

HB 1656 - H AMD 255

By Representative Dent

ADOPTED 03/08/2017

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that providing  
4 additional funding mechanisms for public use general aviation  
5 airports to implement infrastructure rehabilitation, upgrades, and  
6 revenue-generating projects is in the best interest of the state. The  
7 legislature declares that a revolving loan program is fundamental for  
8 smaller airport preservation and future vitality.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.68  
10 RCW to read as follows:

11 (1) An airport infrastructure loan program to be known as the  
12 community aviation revitalization loan program is established for  
13 political subdivisions of the state that own or manage airports to  
14 acquire loans to fund capital projects, including repaving runways,  
15 installing runway lights, constructing new airport facilities, and  
16 improving existing facilities.

17 (2) The community aviation revitalization revolving loan account  
18 is created in the custody of the state treasurer. All moneys received  
19 for the community aviation revitalization loan program, including  
20 loan and interest payments, must be deposited into the account.  
21 Moneys in the account may be used only for the loan program and for  
22 the department expenditures associated with administering the loan  
23 program, and may not be transferred to any other account or used for  
24 purposes other than that prescribed in this chapter. Only the  
25 secretary or the secretary's designee may authorize expenditures from  
26 the account. The account is subject to allotment procedures under  
27 chapter 43.88 RCW, but an appropriation is not required for  
28 expenditures. Disbursements to political subdivisions for approved  
29 loans are not subject to appropriation or allotment procedures. The  
30 interest on the loans must be the federal rate of interest at the  
31 time the loan is borrowed by the political subdivision of the state.

1 (3) The aviation division of the department must administer the  
2 community aviation revitalization loan program.

3 (4) The department must adopt by rule the criteria to be used in  
4 evaluating and approving the loan applications. These loans may be  
5 provided to political subdivisions of the state that own or manage  
6 airports that do not have more than fifty thousand annual commercial  
7 service passenger enplanements as published by the federal aviation  
8 administration. Before adopting rules under this subsection or  
9 offering a loan contract for a project, the department must consult  
10 with the community aviation revitalization loan oversight task force  
11 created in section 3 of this act.

12 (5) The department must consider the following conditions when  
13 evaluating loan applications:

14 (a) The proposed project will lead to additional investment or  
15 permanent family wage jobs;

16 (b) The proposed project will provide capital improvements to  
17 augment the maintenance, operation, or expansion of an airport or its  
18 associated airport-related business park;

19 (c) The proposed project will result in retention, expansion, or  
20 creation of long-term economic opportunities dependent on the airport  
21 or related aeronautic services; or

22 (d) The proposed project will result in leveraging additional  
23 federal funding to an eligible airport.

24 (6) Loans may only be awarded to applicants that clearly identify  
25 a viable source of funds intended to repay the loan.

26 (7) The department may accept any gifts, grants, loans of funds,  
27 property, contributions, or financial or other aid in any form from  
28 other sources that do not conflict with the department's governing  
29 statutes and regulations and the laws of the state in furtherance of  
30 community aviation airport revitalization as proposed in this  
31 section. The department may also accept federal agency loans or  
32 grants for the planned financing of any project and enter into an  
33 agreement with project owners to administer those loans.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.68  
35 RCW to read as follows:

36 (1) The community aviation revitalization loan oversight task  
37 force is created to oversee and provide consultation to the  
38 department in relation to the community aviation revitalization loan  
39 program.

1 (a) The chair of the community aviation revitalization loan  
2 oversight task force is the secretary of transportation. The chair's  
3 authority may be delegated to an employee of the department. The  
4 chair is responsible for organizing meetings of the task force.

5 (b) The community aviation revitalization loan oversight task  
6 force must consist of: Two people from each of the two largest  
7 caucuses of the house of representatives to be appointed by the  
8 speaker of the house of representatives, two people from each of the  
9 two largest caucuses of the senate to be appointed by the president  
10 of the senate, and a nonvoting representative from the department of  
11 commerce as designated by the director of the department of commerce.

12 (2) The community aviation revitalization loan oversight task  
13 force shall review and approve rules prepared by the department to  
14 govern the implementation, management, and administration of the  
15 community aviation revitalization loan program. The task force must  
16 be consulted before the department's approval of a project to receive  
17 a loan.

18 (3) Staff support to the community aviation revitalization loan  
19 oversight task force must be provided by the department as needed.

20 (4) Legislative members of the task force are reimbursed for  
21 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
22 members are not entitled to be reimbursed for travel expenses if they  
23 are elected officials or are participating on behalf of an employer,  
24 governmental entity, or other organization. Any reimbursement for  
25 other nonlegislative members is subject to chapter 43.03 RCW.

