
SECOND SUBSTITUTE SENATE BILL 5581

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Brown, Finkbeiner, Kohl-Welles, Rasmussen, Prentice, Hewitt, Fairley, Esser, Doumit, Keiser, Haugen, McAuliffe and Shin; by request of Governor Gregoire)

READ FIRST TIME 03/08/05.

1 AN ACT Relating to the strategic financing of life sciences
2 research; amending RCW 43.79.480, 42.30.110, and 43.84.092; reenacting
3 and amending RCW 42.17.310, 42.17.310, 42.17.2401, 43.84.092, and
4 43.84.092; adding a new section to chapter 82.04 RCW; adding a new
5 section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW;
6 creating new sections; providing effective dates; providing expiration
7 dates; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** LEGISLATIVE DECLARATION. The legislature
10 declares it to be a clear public purpose and governmental function to
11 promote life sciences research to foster a preventive and predictive
12 vision of the next generation of health-related innovations, to enhance
13 the competitive position of Washington state in this vital sector of
14 the economy, and to improve the quality and delivery of health care for
15 the people of Washington. It is appropriate and consistent with the
16 intent of the master settlement agreement between the state and tobacco
17 product manufacturers to invest a portion of the revenues derived
18 therefrom by the state in life sciences research, to leverage the
19 revenues with other funds, and to encourage cooperation and innovation

1 among public and private institutions involved in life sciences
2 research. The purpose of this chapter is to establish a life sciences
3 discovery fund authority, to grant that authority the power to contract
4 with the state to receive revenues under the master settlement
5 agreement, and to contract with other entities to receive other funds,
6 and to disburse those funds consistent with the purpose of this
7 chapter. The life sciences discovery fund is intended to promote the
8 best available research in life sciences disciplines through diverse
9 Washington institutions and to foster improved health care outcomes and
10 improved agricultural production research across this state and the
11 world. The research investments of the life sciences discovery fund
12 are intended to further the goals of the "Bio 21" report and to support
13 future statewide, comprehensive strategies to lead the nation in life
14 sciences-related research and employment.

15 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
16 section apply throughout this chapter unless the context clearly
17 requires otherwise.

18 (1) "Authority" means the life sciences discovery fund authority
19 created in this chapter.

20 (2) "Board" means the governing board of trustees of the authority.

21 (3) "Contribution agreement" means any agreement authorized under
22 this chapter in which a private entity or a public entity other than
23 the state agrees to provide to the authority contributions for the
24 purpose of promoting life sciences research.

25 (4) "Life sciences research" means advanced and applied research
26 and development intended to improve human health.

27 (5) "Master settlement agreement" means the national master
28 settlement agreement and related documents entered into on November 23,
29 1998, by the state and the four principal United States tobacco product
30 manufacturers, as amended and supplemented, for the settlement of
31 litigation brought by the state against the tobacco product
32 manufacturers.

33 (6) "State agreement" means the agreement authorized under this
34 chapter in which the state provides to the authority the strategic
35 contribution payments required to be made by tobacco product
36 manufacturers to the state and the state's rights to receive such

1 payments, pursuant to the master settlement agreement, for the purpose
2 of promoting life sciences research.

3 (7) "Strategic contribution payments" means the payments designated
4 as such under the master settlement agreement, which will be made to
5 the state in the years 2008 through 2017.

6 NEW SECTION. **Sec. 3.** LIFE SCIENCES DISCOVERY FUND AUTHORITY--
7 ESTABLISHED. (1) The life sciences discovery fund authority is created
8 and constitutes a public instrumentality and agency of the state,
9 separate and distinct from the state, exercising public and essential
10 governmental functions.

11 (2) The powers of the authority are vested in and shall be
12 exercised by a board of trustees consisting of seven members appointed
13 by the governor with the consent of the senate, one of whom shall be
14 appointed by the governor as chair of the authority and who shall serve
15 on the board and as chair of the authority at the pleasure of the
16 governor. At least one member of the board shall be experienced in
17 applied agricultural production research. The governor shall make the
18 initial appointments no later than thirty days after the effective date
19 of this section. The term of the trustees, other than the chair, is
20 four years from the date of their appointment, except that the terms of
21 three of the initial appointees, as determined by the governor, are for
22 two years from the date of their appointment. A trustee may be removed
23 by the governor for cause under RCW 43.06.070 and 43.06.080. The
24 governor shall fill any vacancy on the board by appointment for the
25 remainder of the unexpired term. The trustees shall be compensated in
26 accordance with RCW 43.03.240 and may be reimbursed, solely from the
27 funds of the authority, for expenses incurred in the discharge of their
28 duties under this chapter, subject to RCW 43.03.050 and 43.03.060.

