

1 **SHB 2192** - H AMDS TO H AMD (H-3327.2/97) **748 ADOPTED 4-25-97**

2 By Representative L. Thomas

3 On page 10, after line 18 of the striking amendment, insert the
4 following:

5 NEW SECTION. **Sec. 119.** The public stadium authority may refuse
6 to disclose financial information on the master tenant, concessioners,
7 the team affiliate, or subleasee under RCW 42.17.310.

8 **Sec. 120.** RCW 42.17.310 and 1996 c 305 s 2 are each amended to
9 read as follows:

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

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

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

17 (c) Information required of any taxpayer in connection with the
18 assessment or collection of any tax if the disclosure of the
19 information to other persons would (i) be prohibited to such persons by
20 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
21 in unfair competitive disadvantage to the taxpayer.

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

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

1 elected official or candidate for public office must be made in writing
2 and signed by the complainant under oath.

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

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

12 (h) Valuable formulae, designs, drawings, and research data
13 obtained by any agency within five years of the request for disclosure
14 when disclosure would produce private gain and public loss.

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

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

23 (k) Records, maps, or other information identifying the location
24 of archaeological sites in order to avoid the looting or depredation of
25 such sites.

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

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

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

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

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

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

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

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

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

23 (u) The residential addresses and residential telephone numbers of
24 employees or volunteers of a public agency which are held by the agency
25 in personnel records, employment or volunteer rosters, or mailing lists
26 of employees or volunteers.

27 (v) The residential addresses and residential telephone numbers of
28 the customers of a public utility contained in the records or lists
29 held by the public utility of which they are customers.

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

1 information be withheld from public inspection and copying, and
2 provides to the department an accurate alternate or business address
3 and business telephone number. On or after January 1, 1995, the
4 current residential address and residential telephone number of a
5 health care provider governed under RCW 18.130.140 maintained in the
6 files of the department shall automatically be withheld from public
7 inspection and copying unless the provider specifically requests the
8 information be released, and except as provided for under RCW
9 42.17.260(9).

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

12 (y) Information obtained by the board of pharmacy or the
13 department of health and its representatives as provided in RCW
14 69.41.044, 69.41.280, and 18.64.420.

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

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

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

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

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

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

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

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

7 (hh) Information and documents created specifically for, and
8 collected and maintained by a quality improvement committee pursuant to
9 RCW 43.70.510, regardless of which agency is in possession of the
10 information and documents.

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

13 (jj) Financial and commercial information requested by the public
14 stadium authority from any person or organization that leases or uses
15 the stadium and exhibition center as defined in section 101 of this
16 act.

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

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

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

35 Correct internal references accordingly and correct the title.

EFFECT: Exempts the financial and commercial information obtained by the public stadium authority from users of the stadium and exhibition center from public disclosure.