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SENATE BILL 5201

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State of Washington

59th Legislature

2005 Regular Session

By Senators Haugen, Kastama, Swecker, Johnson, Benton, Weinstein and Shin; by request of Department of Transportation

Read first time 01/18/2005. Referred to Committee on Transportation.

1 AN ACT Relating to high-occupancy toll lanes; amending RCW  
2 43.84.092; reenacting and amending RCW 42.17.310, 42.17.310, and  
3 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; providing expiration dates; and  
6 declaring an emergency.

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

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

17 It is the intent of the legislature to maximize the effectiveness  
18 and efficiency of the freeway system. To evaluate methods to  
19 accomplish this, it is beneficial to evaluate alternative approaches to

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

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

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

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

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

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

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

4 (b) The department shall establish performance standards for the  
5 state route 167 high-occupancy toll lane pilot project. The department  
6 must automatically adjust the toll charge, using dynamic tolling, to  
7 ensure that toll-paying single-occupant vehicle users are only  
8 permitted to enter the lane to the extent that average vehicle speeds  
9 in the lane remain above forty-five miles per hour at least ninety  
10 percent of the time during the peak hour. The toll charge may vary in  
11 amount by time of day, level of traffic congestion within the highway  
12 facility, vehicle occupancy, or other criteria, as the commission may  
13 deem appropriate. The commission may also vary toll charges for  
14 single-occupant inherently low-emission vehicles such as those powered  
15 by electric batteries, natural gas, propane, or other clean burning  
16 fuels.

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

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

25 (a) Freeway efficiency and safety;

26 (b) Effectiveness for transit;

27 (c) Person and vehicle movements by mode;

28 (d) Ability to finance improvements and transportation services  
29 through tolls; and

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

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

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

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

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

8 (6) The department of transportation shall adopt rules that allow  
9 automatic vehicle identification transponders used for electronic toll  
10 collection to be compatible with other electronic payment devices or  
11 transponders from the Washington state ferry system, other public  
12 transportation systems, or other toll collection systems to the extent  
13 that technology permits.

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

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

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

22 The high-occupancy toll lanes operations account is created in the  
23 state treasury. The department shall deposit all revenues received by  
24 the department as toll charges collected from high-occupancy toll lane  
25 users. Moneys in this account may be spent only if appropriated by the  
26 legislature. Moneys in this account may be used for, but be not  
27 limited to, debt service, planning, administration, construction,  
28 maintenance, operation, repair, rebuilding, enforcement, and expansion  
29 of high-occupancy toll lanes and to increase transit, vanpool and  
30 carpool, and trip reduction services in the corridor.

31 **Sec. 5.** RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277 s  
32 3, and 2003 c 124 s 1 are each reenacted and amended to read as  
33 follows:

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

35 (a) Personal information in any files maintained for students in

1 public schools, patients or clients of public institutions or public  
2 health agencies, or welfare recipients.

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

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

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

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

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

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

37 (h) Valuable formulae, designs, drawings, computer source code or

1 object code, and research data obtained by any agency within five years  
2 of the request for disclosure when disclosure would produce private  
3 gain and public loss.

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

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

12 (k) Records, maps, or other information identifying the location of  
13 archaeological sites in order to avoid the looting or depredation of  
14 such sites.

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

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

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

27 (o) Financial and commercial information and records supplied by  
28 private persons pertaining to export services provided pursuant to  
29 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to  
30 export projects pursuant to RCW 43.23.035.

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

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

36 (r) Financial and commercial information and records supplied by  
37 businesses or individuals during application for loans or program

1 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,  
2 or during application for economic development loans or program  
3 services provided by any local agency.

4 (s) Membership lists or lists of members or owners of interests of  
5 units in timeshare projects, subdivisions, camping resorts,  
6 condominiums, land developments, or common-interest communities  
7 affiliated with such projects, regulated by the department of  
8 licensing, in the files or possession of the department.

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

12 (u) The residential addresses or residential telephone numbers of  
13 employees or volunteers of a public agency which are held by any public  
14 agency in personnel records, public employment related records, or  
15 volunteer rosters, or are included in any mailing list of employees or  
16 volunteers of any public agency.

