
HOUSE BILL 2808

State of Washington

58th Legislature

2004 Regular Session

By Representatives Murray, Jarrett, Hankins, Wallace, Hudgins, Cooper, Hunter, Moeller and Sullivan

Read first time 01/21/2004. Referred to Committee on Transportation.

1 AN ACT Relating to high-occupancy toll lanes; amending RCW
2 46.61.165; reenacting and amending RCW 42.17.310, 42.17.310, 43.84.092,
3 and 43.84.092; adding new sections to chapter 47.56 RCW; adding a new
4 section to chapter 47.66 RCW; creating new sections; prescribing
5 penalties; providing effective dates; and providing expiration dates.

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

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

16 It is the intent of the legislature to maximize the effectiveness
17 and efficiency of the freeway system. To evaluate methods to
18 accomplish this, it is beneficial to evaluate alternative approaches to
19 managing the use of freeway high-occupancy vehicle lanes, including

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

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

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

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

24 AUTHORITY TO DESIGNATE STATE ROUTE 167 HIGH-OCCUPANCY TOLL LANE
25 PILOT PROJECT. (1) The department shall provide for the establishment,
26 construction, and operation of a pilot project of high-occupancy toll
27 lanes on state route 167 high-occupancy vehicle lanes within King
28 county. The department may issue, buy, and redeem bonds, and deposit
29 and expend them; secure and remit financial and other assistance in the
30 construction of high-occupancy toll lanes, carry insurance, and handle
31 any other matters pertaining to the high-occupancy toll lane pilot
32 project.

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

35 (a) The schedule of toll charges for high-occupancy toll lanes must

1 be established by the transportation commission and collected in a
2 manner determined by the commission.

3 (b) The toll charge may vary in amount by time of day, level of
4 traffic congestion within the highway facility, vehicle occupancy, or
5 other criteria, as the commission may deem appropriate.

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

9 (3) The department shall monitor the state route 167 high-occupancy
10 toll lane pilot project and shall annually report to the transportation
11 commission and the legislature on operations and findings. At a
12 minimum, the department shall review the impacts on freeway efficiency,
13 effectiveness for transit, ability to finance improvements through
14 tolls, and the impacts on all highway users.

15 (4) Authorization to impose high-occupancy vehicle tolls for the
16 state route 167 high-occupancy toll pilot project expires if either of
17 the following two conditions apply:

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

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

22 (5) The department of transportation shall adopt rules that allow
23 automatic vehicle identification transponders used for electronic toll
24 collection to be compatible with other electronic payment devices or
25 transponders from the Washington state ferry system, other public
26 transportation systems, or other toll collection systems to the extent
27 that technology permits.

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

30 The high-occupancy toll lanes operations account is created in the
31 custody of the state treasurer. The department shall deposit all
32 revenues received by the department as toll charges collected from
33 high-occupancy toll lane users. Moneys in this account may be spent
34 only if appropriated by the legislature. Moneys in this account may be
35 used for, but be not limited to, debt service, planning,
36 administration, construction, maintenance, operation, repair,
37 rebuilding, and expansion of high-occupancy toll lanes.

1 **Sec. 5.** RCW 46.61.165 and 1999 c 206 s 1 are each amended to read
2 as follows:

3 (1) The state department of transportation and the local
4 authorities are authorized to reserve all or any portion of any highway
5 under their respective jurisdictions, including any designated lane or
6 ramp, for the exclusive or preferential use of public transportation
7 vehicles or private motor vehicles carrying no fewer than a specified
8 number of passengers when such limitation will increase the efficient
9 utilization of the highway or will aid in the conservation of energy
10 resources. Regulations authorizing such exclusive or preferential use
11 of a highway facility may be declared to be effective at all times or
12 at specified times of day or on specified days. Violation of a
13 restriction of highway usage prescribed by the appropriate authority
14 under this section is a traffic infraction.

15 (2) In accordance with subsection (1) of this section, high-
16 occupancy vehicle lanes are restricted access. No person may drive a
17 vehicle onto or from a limited access roadway except at entrances and
18 exits established by the department of transportation. Limited access
19 portions of the high-occupancy vehicle lanes must be delineated by a
20 double white traffic line, barrier, or other traffic control device.
21 Violation of the restricted access portion of a high-occupancy vehicle
22 lane under this section is a traffic infraction.

23 **Sec. 6.** RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277 s
24 3, and 2003 c 124 s 1 are each reenacted and amended to read as
25 follows:

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

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

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

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

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

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

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

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

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

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

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

36 (j) Records which are relevant to a controversy to which an agency
37 is a party but which records would not be available to another party

1 under the rules of pretrial discovery for causes pending in the
2 superior courts.

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

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

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

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

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

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

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

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

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

37 (t) All applications for public employment, including the names of

1 applicants, resumes, and other related materials submitted with respect
2 to an applicant.