29 (3) Four members of the board constitute a quorum.

30 (4) The trustees shall elect a treasurer and secretary annually,
31 and other officers as the trustees determine necessary, and may adopt
32 bylaws or rules for their own government.

33 (5) Meetings of the board shall be held in accordance with the open
34 public meetings act, chapter 42.30 RCW, and at the call of the chair or
35 when a majority of the trustees so requests. Meetings of the board may
36 be held at any location within or out of the state, and trustees may

1 participate in a meeting of the board by means of a conference
2 telephone or similar communication equipment under RCW 23B.08.200.

3 (6) The authority is subject to audit by the state auditor.

4 (7) The attorney general must advise the authority and represent it
5 in all legal proceedings.

6 NEW SECTION. **Sec. 4.** SPECIAL TRUST POWERS. In addition to other
7 powers and duties prescribed in this chapter, the authority is
8 empowered to:

9 (1) Enter into an agreement with the state for the receipt of
10 strategic contribution payments and of the state's rights to receive
11 the amounts in consideration of the authority's promise to leverage the
12 revenues with amounts received from other public and private sources in
13 accordance with contribution agreements and to hold the funds in trust
14 for the benefit of its funders and its grant recipients for their use
15 pursuant to this chapter to promote life sciences research. The funds
16 received from the state under this subsection shall be deposited in the
17 life sciences discovery fund hereby created in the state treasury.
18 Moneys in the fund may be spent only after appropriation;

19 (2) Enter into agreements with private entities and public entities
20 other than the state for the receipt of funds in consideration of the
21 authority's promise to leverage the funds with amounts received in
22 accordance with the state agreement, and contributions from other
23 public entities and private entities and to hold the funds in trust for
24 their use pursuant to this chapter to promote life sciences and related
25 research;

26 (3) Hold funds received by the authority in trust for their use
27 pursuant to this chapter to promote life sciences research;

28 (4) Manage its funds, obligations, and investments as necessary and
29 as consistent with its purpose including the segregation of revenues
30 into separate funds and accounts;

31 (5) Make grants to entities pursuant to contract for the promotion
32 of life sciences research to be conducted in the state. The authority
33 shall solicit requests for funding and evaluate the requests by
34 reference to factors such as: (a) The quality of the proposed
35 research; (b) its potential for leveraging additional funding; (c) its
36 potential to provide health care benefits; (d) its potential to
37 stimulate the health care delivery, biomedical manufacturing, and life

1 sciences related employment in the state; (e) the geographic diversity
2 of the grantees within Washington; and (f) evidence of public and
3 private collaboration. Before November 1st of each year, the authority
4 shall develop and submit to the appropriate fiscal committees of the
5 legislature a prioritized list of grants that are recommended for
6 funding by the legislature, including a description of each grant and
7 recommended financing. The authority shall not sign contracts or
8 otherwise financially obligate funds from the life sciences discovery
9 fund before the legislature has appropriated funds for a specific list
10 of grants. The legislature may remove grants from the list recommended
11 by the authority, but the legislature shall not change the order of the
12 priorities recommended for funding by the authority;

13 (6) Create one or more advisory boards composed of scientists,
14 industrialists, and others familiar with life sciences research; and

15 (7) Adopt policies and procedures to facilitate the orderly process
16 of grant application, review, and reward.

