State of Washington 62nd Legislature 2012 Regular Session


Read first time 01/13/12. Referred to Committee on Business & Financial Services.

AN ACT Relating to establishing the Washington investment trust; amending RCW 30.04.020, 42.56.270, 42.56.400, 43.08.135, and 43.84.080; reenacting and amending RCW 42.56.400; adding a new section to chapter 39.58 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

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

NEW SECTION. Sec. 1. FINDINGS--INTENT. (1) The legislature finds that there are significant public infrastructure and higher education needs of the state that are unmet, and that the level of unmet need has been exacerbated by the economic downturn. The legislature further finds that there are opportunities to use the state's depository assets to generate additional benefit for the people and the economy of the state. Therefore, the legislature intends to create the Washington investment trust as a legacy institution that amasses sufficient capital reserves to address opportunities now and in the future.

(2) The legislature intends that the investment trust may:

(a) Facilitate investment in, and financing of, public
infrastructure systems that will increase public health, safety, and quality of life, improve environmental conditions, and promote community vitality and economic growth;

(b) Assist students who are in need of additional low-cost student loans in order to finance the cost of higher education; and

(c) Leverage Washington's financial capital and resources, and work in partnership with financial institutions, community-based organizations, economic development organizations, guaranty agencies, and other stakeholder groups.

(3) The mission of the trust is to use Washington's depository assets in ways that afford most efficient use of taxpayer revenues and public resources for the benefit of the people and economy of the state. The legislature intends for the trust to apply business strategies to manage taxpayer revenues while concurrently meeting identified needs and strategic opportunities across the state. In achieving its purpose of improving public infrastructure and increasing access to higher education, the legislature intends for the trust to adhere to the following priorities:

(a) Institutional safety and soundness;
(b) Long-term viability;
(c) Social return and monetary return on investments;
(d) Prudent and best banking and business practices;
(e) Highest ethical, accountability, and transparency standards; and
(f) Insulation from political influence.

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

(1) "Board" means the advisory board of the Washington investment trust.
(2) "Commission" means the Washington investment trust commission.
(3) "Department" means the department of financial institutions.
(4) "Director" means the director of the department of financial institutions.
(5) "Public infrastructure system" means a system of a local government or political subdivision, a special purpose district, a public school district, an institution of higher education as defined
in RCW 28B.10.016, a federally recognized Indian tribe, or the state, including but not limited to a system involving: Wastewater treatment; storm water management; solid waste disposal; drinking water treatment; flood control levees; energy efficiency enhancements; roads, streets, and bridges; transportation infrastructure, including freight rail and transit; broadband and telecommunications infrastructure; outdoor recreation and habitat protection facilities; community, social service, or public safety facilities; schools and educational facilities; and affordable housing as defined in RCW 43.63A.510.

(6) "State-chartered bank" means any corporation organized under the laws of this state that is engaged in banking, other than a trust company, savings association, or a mutual savings bank. It does not include the Washington investment trust.

(7) "State moneys" has the same meaning as in RCW 43.85.200.

(8) "Treasurer" means the treasurer of the state of Washington.

(9) "Trust" means the Washington investment trust.

NEW SECTION. Sec. 3. CREATION. The Washington investment trust is created.

NEW SECTION. Sec. 4. COMMISSION. (1) The Washington investment trust commission is created as the primary governing authority of the trust. The commission shall consist of the governor, the lieutenant governor, and the state treasurer.

(2) The commission may adopt rules regarding the:

(a) Safety and soundness standards of the trust;
(b) Criteria for evaluating, approving, and monitoring loans;
(c) Eligibility requirements and limits for borrowing;
(d) Transparency requirements for trust operations;
(e) Ethics and conflict of interest requirements for the commission, the board, and officers and employees of the trust, including rules to ensure that they perform their functions in compliance with chapter 42.52 RCW; and
(f) Other topics as needed for efficient administration of the trust.

(3) The commission shall commence trust operations by July 1, 2013.

(4) The commission may delegate to the trust president such duties
and powers as deemed necessary to carry on the business of the trust and enforce this chapter efficiently and effectively. The commission may not delegate its rule-making or policy-making authority.

(5) The commission may adopt policies and procedures for its own governance.

