
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:

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

1 (2) All state agencies and local governments must utilize building
2 mapping software that complies with the building mapping software
3 standards established under section 3 of this act for any building
4 mapped for this purpose after the statewide first responder building
5 mapping information system is operational. If, prior to creation of
6 the statewide building mapping information system, a local government
7 has utilized building mapping software that is not compatible with the
8 building mapping software standards established under section 3 of this
9 act, the local government may continue to use its own building mapping
10 system unless the Washington association of sheriffs and police chiefs
11 provides funding to bring the local government's system in compliance
12 with the standards established under section 3 of this act.

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

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

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

34 (6) Consistent with the guidelines developed under section 3 of
35 this act, the Washington association of sheriffs and police chiefs
36 shall develop building mapping software standards that must be used to
37 participate in the statewide first responder building mapping
38 information system.

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

3 (a) Create the statewide first responder building mapping
4 information system; and

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

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

10 The Washington association of sheriffs and police chiefs in
11 consultation with the Washington state emergency management office, the
12 Washington state fire chiefs' association, and the Washington state
13 patrol shall convene a committee to establish guidelines related to the
14 statewide first responder building mapping information system. The
15 committee shall have the following responsibilities:

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

22 (2) Develop building mapping software standards that must be
23 utilized by all entities participating in the statewide first responder
24 building mapping information system;

25 (3) Determine the order in which buildings shall be mapped when
26 funding is received;

27 (4) Develop guidelines on how the information shall be made
28 available to first responders. These guidelines shall include detailed
29 procedures and security systems to ensure that the information is only
30 made available to first responders;

31 (5) Recommend training guidelines regarding using the statewide
32 first responder building mapping information system to the criminal
33 justice training commission and the Washington state patrol fire
34 protection bureau.

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

1 Units of local government and their employees, as provided in RCW
2 36.28A.010, are immune from civil liability for damages arising out of
3 the creation and use of the statewide first responder building mapping
4 information system, unless it is shown that an employee acted with
5 gross negligence or bad faith.

6 **Sec. 5.** RCW 42.17.310 and 2002 c 335 s 1, 2002 c 224 s 2, 2002 c
7 205 s 4, and 2002 c 172 s 1 are each reenacted and amended to read as
8 follows:

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

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

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

16 (c) Information required of any taxpayer in connection with the
17 assessment or collection of any tax if the disclosure of the
18 information to other persons would (i) be prohibited to such persons by
19 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
20 taxpayer's right to privacy or result in unfair competitive
21 disadvantage to the taxpayer.

22 (d) Specific intelligence information and specific investigative
23 records compiled by investigative, law enforcement, and penology
24 agencies, and state agencies vested with the responsibility to
25 discipline members of any profession, the nondisclosure of which is
26 essential to effective law enforcement or for the protection of any
27 person's right to privacy.

28 (e) Information revealing the identity of persons who are witnesses
29 to or victims of crime or who file complaints with investigative, law
30 enforcement, or penology agencies, other than the public disclosure
31 commission, if disclosure would endanger any person's life, physical
32 safety, or property. If at the time a complaint is filed the
33 complainant, victim or witness indicates a desire for disclosure or
34 nondisclosure, such desire shall govern. However, all complaints filed
35 with the public disclosure commission about any elected official or
36 candidate for public office must be made in writing and signed by the
37 complainant under oath.

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

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

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

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

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

22 (k) Records, maps, or other information identifying the location of
23 archaeological sites in order to avoid the looting or depredation of
24 such sites.

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

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

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

37 (o) Financial and commercial information and records supplied by

1 private persons pertaining to export services provided pursuant to
2 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
3 export projects pursuant to RCW 43.23.035.

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

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

9 (r) Financial and commercial information and records supplied by
10 businesses or individuals during application for loans or program
11 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
12 or during application for economic development loans or program
13 services provided by any local agency.

14 (s) Membership lists or lists of members or owners of interests of
15 units in timeshare projects, subdivisions, camping resorts,
16 condominiums, land developments, or common-interest communities
17 affiliated with such projects, regulated by the department of
18 licensing, in the files or possession of the department.

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

22 (u) The residential addresses or residential telephone numbers of
23 employees or volunteers of a public agency which are held by any public
24 agency in personnel records, public employment related records, or
25 volunteer rosters, or are included in any mailing list of employees or
26 volunteers of any public agency.

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

34 (w)(i) The federal social security number of individuals governed
35 under chapter 18.130 RCW maintained in the files of the department of
36 health, except this exemption does not apply to requests made directly
37 to the department from federal, state, and local agencies of
38 government, and national and state licensing, credentialing,

1 investigatory, disciplinary, and examination organizations; (ii) the
2 current residential address and current residential telephone number of
3 a health care provider governed under chapter 18.130 RCW maintained in
4 the files of the department, if the provider requests that this
5 information be withheld from public inspection and copying, and
6 provides to the department an accurate alternate or business address
7 and business telephone number. On or after January 1, 1995, the
8 current residential address and residential telephone number of a
9 health care provider governed under RCW 18.130.040 maintained in the
10 files of the department shall automatically be withheld from public
11 inspection and copying unless the provider specifically requests the
12 information be released, and except as provided for under RCW
13 42.17.260(9).

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

16 (y) Information obtained by the board of pharmacy or the department
17 of health and its representatives as provided in RCW 69.41.044,
18 69.41.280, and 18.64.420.

