

SHB 2808 - H AMD 992

By Representative Murray

ADOPTED 02/16/2004

1 Strike everything after the enacting clause and insert the
2 following:

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

12 It is the intent of the legislature to maximize the effectiveness
13 and efficiency of the freeway system. To evaluate methods to
14 accomplish this, it is beneficial to evaluate alternative approaches to
15 managing the use of freeway high-occupancy vehicle lanes, including
16 pilot projects to determine and demonstrate the effectiveness and
17 benefits of implementing high-occupancy toll lanes. The legislature
18 acknowledges that state route 167 provides an ideal test of the high-
19 occupancy toll lane concept because it is a congested corridor, it has
20 underused capacity in the high-occupancy vehicle lane, and it has
21 adequate right of way for improvements needed to test the concept.
22 Therefore, it is the intent of this act to direct that the department
23 of transportation, as a pilot project, develop and operate a high-
24 occupancy toll lane on state route 167 in King county and to conduct an
25 evaluation of that project to determine impacts on freeway efficiency,
26 effectiveness for transit, feasibility of financing improvements
27 through tolls, and the impacts on freeway users.

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

1 DEFINITION OF HIGH-OCCUPANCY TOLL LANES. For the purposes of RCW
2 46.61.165 and sections 3 and 4 of this act, "high-occupancy toll lanes"
3 means one or more lanes of a highway that charges tolls as a means of
4 regulating access to or the use of the facility, to maintain travel
5 speed and reliability. Supporting facilities include, but are not
6 limited to, approaches, enforcement areas, improvements, buildings, and
7 equipment.

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

10 AUTHORITY TO DESIGNATE STATE ROUTE 167 HIGH-OCCUPANCY TOLL LANE
11 PILOT PROJECT. (1) The department shall provide for the establishment,
12 construction, and operation of a pilot project of high-occupancy toll
13 lanes on state route 167 high-occupancy vehicle lanes within King
14 county. The department may issue, buy, and redeem bonds, and deposit
15 and expend them; secure and remit financial and other assistance in the
16 construction of high-occupancy toll lanes, carry insurance, and handle
17 any other matters pertaining to the high-occupancy toll lane pilot
18 project.

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

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

24 (b) The department shall establish performance standards for the
25 state route 167 high-occupancy toll lane pilot project. The department
26 must automatically adjust the toll charge, using dynamic tolling, to
27 ensure that toll-paying single-occupant vehicle users are only
28 permitted to enter the lane to the extent that average vehicle speeds
29 in the lane remain above forty-five miles per hour at least ninety
30 percent of the time during the peak hour. The toll charge may vary in
31 amount by time of day, level of traffic congestion within the highway
32 facility, vehicle occupancy, or other criteria, as the commission may
33 deem appropriate. The commission may also vary toll charges for
34 single-occupant inherently low-emission vehicles such as those powered
35 by electric batteries, natural gas, propane, or other clean burning
36 fuels.

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

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

9 (a) Freeway efficiency and safety;

10 (b) Effectiveness for transit;

11 (c) Person and vehicle movements by mode;

12 (d) Ability to finance improvements and transportation services
13 through tolls; and

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

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

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

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

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

29 (6) The department of transportation shall adopt rules that allow
30 automatic vehicle identification transponders used for electronic toll
31 collection to be compatible with other electronic payment devices or
32 transponders from the Washington state ferry system, other public
33 transportation systems, or other toll collection systems to the extent
34 that technology permits.

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

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

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

6 The high-occupancy toll lanes operations account is created in the
7 state treasury. The department shall deposit all revenues received by
8 the department as toll charges collected from high-occupancy toll lane
9 users. Moneys in this account may be spent only if appropriated by the
10 legislature. Moneys in this account may be used for, but be not
11 limited to, debt service, planning, administration, construction,
12 maintenance, operation, repair, rebuilding, enforcement, and expansion
13 of high-occupancy toll lanes and to increase transit, vanpool and
14 carpool, and trip reduction services in the corridor. A reasonable
15 proportion of the moneys in this account must be dedicated to increase
16 transit, vanpool, carpool, and trip reduction services in the corridor.

