
ENGROSSED SUBSTITUTE SENATE BILL 5269

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Brandland, Kline, Roach, Kastama, Rasmussen, Johnson, Esser, McCaslin, Schmidt and Winsley)

READ FIRST TIME 02/17/03.

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 for this purpose after the statewide first responder building
8 mapping information system is operational. If, prior to creation of
9 the statewide building mapping information system, a local government
10 has utilized building mapping software that is not compatible with the
11 building mapping software standards established under section 3 of this
12 act, the local government may continue to use its own building mapping
13 system unless the Washington association of sheriffs and police chiefs
14 provides funding to bring the local government's system in compliance
15 with the standards established under section 3 of this act.

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

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

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

37 (6) Consistent with the guidelines developed under section 3 of
38 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; and

1 (iii) Any building mapping information compiled under section 2 of
2 this act.

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

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

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

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

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

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

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

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

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

33 (i) Government agencies concerned with the management of fish and
34 wildlife resources;

35 (ii) The department of social and health services, child support
36 division, and to the department of licensing in order to implement RCW
37 77.32.014 and 46.20.291; and

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

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

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

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

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

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

1 (ccc) Information compiled by school districts or schools in the
2 development of their comprehensive safe school plans pursuant to RCW
3 28A.320.125, to the extent that they identify specific vulnerabilities
4 of school districts and each individual school.

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

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

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

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

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