19 (z) Financial information, business plans, examination reports, and
20 any information produced or obtained in evaluating or examining a
21 business and industrial development corporation organized or seeking
22 certification under chapter 31.24 RCW.

23 (aa) Financial and commercial information supplied to the state
24 investment board by any person when the information relates to the
25 investment of public trust or retirement funds and when disclosure
26 would result in loss to such funds or in private loss to the providers
27 of this information.

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

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

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

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

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

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

11 (hh) Information and documents created specifically for, and
12 collected and maintained by a quality improvement committee pursuant to
13 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
14 4.24.250, regardless of which agency is in possession of the
15 information and documents.

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

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

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

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

31 (mm) The personally identifying information of current or former
32 participants or applicants in a paratransit or other transit service
33 operated for the benefit of persons with disabilities or elderly
34 persons.

35 (nn) The personally identifying information of persons who acquire
36 and use transit passes and other fare payment media including, but not
37 limited to, stored value smart cards and magnetic strip cards, except
38 that an agency may disclose this information to a person, employer,

1 educational institution, or other entity that is responsible, in whole
2 or in part, for payment of the cost of acquiring or using a transit
3 pass or other fare payment media, or to the news media when reporting
4 on public transportation or public safety. This information may also
5 be disclosed at the agency's discretion to governmental agencies or
6 groups concerned with public transportation or public safety.

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

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

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

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

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

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

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

9 (vv) Individually identifiable information received by the work
10 force training and education coordinating board for research or
11 evaluation purposes.

12 (ww) Those portions of records assembled, prepared, or maintained
13 to prevent, mitigate, or respond to criminal terrorist acts, which are
14 acts that significantly disrupt the conduct of government or of the
15 general civilian population of the state or the United States and that
16 manifest an extreme indifference to human life, the public disclosure
17 of which would have a substantial likelihood of threatening public
18 safety, consisting of:

19 (i) Specific and unique vulnerability assessments or specific and
20 unique response or deployment plans, including compiled underlying data
21 collected in preparation of or essential to the assessments, or to the
22 response or deployment plans; (~~and~~)

23 (ii) Records not subject to public disclosure under federal law
24 that are shared by federal or international agencies, and information
25 prepared from national security briefings provided to state or local
26 government officials related to domestic preparedness for acts of
27 terrorism; and

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

30 (xx) Commercial fishing catch data from logbooks required to be
31 provided to the department of fish and wildlife under RCW 77.12.047,
32 when the data identifies specific catch location, timing, or
33 methodology and the release of which would result in unfair competitive
34 disadvantage to the commercial fisher providing the catch data.
35 However, this information may be released to government agencies
36 concerned with the management of fish and wildlife resources.

37 (yy) Sensitive wildlife data obtained by the department of fish and

1 wildlife. However, sensitive wildlife data may be released to
2 government agencies concerned with the management of fish and wildlife
3 resources. Sensitive wildlife data includes:

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

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

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

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

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

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

17 (zz) The personally identifying information of persons who acquire
18 recreational licenses under RCW 77.32.010 or commercial licenses under
19 chapter 77.65 or 77.70 RCW, except name, address of contact used by the
20 department, and type of license, endorsement, or tag. However, the
21 department of fish and wildlife may disclose personally identifying
22 information to:

23 (i) Government agencies concerned with the management of fish and
24 wildlife resources;

25 (ii) The department of social and health services, child support
26 division, and to the department of licensing in order to implement RCW
27 77.32.014 and 46.20.291; and

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

30 (aaa)(i) Discharge papers of a veteran of the armed forces of the
31 United States filed at the office of the county auditor before July 1,
32 2002, that have not been commingled with other recorded documents.
33 These records will be available only to the veteran, the veteran's next
34 of kin, a deceased veteran's properly appointed personal representative
35 or executor, a person holding that veteran's general power of attorney,
36 or to anyone else designated in writing by that veteran to receive the
37 records.

1 (ii) Discharge papers of a veteran of the armed forces of the
2 United States filed at the office of the county auditor before July 1,
3 2002, that have been commingled with other records, if the veteran has
4 recorded a "request for exemption from public disclosure of discharge
5 papers" with the county auditor. If such a request has been recorded,
6 these records may be released only to the veteran filing the papers,
7 the veteran's next of kin, a deceased veteran's properly appointed
8 personal representative or executor, a person holding the veteran's
9 general power of attorney, or anyone else designated in writing by the
10 veteran to receive the records.

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

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

21 (bbb) Those portions of records containing specific and unique
22 vulnerability assessments or specific and unique emergency and escape
23 response plans at a city, county, or state adult or juvenile
24 correctional facility, the public disclosure of which would have a
25 substantial likelihood of threatening the security of a city, county,
26 or state adult or juvenile correctional facility or any individual's
27 safety.

28 (ccc) Information compiled by school districts or schools in the
29 development of their comprehensive safe school plans pursuant to RCW
30 28A.320.125, to the extent that they identify specific vulnerabilities
31 of school districts and each individual school.

32 (ddd) Information regarding the infrastructure and security of
33 computer and telecommunications networks, consisting of security
34 passwords, security access codes and programs, access codes for secure
35 software applications, security and service recovery plans, security
36 risk assessments, and security test results to the extent that they
37 identify specific system vulnerabilities.

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

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

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

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