 years, three must be appointed to serve an initial term of two years,
32 and the three remaining members must be appointed to serve an initial
33 term of one year. All subsequent terms are three years. To ensure
34 that the board can continue to act, a member whose term expires shall
35 continue to serve until his or her replacement is appointed. In the
36 case of any vacancy on the board for any reason, the governor shall

1 appoint a new member to serve out the term of the person whose position
2 has become vacant. A board member may be removed for cause by the
3 governor.

4 (3) Members of the advisory board are entitled to reimbursement for
5 expenses incurred in the discharge of their duties under this chapter,
6 as provided in RCW 43.03.050 and 43.03.060.

7 NEW SECTION. **Sec. 29.** FINANCIAL OVERSIGHT AND AUDIT. (1) The
8 trust must maintain capital adequacy and other standard indicators of
9 safety and soundness as are appropriate for a publicly owned financial
10 institution.

11 (2) The director shall examine the trust, taking into consideration
12 the unique circumstances of a publicly owned financial institution.
13 The trust shall pay the director for the reasonable costs of
14 examinations.

15 (3) The state auditor shall conduct an annual post-audit on all
16 accounts and financial transactions of the trust.

17 NEW SECTION. **Sec. 30.** REPORTING REQUIREMENTS. (1) The trust
18 shall submit quarterly reports to the commission in a manner and form
19 prescribed by the commission.

20 (2) The commission shall make a report to the legislature on the
21 affairs of the trust by December 1st of each year.

22 NEW SECTION. **Sec. 31.** ETHICAL REQUIREMENTS. The trust may not
23 make a loan to any advisory board member, the president, or employees
24 of the trust. Advisory board members, the president, and employees of
25 the trust must follow applicable ethical requirements in chapter 42.52
26 RCW and in rules, policies, and procedures adopted by the commission.

27 NEW SECTION. **Sec. 32.** FEES AND TAXES. The trust is exempt from
28 payment of all fees and taxes levied by the state or any of its
29 subdivisions.

30 NEW SECTION. **Sec. 33.** TRUST RECORDS. (1) Under RCW 42.56.270 and
31 42.56.400, certain trust business records and records of the department
32 relating to the trust are exempt from public disclosure.

1 (2) Financial and commercial information and records submitted to
2 either the department or the commission for the purpose of
3 administering this chapter may be shared between the department and the
4 treasurer. These records may also be used in any suit or
5 administrative hearing involving any provision of this chapter.

6 (3) This section does not prohibit:

7 (a) The issuance of general statements based on the reports of
8 persons subject to this chapter as long as the statements do not
9 identify the information furnished by any person; or

10 (b) The publication by the director or the commission of the name
11 of any person violating this chapter and a statement of the manner of
12 the violation of that person.

13 NEW SECTION. **Sec. 34.** CAPITALIZATION. The commission must make
14 recommendations to the appropriate fiscal committees of the legislature
15 on options for capitalization of the trust. Any recommendations must
16 include draft legislation for consideration by the legislature.

17 NEW SECTION. **Sec. 35.** A new section is added to chapter 39.58 RCW
18 to read as follows:

19 The Washington investment trust created in section 19 of this act
20 may accept deposits of public funds, but is not a public depository and
21 is not subject to the requirements of this chapter.

22 NEW SECTION. **Sec. 36.** A new section is added to chapter 41.06 RCW
23 to read as follows:

24 In addition to the exemptions under RCW 41.06.070, the provisions
25 of this chapter do not apply to the president of the Washington
26 investment trust in section 27 of this act.

27 **Sec. 37.** RCW 30.04.020 and 2010 c 88 s 4 are each amended to read
28 as follows:

29 (1) The name of every bank shall contain the word "bank" and the
30 name of every trust company shall contain the word "trust," or the word
31 "bank." Except as provided in RCW 33.08.030 or as otherwise authorized
32 by this section or approved by the director, only a national bank,
33 federal savings bank, a bank or trust company authorized by this title,
34 savings bank under Title 32 RCW, bank holding company or financial

1 holding company, a holding company authorized by this title or Title 32
2 RCW, or a foreign or alien corporation or other legal person authorized
3 by this title to do so, shall:

4 (a) Use as a part of his (~~(for her)~~) or her or its name or other
5 business designation, as a prominent syllable within a word comprising
6 all or a portion of its name or other business designation, or in any
7 manner as if connected with his (~~(for her)~~) or her or its business or
8 place of business any of the following words or the plural thereof, to
9 wit: "bank," "banking," "banker," "bancorporation," "bancorp," or
10 "trust," or any foreign language designations thereof, including, by
11 way of example, "banco" or "banque."