17 **Sec. 5.** RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277 s
18 3, and 2003 c 124 s 1 are each reenacted and amended to read as
19 follows:

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

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

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

27 (c) Information required of any taxpayer in connection with the
28 assessment or collection of any tax if the disclosure of the
29 information to other persons would (i) be prohibited to such persons by
30 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
31 taxpayer's right to privacy or result in unfair competitive
32 disadvantage to the taxpayer.

33 (d) Specific intelligence information and specific investigative
34 records compiled by investigative, law enforcement, and penology
35 agencies, and state agencies vested with the responsibility to

1 discipline members of any profession, the nondisclosure of which is
2 essential to effective law enforcement or for the protection of any
3 person's right to privacy.

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

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

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

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

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

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

35 (k) Records, maps, or other information identifying the location of
36 archaeological sites in order to avoid the looting or depredation of
37 such sites.

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

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

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

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

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

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

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

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

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

35 (u) The residential addresses or residential telephone numbers of
36 employees or volunteers of a public agency which are held by any public

1 agency in personnel records, public employment related records, or
2 volunteer rosters, or are included in any mailing list of employees or
3 volunteers of any public agency.

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

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

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

31 (y) Information obtained by the board of pharmacy or the department
32 of health and its representatives as provided in RCW 69.41.044,
33 69.41.280, and 18.64.420.

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

- 1 (aa) Financial and commercial information supplied to the state
2 investment board by any person when the information relates to the
3 investment of public trust or retirement funds and when disclosure
4 would result in loss to such funds or in private loss to the providers
5 of this information.
- 6 (bb) Financial and valuable trade information under RCW 51.36.120.
- 7 (cc) Client records maintained by an agency that is a domestic
8 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
9 crisis center as defined in RCW 70.125.030.
- 10 (dd) Information that identifies a person who, while an agency
11 employee: (i) Seeks advice, under an informal process established by
12 the employing agency, in order to ascertain his or her rights in
13 connection with a possible unfair practice under chapter 49.60 RCW
14 against the person; and (ii) requests his or her identity or any
15 identifying information not be disclosed.
- 16 (ee) Investigative records compiled by an employing agency
17 conducting a current investigation of a possible unfair practice under
18 chapter 49.60 RCW or of a possible violation of other federal, state,
19 or local laws prohibiting discrimination in employment.
- 20 (ff) Business related information protected from public inspection
21 and copying under RCW 15.86.110.
- 22 (gg) Financial, commercial, operations, and technical and research
23 information and data submitted to or obtained by the clean Washington
24 center in applications for, or delivery of, program services under
25 chapter 70.95H RCW.
- 26 (hh) Information and documents created specifically for, and
27 collected and maintained by a quality improvement committee pursuant to
28 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
29 4.24.250, regardless of which agency is in possession of the
30 information and documents.
- 31 (ii) Personal information in files maintained in a data base
32 created under RCW 43.07.360.
- 33 (jj) Financial and commercial information requested by the public
34 stadium authority from any person or organization that leases or uses
35 the stadium and exhibition center as defined in RCW 36.102.010.
- 36 (kk) Names of individuals residing in emergency or transitional

1 housing that are furnished to the department of revenue or a county
2 assessor in order to substantiate a claim for property tax exemption
3 under RCW 84.36.043.

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

10 (mm) The personally identifying information of current or former
11 participants or applicants in a paratransit or other transit service
12 operated for the benefit of persons with disabilities or elderly
13 persons.

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

24 (oo) Proprietary financial and commercial information that the
25 submitting entity, with review by the department of health,
26 specifically identifies at the time it is submitted and that is
27 provided to or obtained by the department of health in connection with
28 an application for, or the supervision of, an antitrust exemption
29 sought by the submitting entity under RCW 43.72.310. If a request for
30 such information is received, the submitting entity must be notified of
31 the request. Within ten business days of receipt of the notice, the
32 submitting entity shall provide a written statement of the continuing
33 need for confidentiality, which shall be provided to the requester.
34 Upon receipt of such notice, the department of health shall continue to
35 treat information designated under this section as exempt from
36 disclosure. If the requester initiates an action to compel disclosure

1 under this chapter, the submitting entity must be joined as a party to
2 demonstrate the continuing need for confidentiality.