(6) The commission may establish technical advisory committees or consult with public and private sector experts in substantive areas related to the trust's mission, objectives, and duties.

NEW SECTION. Sec. 5. TRANSITION BOARD. (1)(a) The trust transition board is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The president of the senate and the speaker of the house of representatives jointly shall appoint seven citizen members with a background in banking or financial issues.

(b) The president of the senate and speaker of the house of representatives jointly shall select the chair from among the citizen membership. The chair shall convene the initial meeting of the trust transition board within forty-five days after the effective date of this section.

(2) The trust transition board shall develop and recommend the following to the commission within the timeline established by the commission:

(a) A start-up business plan for the trust that includes plans and timelines for functions that are new and functions transitioning to the trust that were previously performed by another entity;

(b) Initial capital requirements of the trust;

(c) Options for capitalizing the trust; and

(d) Other items requested by the commission in order to commence trust operations by July 1, 2013.

(3) Legislative members of the trust transition board must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or
organization, are entitled to be reimbursed for expenses incurred in
the discharge of their duties under chapter 43.-- RCW (the new chapter
created in section 27 of this act) in accordance with RCW 43.03.050 and
43.03.060.

(4) The trust transition board may appoint an interim president and
other necessary staff who are exempt from the provisions of chapter
41.06 RCW, and who serve at the board's pleasure on such terms and
conditions as the board determines but subject to chapter 42.52 RCW.
The department must provide technical assistance to the trust
transition board. The board may also contract with additional persons
who have specific technical expertise if the expertise is necessary to
carry out the requirements of this section.

(5) This section expires July 1, 2013.

NEW SECTION. Sec. 6. DEPOSIT OF PUBLIC FUNDS. (1)(a) The trust
shall serve as the depository for state moneys once the trust has built
sufficient capacity to accept and manage state moneys, as determined by
the commission. The commission shall establish a process and time
frame for the deposit of state moneys into the trust. In determining
whether the trust has built sufficient capacity, the commission shall
consider the minimum leverage capital requirements specified in 12
C.F.R. Sec. 325.3 (2011).

(b) The treasurer shall deposit state moneys in the trust in
accordance with the time frame and guidelines determined by the
commission under this subsection.

(2) All deposits in the trust are guaranteed by the state.

(3) All income earned by the trust on state moneys that are
deposited in or invested with the trust must be credited to and become
a part of the revenues and income of the trust.

(4) The trust may accept deposits of public funds, but is exempt
from the requirements of chapter 39.58 RCW.

(5) The trust may accept funds from any source, including federal
funds or other public funds.

(6) The commission shall review state accounts that contain public
funds that are not state moneys, and make recommendations to the
governor and the appropriate committees of the legislature as to which
accounts should be deposited in the trust.
(7) The trust must return earnings, beyond those necessary for continued sound operation of the trust as determined by the commission, to the state general fund.

NEW SECTION. Sec. 7. INVESTMENT OF STATE MONEYS. The trust may invest state moneys deposited in the trust that are not reasonably expected to be necessary to meet the short or intermediate-term liquidity needs of the state. The state treasurer retains authority to manage and invest the amount of funds necessary to meet the operational needs of state government.

NEW SECTION. Sec. 8. INFRASTRUCTURE LOANS. The trust is authorized to facilitate investment in, and financing of, construction, rehabilitation, replacement, and improvement of new and existing public infrastructure systems. Before initiating operations, the commission must present an implementation plan and any necessary legislation to the governor and appropriate legislative committees, that:

(1) Identifies the public infrastructure systems that the trust plans to target initially;

(2) Identifies any existing state programs that the trust recommends be transferred under its umbrella, and the steps and timelines for the transitions;

(3) Describes additional financing products and services the trust plans to offer, the target markets, anticipated rates, terms, and conditions;

(4) Demonstrates how trust products and services will increase access to capital for public infrastructure systems and complement those of existing public and private sources; and

(5) Demonstrates how the trust plans to maximize revenues and public benefit.

