
SENATE BILL 5581

State of Washington

59th Legislature

2005 Regular Session

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 01/28/2005. Referred to Committee on Labor, Commerce, Research & Development.

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

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

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

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

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

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

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

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

23 (4) "Life sciences research" means advanced and applied research
24 and development intended to increase patient health care outcomes in
25 areas such as diagnosis and treatment of disease, medical devices and
26 imaging, and software that can be used in clinical settings and can
27 include laboratory and clinical research and proof of concept
28 development.

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

35 (6) "State agreement" means the agreement authorized under this
36 chapter in which the state provides to the authority the strategic
37 contribution payments required to be made by tobacco product

1 manufacturers to the state and the state's rights to receive such
2 payments, pursuant to the master settlement agreement, for the purpose
3 of promoting life sciences research.

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

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

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

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

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

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

28 (5) Make grants to entities pursuant to contract for the promotion
29 of life sciences research to be conducted in the state. The authority
30 shall solicit requests for funding and evaluate the requests by
31 reference to factors such as: (a) The quality of the proposed
32 research; (b) its potential for leveraging additional funding; (c) its
33 potential to provide health care benefits; (d) its potential to
34 stimulate the health care delivery, biomedical manufacturing, and life
35 sciences related employment in the state; (e) the geographic diversity
36 of the grantees within Washington; and (f) evidence of public and
37 private collaboration;

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

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

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

23 NEW SECTION. **Sec. 6.** AUTHORIZATION OF THE CONTRIBUTION OF RIGHTS
24 IN THE MASTER SETTLEMENT AGREEMENT. (1) The governor is authorized to
25 contribute and assign to the authority all of the state's right to
26 receive the strategic contribution payments. The governor and the
27 authority are authorized to take any action necessary to facilitate and
28 complete the assignment.

29 (2) The contribution made under this section is irrevocable and its
30 assignment enforceable against the state if nonstate contributions in
31 an amount not less than twenty million dollars have been promised to
32 the authority pursuant to one or more contribution agreements and no
33 less than ten million dollars have been received by the authority under
34 contribution agreements. The characterization of such a contribution
35 by the state as an absolute transfer may not be negated or adversely
36 affected by the fact that only a portion of the revenue from the master

1 settlement agreement is being contributed and assigned, or by the
2 state's acquisition or retention of an ownership interest in the
3 portion of the revenue from the master settlement agreement not so
4 assigned.

5 (3) In addition to such other terms, provisions, and conditions as
6 the governor and the authority may determine appropriate for inclusion
7 in the state agreement, the state agreement must contain a: (a)
8 Covenant of the state that the state will not agree to any amendment of
9 the master settlement agreement that materially and adversely affects
10 the authority's ability to receive the strategic contribution payments;
11 (b) requirement that the state enforce, at its own expense, the
12 provisions of the master settlement agreement that require the payment
13 of the strategic contribution payments to the authority.

14 (4) On or after the effective date of the state agreement, the
15 state shall not have any right, title, or interest in the portion of
16 the strategic contribution payments and such payments are the property
17 of the authority and not the state, and shall be owned, received, held,
18 and disbursed by the authority or its assignee, and not the state.

19 (5) The terms of the state agreement must provide that the
20 strategic contribution payments be paid directly to the authority or
21 its assignee. The strategic contribution payments so contributed and
22 assigned may not be received in the treasury of the state and may not
23 be or deemed to be general state revenues as that term is used in
24 Article VIII, section 1 of the state Constitution.

25 NEW SECTION. **Sec. 7.** LIMITATION OF LIABILITY. Members of the
26 board and persons acting on behalf of the authority, while acting
27 within the scope of their employment or agency, are not subject to
28 personal liability resulting from carrying out the powers and duties
29 conferred on them under this chapter. Neither the state nor the
30 authority is liable for any loss, damage, harm, or other consequence
31 resulting directly or indirectly from grants made by the authority or
32 by any life sciences research funded by such grants.

33 NEW SECTION. **Sec. 8.** DISSOLUTION OF THE AUTHORITY. The authority
34 may petition the legislature to be dissolved upon a showing that it has
35 no reason to exist and that any assets it retains must be distributed
36 to one or more similar entities approved by the legislature. The

1 legislature reserves the right to dissolve the authority after its
2 contractual obligations to its funders and grant recipients have
3 expired.

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

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

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

11 (1) Moneys received by the state of Washington in accordance with
12 the settlement of the state's legal action against tobacco product
13 manufacturers, exclusive of costs and attorneys' fees, shall be
14 deposited in the tobacco settlement account created in this section
15 except as these moneys are sold or assigned under chapter 43.340 RCW or
16 are contributed or assigned under chapter 43.-- RCW (sections 1 through
17 8 of this act).

18 (2) The tobacco settlement account is created in the state
19 treasury. Moneys in the tobacco settlement account may only be
20 transferred to the health services account for the purposes set forth
21 in RCW 43.72.900, and to the tobacco prevention and control account for
22 purposes set forth in this section.