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

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

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

16 (ss) Credit card numbers, debit card numbers, electronic check
17 numbers, card expiration dates, or bank or other financial account
18 numbers, except when disclosure is expressly required by or governed by
19 other law.

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

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

28 (vv) Individually identifiable information received by the work
29 force training and education coordinating board for research or
30 evaluation purposes.

31 (ww) Those portions of records assembled, prepared, or maintained
32 to prevent, mitigate, or respond to criminal terrorist acts, which are
33 acts that significantly disrupt the conduct of government or of the
34 general civilian population of the state or the United States and that
35 manifest an extreme indifference to human life, the public disclosure
36 of which would have a substantial likelihood of threatening public
37 safety, consisting of:

1 (i) Specific and unique vulnerability assessments or specific and
2 unique response or deployment plans, including compiled underlying data
3 collected in preparation of or essential to the assessments, or to the
4 response or deployment plans; and

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

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

17 (yy) Sensitive wildlife data obtained by the department of fish and
18 wildlife. However, sensitive wildlife data may be released to
19 government agencies concerned with the management of fish and wildlife
20 resources. Sensitive wildlife data includes:

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

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

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

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

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

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

34 (zz) The personally identifying information of persons who acquire
35 recreational licenses under RCW 77.32.010 or commercial licenses under
36 chapter 77.65 or 77.70 RCW, except name, address of contact used by the

1 department, and type of license, endorsement, or tag. However, the
2 department of fish and wildlife may disclose personally identifying
3 information to:

4 (i) Government agencies concerned with the management of fish and
5 wildlife resources;

6 (ii) The department of social and health services, child support
7 division, and to the department of licensing in order to implement RCW
8 77.32.014 and 46.20.291; and

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

11 (aaa)(i) Discharge papers of a veteran of the armed forces of the
12 United States filed at the office of the county auditor before July 1,
13 2002, that have not been commingled with other recorded documents.
14 These records will be available only to the veteran, the veteran's next
15 of kin, a deceased veteran's properly appointed personal representative
16 or executor, a person holding that veteran's general power of attorney,
17 or to anyone else designated in writing by that veteran to receive the
18 records.

19 (ii) Discharge papers of a veteran of the armed forces of the
20 United States filed at the office of the county auditor before July 1,
21 2002, that have been commingled with other records, if the veteran has
22 recorded a "request for exemption from public disclosure of discharge
23 papers" with the county auditor. If such a request has been recorded,
24 these records may be released only to the veteran filing the papers,
25 the veteran's next of kin, a deceased veteran's properly appointed
26 personal representative or executor, a person holding the veteran's
27 general power of attorney, or anyone else designated in writing by the
28 veteran to receive the records.

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

35 (iv) For the purposes of this subsection (1)(aaa), next of kin of
36 deceased veterans have the same rights to full access to the record.

1 Next of kin are the veteran's widow or widower who has not remarried,
2 son, daughter, father, mother, brother, and sister.

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

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

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

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

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

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

36 (hhh) The personally identifying information of persons who acquire
37 and use transponders or other technology to facilitate payment of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (i) Preliminary drafts, notes, recommendations, and intra-agency

1 memorandums in which opinions are expressed or policies formulated or
2 recommended except that a specific record shall not be exempt when
3 publicly cited by an agency in connection with any agency action.

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

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

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

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

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

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

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

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

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

1 information be released, and except as provided for under RCW
2 42.17.260(9).

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

5 (y) Information obtained by the board of pharmacy or the department
6 of health and its representatives as provided in RCW 69.41.044,
7 69.41.280, and 18.64.420.

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

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

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

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

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

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

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

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

1 (hh) Information and documents created specifically for, and
2 collected and maintained by a quality improvement committee pursuant to
3 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
4 4.24.250, regardless of which agency is in possession of the
5 information and documents.

