

SHB 1298 - S COMM AMD

By Committee on Governmental Operations

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

3 "**Sec. 1.** RCW 13.34.100 and 2010 c 180 s 2 are each amended to read
4 as follows:

5 (1) The court shall appoint a guardian ad litem for a child who is
6 the subject of an action under this chapter, unless a court for good
7 cause finds the appointment unnecessary. The requirement of a guardian
8 ad litem may be deemed satisfied if the child is represented by
9 independent counsel in the proceedings. The court shall attempt to
10 match a child with special needs with a guardian ad litem who has
11 specific training or education related to the child's individual needs.

12 (2) If the court does not have available to it a guardian ad litem
13 program with a sufficient number of volunteers, the court may appoint
14 a suitable person to act as guardian ad litem for the child under this
15 chapter. Another party to the proceeding or the party's employee or
16 representative shall not be so appointed.

17 (3) Each guardian ad litem program shall maintain a background
18 information record for each guardian ad litem in the program.
19 Information obtained pursuant to this subsection (3) must be made
20 available for public inspection and copying, except for information
21 obtained pursuant to (k) and (l) of this subsection, subject to the
22 court's discretion. The background information record shall include,
23 but is not limited to, the following information:

24 (a) Level of formal education;

25 (b) General training related to the guardian ad litem's duties;

26 (c) Specific training related to issues potentially faced by
27 children in the dependency system;

28 (d) Specific training or education related to child disability or
29 developmental issues;

1 (e) Connection with an organization or association involved in the
2 placement of children including a membership, referrals, contracts, or
3 other financial dealings;

4 (f) Number of years' experience as a guardian ad litem;

5 ((+f)) (g) Number of appointments as a guardian ad litem and the
6 county or counties of appointment, and number of appointments as a
7 guardian ad litem or court-appointed special advocate in other states
8 with the location and duration of the appointments in other states;

9 ((+g)) (h) The names of any counties in Washington or other states
10 in which the person was removed from a guardian ad litem registry
11 pursuant to a grievance action, and the name of the court and the cause
12 number of any case in which the court has removed the person for cause;

13 ((+h)) (i) Any complaint made to a court or to a guardian ad litem
14 program or court-appointed special advocate program, or request for
15 review under subsection (9) of this section, unless proven false;

16 (j) Founded allegations of abuse or neglect as defined in RCW
17 26.44.020;

18 ((+i)) (k) The results of an examination of state and national
19 criminal identification data. The examination shall consist of a
20 background check as allowed through the Washington state criminal
21 records privacy act under RCW 10.97.050, the Washington state patrol
22 criminal identification system under RCW 43.43.832 through 43.43.834,
23 and the federal bureau of investigation. The background check shall be
24 done through the Washington state patrol criminal identification
25 section and must include a national check from the federal bureau of
26 investigation based on the submission of fingerprints; and

27 ((+j)) (l) Criminal history, as defined in RCW 9.94A.030, for the
28 period covering ten years prior to the appointment.

29 The background information record shall be updated annually. As a
30 condition of appointment, the guardian ad litem's background
31 information record shall be made available to the court. If the
32 appointed guardian ad litem is not a member of a guardian ad litem
33 program a suitable person appointed by the court to act as guardian ad
34 litem shall provide the background information record to the court.

35 Upon appointment, the guardian ad litem, or guardian ad litem
36 program, shall provide the parties or their attorneys with a copy of
37 the background information record. ~~((The portion of the background~~
38 ~~information record containing the results of the criminal background~~

1 ~~check and the criminal history shall not be disclosed to the parties or~~
2 ~~their attorneys.))~~ The background information record shall not include
3 identifying information that may be used to harm a guardian ad litem,
4 such as home addresses and home telephone numbers, and for volunteer
5 guardians ad litem the court may allow the use of maiden names or
6 pseudonyms as necessary for their safety.

7 (4) The appointment of the guardian ad litem shall remain in effect
8 until the court discharges the appointment or no longer has
9 jurisdiction, whichever comes first. The guardian ad litem may also be
10 discharged upon entry of an order of guardianship.

11 (5) A guardian ad litem through counsel, or as otherwise authorized
12 by the court, shall have the right to present evidence, examine and
13 cross-examine witnesses, and to be present at all hearings. A guardian
14 ad litem shall receive copies of all pleadings and other documents
15 filed or submitted to the court, and notice of all hearings according
16 to court rules. The guardian ad litem shall receive all notice
17 contemplated for a parent or other party in all proceedings under this
18 chapter.

