
SENATE BILL 6319

State of Washington

55th Legislature

1998 Regular Session

By Senators West, Wood, Kohl, McAuliffe and B. Sheldon; by request of Committee on Advanced College Tuition Payment and Higher Education Coordinating Board

Read first time 01/15/98. Referred to Committee on Higher Education.

1 AN ACT Relating to the advanced college tuition payment program;
2 amending RCW 39.42.060; reenacting and amending RCW 42.17.310; adding
3 new sections to chapter 28B.95 RCW; and declaring an emergency.

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

5 **Sec. 1.** RCW 42.17.310 and 1997 c 310 s 2, 1997 c 274 s 8, 1997 c
6 250 s 7, 1997 c 239 s 4, 1997 c 220 s 120 (Referendum Bill No. 48), and
7 1997 c 58 s 900 are each reenacted and amended to read as follows:

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

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

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

15 (c) Information required of any taxpayer in connection with the
16 assessment or collection of any tax if the disclosure of the
17 information to other persons would (i) be prohibited to such persons by
18 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the

1 taxpayer's right to privacy or result in unfair competitive
2 disadvantage to the taxpayer.

3 (d) Specific intelligence information and specific investigative
4 records compiled by investigative, law enforcement, and penology
5 agencies, and state agencies vested with the responsibility to
6 discipline members of any profession, the nondisclosure of which is
7 essential to effective law enforcement or for the protection of any
8 person's right to privacy.

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

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

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

28 (h) Valuable formulae, designs, drawings, and research data
29 obtained by any agency within five years of the request for disclosure
30 when disclosure would produce private gain and public loss.

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

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

1 (k) Records, maps, or other information identifying the location of
2 archaeological sites in order to avoid the looting or depredation of
3 such sites.

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

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

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

16 (o) Financial and commercial information and records supplied by
17 private persons pertaining to export services provided pursuant to
18 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
19 export projects pursuant to RCW 43.23.035.

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

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

25 (r) Financial and commercial information and records supplied by
26 businesses or individuals during application for loans or program
27 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
28 or during application for economic development loans or program
29 services provided by any local agency.

30 (s) Membership lists or lists of members or owners of interests of
31 units in timeshare projects, subdivisions, camping resorts,
32 condominiums, land developments, or common-interest communities
33 affiliated with such projects, regulated by the department of
34 licensing, in the files or possession of the department.

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

38 (u) The residential addresses and residential telephone numbers of
39 employees or volunteers of a public agency which are held by the agency

1 in personnel records, employment or volunteer rosters, or mailing lists
2 of employees or volunteers.

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

10 (w)(i) The federal social security number of individuals governed
11 under chapter 18.130 RCW maintained in the files of the department of
12 health, except this exemption does not apply to requests made directly
13 to the department from federal, state, and local agencies of
14 government, and national and state licensing, credentialing,
15 investigatory, disciplinary, and examination organizations; (ii) the
16 current residential address and current residential telephone number of
17 a health care provider governed under chapter 18.130 RCW maintained in
18 the files of the department, if the provider requests that this
19 information be withheld from public inspection and copying, and
20 provides to the department an accurate alternate or business address
21 and business telephone number. On or after January 1, 1995, the
22 current residential address and residential telephone number of a
23 health care provider governed under RCW 18.130.140 maintained in the
24 files of the department shall automatically be withheld from public
25 inspection and copying unless the provider specifically requests the
26 information be released, and except as provided for under RCW
27 42.17.260(9).

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

30 (y) Information obtained by the board of pharmacy or the department
31 of health and its representatives as provided in RCW 69.41.044,
32 69.41.280, and 18.64.420.

33 (z) Financial information, business plans, examination reports, and
34 any information produced or obtained in evaluating or examining a
35 business and industrial development corporation organized or seeking
36 certification under chapter 31.24 RCW.

37 (aa) Financial and commercial information supplied to the state
38 investment board by any person when the information relates to the
39 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 (bb) Financial and valuable trade information under RCW 51.36.120.

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

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

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

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

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

23 (hh) Information and documents created specifically for, and
24 collected and maintained by a quality improvement committee pursuant to
25 RCW 43.70.510, regardless of which agency is in possession of the
26 information and documents.

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

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

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

36 (ll) The names, residential addresses, residential telephone
37 numbers, and other individually identifiable records held by an agency
38 in relation to a vanpool, carpool, or other ride-sharing program or
39 service. However, these records may be disclosed to other persons who

1 apply for ride-matching services and who need that information in order
2 to identify potential riders or drivers with whom to share rides.

3 (mm) Proprietary financial and commercial information that the
4 submitting entity, with review by the department of health,
5 specifically identifies at the time it is submitted and that is
6 provided to or obtained by the department of health in connection with
7 an application for, or the supervision of, an antitrust exemption
8 sought by the submitting entity under RCW 43.72.310. If a request for
9 such information is received, the submitting entity must be notified of
10 the request. Within ten business days of receipt of the notice, the
11 submitting entity shall provide a written statement of the continuing
12 need for confidentiality, which shall be provided to the requester.
13 Upon receipt of such notice, the department of health shall continue to
14 treat information designated under this section as exempt from
15 disclosure. If the requester initiates an action to compel disclosure
16 under this chapter, the submitting entity must be joined as a party to
17 demonstrate the continuing need for confidentiality.

18 (nn) Records maintained by the board of industrial insurance
19 appeals that are related to appeals of crime victims' compensation
20 claims filed with the board under RCW 7.68.110.

21 (oo) Financial and commercial information supplied by or on behalf
22 of a person, firm, corporation, or entity under chapter 28B.95 RCW
23 relating to the purchase or sale of tuition units and contracts for the
24 purchase of multiple tuition units.