26 **Sec. 4.** RCW 43.79A.040 and 2016 c 203 s 2, 2016 c 173 s 10, 2016  
27 c 69 s 21, and 2016 c 39 s 7 are each reenacted and amended to read  
28 as follows:

29 (1) Money in the treasurer's trust fund may be deposited,  
30 invested, and reinvested by the state treasurer in accordance with  
31 RCW 43.84.080 in the same manner and to the same extent as if the  
32 money were in the state treasury, and may be commingled with moneys  
33 in the state treasury for cash management and cash balance purposes.

34 (2) All income received from investment of the treasurer's trust  
35 fund must be set aside in an account in the treasury trust fund to be  
36 known as the investment income account.

37 (3) The investment income account may be utilized for the payment  
38 of purchased banking services on behalf of treasurer's trust funds  
39 including, but not limited to, depository, safekeeping, and

1 disbursement functions for the state treasurer or affected state  
2 agencies. The investment income account is subject in all respects to  
3 chapter 43.88 RCW, but no appropriation is required for payments to  
4 financial institutions. Payments must occur prior to distribution of  
5 earnings set forth in subsection (4) of this section.

6 (4)(a) Monthly, the state treasurer must distribute the earnings  
7 credited to the investment income account to the state general fund  
8 except under (b), (c), and (d) of this subsection.

9 (b) The following accounts and funds must receive their  
10 proportionate share of earnings based upon each account's or fund's  
11 average daily balance for the period: The 24/7 sobriety account, the  
12 Washington promise scholarship account, the Washington advanced  
13 college tuition payment program account, the Washington college  
14 savings program account, the accessible communities account, the  
15 Washington achieving a better life experience program account, the  
16 community and technical college innovation account, the agricultural  
17 local fund, the American Indian scholarship endowment fund, the  
18 foster care scholarship endowment fund, the foster care endowed  
19 scholarship trust fund, the contract harvesting revolving account,  
20 the Washington state combined fund drive account, the commemorative  
21 works account, the community aviation revitalization revolving loan  
22 account, the county enhanced 911 excise tax account, the toll  
23 collection account, the developmental disabilities endowment trust  
24 fund, the energy account, the fair fund, the family leave insurance  
25 account, the food animal veterinarian conditional scholarship  
26 account, the fruit and vegetable inspection account, the future  
27 teachers conditional scholarship account, the game farm alternative  
28 account, the GET ready for math and science scholarship account, the  
29 Washington global health technologies and product development  
30 account, the grain inspection revolving fund, the industrial  
31 insurance rainy day fund, the juvenile accountability incentive  
32 account, the law enforcement officers' and firefighters' plan 2  
33 expense fund, the local tourism promotion account, the multiagency  
34 permitting team account, the pilotage account, the produce railcar  
35 pool account, the regional transportation investment district  
36 account, the rural rehabilitation account, the Washington sexual  
37 assault kit account, the stadium and exhibition center account, the  
38 youth athletic facility account, the self-insurance revolving fund,  
39 the children's trust fund, the Washington horse racing commission  
40 Washington bred owners' bonus fund and breeder awards account, the

1 Washington horse racing commission class C purse fund account, the  
2 individual development account program account, the Washington horse  
3 racing commission operating account, the life sciences discovery  
4 fund, the Washington state heritage center account, the reduced  
5 cigarette ignition propensity account, the center for childhood  
6 deafness and hearing loss account, the school for the blind account,  
7 the Millersylvania park trust fund, the public employees' and  
8 retirees' insurance reserve fund, and the radiation perpetual  
9 maintenance fund.

10 (c) The following accounts and funds must receive eighty percent  
11 of their proportionate share of earnings based upon each account's or  
12 fund's average daily balance for the period: The advanced right-of-  
13 way revolving fund, the advanced environmental mitigation revolving  
14 account, the federal narcotics asset forfeitures account, the high  
15 occupancy vehicle account, the local rail service assistance account,  
16 and the miscellaneous transportation programs account.

17 (d) Any state agency that has independent authority over accounts  
18 or funds not statutorily required to be held in the custody of the  
19 state treasurer that deposits funds into a fund or account in the  
20 custody of the state treasurer pursuant to an agreement with the  
21 office of the state treasurer shall receive its proportionate share  
22 of earnings based upon each account's or fund's average daily balance  
23 for the period.

24 (5) In conformance with Article II, section 37 of the state  
25 Constitution, no trust accounts or funds shall be allocated earnings  
26 without the specific affirmative directive of this section.