NEW SECTION. Sec. 9. STUDENT LOANS. The trust is authorized to administer a state guarantee loan program to assist students in need of low-cost student loans and related loan benefits to address educational needs as necessary to support student success. Before initiating operations, the commission must present an implementation plan and any necessary legislation to the governor and appropriate legislative committees that:
(1) Identifies the needs and benefits to selected students that the
program will target initially;

(2) Demonstrates how the trust plans to maximize revenues and
public benefit while minimizing public risk;

(3) Demonstrates how the trust will coordinate with the office of
student financial assistance; and

(4) Identifies the ways that the program will address the following
issues related to loans:

(a) Qualification criteria for students;

(b) Obligations and options for loan repayment;

(c) Requirements for loan guarantees and reserves;

(d) Fee and interest rate structure;

(e) Maximum loan amounts; and

(f) Ensuring student awareness of grants, federal loans, and other
financial aid programs.

NEW SECTION. Sec. 10. TREASURY AND BANKING SERVICES. (1) For
financial institutions that make the trust a reserve depository, the
trust may serve as a clearinghouse, including all facilities for
providing domestic and foreign exchange, and may rediscount paper, on
terms the commission provides. For purposes of this subsection,
"financial institutions" means banks as defined in RCW 30.04.010,
savings banks as defined in RCW 32.04.020, savings and loan
associations as defined in RCW 33.04.005, and credit unions as defined
in RCW 31.12.005.

(2) The trust may provide corporate trust services for the state
and its political subdivisions including trustee, escrow agent, paying
agent, bond registrar, and transfer agent.

(3) The trust may buy and sell federal funds; issue letters of
credit for public deposits; and provide a safekeeping service for
United States treasury securities, federal agency securities, corporate
bonds, tax-free bonds, money market investments, and mortgage-backed
securities.

(4) The trust may become a member of the federal reserve system.

(5) The trust may perform services currently contracted out by the
department of social and health services regarding electronic benefits
transfer cards.
NEW SECTION. Sec. 11. MANAGEMENT. (1) The commission shall appoint a trust president with demonstrated experience in banking. The president is exempt from the provisions of chapter 41.06 RCW. The president shall serve at the commission's pleasure, on such terms and conditions as the commission determines, but subject to chapter 42.52 RCW.

(2) The president shall provide support to the commission and the advisory board, carry out trust policies and programs, and exercise additional authority as may be delegated by the commission.

(3) Subject to available funding and consistent with commission direction, the trust president:
   (a) May employ such additional personnel as are necessary to the bank's operations. This employment shall be in accordance with the state civil service law, chapter 41.06 RCW; and
   (b) May contract with persons who have the technical expertise needed to carry out a specific, time-limited project.

NEW SECTION. Sec. 12. ADVISORY BOARD. (1)(a) An investment trust advisory board consisting of eleven members is created to review the trust's operations and make recommendations relating to the trust's management, services, policies, and procedures.

(b) The governor shall appoint members of the advisory board, subject to confirmation by the senate. The members of the advisory board must be knowledgeable in banking or finance and must represent a diversity of experience relevant to activities of the trust. Six or more of the members must have expertise in banking or finance. Advisory board members serve at the pleasure of the governor.

(c) The board shall choose its chair from among its membership.

(2) The term of the members is three years. Five of the initial board members must be appointed to serve an initial term of three years, three must be appointed to serve an initial term of two years, and the three remaining members must be appointed to serve an initial term of one year. All subsequent terms are three years. To ensure that the board can continue to act, a member whose term expires shall continue to serve until his or her replacement is appointed. In the case of any vacancy on the board for any reason, the governor shall appoint a new member to serve out the term of the person whose position
has become vacant. A board member may be removed for cause by the
governor.

(3) Members of the advisory board are entitled to reimbursement for
expenses incurred in the discharge of their duties under this chapter,
as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 13. FINANCIAL REGULATION. (1) The trust must
maintain capital adequacy and other standard indicators of safety and
soundness as is appropriate for a publicly owned financial institution.

(2) The director may examine the trust in the same manner as a
state-chartered financial institution under RCW 30.04.060. The
director shall take into consideration the unique circumstances of a
publicly owned financial institution when examining the trust. The
trust shall pay the director for the reasonable costs of examinations.

(3) The trust must undergo independent audits on the same basis as
state-chartered banks.

NEW SECTION. Sec. 14. REPORTING REQUIREMENTS. (1) The trust
shall submit quarterly reports to the commission in a manner and form
prescribed by the commission.