17 NEW SECTION. **Sec. 5.** GENERAL POWERS--RESTRICTIONS. The authority
18 has all the general powers necessary to carry out its purposes and
19 duties and to exercise its specific powers. In addition to other
20 powers specified in this chapter, the authority may: (1) Sue and be
21 sued in its own name; (2) make and execute agreements, contracts, and
22 other instruments, with any public or private person or entity, in
23 accordance with this chapter; (3) employ, contract with, or engage
24 independent counsel, financial advisors, auditors, other technical or
25 professional assistants, and such other personnel as are necessary or
26 desirable to implement this chapter; (4) establish such special funds,
27 and controls on deposits to and disbursements from them, as it finds
28 convenient for the implementation of this chapter; (5) enter into
29 contracts with public and private entities for life sciences research
30 to be conducted in the state; (6) adopt rules, consistent with this
31 chapter; (7) delegate any of its powers and duties if consistent with
32 the purposes of this chapter; (8) exercise any other power reasonably
33 required to implement the purposes of this chapter; and (9) hire staff
34 and pay administrative costs.

35 NEW SECTION. **Sec. 6.** AUTHORIZATION OF THE CONTRIBUTION OF RIGHTS
36 IN THE MASTER SETTLEMENT AGREEMENT. (1) The governor is authorized to

1 contribute and assign to the authority all of the state's right to
2 receive the strategic contribution payments. The governor and the
3 authority are authorized to take any action necessary to facilitate and
4 complete the assignment.

5 (2) The contribution made under this section shall be made if
6 nonstate contributions in an amount not less than twenty million
7 dollars have been promised to the authority pursuant to one or more
8 contribution agreements and no less than ten million dollars have been
9 received by the authority under contribution agreements. The
10 characterization of such a contribution by the state may not be negated
11 or adversely affected by the fact that only a portion of the revenue
12 from the master settlement agreement is being contributed and assigned,
13 or by the state's acquisition or retention of an ownership interest in
14 the portion of the revenue from the master settlement agreement not so
15 assigned.

16 (3) In addition to such other terms, provisions, and conditions as
17 the governor and the authority may determine appropriate for inclusion
18 in the state agreement, the state agreement must contain a: (a)
19 Covenant of the state that the state will not agree to any amendment of
20 the master settlement agreement that materially and adversely affects
21 the authority's ability to receive the strategic contribution payments;
22 (b) requirement that the state enforce, at its own expense, the
23 provisions of the master settlement agreement that require the payment
24 of the strategic contribution payments to the authority.

25 (4) On or after the effective date of the state agreement, the
26 state shall not have any right, title, or interest in the portion of
27 the strategic contribution payments and such payments are the property
28 of the authority and not the state, and shall be owned, received, held,
29 and disbursed by the authority or its assignee, and not the state.

30 (5) The strategic contribution payments so contributed and assigned
31 may not be deemed to be general state revenues as that term is used in
32 Article VIII, section 1 of the state Constitution.

33 NEW SECTION. **Sec. 7.** LIMITATION OF LIABILITY. Members of the
34 board and persons acting on behalf of the authority, while acting
35 within the scope of their employment or agency, are not subject to
36 personal liability resulting from carrying out the powers and duties
37 conferred on them under this chapter. Neither the state nor the

1 authority is liable for any loss, damage, harm, or other consequence
2 resulting directly or indirectly from grants made by the authority or
3 by any life sciences research funded by such grants.

4 NEW SECTION. **Sec. 8.** DISSOLUTION OF THE AUTHORITY. The authority
5 may petition the legislature to be dissolved upon a showing that it has
6 no reason to exist and that any assets it retains must be distributed
7 to one or more similar entities approved by the legislature. The
8 legislature reserves the right to dissolve the authority after its
9 contractual obligations to its funders and grant recipients have
10 expired.

11 NEW SECTION. **Sec. 9.** A new section is added to chapter 82.04 RCW
12 to read as follows:

13 BUSINESS AND OCCUPATION TAX EXEMPTION. This chapter does not apply
14 to income received by the life sciences discovery fund authority under
15 chapter 43.-- RCW (sections 1 through 8 of this act).

16 **Sec. 10.** RCW 43.79.480 and 2002 c 365 s 15 are each amended to
17 read as follows:

18 (1) Moneys received by the state of Washington in accordance with
19 the settlement of the state's legal action against tobacco product
20 manufacturers, exclusive of costs and attorneys' fees, shall be
21 deposited in the tobacco settlement account created in this section
22 except as these moneys are sold or assigned under chapter 43.340 RCW or
23 are contributed or assigned under chapter 43.-- RCW (sections 1 through
24 8 of this act).