27 **Sec. 5.** RCW 42.56.270 and 2016 sp.s. c 9 s 3, 2016 sp.s. c 8 s  
28 1, and 2016 c 178 s 1 are each reenacted and amended to read as  
29 follows:

30 The following financial, commercial, and proprietary information  
31 is exempt from disclosure under this chapter:

32 (1) Valuable formulae, designs, drawings, computer source code or  
33 object code, and research data obtained by any agency within five  
34 years of the request for disclosure when disclosure would produce  
35 private gain and public loss;

36 (2) Financial information supplied by or on behalf of a person,  
37 firm, or corporation for the purpose of qualifying to submit a bid or  
38 proposal for (a) a ferry system construction or repair contract as

1 required by RCW 47.60.680 through 47.60.750 or (b) highway  
2 construction or improvement as required by RCW 47.28.070;

3 (3) Financial and commercial information and records supplied by  
4 private persons pertaining to export services provided under chapters  
5 43.163 and 53.31 RCW, and by persons pertaining to export projects  
6 under RCW 43.23.035;

7 (4) Financial and commercial information and records supplied by  
8 businesses or individuals during application for loans or program  
9 services provided by chapters 43.325, 43.163, 43.160, 43.330, and  
10 43.168 RCW, or section 2 of this act, or during application for  
11 economic development loans or program services provided by any local  
12 agency;

13 (5) Financial information, business plans, examination reports,  
14 and 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 (6) 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  
21 providers of this information;

22 (7) Financial and valuable trade information under RCW 51.36.120;

23 (8) Financial, commercial, operations, and technical and research  
24 information and data submitted to or obtained by the clean Washington  
25 center in applications for, or delivery of, program services under  
26 chapter 70.95H RCW;

27 (9) 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 (10)(a) Financial information, including but not limited to  
31 account numbers and values, and other identification numbers supplied  
32 by or on behalf of a person, firm, corporation, limited liability  
33 company, partnership, or other entity related to an application for a  
34 horse racing license submitted pursuant to RCW 67.16.260(1)(b),  
35 marijuana producer, processor, or retailer license, liquor license,  
36 gambling license, or lottery retail license;

37 (b) Internal control documents, independent auditors' reports and  
38 financial statements, and supporting documents: (i) Of house-banked  
39 social card game licensees required by the gambling commission

1 pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted  
2 by tribes with an approved tribal/state compact for class III gaming;

3 (11) Proprietary data, trade secrets, or other information that  
4 relates to: (a) A vendor's unique methods of conducting business; (b)  
5 data unique to the product or services of the vendor; or (c)  
6 determining prices or rates to be charged for services, submitted by  
7 any vendor to the department of social and health services for  
8 purposes of the development, acquisition, or implementation of state  
9 purchased health care as defined in RCW 41.05.011;

10 (12)(a) When supplied to and in the records of the department of  
11 commerce:

12 (i) Financial and proprietary information collected from any  
13 person and provided to the department of commerce pursuant to RCW  
14 43.330.050(8); and

15 (ii) Financial or proprietary information collected from any  
16 person and provided to the department of commerce or the office of  
17 the governor in connection with the siting, recruitment, expansion,  
18 retention, or relocation of that person's business and until a siting  
19 decision is made, identifying information of any person supplying  
20 information under this subsection and the locations being considered  
21 for siting, relocation, or expansion of a business;

22 (b) When developed by the department of commerce based on  
23 information as described in (a)(i) of this subsection, any work  
24 product is not exempt from disclosure;

25 (c) For the purposes of this subsection, "siting decision" means  
26 the decision to acquire or not to acquire a site;

27 (d) If there is no written contact for a period of sixty days to  
28 the department of commerce from a person connected with siting,  
29 recruitment, expansion, retention, or relocation of that person's  
30 business, information described in (a)(ii) of this subsection will be  
31 available to the public under this chapter;

32 (13) Financial and proprietary information submitted to or  
33 obtained by the department of ecology or the authority created under  
34 chapter 70.95N RCW to implement chapter 70.95N RCW;

35 (14) Financial, commercial, operations, and technical and  
36 research information and data submitted to or obtained by the life  
37 sciences discovery fund authority in applications for, or delivery  
38 of, grants under chapter 43.350 RCW, to the extent that such  
39 information, if revealed, would reasonably be expected to result in  
40 private loss to the providers of this information;

1 (15) Financial and commercial information provided as evidence to  
2 the department of licensing as required by RCW 19.112.110 or  
3 19.112.120, except information disclosed in aggregate form that does  
4 not permit the identification of information related to individual  
5 fuel licensees;