19 (6)(a) Pursuant to this subsection, the department or supervising
20 agency and the child's guardian ad litem shall each notify a child of
21 his or her right to request counsel and shall ask the child whether he
22 or she wishes to have counsel. The department or supervising agency
23 and the child's guardian ad litem shall notify the child and make this
24 inquiry immediately after:

- 25 (i) The date of the child's twelfth birthday;
26 (ii) Assignment of a case involving a child age twelve or older; or
27 (iii) July 1, 2010, for a child who turned twelve years old before
28 July 1, 2010.

29 (b) The department or supervising agency and the child's guardian
30 ad litem shall repeat the notification and inquiry at least annually
31 and upon the filing of any motion or petition affecting the child's
32 placement, services, or familial relationships.

33 (c) The notification and inquiry is not required if the child has
34 already been appointed counsel.

35 (d) The department or supervising agency shall note in the child's
36 individual service and safety plan, and the guardian ad litem shall
37 note in his or her report to the court, that the child was notified of

1 the right to request counsel and indicate the child's position
2 regarding appointment of counsel.

3 (e) At the first regularly scheduled hearing after:

4 (i) The date of the child's twelfth birthday;

5 (ii) The date that a dependency petition is filed pursuant to this
6 chapter on a child age twelve or older; or

7 (iii) July 1, 2010, for a child who turned twelve years old before
8 July 1, 2010;

9 the court shall inquire whether the child has received notice of his or
10 her right to request legal counsel from the department or supervising
11 agency and the child's guardian ad litem. The court shall make an
12 additional inquiry at the first regularly scheduled hearing after the
13 child's fifteenth birthday. No inquiry is necessary if the child has
14 already been appointed counsel.

15 (f) If the child requests legal counsel and is age twelve or older,
16 or if the guardian ad litem or the court determines that the child
17 needs to be independently represented by counsel, the court may appoint
18 an attorney to represent the child's position.

19 (7) For the purposes of child abuse prevention and treatment act
20 (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247,
21 or any related state or federal legislation, a person appointed
22 pursuant to this section shall be deemed a guardian ad litem to
23 represent the best interests of the minor in proceedings before the
24 court.

25 (8) When a court-appointed special advocate or volunteer guardian
26 ad litem is requested on a case, the program shall give the court the
27 name of the person it recommends. The program shall attempt to match
28 a child with special needs with a guardian ad litem who has specific
29 training or education related to the child's individual needs. The
30 court shall immediately appoint the person recommended by the program.

31 (9) If a party in a case reasonably believes the court-appointed
32 special advocate or volunteer guardian ad litem is inappropriate or
33 unqualified, the party may request a review of the appointment by the
34 program. The program must complete the review within five judicial
35 days and remove any appointee for good cause. If the party seeking the
36 review is not satisfied with the outcome of the review, the party may
37 file a motion with the court for the removal of the court-appointed

1 special advocate or volunteer guardian ad litem on the grounds the
2 advocate or volunteer is inappropriate or unqualified.

3 NEW SECTION. **Sec. 2.** (1)(a) A state officer as defined in RCW
4 42.52.010 may establish an ethics defense trust fund and name a trustee
5 if the state officer is subject to a complaint for an ethics violation
6 filed or issued under this chapter relating to the state officer's
7 official duties.

8 (b) For the purposes of this section and sections 3 through 5 of
9 this act, "official duties" include, but are not limited to, all
10 activities prescribed in the state Constitution and state statutes,
11 legislatively funded or mandated authority and responsibilities, job
12 description, or any tasks related to carrying out the activities of the
13 state officer's position that are intended to protect, promote,
14 educate, or serve the citizens of the state of Washington.

15 (2)(a) The proceeds of the trust fund may be used to:

16 (i) Defray legal expenses and pay monetary penalties incurred by
17 the state officer as a result of a complaint filed or issued for an
18 ethics violation under this chapter or an internal legislative
19 investigatory proceeding;

20 (ii) Defray costs reasonably incurred in administering the trust
21 fund, including but not limited to costs incident to the solicitation
22 of funds; and

23 (iii) Discharge any tax liabilities incurred as a result of the
24 creation, operation, or administration of the trust fund.