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

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

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

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

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

35 (oo) Proprietary financial and commercial information that the
36 submitting entity, with review by the department of health,
37 specifically identifies at the time it is submitted and that is

1 provided to or obtained by the department of health in connection with
2 an application for, or the supervision of, an antitrust exemption
3 sought by the submitting entity under RCW 43.72.310. If a request for
4 such information is received, the submitting entity must be notified of
5 the request. Within ten business days of receipt of the notice, the
6 submitting entity shall provide a written statement of the continuing
7 need for confidentiality, which shall be provided to the requester.
8 Upon receipt of such notice, the department of health shall continue to
9 treat information designated under this section as exempt from
10 disclosure. If the requester initiates an action to compel disclosure
11 under this chapter, the submitting entity must be joined as a party to
12 demonstrate the continuing need for confidentiality.

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

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

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

26 (ss) Credit card numbers, debit card numbers, electronic check
27 numbers, card expiration dates, or bank or other financial account
28 numbers, except when disclosure is expressly required by or governed by
29 other law.

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

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

1 (vv) Individually identifiable information received by the work
2 force training and education coordinating board for research or
3 evaluation purposes.

4 (ww) Those portions of records assembled, prepared, or maintained
5 to prevent, mitigate, or respond to criminal terrorist acts, which are
6 acts that significantly disrupt the conduct of government or of the
7 general civilian population of the state or the United States and that
8 manifest an extreme indifference to human life, the public disclosure
9 of which would have a substantial likelihood of threatening public
10 safety, consisting of:

11 (i) Specific and unique vulnerability assessments or specific and
12 unique response or deployment plans, including compiled underlying data
13 collected in preparation of or essential to the assessments, or to the
14 response or deployment plans; and

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

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

27 (yy) Sensitive wildlife data obtained by the department of fish and
28 wildlife. However, sensitive wildlife data may be released to
29 government agencies concerned with the management of fish and wildlife
30 resources. Sensitive wildlife data includes:

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

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

36 (iii) Other location data that could compromise the viability of a

1 specific fish or wildlife population, and where at least one of the
2 following criteria are met:

- 3 (A) The species has a known commercial or black market value;
- 4 (B) There is a history of malicious take of that species; or
- 5 (C) There is a known demand to visit, take, or disturb, and the
6 species behavior or ecology renders it especially vulnerable or the
7 species has an extremely limited distribution and concentration.

8 (zz) The personally identifying information of persons who acquire
9 recreational licenses under RCW 77.32.010 or commercial licenses under
10 chapter 77.65 or 77.70 RCW, except name, address of contact used by the
11 department, and type of license, endorsement, or tag. However, the
12 department of fish and wildlife may disclose personally identifying
13 information to:

14 (i) Government agencies concerned with the management of fish and
15 wildlife resources;

16 (ii) The department of social and health services, child support
17 division, and to the department of licensing in order to implement RCW
18 77.32.014 and 46.20.291; and

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

21 (aaa)(i) Discharge papers of a veteran of the armed forces of the
22 United States filed at the office of the county auditor before July 1,
23 2002, that have not been commingled with other recorded documents.
24 These records will be available only to the veteran, the veteran's next
25 of kin, a deceased veteran's properly appointed personal representative
26 or executor, a person holding that veteran's general power of attorney,
27 or to anyone else designated in writing by that veteran to receive the
28 records.

29 (ii) Discharge papers of a veteran of the armed forces of the
30 United States filed at the office of the county auditor before July 1,
31 2002, that have been commingled with other records, if the veteran has
32 recorded a "request for exemption from public disclosure of discharge
33 papers" with the county auditor. If such a request has been recorded,
34 these records may be released only to the veteran filing the papers,
35 the veteran's next of kin, a deceased veteran's properly appointed
36 personal representative or executor, a person holding the veteran's

1 general power of attorney, or anyone else designated in writing by the
2 veteran to receive the records.

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

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

13 (bbb) Those portions of records containing specific and unique
14 vulnerability assessments or specific and unique emergency and escape
15 response plans at a city, county, or state adult or juvenile
16 correctional facility, the public disclosure of which would have a
17 substantial likelihood of threatening the security of a city, county,
18 or state adult or juvenile correctional facility or any individual's
19 safety.