25 (2) The tobacco settlement account is created in the state
26 treasury. Moneys in the tobacco settlement account may only be
27 transferred to the health services account for the purposes set forth
28 in RCW 43.72.900, and to the tobacco prevention and control account for
29 purposes set forth in this section.

30 (3) The tobacco prevention and control account is created in the
31 state treasury. The source of revenue for this account is moneys
32 transferred to the account from the tobacco settlement account,
33 investment earnings, donations to the account, and other revenues as
34 directed by law. Expenditures from the account are subject to
35 appropriation.

1 **Sec. 11.** RCW 42.30.110 and 2003 c 277 s 1 are each amended to read
2 as follows:

3 (1) Nothing contained in this chapter may be construed to prevent
4 a governing body from holding an executive session during a regular or
5 special meeting:

6 (a) To consider matters affecting national security;

7 (b) To consider the selection of a site or the acquisition of real
8 estate by lease or purchase when public knowledge regarding such
9 consideration would cause a likelihood of increased price;

10 (c) To consider the minimum price at which real estate will be
11 offered for sale or lease when public knowledge regarding such
12 consideration would cause a likelihood of decreased price. However,
13 final action selling or leasing public property shall be taken in a
14 meeting open to the public;

15 (d) To review negotiations on the performance of publicly bid
16 contracts when public knowledge regarding such consideration would
17 cause a likelihood of increased costs;

18 (e) To consider, in the case of an export trading company,
19 financial and commercial information supplied by private persons to the
20 export trading company;

21 (f) To receive and evaluate complaints or charges brought against
22 a public officer or employee. However, upon the request of such
23 officer or employee, a public hearing or a meeting open to the public
24 shall be conducted upon such complaint or charge;

25 (g) To evaluate the qualifications of an applicant for public
26 employment or to review the performance of a public employee. However,
27 subject to RCW 42.30.140(4), discussion by a governing body of
28 salaries, wages, and other conditions of employment to be generally
29 applied within the agency shall occur in a meeting open to the public,
30 and when a governing body elects to take final action hiring, setting
31 the salary of an individual employee or class of employees, or
32 discharging or disciplining an employee, that action shall be taken in
33 a meeting open to the public;

34 (h) To evaluate the qualifications of a candidate for appointment
35 to elective office. However, any interview of such candidate and final
36 action appointing a candidate to elective office shall be in a meeting
37 open to the public;

1 (i) To discuss with legal counsel representing the agency matters
2 relating to agency enforcement actions, or to discuss with legal
3 counsel representing the agency litigation or potential litigation to
4 which the agency, the governing body, or a member acting in an official
5 capacity is, or is likely to become, a party, when public knowledge
6 regarding the discussion is likely to result in an adverse legal or
7 financial consequence to the agency.

8 This subsection (1)(i) does not permit a governing body to hold an
9 executive session solely because an attorney representing the agency is
10 present. For purposes of this subsection (1)(i), "potential
11 litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a)
12 concerning:

13 (A) Litigation that has been specifically threatened to which the
14 agency, the governing body, or a member acting in an official capacity
15 is, or is likely to become, a party;

16 (B) Litigation that the agency reasonably believes may be commenced
17 by or against the agency, the governing body, or a member acting in an
18 official capacity; or

19 (C) Litigation or legal risks of a proposed action or current
20 practice that the agency has identified when public discussion of the
21 litigation or legal risks is likely to result in an adverse legal or
22 financial consequence to the agency;

23 (j) To consider, in the case of the state library commission or its
24 advisory bodies, western library network prices, products, equipment,
25 and services, when such discussion would be likely to adversely affect
26 the network's ability to conduct business in a competitive economic
27 climate. However, final action on these matters shall be taken in a
28 meeting open to the public;

29 (k) To consider, in the case of the state investment board,
30 financial and commercial information when the information relates to
31 the investment of public trust or retirement funds and when public
32 knowledge regarding the discussion would result in loss to such funds
33 or in private loss to the providers of this information;

34 (l) To consider proprietary or confidential nonpublished
35 information related to the development, acquisition, or implementation
36 of state purchased health care services as provided in RCW 41.05.026;

37 (m) To consider in the case of the life sciences discovery fund

1 authority, the substance of grant applications and grant awards when
2 public knowledge regarding the discussion would reasonably be expected
3 to result in private loss to the providers of this information.