25 (b) The proceeds of a trust fund may also be used to defray or
26 discharge legal expenses, penalties, costs, or liabilities incurred
27 before the trust fund was established if the legal expenses, penalties,
28 costs, or liabilities are related to the complaint proceedings for
29 which the trust fund was established.

30 (3) Except as provided in subsection (2) of this section, the state
31 officer may not use proceeds from the trust fund for any personal use.

32 (4) A state officer may not establish or maintain more than one
33 ethics defense trust fund at any one time.

34 (5) Chapter 11.98 RCW does not apply to a trust fund established
35 under this chapter.

1 NEW SECTION. **Sec. 3.** (1) The trustee of an ethics defense trust
2 fund is responsible for:

3 (a) The receipt and deposit of contributions to the trust fund;

4 (b) The authorization of expenditures and disbursements from the
5 trust fund;

6 (c) The performance of other tasks incident to the administration
7 of the trust fund.

8 (2)(a) A trustee of an ethics defense trust fund shall establish a
9 single exclusive account in a depository, as defined in RCW 42.17A.005.
10 The depository must be located in this state and must ordinarily
11 conduct business with the general public in this state.

12 (b) The trustee shall maintain the account in the name of the trust
13 fund.

14 (c) All expenditures made by the trustee shall be drawn from the
15 account and:

16 (i) Issued on a check signed by the trustee; or

17 (ii) Paid using a debit card or other form of electronic
18 transaction.

19 (d) A contribution received by a trustee shall be deposited into
20 the account not later than three working days after the date the
21 contribution is received.

22 (e) This section does not prohibit the transfer of any amount
23 deposited in the account into a certificate of deposit, stock fund, or
24 other investment instrument.

25 (f) The account may not include any public or private moneys or any
26 moneys of any other person, other than contributions received by the
27 trustee.

28 (g) A trustee shall retain a copy of each depository account
29 statement from the account described in this section for not less than
30 two years after the date the statement is issued by the depository.

31 (h) The trustee may not be a member of the family of or an employee
32 of the state officer.

33 NEW SECTION. **Sec. 4.** (1) Any person may contribute to an ethics
34 defense trust fund established in section 2 of this act.

35 (2) The maximum contribution by any person per year to an ethics
36 defense trust fund shall be the same as the campaign contribution limit

1 per person per election cycle established by the public disclosure
2 commission for candidates for statewide executive office.

3 (3) The ethics defense trust fund agreement, contributions,
4 expenditures, and other transfers of moneys to or from the trust fund
5 shall be reported to the public disclosure commission once a month,
6 within ten days after the completion of the month, for all transactions
7 occurring in that month. Failure to report as required by this
8 subsection is a violation of chapter 42.17A RCW.

9 (4) Reports filed with the public disclosure commission under
10 subsection (3) of this section are nonexempt public records subject to
11 disclosure under chapter 42.56 RCW.

12 NEW SECTION. **Sec. 5.** (1) An ethics defense trust fund established
13 under section 2 of this act may be terminated by:

14 (a) The state officer who established the trust fund; or

15 (b) Subject to subsection (2) of this section, the terms of the
16 trust agreement.

17 (2) A trust agreement may provide that an ethics defense trust fund
18 is terminated not later than six months following the completion of the
19 payments authorized under section 2(2) of this act.

20 (3) Following termination of an ethics defense trust fund, the
21 trustee may not accept contributions to or make expenditures from the
22 trust fund.

23 (4) Not later than thirty days after an ethics defense trust fund
24 is terminated, the trustee of the trust fund shall return any moneys
25 remaining in the trust fund to contributors to the trust fund on a pro
26 rata basis.

27 **Sec. 6.** RCW 42.52.150 and 2011 c 60 s 29 are each amended to read
28 as follows:

29 (1) No state officer or state employee may accept gifts, other than
30 those specified in subsections (2) (~~and~~), (5), and (6) of this
31 section, with an aggregate value in excess of fifty dollars from a
32 single source in a calendar year or a single gift from multiple sources
33 with a value in excess of fifty dollars. For purposes of this section,
34 "single source" means any person, as defined in RCW 42.52.010, whether
35 acting directly or through any agent or other intermediary, and "single
36 gift" includes any event, item, or group of items used in conjunction

1 with each other or any trip including transportation, lodging, and
2 attendant costs, not excluded from the definition of gift under RCW
3 42.52.010. The value of gifts given to an officer's or employee's
4 family member or guest shall be attributed to the official or employee
5 for the purpose of determining whether the limit has been exceeded,
6 unless an independent business, family, or social relationship exists
7 between the donor and the family member or guest.