20 (ccc) Information compiled by school districts or schools in the
21 development of their comprehensive safe school plans pursuant to RCW
22 28A.320.125, to the extent that they identify specific vulnerabilities
23 of school districts and each individual school.

24 (ddd) Information regarding the infrastructure and security of
25 computer and telecommunications networks, consisting of security
26 passwords, security access codes and programs, access codes for secure
27 software applications, security and service recovery plans, security
28 risk assessments, and security test results to the extent that they
29 identify specific system vulnerabilities.

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

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

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

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

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

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

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

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

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

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

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

33 (a) The following accounts and funds shall receive their
34 proportionate share of earnings based upon each account's and fund's
35 average daily balance for the period: The capitol building
36 construction account, the Cedar River channel construction and
37 operation account, the Central Washington University capital projects

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

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

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

1 account, the state patrol highway account, the transportation 2003
2 account (nickel account), the transportation equipment fund, the
3 transportation fund, the transportation improvement account, the
4 transportation improvement board bond retirement account, and the urban
5 arterial trust account.

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

9 **Sec. 8.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003
10 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as
11 follows:

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

15 (2) The treasury income account shall be utilized to pay or receive
16 funds associated with federal programs as required by the federal cash
17 management improvement act of 1990. The treasury income account is
18 subject in all respects to chapter 43.88 RCW, but no appropriation is
19 required for refunds or allocations of interest earnings required by
20 the cash management improvement act. Refunds of interest to the
21 federal treasury required under the cash management improvement act
22 fall under RCW 43.88.180 and shall not require appropriation. The
23 office of financial management shall determine the amounts due to or
24 from the federal government pursuant to the cash management improvement
25 act. The office of financial management may direct transfers of funds
26 between accounts as deemed necessary to implement the provisions of the
27 cash management improvement act, and this subsection. Refunds or
28 allocations shall occur prior to the distributions of earnings set
29 forth in subsection (4) of this section.

30 (3) Except for the provisions of RCW 43.84.160, the treasury income
31 account may be utilized for the payment of purchased banking services
32 on behalf of treasury funds including, but not limited to, depository,
33 safekeeping, and disbursement functions for the state treasury and
34 affected state agencies. The treasury income account is subject in all
35 respects to chapter 43.88 RCW, but no appropriation is required for

1 payments to financial institutions. Payments shall occur prior to
2 distribution of earnings set forth in subsection (4) of this section.

3 (4) Monthly, the state treasurer shall distribute the earnings
4 credited to the treasury income account. The state treasurer shall
5 credit the general fund with all the earnings credited to the treasury
6 income account except:

7 (a) The following accounts and funds shall receive their
8 proportionate share of earnings based upon each account's and fund's
9 average daily balance for the period: The capitol building
10 construction account, the Cedar River channel construction and
11 operation account, the Central Washington University capital projects
12 account, the charitable, educational, penal and reformatory
13 institutions account, the common school construction fund, the county
14 criminal justice assistance account, the county sales and use tax
15 equalization account, the data processing building construction
16 account, the deferred compensation administrative account, the deferred
17 compensation principal account, the department of retirement systems
18 expense account, the drinking water assistance account, the drinking
19 water assistance administrative account, the drinking water assistance
20 repayment account, the Eastern Washington University capital projects
21 account, the education construction fund, the election account, the
22 emergency reserve fund, The Evergreen State College capital projects
23 account, the federal forest revolving account, the health services
24 account, the public health services account, the health system capacity
25 account, the personal health services account, the state higher
26 education construction account, the higher education construction
27 account, the highway infrastructure account, the high-occupancy toll
28 lanes operations account, the industrial insurance premium refund
29 account, the judges' retirement account, the judicial retirement
30 administrative account, the judicial retirement principal account, the
31 local leasehold excise tax account, the local real estate excise tax
32 account, the local sales and use tax account, the medical aid account,
33 the mobile home park relocation fund, the multimodal transportation
34 account, the municipal criminal justice assistance account, the
35 municipal sales and use tax equalization account, the natural resources
36 deposit account, the oyster reserve land account, the perpetual
37 surveillance and maintenance account, the public employees' retirement