12 (b) Use any sign, logo, or marketing message, in any media, or use
13 any letterhead, billhead, note, receipt, certificate, blank, form, or
14 any written, printed, electronic or internet-based instrument or
15 material representation whatsoever, directly or indirectly indicating
16 that the business of such person is that of a bank or trust company.

17 (2) A foreign corporation or other foreign domiciled legal person,
18 whose name contains the words "bank," "banker," "banking,"
19 "bancorporation," "bancorp," or "trust," or the foreign language
20 equivalent thereof, or whose articles of incorporation empower it to
21 engage in banking or to engage in a trust business, may not engage in
22 banking or in a trust business in this state unless the corporation or
23 other legal person (a) is expressly authorized to do so under this
24 title, under federal law, or by the director, and (b) complies with all
25 applicable requirements of Washington state law regarding foreign
26 corporations and other foreign legal persons. If an activity would not
27 constitute "transacting business" within the meaning of RCW
28 23B.15.010(1) or chapter 23B.18 RCW, then the activity shall not
29 constitute banking or engaging in a trust business. Nothing in this
30 subsection shall prevent operations by an alien bank in compliance with
31 chapter 30.42 RCW.

32 (3) This section shall not prevent a lender approved by the United
33 States secretary of housing and urban development for participation in
34 any mortgage insurance program under the National Housing Act from
35 using the words "mortgage banker" or "mortgage banking" in the conduct
36 of its business, but only if both words are used together in either of
37 the forms which appear in quotations in this sentence.

1 (4) This section does not prevent the Washington investment trust
2 created in section 19 of this act from being called a trust or from
3 providing banking services without being called a bank.

4 (5) Any individual or legal person, or director, officer(~~(+)~~), or
5 manager of such legal person, who knowingly violates any provision of
6 this section shall be guilty of a gross misdemeanor.

7 **Sec. 38.** RCW 42.56.270 and 2011 1st sp.s. c 14 s 15 are each
8 amended to read as follows:

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

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

15 (2) 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 (a) a ferry system construction or repair contract as
18 required by RCW 47.60.680 through 47.60.750 or (b) highway construction
19 or improvement as required by RCW 47.28.070;

20 (3) Financial and commercial information and records supplied by
21 private persons pertaining to export services provided under chapters
22 43.163 and 53.31 RCW, and by persons pertaining to export projects
23 under RCW 43.23.035;

24 (4) Financial and commercial information and records supplied by
25 businesses or individuals during application for loans or program
26 services provided by chapters 43.325, 43.163, 43.160, 43.330, 43.---
27 (the new chapter created in section 42 of this act), and 43.168 RCW, or
28 during application for economic development loans or program services
29 provided by any local agency;

30 (5) Financial information, business plans, examination reports, and
31 any information produced or obtained in evaluating or examining a
32 business and industrial development corporation organized or seeking
33 certification under chapter 31.24 RCW;

34 (6) Financial and commercial information supplied to the state
35 investment board by any person when the information relates to the
36 investment of public trust or retirement funds and when disclosure

1 would result in loss to such funds or in private loss to the providers
2 of this information;

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

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

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

11 (10)(a) Financial information, including but not limited to account
12 numbers and values, and other identification numbers supplied by or on
13 behalf of a person, firm, corporation, limited liability company,
14 partnership, or other entity related to an application for a horse
15 racing license submitted pursuant to RCW 67.16.260(1)(b), liquor
16 license, gambling license, or lottery retail license;

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

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

29 (12)(a) When supplied to and in the records of the department of
30 commerce:

31 (i) Financial and proprietary information collected from any person
32 and provided to the department of commerce pursuant to RCW
33 43.330.050(8); and

34 (ii) Financial or proprietary information collected from any person
35 and provided to the department of commerce or the office of the
36 governor in connection with the siting, recruitment, expansion,
37 retention, or relocation of that person's business and until a siting

1 decision is made, identifying information of any person supplying
2 information under this subsection and the locations being considered
3 for siting, relocation, or expansion of a business;

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

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

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

14 (13) Financial and proprietary information submitted to or obtained
15 by the department of ecology or the authority created under chapter
16 70.95N RCW to implement chapter 70.95N RCW;

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

23 (15) Financial and commercial information provided as evidence to
24 the department of licensing as required by RCW 19.112.110 or
25 19.112.120, except information disclosed in aggregate form that does
26 not permit the identification of information related to individual fuel
27 licensees;