8 (2) Except as provided in subsection (4) of this section, the
9 following items are presumed not to influence under RCW 42.52.140, and
10 may be accepted without regard to the limit established by subsection
11 (1) of this section:

12 (a) Unsolicited flowers, plants, and floral arrangements;

13 (b) Unsolicited advertising or promotional items of nominal value,
14 such as pens and note pads;

15 (c) Unsolicited tokens or awards of appreciation in the form of a
16 plaque, trophy, desk item, wall memento, or similar item;

17 (d) Unsolicited items received by a state officer or state employee
18 for the purpose of evaluation or review, if the officer or employee has
19 no personal beneficial interest in the eventual use or acquisition of
20 the item by the officer's or employee's agency;

21 (e) Informational material, publications, or subscriptions related
22 to the recipient's performance of official duties;

23 (f) Food and beverages consumed at hosted receptions where
24 attendance is related to the state officer's or state employee's
25 official duties;

26 (g) Gifts, grants, conveyances, bequests, and devises of real or
27 personal property, or both, in trust or otherwise accepted and
28 solicited for deposit in the legislative international trade account
29 created in RCW 43.15.050;

30 (h) Gifts, grants, conveyances, bequests, and devises of real or
31 personal property, or both, in trust or otherwise accepted and
32 solicited for the purpose of promoting the expansion of tourism as
33 provided for in RCW 43.330.090;

34 (i) Gifts, grants, conveyances, bequests, and devises of real or
35 personal property, or both, solicited on behalf of a national
36 legislative association, 2006 official conference of the national
37 lieutenant governors' association, or host committee for the purpose of
38 hosting an official conference under the circumstances specified in RCW

1 42.52.820 and section 2, chapter 5, Laws of 2006. Anything solicited
2 or accepted may only be received by the national association or host
3 committee and may not be commingled with any funds or accounts that are
4 the property of any person;

5 (j) Admission to, and the cost of food and beverages consumed at,
6 events sponsored by or in conjunction with a civic, charitable,
7 governmental, or community organization; and

8 (k) Unsolicited gifts from dignitaries from another state or a
9 foreign country that are intended to be personal in nature.

10 (3) The presumption in subsection (2) of this section is rebuttable
11 and may be overcome based on the circumstances surrounding the giving
12 and acceptance of the item.

13 (4) Notwithstanding subsections (2) and (5) of this section, a
14 state officer or state employee of a regulatory agency or of an agency
15 that seeks to acquire goods or services who participates in those
16 regulatory or contractual matters may receive, accept, take, or seek,
17 directly or indirectly, only the following items from a person
18 regulated by the agency or from a person who seeks to provide goods or
19 services to the agency:

20 (a) Unsolicited advertising or promotional items of nominal value,
21 such as pens and note pads;

22 (b) Unsolicited tokens or awards of appreciation in the form of a
23 plaque, trophy, desk item, wall memento, or similar item;

24 (c) Unsolicited items received by a state officer or state employee
25 for the purpose of evaluation or review, if the officer or employee has
26 no personal beneficial interest in the eventual use or acquisition of
27 the item by the officer's or employee's agency;

28 (d) Informational material, publications, or subscriptions related
29 to the recipient's performance of official duties;

30 (e) Food and beverages consumed at hosted receptions where
31 attendance is related to the state officer's or state employee's
32 official duties;

33 (f) Admission to, and the cost of food and beverages consumed at,
34 events sponsored by or in conjunction with a civic, charitable,
35 governmental, or community organization; and

36 (g) Those items excluded from the definition of gift in RCW
37 42.52.010 except:

1 (i) Payments by a governmental or nongovernmental entity of
2 reasonable expenses incurred in connection with a speech, presentation,
3 appearance, or trade mission made in an official capacity;

4 (ii) Payments for seminars and educational programs sponsored by a
5 bona fide governmental or nonprofit professional, educational, trade,
6 or charitable association or institution; and

7 (iii) Flowers, plants, and floral arrangements.