4 (2) Before convening in executive session, the presiding officer of
5 a governing body shall publicly announce the purpose for excluding the
6 public from the meeting place, and the time when the executive session
7 will be concluded. The executive session may be extended to a stated
8 later time by announcement of the presiding officer.

9 NEW SECTION. Sec. 12. A new section is added to chapter 41.06 RCW
10 to read as follows:

11 In addition to the exemptions set forth in RCW 41.06.070, this
12 chapter does not apply to employees of the life sciences discovery fund
13 authority under chapter 43.-- RCW (sections 1 through 8 of this act).

14 **Sec. 13.** RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277
15 s 3, and 2003 c 124 s 1 are each reenacted and amended to read as
16 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (ll) The names, residential addresses, residential telephone
35 numbers, and other individually identifiable records held by an agency
36 in relation to a vanpool, carpool, or other ride-sharing program or
37 service. However, these records may be disclosed to other persons who

1 apply for ride-matching services and who need that information in order
2 to identify potential riders or drivers with whom to share rides.

3 (mm) The personally identifying information of current or former
4 participants or applicants in a paratransit or other transit service
5 operated for the benefit of persons with disabilities or elderly
6 persons.

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

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

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

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

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

7 (ss) Credit card numbers, debit card numbers, electronic check
8 numbers, card expiration dates, or bank or other financial account
9 numbers, except when disclosure is expressly required by or governed by
10 other law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (eee) Information obtained and exempted or withheld from public
10 inspection by the health care authority under RCW 41.05.026, whether
11 retained by the authority, transferred to another state purchased
12 health care program by the authority, or transferred by the authority
13 to a technical review committee created to facilitate the development,
14 acquisition, or implementation of state purchased health care under
15 chapter 41.05 RCW.

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

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

25 (hhh) Financial, commercial, operations, and technical and research
26 information and data submitted to or obtained by the life sciences
27 discovery fund authority in applications for, or delivery of, grants
28 under chapter 43.-- RCW (sections 1 through 8 of this act), to the
29 extent that such information, if revealed, would reasonably be expected
30 to result in private loss to the providers of this information.

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

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

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

11 **Sec. 14.** RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are
12 each reenacted and amended to read as follows:

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

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

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

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

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

32 (e) Information revealing the identity of persons who are witnesses
33 to or victims of crime or who file complaints with investigative, law
34 enforcement, or penology agencies, other than the public disclosure
35 commission, if disclosure would endanger any person's life, physical
36 safety, or property. If at the time a complaint is filed the
37 complainant, victim or witness indicates a desire for disclosure or

1 nondisclosure, such desire shall govern. However, all complaints filed
2 with the public disclosure commission about any elected official or
3 candidate for public office must be made in writing and signed by the
4 complainant under oath.

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

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

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

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

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

26 (k) Records, maps, or other information identifying the location of
27 archaeological sites in order to avoid the looting or depredation of
28 such sites.

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

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

37 (n) Railroad company contracts filed prior to July 28, 1991, with

1 the utilities and transportation commission under RCW 81.34.070, except
2 that the summaries of the contracts are open to public inspection and
3 copying as otherwise provided by this chapter.

4 (o) Financial and commercial information and records supplied by
5 private persons pertaining to export services provided pursuant to
6 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
7 export projects pursuant to RCW 43.23.035.

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

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

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

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

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

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

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

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

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

21 (y) Information obtained by the board of pharmacy or the department
22 of health and its representatives as provided in RCW 69.41.044,
23 69.41.280, and 18.64.420.

24 (z) Financial information, business plans, examination reports, and
25 any information produced or obtained in evaluating or examining a
26 business and industrial development corporation organized or seeking
27 certification under chapter 31.24 RCW.

28 (aa) Financial and commercial information supplied to the state
29 investment board by any person when the information relates to the
30 investment of public trust or retirement funds and when disclosure
31 would result in loss to such funds or in private loss to the providers
32 of this information.

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

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

37 (dd) Information that identifies a person who, while an agency
38 employee: (i) Seeks advice, under an informal process established by

1 the employing agency, in order to ascertain his or her rights in
2 connection with a possible unfair practice under chapter 49.60 RCW
3 against the person; and (ii) requests his or her identity or any
4 identifying information not be disclosed.