23 (3) The tobacco prevention and control account is created in the
24 state treasury. The source of revenue for this account is moneys
25 transferred to the account from the tobacco settlement account,
26 investment earnings, donations to the account, and other revenues as
27 directed by law. Expenditures from the account are subject to
28 appropriation.

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

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

34 (a) To consider matters affecting national security;

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

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

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

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

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

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

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

32 (i) To discuss with legal counsel representing the agency matters
33 relating to agency enforcement actions, or to discuss with legal
34 counsel representing the agency litigation or potential litigation to
35 which the agency, the governing body, or a member acting in an official
36 capacity is, or is likely to become, a party, when public knowledge
37 regarding the discussion is likely to result in an adverse legal or
38 financial consequence to the agency.

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

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

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

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

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

22 (k) To consider, in the case of the state investment board,
23 financial and commercial information when the information relates to
24 the investment of public trust or retirement funds and when public
25 knowledge regarding the discussion would result in loss to such funds
26 or in private loss to the providers of this information;

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

30 (m) To consider in the case of the life sciences discovery fund
31 authority, the substance of grant applications and grant awards when
32 public knowledge regarding the discussion would reasonably be expected
33 to result in private loss to the providers of this information.

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

1 **Sec. 12.** RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277
2 s 3, and 2003 c 124 s 1 are each reenacted and amended to read as
3 follows:

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

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

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

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

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

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

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

35 (g) Except as provided by chapter 8.26 RCW, the contents of real
36 estate appraisals, made for or by any agency relative to the
37 acquisition or sale of property, until the project or prospective sale
38 is abandoned or until such time as all of the property has been

1 acquired or the property to which the sale appraisal relates is sold,
2 but in no event shall disclosure be denied for more than three years
3 after the appraisal.

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

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

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

16 (k) Records, maps, or other information identifying the location of
17 archaeological sites in order to avoid the looting or depredation of
18 such sites.

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

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

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

31 (o) Financial and commercial information and records supplied by
32 private persons pertaining to export services provided pursuant to
33 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
34 export projects pursuant to RCW 43.23.035.

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

37 (q) Records filed with the utilities and transportation commission

1 or attorney general under RCW 80.04.095 that a court has determined are
2 confidential under RCW 80.04.095.

3 (r) Financial and commercial information and records supplied by
4 businesses or individuals during application for loans or program
5 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
6 or during application for economic development loans or program
7 services provided by any local agency.

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

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

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

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

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

1 and business telephone number. On or after January 1, 1995, the
2 current residential address and residential telephone number of a
3 health care provider governed under RCW 18.130.040 maintained in the
4 files of the department shall automatically be withheld from public
5 inspection and copying unless the provider specifically requests the
6 information be released, and except as provided for under RCW
7 42.17.260(9).

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

10 (y) Information obtained by the board of pharmacy or the department
11 of health and its representatives as provided in RCW 69.41.044,
12 69.41.280, and 18.64.420.

13 (z) Financial information, business plans, examination reports, and
14 any information produced or obtained in evaluating or examining a
15 business and industrial development corporation organized or seeking
16 certification under chapter 31.24 RCW.

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

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

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

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

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

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

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

5 (hh) Information and documents created specifically for, and
6 collected and maintained by a quality improvement committee pursuant to
7 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
8 4.24.250, regardless of which agency is in possession of the
9 information and documents.

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

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

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

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

25 (mm) The personally identifying information of current or former
26 participants or applicants in a paratransit or other transit service
27 operated for the benefit of persons with disabilities or elderly
28 persons.

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

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

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

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

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

29 (ss) Credit card numbers, debit card numbers, electronic check
30 numbers, card expiration dates, or bank or other financial account
31 numbers, except when disclosure is expressly required by or governed by
32 other law.

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

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

4 (vv) Individually identifiable information received by the work
5 force training and education coordinating board for research or
6 evaluation purposes.

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

14 (i) Specific and unique vulnerability assessments or specific and
15 unique response or deployment plans, including compiled underlying data
16 collected in preparation of or essential to the assessments, or to the
17 response or deployment plans; and

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

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

30 (yy) Sensitive wildlife data obtained by the department of fish and
31 wildlife. However, sensitive wildlife data may be released to
32 government agencies concerned with the management of fish and wildlife
33 resources. Sensitive wildlife data includes:

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

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

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

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

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

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

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

15 (i) Government agencies concerned with the management of fish and
16 wildlife resources;

17 (ii) The department of social and health services, child support
18 division, and to the department of licensing in order to implement RCW
19 77.32.014 and 46.20.291; and

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

22 (aaa)(i) Discharge papers of a veteran of the armed forces of the
23 United States filed at the office of the county auditor before July 1,
24 2002, that have not been commingled with other recorded documents.
25 These records will be available only to the veteran, the veteran's next
26 of kin, a deceased veteran's properly appointed personal representative
27 or executor, a person holding that veteran's general power of attorney,
28 or to anyone else designated in writing by that veteran to receive the
29 records.