8 (5) A state officer or state employee may accept gifts in the form
9 of food and beverage on infrequent occasions in the ordinary course of
10 meals where attendance by the officer or employee is related to the
11 performance of official duties. Gifts in the form of food and beverage
12 that exceed fifty dollars on a single occasion shall be reported as
13 provided in chapter 42.17A RCW.

14 (6) A state officer may accept contributions made to an ethics
15 defense trust fund established under section 2 of this act.

16 **Sec. 7.** RCW 42.56.230 and 2013 c 336 s 3 and 2013 c 220 s 1 are
17 each reenacted and amended to read as follows:

18 The following personal information is exempt from public inspection
19 and copying under this chapter:

20 (1) Personal information in any files maintained for students in
21 public schools, patients or clients of public institutions or public
22 health agencies, or welfare recipients;

23 (2)(a) Personal information:

24 (i) For a child enrolled in licensed child care in any files
25 maintained by the department of early learning; or

26 (ii) For a child enrolled in a public or nonprofit program serving
27 or pertaining to children, adolescents, or students, including but not
28 limited to early learning or child care services, parks and recreation
29 programs, youth development programs, and after-school programs.

30 (b) Emergency contact information under this subsection (2) may be
31 provided to appropriate authorities and medical personnel for the
32 purpose of treating the individual during an emergency situation;

33 (3) Personal information in files maintained for employees,
34 appointees, or elected officials of any public agency to the extent
35 that disclosure would violate their right to privacy;

36 (4) Information required of any taxpayer in connection with the
37 assessment or collection of any tax if the disclosure of the

1 information to other persons would: (a) Be prohibited to such persons
2 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
3 authorized under RCW 35.102.145; or (b) violate the taxpayer's right to
4 privacy or result in unfair competitive disadvantage to the taxpayer;

5 (5) Credit card numbers, debit card numbers, electronic check
6 numbers, card expiration dates, or bank or other financial (~~account~~
7 ~~numbers~~) information as defined in RCW 9.35.005 including social
8 security numbers, except when disclosure is expressly required by or
9 governed by other law;

10 (6) Personal and financial information related to a small loan or
11 any system of authorizing a small loan in RCW 31.45.093; (~~and~~)

12 (7)(a) Any record used to prove identity, age, residential address,
13 social security number, or other personal information required to apply
14 for a driver's license or identicard.

15 (b) Information provided under RCW 46.20.111 that indicates that an
16 applicant declined to register with the selective service system(~~-~~);
17 and

18 (~~(e)~~) (8)(a)(i) Any record pertaining to a vehicle license plate,
19 driver's license, or identicard issued under RCW 46.08.066 that, alone
20 or in combination with any other records, may reveal the identity of an
21 individual, or reveal that an individual is or was, performing an
22 undercover or covert law enforcement, confidential public health work,
23 public assistance fraud, or child support investigative activity. This
24 exemption does not prevent the release of the total number of vehicle
25 license plates, drivers' licenses, or identicards that, under RCW
26 46.08.066, an agency or department has applied for, been issued,
27 denied, returned, destroyed, lost, and reported for misuse.

28 (~~(d)~~) (ii) Any record pertaining to a vessel registration issued
29 under RCW 88.02.330 that, alone or in combination with any other
30 records, may reveal the identity of an individual, or reveal that an
31 individual is or was, performing an undercover or covert law
32 enforcement activity. This exemption does not prevent the release of
33 the total number of vessel registrations that, under RCW 88.02.330, an
34 agency or department has applied for, been issued, denied, returned,
35 destroyed, lost, and reported for misuse.

36 (~~(e)~~) (b) Upon request by the legislature, the department of
37 licensing shall provide a report to the legislature containing all of

1 the information in (~~(c) and (d)~~) (a)(i) and (ii) of this subsection
2 that is subject to public disclosure.