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

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

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

15 (hh) Information and documents created specifically for, and
16 collected and maintained by a quality improvement committee pursuant to
17 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
18 4.24.250, regardless of which agency is in possession of the
19 information and documents.

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

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

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

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

35 (mm) The personally identifying information of current or former
36 participants or applicants in a paratransit or other transit service
37 operated for the benefit of persons with disabilities or elderly
38 persons.

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

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

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

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

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

1 (ss) Credit card numbers, debit card numbers, electronic check
2 numbers, card expiration dates, or bank or other financial account
3 numbers, except when disclosure is expressly required by or governed by
4 other law.

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

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

13 (vv) Individually identifiable information received by the work
14 force training and education coordinating board for research or
15 evaluation purposes.

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

23 (i) Specific and unique vulnerability assessments or specific and
24 unique response or deployment plans, including compiled underlying data
25 collected in preparation of or essential to the assessments, or to the
26 response or deployment plans; and

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

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

1 (yy) Sensitive wildlife data obtained by the department of fish and
2 wildlife. However, sensitive wildlife data may be released to
3 government agencies concerned with the management of fish and wildlife
4 resources. Sensitive wildlife data includes:

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

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

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

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

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

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

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

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

26 (ii) The department of social and health services, child support
27 division, and to the department of licensing in order to implement RCW
28 77.32.014 and 46.20.291; and

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

31 (aaa)(i) Discharge papers of a veteran of the armed forces of the
32 United States filed at the office of the county auditor before July 1,
33 2002, that have not been commingled with other recorded documents.
34 These records will be available only to the veteran, the veteran's next
35 of kin, a deceased veteran's properly appointed personal representative
36 or executor, a person holding that veteran's general power of attorney,
37 or to anyone else designated in writing by that veteran to receive the
38 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 (eee) Information obtained and exempted or withheld from public
2 inspection by the health care authority under RCW 41.05.026, whether
3 retained by the authority, transferred to another state purchased
4 health care program by the authority, or transferred by the authority
5 to a technical review committee created to facilitate the development,
6 acquisition, or implementation of state purchased health care under
7 chapter 41.05 RCW.

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

15 (ggg) Financial, commercial, operations, and technical and research
16 information and data submitted to or obtained by the life sciences
17 discovery fund authority in applications for, or delivery of, grants
18 under chapter 43.-- RCW (sections 1 through 8 of this act), to the
19 extent that such information, if revealed, would reasonably be expected
20 to result in private loss to the providers of this information.

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

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

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

1 **Sec. 15.** RCW 42.17.2401 and 2001 c 36 s 1 and 2001 c 9 s 1 are
2 each reenacted and amended to read as follows:

3 For the purposes of RCW 42.17.240, the term "executive state
4 officer" includes:

5 (1) The chief administrative law judge, the director of
6 agriculture, the administrator of the Washington basic health plan, the
7 director of the department of services for the blind, the director of
8 the state system of community and technical colleges, the director of
9 community, trade, and economic development, the secretary of
10 corrections, the director of ecology, the commissioner of employment
11 security, the ((~~chairman~~)) chair of the energy facility site evaluation
12 council, the secretary of the state finance committee, the director of
13 financial management, the director of fish and wildlife, the executive
14 secretary of the forest practices appeals board, the director of the
15 gambling commission, the director of general administration, the
16 secretary of health, the administrator of the Washington state health
17 care authority, the executive secretary of the health care facilities
18 authority, the executive secretary of the higher education facilities
19 authority, the executive secretary of the horse racing commission, the
20 executive secretary of the human rights commission, the executive
21 secretary of the indeterminate sentence review board, the director of
22 the department of information services, the director of the interagency
23 committee for outdoor recreation, the executive director of the state
24 investment board, the director of labor and industries, the director of
25 licensing, the director of the lottery commission, the director of the
26 office of minority and women's business enterprises, the director of
27 parks and recreation, the director of personnel, the executive director
28 of the public disclosure commission, the director of retirement
29 systems, the director of revenue, the secretary of social and health
30 services, the chief of the Washington state patrol, the executive
31 secretary of the board of tax appeals, the secretary of transportation,
32 the secretary of the utilities and transportation commission, the
33 director of veterans affairs, the president of each of the regional and
34 state universities and the president of The Evergreen State College,
35 each district and each campus president of each state community
36 college;