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

24 (w)(i) The federal social security number of individuals governed  
25 under chapter 18.130 RCW maintained in the files of the department of  
26 health, except this exemption does not apply to requests made directly  
27 to the department from federal, state, and local agencies of  
28 government, and national and state licensing, credentialing,  
29 investigatory, disciplinary, and examination organizations; (ii) the  
30 current residential address and current residential telephone number of  
31 a health care provider governed under chapter 18.130 RCW maintained in  
32 the files of the department, if the provider requests that this  
33 information be withheld from public inspection and copying, and  
34 provides to the department an accurate alternate or business address  
35 and business telephone number. On or after January 1, 1995, the  
36 current residential address and residential telephone number of a  
37 health care provider governed under RCW 18.130.040 maintained in the  
38 files of the department shall automatically be withheld from public

1 inspection and copying unless the provider specifically requests the  
2 information be released, and except as provided for under RCW  
3 42.17.260(9).

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

6 (y) Information obtained by the board of pharmacy or the department  
7 of health and its representatives as provided in RCW 69.41.044,  
8 69.41.280, and 18.64.420.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (vv) Individually identifiable information received by the work

1 force training and education coordinating board for research or  
2 evaluation purposes.

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

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

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

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

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

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

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

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

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

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

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

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

11 (i) Government agencies concerned with the management of fish and  
12 wildlife resources;

13 (ii) The department of social and health services, child support  
14 division, and to the department of licensing in order to implement RCW  
15 77.32.014 and 46.20.291; and

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

18 (aaa)(i) 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 not been commingled with other recorded documents.  
21 These records will be available only to the veteran, the veteran's next  
22 of kin, a deceased veteran's properly appointed personal representative  
23 or executor, a person holding that veteran's general power of attorney,  
24 or to anyone else designated in writing by that veteran to receive the  
25 records.

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

36 (iii) Discharge papers of a veteran filed at the office of the  
37 county auditor after June 30, 2002, are not public records, but will be  
38 available only to the veteran, the veteran's next of kin, a deceased

1 veteran's properly appointed personal representative or executor, a  
2 person holding the veteran's general power of attorney, or anyone else  
3 designated in writing by the veteran to receive the records.

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

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

15 (ccc) Information compiled by school districts or schools in the  
16 development of their comprehensive safe school plans pursuant to RCW  
17 28A.320.125, to the extent that they identify specific vulnerabilities  
18 of school districts and each individual school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 (s) Membership lists or lists of members or owners of interests of  
2 units in timeshare projects, subdivisions, camping resorts,  
3 condominiums, land developments, or common-interest communities  
4 affiliated with such projects, regulated by the department of  
5 licensing, in the files or possession of the department.

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

9 (u) The residential addresses or residential telephone numbers of  
10 employees or volunteers of a public agency which are held by any public  
11 agency in personnel records, public employment related records, or  
12 volunteer rosters, or are included in any mailing list of employees or  
13 volunteers of any public agency.

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

21 (w)(i) The federal social security number of individuals governed  
22 under chapter 18.130 RCW maintained in the files of the department of  
23 health, except this exemption does not apply to requests made directly  
24 to the department from federal, state, and local agencies of  
25 government, and national and state licensing, credentialing,  
26 investigatory, disciplinary, and examination organizations; (ii) the  
27 current residential address and current residential telephone number of  
28 a health care provider governed under chapter 18.130 RCW maintained in  
29 the files of the department, if the provider requests that this  
30 information be withheld from public inspection and copying, and  
31 provides to the department an accurate alternate or business address  
32 and business telephone number. On or after January 1, 1995, the  
33 current residential address and residential telephone number of a  
34 health care provider governed under RCW 18.130.040 maintained in the  
35 files of the department shall automatically be withheld from public  
36 inspection and copying unless the provider specifically requests the  
37 information be released, and except as provided for under RCW  
38 42.17.260(9).

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

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

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

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

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

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

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

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

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

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

35 (hh) Information and documents created specifically for, and  
36 collected and maintained by a quality improvement committee pursuant to  
37 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW

1 4.24.250, regardless of which agency is in possession of the  
2 information and documents.