3 **Sec. 8.** RCW 42.56.240 and 2013 c 315 s 2, 2013 c 190 s 7, and 2013
4 c 183 s 1 are each reenacted and amended to read as follows:

5 The following investigative, law enforcement, and crime victim
6 information is exempt from public inspection and copying under this
7 chapter:

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

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

23 (3) 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 (4) License applications under RCW 9.41.070; copies of license
30 applications or information on the applications may be released to law
31 enforcement or corrections agencies;

32 (5) Information revealing the identity of child victims of sexual
33 assault who are under age eighteen. Identifying information (~~(means)~~)
34 includes, but is not limited to, the child victim's name, address,
35 location, photograph, and in cases in which the child victim is a
36 relative or stepchild of the alleged perpetrator, identification of the
37 relationship between the child and the alleged perpetrator;

1 (6) Information contained in a local or regionally maintained gang
2 database as well as the statewide gang database referenced in RCW
3 43.43.762;

4 (7) Data from the electronic sales tracking system established in
5 RCW 69.43.165;

6 (8) Information submitted to the statewide unified sex offender
7 notification and registration program under RCW 36.28A.040(6) by a
8 person for the purpose of receiving notification regarding a registered
9 sex offender, including the person's name, residential address, and e-
10 mail address;

11 (9) Personally identifying information collected by law enforcement
12 agencies pursuant to local security alarm system programs and vacation
13 crime watch programs. Nothing in this subsection shall be interpreted
14 so as to prohibit the legal owner of a residence or business from
15 accessing information regarding his or her residence or business;

16 ((and))

17 (10) The felony firearm offense conviction database of felony
18 firearm offenders established in RCW 43.43.822; ((and))

19 (11) The identity of a state employee or officer who has in good
20 faith filed a complaint with an ethics board, as provided in RCW
21 42.52.410, or who has in good faith reported improper governmental
22 action, as defined in RCW 42.40.020, to the auditor or other public
23 official, as defined in RCW 42.40.020; and

24 (12) The following security threat group information collected and
25 maintained by the department of corrections pursuant to RCW 72.09.745:

26 (a) Information that could lead to the identification of a person's
27 security threat group status, affiliation, or activities; (b)
28 information that reveals specific security threats associated with the
29 operation and activities of security threat groups; and (c) information
30 that identifies the number of security threat group members,
31 affiliates, or associates.

32 **Sec. 9.** RCW 70.148.060 and 2005 c 274 s 341 are each amended to
33 read as follows:

34 (1) All ((~~examination and proprietary reports and~~)) information
35 except for proprietary reports or information obtained by the director
36 and the director's staff in soliciting bids from insurers and in

1 monitoring the insurer selected by the director shall not be made
2 public or otherwise disclosed to any person, firm, corporation, agency,
3 association, governmental body, or other entity.

4 (2) Subsection (1) of this section notwithstanding, the director
5 may furnish all or part of examination reports prepared by the director
6 or by any person, firm, corporation, association, or other entity
7 preparing the reports on behalf of the director to:

- 8 (a) The Washington state insurance commissioner;
- 9 (b) A person or organization officially connected with the insurer
10 as officer, director, attorney, auditor, or independent attorney or
11 independent auditor; and
- 12 (c) The attorney general in his or her role as legal advisor to the
13 director.

14 (3) Subsection (1) of this section notwithstanding, the director
15 may furnish all or part of the examination or proprietary reports or
16 information obtained by the director to:

- 17 (a) The Washington state insurance commissioner; and
- 18 (b) A person, firm, corporation, association, governmental body, or
19 other entity with whom the director has contracted for services
20 necessary to perform his or her official duties.

21 (4) (~~Examination reports and~~) Proprietary information obtained by
22 the director and the director's staff (~~are~~) is not subject to public
23 disclosure under chapter 42.56 RCW.

24 (5) A person who violates any provision of this section is guilty
25 of a gross misdemeanor.

26 **Sec. 10.** RCW 40.14.100 and 1971 ex.s. c 102 s 2 are each amended
27 to read as follows:

28 As used in RCW 40.14.010 and 40.14.100 through 40.14.180, unless
29 the context requires otherwise, "legislative records" shall be defined
30 as correspondence, amendments, reports, and minutes of meetings made by
31 or submitted to legislative policy, fiscal, or operational committees
32 or subcommittees and transcripts or other records of hearings or
33 supplementary written testimony or data thereof filed with legislative
34 policy, fiscal, or operational committees or subcommittees in
35 connection with the exercise of legislative or investigatory functions,
36 but does not include the records of an official act of the legislature
37 kept by the secretary of state, bills and their copies, published

1 materials, digests, or multi-copied matter which are routinely retained
2 and otherwise available at the state library or in a public repository,
3 or reports or correspondence made or received by or in any way under
4 the personal control of the individual members of the legislature.