3 (u) The residential addresses or residential telephone numbers of
4 employees or volunteers of a public agency which are held by any public
5 agency in personnel records, public employment related records, or
6 volunteer rosters, or are included in any mailing list of employees or
7 volunteers of any public agency.

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

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

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

35 (y) Information obtained by the board of pharmacy or the department
36 of health and its representatives as provided in RCW 69.41.044,
37 69.41.280, and 18.64.420.

1 (z) Financial information, business plans, examination reports, and
2 any information produced or obtained in evaluating or examining a
3 business and industrial development corporation organized or seeking
4 certification under chapter 31.24 RCW.

5 (aa) Financial and commercial information supplied to the state
6 investment board by any person when the information relates to the
7 investment of public trust or retirement funds and when disclosure
8 would result in loss to such funds or in private loss to the providers
9 of this information.

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

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

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

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

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

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

30 (hh) Information and documents created specifically for, and
31 collected and maintained by a quality improvement committee pursuant to
32 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
33 4.24.250, regardless of which agency is in possession of the
34 information and documents.

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

37 (jj) Financial and commercial information requested by the public

1 stadium authority from any person or organization that leases or uses
2 the stadium and exhibition center as defined in RCW 36.102.010.

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

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

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

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

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

1 disclosure. If the requester initiates an action to compel disclosure
2 under this chapter, the submitting entity must be joined as a party to
3 demonstrate the continuing need for confidentiality.

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

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

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

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

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

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

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

32 (ww) Those portions of records assembled, prepared, or maintained
33 to prevent, mitigate, or respond to criminal terrorist acts, which are
34 acts that significantly disrupt the conduct of government or of the
35 general civilian population of the state or the United States and that
36 manifest an extreme indifference to human life, the public disclosure
37 of which would have a substantial likelihood of threatening public
38 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
37 department, and type of license, endorsement, or tag. However, the

1 department of fish and wildlife may disclose personally identifying
2 information to:

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (hhh) The personally identifying information of persons who acquire
35 and use transponders or other technology to facilitate payment of
36 tolls. This information may be disclosed in aggregate form as long as
37 the data does not contain any personally identifying information.
38 Personally identifying information may be released to law enforcement

1 agencies only for toll enforcement purposes. Personally identifying
2 information may be released to law enforcement agencies for other
3 purposes only if the request is accompanied by a court order.

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

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

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

22 **Sec. 7.** RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are
23 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (u) The residential addresses or residential telephone numbers of
2 employees or volunteers of a public agency which are held by any public
3 agency in personnel records, public employment related records, or
4 volunteer rosters, or are included in any mailing list of employees or
5 volunteers of any public agency.

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

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

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

33 (y) Information obtained by the board of pharmacy or the department
34 of health and its representatives as provided in RCW 69.41.044,
35 69.41.280, and 18.64.420.

36 (z) Financial information, business plans, examination reports, and
37 any information produced or obtained in evaluating or examining a

1 business and industrial development corporation organized or seeking
2 certification under chapter 31.24 RCW.

3 (aa) Financial and commercial information supplied to the state
4 investment board by any person when the information relates to the
5 investment of public trust or retirement funds and when disclosure
6 would result in loss to such funds or in private loss to the providers
7 of this information.

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

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

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

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

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

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

28 (hh) Information and documents created specifically for, and
29 collected and maintained by a quality improvement committee pursuant to
30 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
31 4.24.250, regardless of which agency is in possession of the
32 information and documents.

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

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

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

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

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

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

25 (oo) Proprietary financial and commercial information that the
26 submitting entity, with review by the department of health,
27 specifically identifies at the time it is submitted and that is
28 provided to or obtained by the department of health in connection with
29 an application for, or the supervision of, an antitrust exemption
30 sought by the submitting entity under RCW 43.72.310. If a request for
31 such information is received, the submitting entity must be notified of
32 the request. Within ten business days of receipt of the notice, the
33 submitting entity shall provide a written statement of the continuing
34 need for confidentiality, which shall be provided to the requester.
35 Upon receipt of such notice, the department of health shall continue to
36 treat information designated under this section as exempt from
37 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
37 department, and type of license, endorsement, or tag. However, the

1 department of fish and wildlife may disclose personally identifying
2 information to:

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

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

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

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

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

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

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

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

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

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

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

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

32 (ggg) The personally identifying information of persons who acquire
33 and use transponders or other technology to facilitate payment of
34 tolls. This information may be disclosed in aggregate form as long as
35 the data does not contain any personally identifying information.
36 Personally identifying information may be released to law enforcement
37 agencies only for toll enforcement purposes. Personally identifying

1 information may be released to law enforcement agencies for other
2 purposes only if the request is accompanied by a court order.