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

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

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

5 **Sec. 2.** RCW 39.42.060 and 1997 c 220 s 220 (Referendum Bill No. 48
6 are each amended to read as follows:

7 No bonds, notes, or other evidences of indebtedness for borrowed
8 money shall be issued by the state which will cause the aggregate debt
9 contracted by the state to exceed that amount for which payments of
10 principal and interest in any fiscal year would require the state to
11 expend more than seven percent of the arithmetic mean of its general
12 state revenues, as defined in section 1(c) of Article VIII of the
13 Washington state Constitution for the three immediately preceding
14 fiscal years as certified by the treasurer in accordance with RCW
15 39.42.070. It shall be the duty of the state finance committee to
16 compute annually the amount required to pay principal of and interest
17 on outstanding debt. In making such computation, the state finance
18 committee shall include all borrowed money represented by bonds, notes,
19 or other evidences of indebtedness which are secured by the full faith
20 and credit of the state or are required to be paid, directly or
21 indirectly, from general state revenues and which are incurred by the
22 state, any department, authority, public corporation or quasi public
23 corporation of the state, any state university or college, or any other
24 public agency created by the state but not by counties, cities, towns,
25 school districts, or other municipal corporations, and shall include
26 debt incurred pursuant to section 3 of Article VIII of the Washington
27 state Constitution, but shall exclude the following:

28 (1) Obligations for the payment of current expenses of state
29 government;

30 (2) Indebtedness incurred pursuant to RCW 39.42.080 or 39.42.090;

31 (3) Principal of and interest on bond anticipation notes;

32 (4) Any indebtedness which has been refunded;

33 (5) Financing contracts entered into under chapter 39.94 RCW;

34 (6) Indebtedness authorized or incurred before July 1, 1993,
35 pursuant to statute which requires that the state treasury be
36 reimbursed, in the amount of the principal of and the interest on such
37 indebtedness, from money other than general state revenues or from the
38 special excise tax imposed pursuant to chapter 67.40 RCW;

1 (7) Indebtedness authorized and incurred after July 1, 1993,
2 pursuant to statute that requires that the state treasury be
3 reimbursed, in the amount of the principal of and the interest on such
4 indebtedness, from (a) moneys outside the state treasury, except higher
5 education operating fees, (b) higher education building fees, (c)
6 indirect costs recovered from federal grants and contracts, and (d)
7 fees and charges associated with hospitals operated or managed by
8 institutions of higher education;

9 (8) Any notes issued by the state finance committee for funding the
10 operating costs of the Washington advanced college tuition payment
11 program for the 1997-1999 fiscal biennium;

12 (9) Any agreement, promissory note, or other instrument entered
13 into by the state finance committee under RCW 39.42.030 in connection
14 with its acquisition of bond insurance, letters of credit, or other
15 credit support instruments for the purpose of guaranteeing the payment
16 or enhancing the marketability, or both, of any state bonds, notes, or
17 other evidence of indebtedness; and

18 ((+9)) (10) Indebtedness incurred for the purposes identified in
19 RCW 43.99N.020.

20 To the extent necessary because of the constitutional or statutory
21 debt limitation, priorities with respect to the issuance or
22 guaranteeing of bonds, notes, or other evidences of indebtedness by the
23 state shall be determined by the state finance committee.

24 NEW SECTION. Sec. 3. The committee shall maintain appropriate
25 offices and employ such personnel as may be necessary to perform its
26 duties including, but not be limited to a director, an accountant, and
27 a confidential secretary. The positions are exempt from classified
28 service under chapter 41.06 RCW. The employees shall be employees of
29 the higher education coordinating board.

30 NEW SECTION. Sec. 4. No member of the committee is liable for the
31 negligence, default, or failure of any other person or members of the
32 committee to perform the duties of office and no member may be
33 considered or held to be an insurer of the funds or assets of any of
34 the advanced college tuition payment program.

35 NEW SECTION. Sec. 5. For the purposes of funding the operating
36 expenses for the 1997-1999 biennium of the Washington advanced college

1 tuition payment program under this chapter, the state finance committee
2 is authorized to issue general obligation notes, including refunding
3 notes, of the state of Washington in the sum of two million dollars, or
4 as much thereof as may be required. Notes authorized in this section
5 may be sold at such price as the state finance committee shall
6 determine.

7 NEW SECTION. **Sec. 6.** The proceeds from the sale of the notes
8 authorized in section 5 of this act shall be deposited in the
9 Washington advanced college tuition payment program account under RCW
10 28B.95.060. The proceeds shall be used exclusively for the purposes
11 specified in section 5 of this act and for the payment of expenses
12 incurred in the issuance and sale of the notes issued for the purposes
13 of section 5 of this act.

14 NEW SECTION. **Sec. 7.** The state general obligation bond retirement
15 fund shall be used for the payment of the principal of and interest on
16 the notes authorized in section 5 of this act. However the Washington
17 advanced college tuition payment program account shall reimburse the
18 state general obligation bond retirement fund for all such payments.

19 NEW SECTION. **Sec. 8.** The maximum term to maturity of notes issued
20 pursuant to section 5 of this act shall not exceed three years.

21 NEW SECTION. **Sec. 9.** The legislature may provide additional means
22 for raising moneys for payment of the principal of and interest on the
23 notes authorized in section 5 of this act, and section 7 of this act
24 shall not be deemed to provide an exclusive method for the payment.

25 NEW SECTION. **Sec. 10.** The notes authorized under section 5 of
26 this act shall be a legal investment for all state funds or funds under
27 state control and for all funds of any other public body.

28 NEW SECTION. **Sec. 11.** Sections 3 through 10 of this act are each
29 added to chapter 28B.95 RCW.

30 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

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