1 system plan 1 account, the public employees' retirement system combined
2 plan 2 and plan 3 account, the public facilities construction loan
3 revolving account beginning July 1, 2004, the public health
4 supplemental account, the public works assistance account, the Puyallup
5 tribal settlement account, the regional transportation investment
6 district account, the resource management cost account, the site
7 closure account, the special wildlife account, the state employees'
8 insurance account, the state employees' insurance reserve account, the
9 state investment board expense account, the state investment board
10 commingled trust fund accounts, the supplemental pension account, the
11 Tacoma Narrows toll bridge account, the teachers' retirement system
12 plan 1 account, the teachers' retirement system combined plan 2 and
13 plan 3 account, the tobacco prevention and control account, the tobacco
14 settlement account, the transportation infrastructure account, the
15 tuition recovery trust fund, the University of Washington bond
16 retirement fund, the University of Washington building account, the
17 volunteer fire fighters' and reserve officers' relief and pension
18 principal fund, the volunteer fire fighters' and reserve officers'
19 administrative fund, the Washington fruit express account, the
20 Washington judicial retirement system account, the Washington law
21 enforcement officers' and fire fighters' system plan 1 retirement
22 account, the Washington law enforcement officers' and fire fighters'
23 system plan 2 retirement account, the Washington school employees'
24 retirement system combined plan 2 and 3 account, the Washington state
25 health insurance pool account, the Washington state patrol retirement
26 account, the Washington State University building account, the
27 Washington State University bond retirement fund, the water pollution
28 control revolving fund, and the Western Washington University capital
29 projects account. Earnings derived from investing balances of the
30 agricultural permanent fund, the normal school permanent fund, the
31 permanent common school fund, the scientific permanent fund, and the
32 state university permanent fund shall be allocated to their respective
33 beneficiary accounts. All earnings to be distributed under this
34 subsection (4)(a) shall first be reduced by the allocation to the state
35 treasurer's service fund pursuant to RCW 43.08.190.

36 (b) The following accounts and funds shall receive eighty percent
37 of their proportionate share of earnings based upon each account's or

1 fund's average daily balance for the period: The aeronautics account,
2 the aircraft search and rescue account, the county arterial
3 preservation account, the department of licensing services account, the
4 essential rail assistance account, the ferry bond retirement fund, the
5 grade crossing protective fund, the high capacity transportation
6 account, the highway bond retirement fund, the highway safety account,
7 the motor vehicle fund, the motorcycle safety education account, the
8 pilotage account, the public transportation systems account, the Puget
9 Sound capital construction account, the Puget Sound ferry operations
10 account, the recreational vehicle account, the rural arterial trust
11 account, the safety and education account, the special category C
12 account, the state patrol highway account, the transportation 2003
13 account (nickel account), the transportation equipment fund, the
14 transportation fund, the transportation improvement account, the
15 transportation improvement board bond retirement account, and the urban
16 arterial trust account.

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

20 NEW SECTION. **Sec. 9.** Section captions used in this act are not
21 any part of the law.

22 NEW SECTION. **Sec. 10.** (1) Section 5 of this act expires June 30,
23 2005.

24 (2) Section 7 of this act expires July 1, 2005.

25 NEW SECTION. **Sec. 11.** (1) Section 6 of this act takes effect June
26 30, 2005.

27 (2) Section 8 of this act takes effect July 1, 2005."

28 Correct the title.

EFFECT: Adds language declaring that the conversion of an HOV
lane for a high-occupancy toll lane project is a policy exception for

this pilot project. Requires that the DOT modify the pilot project to address identified safety issues and to mitigate negative impacts to HOV lane users. Requires that the DOT address person and vehicle movements by mode when assessing the HOT lane project. Includes enforcement as a permitted use of the toll-lanes operations account and directs that a reasonable proportion of moneys in the account be used for transit, vanpool, carpool, and trip reduction services in the corridor.

--- END ---