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ENGROSSED SUBSTITUTE HOUSE BILL 1218

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State of Washington

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**By** House Committee on State Government (originally sponsored by Representatives Lovick, Mielke, O'Brien, Ahern, Kagi, Wallace, Darneille, Miloscia, Pearson, Delvin, Romero, Moeller, Dickerson, Rockefeller, Haigh, Kirby, Pettigrew, Chase, Voloria, Quall, McDermott, Dunshee, McCoy and Hunt)

READ FIRST TIME 02/25/03.

1 AN ACT Relating to the creation of a statewide first responder  
2 building mapping information system; reenacting and amending RCW  
3 42.17.310; adding new sections to chapter 36.28A RCW; and creating a  
4 new section.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes the extreme  
7 dangers present when the safety of our citizens requires first  
8 responders such as police and fire fighters to evacuate and secure a  
9 building. In an effort to prepare for responding to unintended  
10 disasters, criminal acts, and acts of terrorism, the legislature  
11 intends to create a statewide first responder building mapping  
12 information system that will provide all first responders with the  
13 information they need to be successful when disaster strikes.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.28A RCW  
15 to read as follows:

1 (1) When funded, the Washington Association of Sheriffs and Police  
2 Chiefs shall create and operate a statewide first responder building  
3 mapping information system.

4 (2) All state agencies and local governments must utilize building  
5 mapping software that complies with the building mapping software  
6 standards established under section 3 of this act for any building  
7 mapped after the statewide first responder building mapping information  
8 system is operational. If, prior to creation of the statewide building  
9 mapping information system, a local government has utilized building  
10 mapping software standards established under section 3 of this act, the  
11 local government may continue to use its own building mapping system  
12 unless the Washington association of sheriffs and police chiefs  
13 provides funding to bring the local government's system in compliance  
14 with the standards established under section 3 of this act.

15 (3) All state and local government-owned buildings must be mapped  
16 when funding is provided by the Washington association of sheriffs and  
17 police chiefs, or from other sources. Nothing in this act requires any  
18 state agency or local government to map a building unless the entire  
19 cost of mapping the building is provided by the Washington association  
20 of sheriffs and police chiefs, or from other sources.

21 (4) Once the statewide first responder building mapping information  
22 system is operational, all state and local government buildings that  
23 are mapped must forward their building mapping information data to the  
24 Washington association of sheriffs and police chiefs. All  
25 participating privately, federally, and tribally owned buildings may  
26 voluntarily forward their mapping and emergency information data to the  
27 Washington association of sheriffs and police chiefs. The Washington  
28 association of sheriffs and police chiefs may refuse any building  
29 mapping information that does not comply with the specifications  
30 described in section 3 of this act.

31 (5) Consistent with the guidelines developed under section 3 of  
32 this act, the Washington association of sheriffs and police chiefs  
33 shall electronically make the building mapping information available to  
34 all state, local, federal, and tribal law enforcement agencies, the  
35 military department of Washington state, and fire departments.

36 (6) Consistent with the guidelines developed under section 3 of  
37 this act, the Washington association of sheriffs and police chiefs

1 shall develop building mapping software standards that must be used to  
2 participate in the statewide first responder building mapping  
3 information system.

4 (7) The Washington association of sheriffs and police chiefs shall  
5 pursue federal funds to:

6 (a) Create the statewide first responder building mapping  
7 information system; and

8 (b) Develop grants for the mapping of all state and local  
9 government buildings in the order determined under section 3 of this  
10 act.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.28A RCW  
12 to read as follows:

13 (1) The Washington association of sheriffs and police chiefs in  
14 consultation with the Washington state emergency management office, the  
15 information services board, the Washington state fire chiefs'  
16 association, and the Washington state patrol shall convene a committee  
17 to establish guidelines related to the statewide first responder  
18 building mapping information system. The committee shall have the  
19 following responsibilities:

20 (a) Develop the type of information to be included in the statewide  
21 first responder building mapping information system. The information  
22 shall include, but is not limited to: Floor plans, fire protection  
23 information, evacuation plans, utility information, known hazards, and  
24 text and digital images showing emergency personnel contact  
25 information;

26 (b) Develop building mapping software standards that must be  
27 utilized by all entities participating in the statewide first responder  
28 building mapping information system;

29 (c) Determine the order in which buildings shall be mapped when  
30 funding is received;

31 (d) Develop guidelines on how the information shall be made  
32 available to first responders. These guidelines shall include detailed  
33 procedures and security systems to ensure that the information is only  
34 made available to first responders;

35 (e) Recommend training guidelines regarding using the statewide  
36 first responder building mapping information system to the criminal

1 justice training commission and the Washington state patrol fire  
2 protection bureau.

3 (2)(a) Nothing in this section supersedes the authority of the  
4 information services board under chapter 43.105 RCW.

5 (b) Nothing in this section supersedes the authority of state  
6 agencies and local governments to control and maintain access to  
7 information within their independent systems.

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.28A RCW  
9 to read as follows:

10 Units of local government and their employees, as provided in RCW  
11 36.28A.010, are immune from civil liability for damages arising out of  
12 the creation and use of the statewide first responder building mapping  
13 information system, unless it is shown that an employee acted with  
14 gross negligence or bad faith.

15 **Sec. 5.** RCW 42.17.310 and 2002 c 335 s 1, 2002 c 224 s 2, 2002 c  
16 205 s 4, and 2002 c 172 s 1 are each reenacted and amended to read as  
17 follows:

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

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

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

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

31 (d) Specific intelligence information and specific investigative  
32 records compiled by investigative, law enforcement, and penology  
33 agencies, and state agencies vested with the responsibility to  
34 discipline members of any profession, the nondisclosure of which is  
35 essential to effective law enforcement or for the protection of any  
36 person's right to privacy.

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

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

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

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

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

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

32 (k) Records, maps, or other information identifying the location of  
33 archaeological sites in order to avoid the looting or depredation of  
34 such sites.

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

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

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

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

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

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

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

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

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

32 (u) The residential addresses or residential telephone numbers of  
33 employees or volunteers of a public agency which are held by any public  
34 agency in personnel records, public employment related records, or  
35 volunteer rosters, or are included in any mailing list of employees or  
36 volunteers of any public agency.

37 (v) The residential addresses and residential telephone numbers of  
38 the customers of a public utility contained in the records or lists

1 held by the public utility of which they are customers, except that  
2 this information may be released to the division of child support or  
3 the agency or firm providing child support enforcement for another  
4 state under Title IV-D of the federal social security act, for the  
5 establishment, enforcement, or modification of a support order.

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

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

26 (y) Information obtained by the board of pharmacy or the department  
27 of health and its representatives as provided in RCW 69.41.044,  
28 69.41.280, and 18.64.420.

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

33 (aa) Financial and commercial information supplied to the state  
34 investment board by any person when the information relates to the  
35 investment of public trust or retirement funds and when disclosure  
36 would result in loss to such funds or in private loss to the providers  
37 of this information.

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

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

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

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

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

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

20 (hh) Information and documents created specifically for, and  
21 collected and maintained by a quality improvement committee pursuant to  
22 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW  
23 4.24.250, regardless of which agency is in possession of the  
24 information and documents.

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

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

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

34 (ll) The names, residential addresses, residential telephone  
35 numbers, and other individually identifiable records held by an agency  
36 in relation to a vanpool, carpool, or other ride-sharing program or  
37 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) The personally identifying information of current or former  
4 participants or applicants in a paratransit or other transit service  
5 operated for the benefit of persons with disabilities or elderly  
6 persons.

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

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

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

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

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

7 (ss) Credit card numbers, debit card numbers, electronic check  
8 numbers, card expiration dates, or bank or other financial account  
9 numbers supplied to an agency for the purpose of electronic transfer of  
10 funds, except when disclosure is expressly required by law.

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

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

19 (vv) Individually identifiable information received by the work  
20 force training and education coordinating board for research or  
21 evaluation purposes.