(2) The commission shall make a report to the legislature on the
affairs of the trust by December 1st of each year.

NEW SECTION. Sec. 15. ETHICAL REQUIREMENTS. The trust may not
make a loan to any advisory board member, the president, or employees
of the trust. Advisory board members, the president, and employees of
the trust must follow applicable ethical requirements in chapter 42.52
RCW and in rules, policies, and procedures adopted by the commission.

NEW SECTION. Sec. 16. FEES AND TAXES. The trust is exempt from
payment of all fees and taxes levied by the state or any of its
subdivisions.

NEW SECTION. Sec. 17. TRUST RECORDS. (1) Under RCW 42.56.270 and
42.56.400, certain trust business records and records of the department
relating to the trust are exempt from public disclosure.

(2) Financial and commercial information and records submitted to
either the department or the commission for the purpose of
administering this chapter may be shared between the department and the
treasurer. These records may also be used in any suit or
administrative hearing involving any provision of this chapter.

(3) This section does not prohibit:
(a) The issuance of general statements based on the reports of
persons subject to this chapter as long as the statements do not
identify the information furnished by any person; or
(b) The publication by the director or the commission of the name
of any person violating this chapter and a statement of the manner of
the violation of that person.

NEW SECTION. Sec. 18. CAPITALIZATION. The commission must make
recommendations to the appropriate fiscal committees of the legislature
on options for capitalization of the trust. Any recommendations must
include draft legislation for consideration by the legislature.

NEW SECTION. Sec. 19. A new section is added to chapter 39.58 RCW
to read as follows:
The Washington investment trust created in section 3 of this act
may accept deposits of public funds, but is not a public depositary and
is not subject to the requirements of this chapter.

NEW SECTION. Sec. 20. A new section is added to chapter 41.06 RCW
to read as follows:
In addition to the exemptions under RCW 41.06.070, the provisions
of this chapter do not apply to the president of the Washington
investment trust in section 11 of this act.

Sec. 21. RCW 30.04.020 and 2010 c 88 s 4 are each amended to read
as follows:
(1) The name of every bank shall contain the word "bank" and the
name of every trust company shall contain the word "trust," or the word
"bank." Except as provided in RCW 33.08.030 or as otherwise authorized
by this section or approved by the director, only a national bank,
federal savings bank, a bank or trust company authorized by this title,
savings bank under Title 32 RCW, bank holding company or financial
holding company, a holding company authorized by this title or Title 32
RCW, or a foreign or alien corporation or other legal person authorized
by this title to do so, shall:

(a) Use as a part of his (or her) or her or its name or other
business designation, as a prominent syllable within a word comprising
all or a portion of its name or other business designation, or in any
manner as if connected with his (or her) or her or its business or
place of business any of the following words or the plural thereof, to
wit: "bank," "banking," "banker," "bancorporation," "bancorp," or
"trust," or any foreign language designations thereof, including, by
way of example, "banco" or "banque."

(b) Use any sign, logo, or marketing message, in any media, or use
any letterhead, billhead, note, receipt, certificate, blank, form, or
any written, printed, electronic or internet-based instrument or
material representation whatsoever, directly or indirectly indicating
that the business of such person is that of a bank or trust company.

(2) A foreign corporation or other foreign domiciled legal person,
whose name contains the words "bank," "banker," "banking,
"bancorporation," "bancorp," or "trust," or the foreign language
equivalent thereof, or whose articles of incorporation empower it to
engage in banking or to engage in a trust business, may not engage in
banking or in a trust business in this state unless the corporation or
other legal person (a) is expressly authorized to do so under this
title, under federal law, or by the director, and (b) complies with all
applicable requirements of Washington state law regarding foreign
corporations and other foreign legal persons. If an activity would not
constitute "transacting business" within the meaning of RCW
23B.15.010(1) or chapter 23B.18 RCW, then the activity shall not
constitute banking or engaging in a trust business. Nothing in this
subsection shall prevent operations by an alien bank in compliance with
chapter 30.42 RCW.

(3) This section shall not prevent a lender approved by the United
States secretary of housing and urban development for participation in
any mortgage insurance program under the National Housing Act from
using the words "mortgage banker" or "mortgage banking" in the conduct
of its business, but only if both words are used together in either of
the forms which appear in quotations in this sentence.