5 **Sec. 11.** RCW 42.56.330 and 2012 c 68 s 4 are each amended to read
6 as follows:

7 The following information relating to public utilities and
8 transportation is exempt from disclosure under this chapter:

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

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

19 (3) 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)~~). Participants' names, general
23 locations, and e-mail addresses may be disclosed to other persons who
24 apply for ride-matching services and who need that information in order
25 to identify potential riders or drivers with whom to share rides;

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

30 (5) The personally identifying information of persons who acquire
31 and use transit passes or other fare payment media including, but not
32 limited to, stored value smart cards and magnetic strip cards, except
33 that an agency may disclose personally identifying information to a
34 person, employer, educational institution, or other entity that is
35 responsible, in whole or in part, for payment of the cost of acquiring
36 or using a transit pass or other fare payment media for the purpose of
37 preventing fraud(~~(, or to the news media when reporting on public~~

1 ~~transportation or public safety~~)). As used in this subsection,
2 "personally identifying information" includes acquisition or use
3 information pertaining to a specific, individual transit pass or fare
4 payment media.

5 (a) Information regarding the acquisition or use of transit passes
6 or fare payment media may be disclosed in aggregate form if the data
7 does not contain any personally identifying information.

8 (b) Personally identifying information may be released to law
9 enforcement agencies if the request is accompanied by a court order;

10 (6) Any information obtained by governmental agencies that is
11 collected by the use of a motor carrier intelligent transportation
12 system or any comparable information equipment attached to a truck,
13 tractor, or trailer; however, the information may be given to other
14 governmental agencies or the owners of the truck, tractor, or trailer
15 from which the information is obtained. As used in this subsection,
16 "motor carrier" has the same definition as provided in RCW 81.80.010;

17 (7) The personally identifying information of persons who acquire
18 and use transponders or other technology to facilitate payment of
19 tolls. This information may be disclosed in aggregate form as long as
20 the data does not contain any personally identifying information. For
21 these purposes aggregate data may include the census tract of the
22 account holder as long as any individual personally identifying
23 information is not released. Personally identifying information may be
24 released to law enforcement agencies only for toll enforcement
25 purposes. Personally identifying information may be released to law
26 enforcement agencies for other purposes only if the request is
27 accompanied by a court order; and

28 (8) The personally identifying information of persons who acquire
29 and use a driver's license or identicard that includes a radio
30 frequency identification chip or similar technology to facilitate
31 border crossing. This information may be disclosed in aggregate form
32 as long as the data does not contain any personally identifying
33 information. Personally identifying information may be released to law
34 enforcement agencies only for United States customs and border
35 protection enforcement purposes. Personally identifying information
36 may be released to law enforcement agencies for other purposes only if
37 the request is accompanied by a court order.

1 NEW SECTION. **Sec. 12.** Sections 2 through 5 of this act are each
2 added to chapter 42.52 RCW."

SHB 1298 - S COMM AMD

By Committee on Governmental Operations

3 On page 1, line 2 of the title, after "committee;" strike the
4 remainder of the title and insert "amending RCW 13.34.100, 42.52.150,
5 70.148.060, 40.14.100, and 42.56.330; reenacting and amending RCW
6 42.56.230 and 42.56.240; and adding new sections to chapter 42.52 RCW."

EFFECT: Requires that the background information record for each guardian ad litem, except for the FBI criminal background check information, be made available for public inspection and copying, subject to the court's discretion. Requires that additional information be included in the guardian ad litem background information record.

Permits state officers to create ethics defense trust funds and name trustees if the officer is subject to an Ethics Act complaint. Defines maximum contribution to an ethics defense trust fund as the same as the campaign contribution limit by any person per election cycle. Proceeds of trust funds may be used to defray legal expenses and monetary penalties incurred as a result of a complaint for an Ethics Act violation relating to the officer's official duties, defray reasonable administrative costs, and discharge any tax liabilities from the administration of the fund. Defines ethics defense fund trustee responsibilities. Requires monthly reporting of trust fund contributions, expenditures, and transfers of money to the Public Disclosure Commission, and declares that reports are public records, subject to disclosure. Sets procedures for ethics defense trust fund termination.

Clarifies that records of legislative operational committees are public records open to inspection and copying.

--- END ---