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

1 general power of attorney, or anyone else designated in writing by the
2 veteran to receive the records.

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

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

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

20 (ccc) Information compiled by school districts or schools in the
21 development of their comprehensive safe school plans pursuant to RCW
22 28A.320.125, to the extent that they identify specific vulnerabilities
23 of school districts and each individual school.

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

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

37 (fff) Proprietary data, trade secrets, or other information that
38 relates to: (i) A vendor's unique methods of conducting business; (ii)

1 data unique to the product or services of the vendor; or (iii)
2 determining prices or rates to be charged for services, submitted by
3 any vendor to the department of social and health services for purposes
4 of the development, acquisition, or implementation of state purchased
5 health care as defined in RCW 41.05.011.

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

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

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

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

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

32 **Sec. 13.** RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are
33 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (ggg) Financial, commercial, operations, and technical and research
37 information and data submitted to or obtained by the life sciences
38 discovery fund authority in applications for, or delivery of, grants

1 under chapter 43.-- RCW (sections 1 through 8 of this act), to the
2 extent that such information, if revealed, would reasonably be expected
3 to result in private loss to the providers of this information.

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

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

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

22 **Sec. 14.** RCW 42.17.2401 and 2001 c 36 s 1 and 2001 c 9 s 1 are
23 each reenacted and amended to read as follows:

24 For the purposes of RCW 42.17.240, the term "executive state
25 officer" includes:

26 (1) The chief administrative law judge, the director of
27 agriculture, the administrator of the Washington basic health plan, the
28 director of the department of services for the blind, the director of
29 the state system of community and technical colleges, the director of
30 community, trade, and economic development, the secretary of
31 corrections, the director of ecology, the commissioner of employment
32 security, the ((~~chairman~~)) chair of the energy facility site evaluation
33 council, the secretary of the state finance committee, the director of
34 financial management, the director of fish and wildlife, the executive
35 secretary of the forest practices appeals board, the director of the
36 gambling commission, the director of general administration, the
37 secretary of health, the administrator of the Washington state health

1 care authority, the executive secretary of the health care facilities
2 authority, the executive secretary of the higher education facilities
3 authority, the executive secretary of the horse racing commission, the
4 executive secretary of the human rights commission, the executive
5 secretary of the indeterminate sentence review board, the director of
6 the department of information services, the director of the interagency
7 committee for outdoor recreation, the executive director of the state
8 investment board, the director of labor and industries, the director of
9 licensing, the director of the lottery commission, the director of the
10 office of minority and women's business enterprises, the director of
11 parks and recreation, the director of personnel, the executive director
12 of the public disclosure commission, the director of retirement
13 systems, the director of revenue, the secretary of social and health
14 services, the chief of the Washington state patrol, the executive
15 secretary of the board of tax appeals, the secretary of transportation,
16 the secretary of the utilities and transportation commission, the
17 director of veterans affairs, the president of each of the regional and
18 state universities and the president of The Evergreen State College,
19 each district and each campus president of each state community
20 college;

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

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

23 (4) Central Washington University board of trustees, board of
24 trustees of each community college, each member of the state board for
25 community and technical colleges, state convention and trade center
26 board of directors, committee for deferred compensation, Eastern
27 Washington University board of trustees, Washington economic
28 development finance authority, The Evergreen State College board of
29 trustees, executive ethics board, forest practices appeals board,
30 forest practices board, gambling commission, life sciences discovery
31 fund authority board of trustees, Washington health care facilities
32 authority, each member of the Washington health services commission,
33 higher education coordinating board, higher education facilities
34 authority, horse racing commission, state housing finance commission,
35 human rights commission, indeterminate sentence review board, board of
36 industrial insurance appeals, information services board, interagency
37 committee for outdoor recreation, state investment board, commission on
38 judicial conduct, legislative ethics board, liquor control board,

1 lottery commission, marine oversight board, Pacific Northwest electric
2 power and conservation planning council, parks and recreation
3 commission, personnel appeals board, board of pilotage commissioners,
4 pollution control hearings board, public disclosure commission, public
5 pension commission, shorelines hearing board, public employees'
6 benefits board, salmon recovery funding board, board of tax appeals,
7 transportation commission, University of Washington board of regents,
8 utilities and transportation commission, Washington state maritime
9 commission, Washington personnel resources board, Washington public
10 power supply system executive board, Washington State University board
11 of regents, Western Washington University board of trustees, and fish
12 and wildlife commission.

13 NEW SECTION. **Sec. 15.** CAPTIONS. Captions used in this act are
14 not any part of the law.

15 NEW SECTION. **Sec. 16.** LIBERAL CONSTRUCTION. This act, being
16 necessary for the welfare of the state and its inhabitants, shall be
17 liberally construed.

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

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

24 NEW SECTION. **Sec. 19.** EXPIRATION DATE. Section 12 of this act
25 expires June 30, 2005.

26 NEW SECTION. **Sec. 20.** 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 13 of this act, which
30 takes effect June 30, 2005.

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