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

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

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

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

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

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

32 (oo) Proprietary financial and commercial information that the  
33 submitting entity, with review by the department of health,  
34 specifically identifies at the time it is submitted and that is  
35 provided to or obtained by the department of health in connection with  
36 an application for, or the supervision of, an antitrust exemption  
37 sought by the submitting entity under RCW 43.72.310. If a request for  
38 such information is received, the submitting entity must be notified of

1 the request. Within ten business days of receipt of the notice, the  
2 submitting entity shall provide a written statement of the continuing  
3 need for confidentiality, which shall be provided to the requester.  
4 Upon receipt of such notice, the department of health shall continue to  
5 treat information designated under this section as exempt from  
6 disclosure. If the requester initiates an action to compel disclosure  
7 under this chapter, the submitting entity must be joined as a party to  
8 demonstrate the continuing need for confidentiality.

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

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

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

22 (ss) Credit card numbers, debit card numbers, electronic check  
23 numbers, card expiration dates, or bank or other financial account  
24 numbers, except when disclosure is expressly required by or governed by  
25 other law.

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

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

34 (vv) Individually identifiable information received by the work  
35 force training and education coordinating board for research or  
36 evaluation purposes.

37 (ww) Those portions of records assembled, prepared, or maintained  
38 to prevent, mitigate, or respond to criminal terrorist acts, which are

1 acts that significantly disrupt the conduct of government or of the  
2 general civilian population of the state or the United States and that  
3 manifest an extreme indifference to human life, the public disclosure  
4 of which would have a substantial likelihood of threatening public  
5 safety, consisting of:

6 (i) Specific and unique vulnerability assessments or specific and  
7 unique response or deployment plans, including compiled underlying data  
8 collected in preparation of or essential to the assessments, or to the  
9 response or deployment plans; and

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

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

22 (yy) Sensitive wildlife data obtained by the department of fish and  
23 wildlife. However, sensitive wildlife data may be released to  
24 government agencies concerned with the management of fish and wildlife  
25 resources. Sensitive wildlife data includes:

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

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

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

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

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

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

1 (zz) The personally identifying information of persons who acquire  
2 recreational licenses under RCW 77.32.010 or commercial licenses under  
3 chapter 77.65 or 77.70 RCW, except name, address of contact used by the  
4 department, and type of license, endorsement, or tag. However, the  
5 department of fish and wildlife may disclose personally identifying  
6 information to:

7 (i) Government agencies concerned with the management of fish and  
8 wildlife resources;

9 (ii) The department of social and health services, child support  
10 division, and to the department of licensing in order to implement RCW  
11 77.32.014 and 46.20.291; and

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

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

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

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

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

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

12 (ccc) Information compiled by school districts or schools in the  
13 development of their comprehensive safe school plans pursuant to RCW  
14 28A.320.125, to the extent that they identify specific vulnerabilities  
15 of school districts and each individual school.

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

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

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

36 (ggg) The personally identifying information of persons who acquire  
37 and use transponders or other technology to facilitate payment of  
38 tolls. This information may be disclosed in aggregate form as long as

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

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

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

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

27 **Sec. 7.** 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 **Sec. 8.** RCW 43.84.092 and 2004 c 242 s 60 are each amended to read  
35 as follows:

36 (1) All earnings of investments of surplus balances in the state

1 treasury shall be deposited to the treasury income account, which  
2 account is hereby established in the state treasury.

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

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

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

30 (a) The following accounts and funds shall receive their  
31 proportionate share of earnings based upon each account's and fund's  
32 average daily balance for the period: The capitol building  
33 construction account, the Cedar River channel construction and  
34 operation account, the Central Washington University capital projects  
35 account, the charitable, educational, penal and reformatory  
36 institutions account, the common school construction fund, the county  
37 criminal justice assistance account, the county sales and use tax  
38 equalization account, the data processing building construction

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

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

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

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

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

6           NEW SECTION.   **Sec. 10.** (1) Section 5 of this act expires June 30,  
7 2005.

8           (2) Section 7 of this act expires July 1, 2006.

9           NEW SECTION.   **Sec. 11.** (1) Section 6 of this act is necessary for  
10 the immediate preservation of the public peace, health, or safety, or  
11 support of the state government and its existing public institutions,  
12 and takes effect June 30, 2005.

13           (2) Section 8 of this act takes effect July 1, 2006.

14           NEW SECTION.   **Sec. 12.** Section 5 of this act is necessary for the  
15 immediate preservation of the public peace, health, or safety, or  
16 support of the state government and its existing public institutions,  
17 and takes effect immediately.

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