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

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

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

21 **Sec. 8.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, and
22 2003 c 48 s 2 are each reenacted and amended to read as follows:

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

26 (2) The treasury income account shall be utilized to pay or receive
27 funds associated with federal programs as required by the federal cash
28 management improvement act of 1990. The treasury income account is
29 subject in all respects to chapter 43.88 RCW, but no appropriation is
30 required for refunds or allocations of interest earnings required by
31 the cash management improvement act. Refunds of interest to the
32 federal treasury required under the cash management improvement act
33 fall under RCW 43.88.180 and shall not require appropriation. The
34 office of financial management shall determine the amounts due to or
35 from the federal government pursuant to the cash management improvement
36 act. The office of financial management may direct transfers of funds
37 between accounts as deemed necessary to implement the provisions of the

1 cash management improvement act, and this subsection. Refunds or
2 allocations shall occur prior to the distributions of earnings set
3 forth in subsection (4) of this section.

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

12 (4) Monthly, the state treasurer shall distribute the earnings
13 credited to the treasury income account. The state treasurer shall
14 credit the general fund with all the earnings credited to the treasury
15 income account except:

16 (a) The following accounts and funds shall receive their
17 proportionate share of earnings based upon each account's and fund's
18 average daily balance for the period: The capitol building
19 construction account, the Cedar River channel construction and
20 operation account, the Central Washington University capital projects
21 account, the charitable, educational, penal and reformatory
22 institutions account, the common school construction fund, the county
23 criminal justice assistance account, the county sales and use tax
24 equalization account, the data processing building construction
25 account, the deferred compensation administrative account, the deferred
26 compensation principal account, the department of retirement systems
27 expense account, the drinking water assistance account, the drinking
28 water assistance administrative account, the drinking water assistance
29 repayment account, the Eastern Washington University capital projects
30 account, the education construction fund, the election account, the
31 emergency reserve fund, The Evergreen State College capital projects
32 account, the federal forest revolving account, the health services
33 account, the public health services account, the health system capacity
34 account, the personal health services account, the state higher
35 education construction account, the higher education construction
36 account, the highway infrastructure account, the high-occupancy toll
37 lanes operations account, the industrial insurance premium refund
38 account, the judges' retirement account, the judicial retirement

1 administrative account, the judicial retirement principal account, the
2 local leasehold excise tax account, the local real estate excise tax
3 account, the local sales and use tax account, the medical aid account,
4 the mobile home park relocation fund, the multimodal transportation
5 account, the municipal criminal justice assistance account, the
6 municipal sales and use tax equalization account, the natural resources
7 deposit account, the oyster reserve land account, the perpetual
8 surveillance and maintenance account, the public employees' retirement
9 system plan 1 account, the public employees' retirement system combined
10 plan 2 and plan 3 account, the public facilities construction loan
11 revolving account beginning July 1, 2004, the public health
12 supplemental account, the Puyallup tribal settlement account, the
13 regional transportation investment district account, the resource
14 management cost account, the site closure account, the special wildlife
15 account, the state employees' insurance account, the state employees'
16 insurance reserve account, the state investment board expense account,
17 the state investment board commingled trust fund accounts, the
18 supplemental pension account, the Tacoma Narrows toll bridge account,
19 the teachers' retirement system plan 1 account, the teachers'
20 retirement system combined plan 2 and plan 3 account, the tobacco
21 prevention and control account, the tobacco settlement account, the
22 transportation infrastructure account, the tuition recovery trust fund,
23 the University of Washington bond retirement fund, the University of
24 Washington building account, the volunteer fire fighters' and reserve
25 officers' relief and pension principal fund, the volunteer fire
26 fighters' and reserve officers' administrative fund, the Washington
27 fruit express account, the Washington judicial retirement system
28 account, the Washington law enforcement officers' and fire fighters'
29 system plan 1 retirement account, the Washington law enforcement
30 officers' and fire fighters' system plan 2 retirement account, the
31 Washington school employees' retirement system combined plan 2 and 3
32 account, the Washington state health insurance pool account, the
33 Washington state patrol retirement account, the Washington State
34 University building account, the Washington State University bond
35 retirement fund, the water pollution control revolving fund, and the
36 Western Washington University capital projects account. Earnings
37 derived from investing balances of the agricultural permanent fund, the
38 normal school permanent fund, the permanent common school fund, the

1 scientific permanent fund, and the state university permanent fund
2 shall be allocated to their respective beneficiary accounts. All
3 earnings to be distributed under this subsection (4)(a) shall first be
4 reduced by the allocation to the state treasurer's service fund
5 pursuant to RCW 43.08.190.

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

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

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

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

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

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

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

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

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

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

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

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

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

34 NEW SECTION. **Sec. 10.** Section captions used in this act are not
35 any part of the law.

1 NEW SECTION. **Sec. 11.** (1) Section 6 of this act expires June 30,
2 2005.

3 (2) Section 8 of this act expires July 1, 2005.

4 NEW SECTION. **Sec. 12.** (1) Section 7 of this act takes effect June
5 30, 2005.

6 (2) Section 9 of this act takes effect July 1, 2005.

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