22 (ww) Those portions of records assembled, prepared, or maintained  
23 to prevent, mitigate, or respond to criminal terrorist acts, which are  
24 acts that significantly disrupt the conduct of government or of the  
25 general civilian population of the state or the United States and that  
26 manifest an extreme indifference to human life, the public disclosure  
27 of which would have a substantial likelihood of threatening public  
28 safety, consisting of:

29 (i) Specific and unique vulnerability assessments or specific and  
30 unique response or deployment plans, including compiled underlying data  
31 collected in preparation of or essential to the assessments, or to the  
32 response or deployment plans; and

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

1 (xx) Commercial fishing catch data from logbooks required to be  
2 provided to the department of fish and wildlife under RCW 77.12.047,  
3 when the data identifies specific catch location, timing, or  
4 methodology and the release of which would result in unfair competitive  
5 disadvantage to the commercial fisher providing the catch data.  
6 However, this information may be released to government agencies  
7 concerned with the management of fish and wildlife resources.

8 (yy) Sensitive wildlife data obtained by the department of fish and  
9 wildlife. However, sensitive wildlife data may be released to  
10 government agencies concerned with the management of fish and wildlife  
11 resources. Sensitive wildlife data includes:

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

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

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

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

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

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

25 (zz) The personally identifying information of persons who acquire  
26 recreational licenses under RCW 77.32.010 or commercial licenses under  
27 chapter 77.65 or 77.70 RCW, except name, address of contact used by the  
28 department, and type of license, endorsement, or tag. However, the  
29 department of fish and wildlife may disclose personally identifying  
30 information to:

31 (i) Government agencies concerned with the management of fish and  
32 wildlife resources;

33 (ii) The department of social and health services, child support  
34 division, and to the department of licensing in order to implement RCW  
35 77.32.014 and 46.20.291; and

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

1 (aaa)(i) Discharge papers of a veteran of the armed forces of the  
2 United States filed at the office of the county auditor before July 1,  
3 2002, that have not been commingled with other recorded documents.  
4 These records will be available only to the veteran, the veteran's next  
5 of kin, a deceased veteran's properly appointed personal representative  
6 or executor, a person holding that veteran's general power of attorney,  
7 or to anyone else designated in writing by that veteran to receive the  
8 records.

9 (ii) Discharge papers of a veteran of the armed forces of the  
10 United States filed at the office of the county auditor before July 1,  
11 2002, that have been commingled with other records, if the veteran has  
12 recorded a "request for exemption from public disclosure of discharge  
13 papers" with the county auditor. If such a request has been recorded,  
14 these records may be released only to the veteran filing the papers,  
15 the veteran's next of kin, a deceased veteran's properly appointed  
16 personal representative or executor, a person holding the veteran's  
17 general power of attorney, or anyone else designated in writing by the  
18 veteran to receive the records.

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

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

29 (bbb) Those portions of records containing specific and unique  
30 vulnerability assessments or specific and unique emergency and escape  
31 response plans at a city, county, or state adult or juvenile  
32 correctional facility, the public disclosure of which would have a  
33 substantial likelihood of threatening the security of a city, county,  
34 or state adult or juvenile correctional facility or any individual's  
35 safety.

36 (ccc) Information compiled by school districts or schools in the  
37 development of their comprehensive safe school plans pursuant to RCW

1 28A.320.125, to the extent that they identify specific vulnerabilities  
2 of school districts and each individual school.

3 (ddd) Information regarding the infrastructure and security of  
4 computer and telecommunications networks, consisting of security  
5 passwords, security access codes and programs, access codes for secure  
6 software applications, security and service recovery plans, security  
7 risk assessments, and security test results to the extent that they  
8 identify specific system vulnerabilities.

9 (eee) Information compiled from a first responder building mapping  
10 system, including but not limited to, floor plans, fire protection  
11 information, evacuation plans, utility information, known hazards, and  
12 text and digital images showing emergency personnel contact  
13 information.

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

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

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

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