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

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

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

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

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

9 (20) Financial and commercial information submitted to or obtained
10 by the University of Washington, other than information the university
11 is required to disclose under RCW 28B.20.150, when the information
12 relates to investments in private funds, to the extent that such
13 information, if revealed, would reasonably be expected to result in
14 loss to the University of Washington consolidated endowment fund or to
15 result in private loss to the providers of this information; and

16 (21) Financial, commercial, operations, and technical and research
17 information and data submitted to or obtained by innovate Washington in
18 applications for, or delivery of, grants and loans under chapter 43.333
19 RCW, to the extent that such information, if revealed, would reasonably
20 be expected to result in private loss to the providers of this
21 information.

22 **Sec. 39.** RCW 42.56.400 and 2013 c 277 s 5 and 2013 c 65 s 5 are
23 each reenacted and amended to read as follows:

24 The following information relating to insurance and financial
25 institutions is exempt from disclosure under this chapter:

26 (1) Records maintained by the board of industrial insurance appeals
27 that are related to appeals of crime victims' compensation claims filed
28 with the board under RCW 7.68.110;

29 (2) Information obtained and exempted or withheld from public
30 inspection by the health care authority under RCW 41.05.026, whether
31 retained by the authority, transferred to another state purchased
32 health care program by the authority, or transferred by the authority
33 to a technical review committee created to facilitate the development,
34 acquisition, or implementation of state purchased health care under
35 chapter 41.05 RCW;

36 (3) The names and individual identification data of either all

1 owners or all insureds, or both, received by the insurance commissioner
2 under chapter 48.102 RCW;

3 (4) Information provided under RCW 48.30A.045 through 48.30A.060;

4 (5) Information provided under RCW 48.05.510 through 48.05.535,
5 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600
6 through 48.46.625;

7 (6) Examination reports and information obtained by the department
8 of financial institutions from banks under RCW 30.04.075, from savings
9 banks under RCW 32.04.220, from savings and loan associations under RCW
10 33.04.110, from credit unions under RCW 31.12.565, from the Washington
11 investment trust under chapter 43.--- RCW (the new chapter created in
12 section 42 of this act), from check cashers and sellers under RCW
13 31.45.030(3), and from securities brokers and investment advisers under
14 RCW 21.20.100, all of which is confidential and privileged information;

15 (7) Information provided to the insurance commissioner under RCW
16 48.110.040(3);

17 (8) Documents, materials, or information obtained by the insurance
18 commissioner under RCW 48.02.065, all of which are confidential and
19 privileged;

20 (9) Confidential proprietary and trade secret information provided
21 to the commissioner under RCW 48.31C.020 through 48.31C.050 and
22 48.31C.070;

23 (10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and
24 7.70.140 that, alone or in combination with any other data, may reveal
25 the identity of a claimant, health care provider, health care facility,
26 insuring entity, or self-insurer involved in a particular claim or a
27 collection of claims. For the purposes of this subsection:

28 (a) "Claimant" has the same meaning as in RCW 48.140.010(2).

29 (b) "Health care facility" has the same meaning as in RCW
30 48.140.010(6).

31 (c) "Health care provider" has the same meaning as in RCW
32 48.140.010(7).

33 (d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

34 (e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

35 (11) Documents, materials, or information obtained by the insurance
36 commissioner under RCW 48.135.060;

37 (12) Documents, materials, or information obtained by the insurance
38 commissioner under RCW 48.37.060;

1 (13) Confidential and privileged documents obtained or produced by
2 the insurance commissioner and identified in RCW 48.37.080;

3 (14) Documents, materials, or information obtained by the insurance
4 commissioner under RCW 48.37.140;

5 (15) Documents, materials, or information obtained by the insurance
6 commissioner under RCW 48.17.595;

7 (16) Documents, materials, or information obtained by the insurance
8 commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

9 (17) Documents, materials, or information obtained by the insurance
10 commissioner in the commissioner's capacity as receiver under RCW
11 48.31.025 and 48.99.017, which are records under the jurisdiction and
12 control of the receivership court. The commissioner is not required to
13 search for, log, produce, or otherwise comply with the public records
14 act for any records that the commissioner obtains under chapters 48.31
15 and 48.99 RCW in the commissioner's capacity as a receiver, except as
16 directed by the receivership court;

17 (18) Documents, materials, or information obtained by the insurance
18 commissioner under RCW 48.13.151;

19 (19) Data, information, and documents provided by a carrier
20 pursuant to section 1, chapter 172, Laws of 2010;

21 (20) Information in a filing of usage-based insurance about the
22 usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

23 (21) Data, information, and documents, other than those described
24 in RCW 48.02.210(2), that are submitted to the office of the insurance
25 commissioner by an entity providing health care coverage pursuant to
26 RCW 28A.400.275 and 48.02.210;

27 (22) Data, information, and documents obtained by the insurance
28 commissioner under RCW 48.29. . . (section 1, chapter 65, Laws of
29 2013); and

30 (23) Information not subject to public inspection or public
31 disclosure under RCW 48.43. . . (5) (section 1, chapter 277, Laws of
32 2013).