37 (2) Each professional staff member of the office of the governor;

38 (3) Each professional staff member of the legislature; and

1 (4) Central Washington University board of trustees, board of
2 trustees of each community college, each member of the state board for
3 community and technical colleges, state convention and trade center
4 board of directors, committee for deferred compensation, Eastern
5 Washington University board of trustees, Washington economic
6 development finance authority, The Evergreen State College board of
7 trustees, executive ethics board, forest practices appeals board,
8 forest practices board, gambling commission, life sciences discovery
9 fund authority board of trustees, Washington health care facilities
10 authority, each member of the Washington health services commission,
11 higher education coordinating board, higher education facilities
12 authority, horse racing commission, state housing finance commission,
13 human rights commission, indeterminate sentence review board, board of
14 industrial insurance appeals, information services board, interagency
15 committee for outdoor recreation, state investment board, commission on
16 judicial conduct, legislative ethics board, liquor control board,
17 lottery commission, marine oversight board, Pacific Northwest electric
18 power and conservation planning council, parks and recreation
19 commission, personnel appeals board, board of pilotage commissioners,
20 pollution control hearings board, public disclosure commission, public
21 pension commission, shorelines hearing board, public employees'
22 benefits board, salmon recovery funding board, board of tax appeals,
23 transportation commission, University of Washington board of regents,
24 utilities and transportation commission, Washington state maritime
25 commission, Washington personnel resources board, Washington public
26 power supply system executive board, Washington State University board
27 of regents, Western Washington University board of trustees, and fish
28 and wildlife commission.

29 **Sec. 16.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, and
30 2003 c 48 s 2 are each reenacted and amended to read as follows:

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

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

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

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

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

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

1 emergency reserve fund, The Evergreen State College capital projects
2 account, the federal forest revolving account, the health services
3 account, the public health services account, the health system capacity
4 account, the personal health services account, the state higher
5 education construction account, the higher education construction
6 account, the highway infrastructure account, the industrial insurance
7 premium refund account, the judges' retirement account, the judicial
8 retirement administrative account, the judicial retirement principal
9 account, the life sciences discovery fund, the local leasehold excise
10 tax account, the local real estate excise tax account, the local sales
11 and use tax account, the medical aid account, the mobile home park
12 relocation fund, the multimodal transportation account, the municipal
13 criminal justice assistance account, the municipal sales and use tax
14 equalization account, the natural resources deposit account, the oyster
15 reserve land account, the perpetual surveillance and maintenance
16 account, the public employees' retirement system plan 1 account, the
17 public employees' retirement system combined plan 2 and plan 3 account,
18 the public facilities construction loan revolving account beginning
19 July 1, 2004, the public health supplemental 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. 17.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003
35 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as
36 follows:

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

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

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

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

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

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

1 Washington building account, the volunteer fire fighters' and reserve
2 officers' relief and pension principal fund, the volunteer fire
3 fighters' and reserve officers' administrative fund, the Washington
4 fruit express account, the Washington judicial retirement system
5 account, the Washington law enforcement officers' and fire fighters'
6 system plan 1 retirement account, the Washington law enforcement
7 officers' and fire fighters' system plan 2 retirement account, the
8 Washington school employees' retirement system combined plan 2 and 3
9 account, the Washington state health insurance pool account, the
10 Washington state patrol retirement account, the Washington State
11 University building account, the Washington State University bond
12 retirement fund, the water pollution control revolving fund, and the
13 Western Washington University capital projects account. Earnings
14 derived from investing balances of the agricultural permanent fund, the
15 normal school permanent fund, the permanent common school fund, the
16 scientific permanent fund, and the state university permanent fund
17 shall be allocated to their respective beneficiary accounts. All
18 earnings to be distributed under this subsection (4)(a) shall first be
19 reduced by the allocation to the state treasurer's service fund
20 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 **Sec. 18.** RCW 43.84.092 and 2004 c 242 s 60 are each amended to
5 read as follows:

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

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

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

32 (4) Monthly, the state treasurer shall distribute the earnings
33 credited to the treasury income account. The state treasurer shall
34 credit the general fund with all the earnings credited to the treasury
35 income account except:

36 (a) The following accounts and funds shall receive their
37 proportionate share of earnings based upon each account's and fund's

1 average daily balance for the period: The capitol building
2 construction account, the Cedar River channel construction and
3 operation account, the Central Washington University capital projects
4 account, the charitable, educational, penal and reformatory
5 institutions account, the common school construction fund, the county
6 criminal justice assistance account, the county sales and use tax
7 equalization account, the data processing building construction
8 account, the deferred compensation administrative account, the deferred
9 compensation principal account, the department of retirement systems
10 expense account, the drinking water assistance account, the drinking
11 water assistance administrative account, the drinking water assistance
12 repayment account, the Eastern Washington University capital projects
13 account, the education construction fund, the election account, the
14 emergency reserve fund, The Evergreen State College capital projects
15 account, the federal forest revolving account, the health services
16 account, the public health services account, the health system capacity
17 account, the personal health services account, the state higher
18 education construction account, the higher education construction
19 account, the highway infrastructure account, the industrial insurance
20 premium refund account, the judges' retirement account, the judicial
21 retirement administrative account, the judicial retirement principal
22 account, the life sciences discovery fund, the local leasehold excise
23 tax account, the local real estate excise tax account, the local sales
24 and use tax account, the medical aid account, the mobile home park
25 relocation fund, the multimodal transportation account, the municipal
26 criminal justice assistance account, the municipal sales and use tax
27 equalization account, the natural resources deposit account, the oyster
28 reserve land account, the perpetual surveillance and maintenance
29 account, the public employees' retirement system plan 1 account, the
30 public employees' retirement system combined plan 2 and plan 3 account,
31 the public facilities construction loan revolving account beginning
32 July 1, 2004, the public health supplemental account, the public works
33 assistance account, the Puyallup tribal settlement account, the
34 regional transportation investment district account, the resource
35 management cost account, the site closure account, the special wildlife
36 account, the state employees' insurance account, the state employees'
37 insurance reserve account, the state investment board expense account,
38 the state investment board commingled trust fund accounts, the

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

28 (b) The following accounts and funds shall receive eighty percent
29 of their proportionate share of earnings based upon each account's or
30 fund's average daily balance for the period: The aeronautics account,
31 the aircraft search and rescue account, the county arterial
32 preservation account, the department of licensing services account, the
33 essential rail assistance account, the ferry bond retirement fund, the
34 grade crossing protective fund, the high capacity transportation
35 account, the highway bond retirement fund, the highway safety account,
36 the motor vehicle fund, the motorcycle safety education account, the
37 pilotage account, the public transportation systems account, the Puget
38 Sound capital construction account, the Puget Sound ferry operations

1 account, the recreational vehicle account, the rural arterial trust
2 account, the safety and education account, the special category C
3 account, the state patrol highway account, the transportation 2003
4 account (nickel account), the transportation equipment fund, the
5 transportation fund, the transportation improvement account, the
6 transportation improvement board bond retirement account, and the urban
7 arterial trust account.

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

11 NEW SECTION. **Sec. 19.** CAPTIONS. Captions used in this act are
12 not any part of the law.

13 NEW SECTION. **Sec. 20.** LIBERAL CONSTRUCTION. This act, being
14 necessary for the welfare of the state and its inhabitants, shall be
15 liberally construed.

16 NEW SECTION. **Sec. 21.** CODIFICATION. Sections 1 through 8 of this
17 act constitute a new chapter in Title 43 RCW.

18 NEW SECTION. **Sec. 22.** SEVERABILITY. If any provision of this act
19 or its application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 23.** EXPIRATION DATES. (1) Section 13 of this
23 act expires June 30, 2005.

24 (2) Section 16 of this act expires July 1, 2005.

25 (3) Section 17 of this act expires July 1, 2006.

26 NEW SECTION. **Sec. 24.** EFFECTIVE DATE. This act is necessary for
27 the immediate preservation of the public peace, health, or safety, or
28 support of the state government and its existing public institutions,
29 and takes effect immediately, except for section 14 of this act, which
30 takes effect June 30, 2005, section 17 of this act, which takes effect

1 July 1, 2005, and section 18 of this act, which takes effect July 1,
2 2006.

--- END ---