6 (16) Any production records, mineral assessments, and trade  
7 secrets submitted by a permit holder, mine operator, or landowner to  
8 the department of natural resources under RCW 78.44.085;

9 (17)(a) Farm plans developed by conservation districts, unless  
10 permission to release the farm plan is granted by the landowner or  
11 operator who requested the plan, or the farm plan is used for the  
12 application or issuance of a permit;

13 (b) Farm plans developed under chapter 90.48 RCW and not under  
14 the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject  
15 to RCW 42.56.610 and 90.64.190;

16 (18) Financial, commercial, operations, and technical and  
17 research information and data submitted to or obtained by a health  
18 sciences and services authority in applications for, or delivery of,  
19 grants under RCW 35.104.010 through 35.104.060, to the extent that  
20 such information, if revealed, would reasonably be expected to result  
21 in private loss to providers of this information;

22 (19) Information gathered under chapter 19.85 RCW or RCW  
23 34.05.328 that can be identified to a particular business;

24 (20) Financial and commercial information submitted to or  
25 obtained by the University of Washington, other than information the  
26 university is required to disclose under RCW 28B.20.150, when the  
27 information relates to investments in private funds, to the extent  
28 that such information, if revealed, would reasonably be expected to  
29 result in loss to the University of Washington consolidated endowment  
30 fund or to result in private loss to the providers of this  
31 information;

32 (21) Market share data submitted by a manufacturer under RCW  
33 70.95N.190(4);

34 (22) Financial information supplied to the department of  
35 financial institutions or to a portal under RCW 21.20.883, when filed  
36 by or on behalf of an issuer of securities for the purpose of  
37 obtaining the exemption from state securities registration for small  
38 securities offerings provided under RCW 21.20.880 or when filed by or  
39 on behalf of an investor for the purpose of purchasing such  
40 securities;



1 (23) Unaggregated or individual notices of a transfer of crude  
2 oil that is financial, proprietary, or commercial information,  
3 submitted to the department of ecology pursuant to RCW  
4 90.56.565(1)(a), and that is in the possession of the department of  
5 ecology or any entity with which the department of ecology has shared  
6 the notice pursuant to RCW 90.56.565;

7 (24) Financial institution and retirement account information,  
8 and building security plan information, supplied to the liquor and  
9 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and  
10 69.50.345, when filed by or on behalf of a licensee or prospective  
11 licensee for the purpose of obtaining, maintaining, or renewing a  
12 license to produce, process, transport, or sell marijuana as allowed  
13 under chapter 69.50 RCW; ((and))

14 (25) Marijuana transport information, vehicle and driver  
15 identification data, and account numbers or unique access identifiers  
16 issued to private entities for traceability system access, submitted  
17 by an individual or business to the liquor and cannabis board under  
18 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and  
19 69.50.345 for the purpose of marijuana product traceability.  
20 Disclosure to local, state, and federal officials is not considered  
21 public disclosure for purposes of this section; ((and))

22 (26) Financial and commercial information submitted to or  
23 obtained by the retirement board of any city that is responsible for  
24 the management of an employees' retirement system pursuant to the  
25 authority of chapter 35.39 RCW, when the information relates to  
26 investments in private funds, to the extent that such information, if  
27 revealed, would reasonably be expected to result in loss to the  
28 retirement fund or to result in private loss to the providers of this  
29 information except that (a) the names and commitment amounts of the  
30 private funds in which retirement funds are invested and (b) the  
31 aggregate quarterly performance results for a retirement fund's  
32 portfolio of investments in such funds are subject to disclosure; and

33 (27) Proprietary financial, commercial, operations, and technical  
34 and research information and data submitted to or obtained by the  
35 liquor and cannabis board in applications for marijuana research  
36 licenses under RCW 69.50.372, or in reports submitted by marijuana  
37 research licensees in accordance with rules adopted by the liquor and  
38 cannabis board under RCW 69.50.372."

39 Correct the title.

EFFECT: Clarifies the community aviation revitalization revolving loan account is established in the custody of the State Treasurer. Provides additional information on the administration of the loan account, and clarifies that only the Secretary of the Department of Transportation or his or her designee may authorize expenditures from the account. Removes privately owned airports that provide a public benefit as a type of airport that is eligible to receive a community aviation revitalization loan. Clarifies who will be members of the community aviation revitalization loan oversight task force. Removes the mandate for the State Treasurer to create a revenue source code for the community aviation revitalization revolving loan program. Adds the community aviation revitalization revolving loan account to the list of accounts in the State Treasurer's custody that receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period.

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