33 **Sec. 40.** RCW 43.08.135 and 2009 c 549 s 5044 are each amended to
34 read as follows:

35 The state treasurer shall maintain at all times cash, or demand
36 deposits in the Washington investment trust created in section 19 of
37 this act or qualified public depositaries in an amount needed to meet

1 the operational needs of state government: PROVIDED, That the state
2 treasurer shall not be considered in violation of RCW 9A.56.060(1) if
3 he or she maintains demand accounts in public depositories in an amount
4 less than all treasury warrants issued and outstanding.

5 **Sec. 41.** RCW 43.84.080 and 1982 c 148 s 1 are each amended to read
6 as follows:

7 Subject to the limitations in section 23 of this act, wherever
8 there is in any fund or in cash balances in the state treasury more
9 than sufficient to meet the current expenditures properly payable
10 therefrom, the state treasurer may invest or reinvest such portion of
11 such funds or balances as the state treasurer deems expedient in the
12 following defined securities or classes of investments:

13 (1) Certificates, notes, or bonds of the United States, or other
14 obligations of the United States or its agencies, or of any corporation
15 wholly owned by the government of the United States;

16 (2) In state, county, municipal, or school district bonds, or in
17 warrants of taxing districts of the state. Such bonds and warrants
18 shall be only those found to be within the limit of indebtedness
19 prescribed by law for the taxing district issuing them and to be
20 general obligations. The state treasurer may purchase such bonds or
21 warrants directly from the taxing district or in the open market at
22 such prices and upon such terms as it may determine, and may sell them
23 at such times as it deems advisable;

24 (3) In motor vehicle fund warrants when authorized by agreement
25 between the state treasurer and the department of transportation
26 requiring repayment of invested funds from any moneys in the motor
27 vehicle fund available for state highway construction;

28 (4) In federal home loan bank notes and bonds, federal land bank
29 bonds and federal national mortgage association notes, debentures and
30 guaranteed certificates of participation, or the obligations of any
31 other government sponsored corporation whose obligations are or may
32 become eligible as collateral for advances to member banks as
33 determined by the board of governors of the federal reserve system;

34 (5) Bankers' acceptances purchased on the secondary market;

35 (6) Negotiable certificates of deposit of any national or state
36 commercial or mutual savings bank or savings and loan association doing

1 business in the United States: PROVIDED, That the treasurer shall
2 adhere to the investment policies and procedures adopted by the state
3 investment board;

4 (7) Commercial paper: PROVIDED, That the treasurer shall adhere to
5 the investment policies and procedures adopted by the state investment
6 board.

7 NEW SECTION. **Sec. 42.** Sections 17 through 20 and 22 through 34 of
8 this act constitute a new chapter in Title 43 RCW.

9 NEW SECTION. **Sec. 43.** Except for section 16 of this act, this act
10 is necessary for the immediate preservation of the public peace,
11 health, or safety, or support of the state government and its existing
12 public institutions, and takes effect immediately, except for section
13 39 of this act, which takes effect July 28, 2013.

14 NEW SECTION. **Sec. 44.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected."

18 Renumber the remaining sections consecutively and correct any
19 internal references accordingly.

2SSB 5367 - S AMD
By Senator Hasegawa

NOT ADOPTED 06/28/2013

20 On page 1, line 4 of the title, after "function;" strike the
21 remainder of the title and insert "amending RCW 90.38.005, 90.38.010,
22 90.38.900, 90.38.902, 84.33.140, 30.04.020, 42.56.270, 43.08.135, and
23 43.84.080; reenacting and amending RCW 43.84.092, 43.84.092, and
24 42.56.400; adding new sections to chapter 90.38 RCW; adding a new
25 section to chapter 79.155 RCW; adding a new section to chapter 39.58
26 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to

1 Title 43 RCW; creating a new section; providing an effective date;
2 providing a contingent effective date; providing expiration dates;
3 providing a contingent expiration date; and declaring an emergency."

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