

HB 1449 - S AMD 396

By Senators Delvin, Kohl-Welles

ADOPTED 04/09/2007

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

3 "Sec. 1. RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c
4 338 s 5, 2006 c 302 s 12, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c
5 171 s 8 are each reenacted and amended to read as follows:

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

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

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

17 (3) Financial and commercial information and records supplied by
18 private persons pertaining to export services provided under chapters
19 43.163 and 53.31 RCW, and by persons pertaining to export projects
20 under RCW 43.23.035;

21 (4) Financial and commercial information and records supplied by
22 businesses or individuals during application for loans or program
23 services provided by chapters 15.110, 43.163, 43.160, 43.330, and
24 43.168 RCW, or during application for economic development loans or
25 program services provided by any local agency;

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

1 (6) Financial and commercial information supplied to the state
2 investment board by any person when the information relates to the
3 investment of public trust or retirement funds and when disclosure
4 would result in loss to such funds or in private loss to the providers
5 of this information;

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

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

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

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

20 (b) Independent auditors' reports and financial statements of
21 house-banked social card game licensees required by the gambling
22 commission pursuant to rules adopted under chapter 9.46 RCW;

23 (c) Financial or proprietary information supplied to the liquor
24 control board including the amount of beer or wine sold by a domestic
25 winery, brewery, microbrewery, or certificate of approval holder under
26 RCW 66.24.206(1) or 66.24.270(2)(a) and including the amount of beer or
27 wine purchased by a retail licensee in connection with a retail
28 licensee's obligation under RCW 66.24.210 or 66.24.290, for receipt of
29 shipments of beer or wine((-));

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

37 (12)(a) When supplied to and in the records of the department of
38 community, trade, and economic development:

1 (i) Financial and proprietary information collected from any person
2 and provided to the department of community, trade, and economic
3 development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

4 (ii) Financial or proprietary information collected from any person
5 and provided to the department of community, trade, and economic
6 development or the office of the governor in connection with the
7 siting, recruitment, expansion, retention, or relocation of that
8 person's business and until a siting decision is made, identifying
9 information of any person supplying information under this subsection
10 and the locations being considered for siting, relocation, or expansion
11 of a business;

12 (b) When developed by the department of community, trade, and
13 economic development based on information as described in (a)(i) of
14 this subsection, any work product is not exempt from disclosure;

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

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

22 (13) Financial and proprietary information submitted to or obtained
23 by the department of ecology or the authority created under chapter
24 70.95N RCW to implement chapter 70.95N RCW;

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

31 (15) Financial and commercial information provided as evidence to
32 the department of licensing as required by RCW 19.112.110 or
33 19.112.120, except information disclosed in aggregate form that does
34 not permit the identification of information related to individual fuel
35 licensees;

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

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

5 (b) Farm plans developed under chapter 90.48 RCW and not under the
6 federal clean water act, 33 U.S.C. Sec. 1251 are subject to RCW
7 42.56.610 and 90.64.190.

8 **Sec. 2.** RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c
9 338 s 5, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each
10 reenacted and amended to read as follows:

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

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

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

22 (3) Financial and commercial information and records supplied by
23 private persons pertaining to export services provided under chapters
24 43.163 and 53.31 RCW, and by persons pertaining to export projects
25 under RCW 43.23.035;

26 (4) Financial and commercial information and records supplied by
27 businesses or individuals during application for loans or program
28 services provided by chapters 15.110, 43.163, 43.160, 43.330, and
29 43.168 RCW, or during application for economic development loans or
30 program services provided by any local agency;

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

35 (6) Financial and commercial information supplied to the state
36 investment board by any person when the information relates to the

1 investment of public trust or retirement funds and when disclosure
2 would result in loss to such funds or in private loss to the providers
3 of this information;

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

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

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

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

18 (b) Independent auditors' reports and financial statements of
19 house-banked social card game licensees required by the gambling
20 commission pursuant to rules adopted under chapter 9.46 RCW;

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

28 (12)(a) When supplied to and in the records of the department of
29 community, trade, and economic development:

30 (i) Financial and proprietary information collected from any person
31 and provided to the department of community, trade, and economic
32 development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

33 (ii) Financial or proprietary information collected from any person
34 and provided to the department of community, trade, and economic
35 development or the office of the governor in connection with the
36 siting, recruitment, expansion, retention, or relocation of that
37 person's business and until a siting decision is made, identifying

1 information of any person supplying information under this subsection
2 and the locations being considered for siting, relocation, or expansion
3 of a business;

4 (b) When developed by the department of community, trade, and
5 economic development based on information as described in (a)(i) of
6 this subsection, any work product is not exempt from disclosure;

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

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

14 (13) Financial and proprietary information submitted to or obtained
15 by the department of ecology or the authority created under chapter
16 70.95N RCW to implement chapter 70.95N RCW;

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

23 (15) Financial and commercial information provided as evidence to
24 the department of licensing as required by RCW 19.112.110 or
25 19.112.120, except information disclosed in aggregate form that does
26 not permit the identification of information related to individual fuel
27 licensees;

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

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

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

1 NEW SECTION. **Sec. 3.** Section 1 of this act expires June 30, 2008.

2 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect June 30,
3 2008."

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4 On page 1, line 2 of the title, after "commission;" strike the
5 remainder of the title and insert "reenacting and amending RCW
6 42.56.270 and 42.56.270; providing an effective date; and providing an
7 expiration date."

EFFECT: The Gambling Commission is not required to contact
licensees to request release of auditor reports and financial
information. The retroactivity provision is removed and the emergency
clause is removed. The bill will take effect 90 days after session
ends.

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