(4) This section does not prevent the Washington investment trust
created in section 3 of this act from being called a trust or from providing banking services without being called a bank.

(5) Any individual or legal person, or director, officer, or manager of such legal person, who knowingly violates any provision of this section shall be guilty of a gross misdemeanor.

Sec. 22.  RCW 42.56.270 and 2011 1st sp.s. c 14 s 15 are each amended to read as follows:

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

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

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

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

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, 43.--- (the new chapter created in section 27 of this act), and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;
(7) Financial and valuable trade information under RCW 51.36.120;

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

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

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

(b) Internal control documents, independent auditors' reports and
financial statements, and supporting documents: (i) Of house-banked
social card game licensees required by the gambling commission pursuant
to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes
with an approved tribal/state compact for class III gaming;

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

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

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

(ii) Financial or proprietary information collected from any person
and provided to the department of commerce or the office of the
governor in connection with the siting, recruitment, expansion,
retention, or relocation of that person's business and until a siting
decision is made, identifying information of any person supplying
information under this subsection and the locations being considered
for siting, relocation, or expansion of a business;
(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

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

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

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

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

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

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

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

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

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

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

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

(21) Financial, commercial, operations, and technical and research information and data submitted to or obtained by innovate Washington in applications for, or delivery of, grants and loans under chapter 43.333 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information.

Sec. 23. RCW 42.56.400 and 2010 c 172 s 2 and 2010 c 97 s 3 are each reenacted and amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;
(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from the Washington investment trust under chapter 43.--- RCW (the new chapter created in section 27 of this act), from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:
  (a) "Claimant" has the same meaning as in RCW 48.140.010(2).
  (b) "Health care facility" has the same meaning as in RCW 48.140.010(6).
  (c) "Health care provider" has the same meaning as in RCW 48.140.010(7).
  (d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).
  (e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;
(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;
(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;
(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);
(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court; and
(18) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010.

Sec. 24. RCW 42.56.400 and 2011 c 188 s 21 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;
(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from the Washington investment trust under chapter 43.--- RCW (the new chapter created in section 27 of this act) from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;
(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151; and

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010.

Sec. 25. RCW 43.08.135 and 2009 c 549 s 5044 are each amended to read as follows:

The state treasurer shall maintain at all times cash, or demand deposits in the Washington investment trust created in section 3 of this act or qualified public depositaries in an amount needed to meet the operational needs of state government: PROVIDED, That the state treasurer shall not be considered in violation of RCW 9A.56.060(1) if he or she maintains demand accounts in public depositaries in an amount less than all treasury warrants issued and outstanding.

Sec. 26. RCW 43.84.080 and 1982 c 148 s 1 are each amended to read as follows:

Subject to the limitations in section 7 of this act, wherever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state treasurer may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following defined securities or classes of investments:

(1) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States;

(2) In state, county, municipal, or school district bonds, or in warrants of taxing districts of the state. Such bonds and warrants
shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state treasurer may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable;

(3) In motor vehicle fund warrants when authorized by agreement between the state treasurer and the department of transportation requiring repayment of invested funds from any moneys in the motor vehicle fund available for state highway construction;

(4) In federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

(5) Bankers' acceptances purchased on the secondary market;

(6) Negotiable certificates of deposit of any national or state commercial or mutual savings bank or savings and loan association doing business in the United States: PROVIDED, That the treasurer shall adhere to the investment policies and procedures adopted by the state investment board;

(7) Commercial paper: PROVIDED, That the treasurer shall adhere to the investment policies and procedures adopted by the state investment board.

NEW SECTION. Sec. 27. Sections 1 through 4 and 6 through 18 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 28. Section 23 of this act expires July 1, 2012.

NEW SECTION. Sec. 29. Section 24 of this act takes effect July 1, 2012.

NEW SECTION. Sec. 30. Except for section 24 of this act, this act is necessary for the immediate preservation of the public peace,
health, or safety, or support of the state government and its existing
d public institutions, and takes effect immediately.

NEW SECTION. Sec. 31. If any provision of this act or its
application to any person or circumstance is held invalid, the
remainder of the act or the application of the provision to other
persons or circumstances is not affected.

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