

SB 5927 - S AMD 71

By Senator Prentice and Delvin

ADOPTED 02/14/2008

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

3 "Sec. 1. RCW 42.56.270 and 2007 c 470 s 2, 2007 c 251 s 13, and
4 2007 c 197 s 4 are each reenacted and amended to read as follows:

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

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

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

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

20 (4) Financial and commercial information and records supplied by
21 businesses or individuals during application for loans or program
22 services provided by chapters (~~15.110~~) 43.325, 43.163, 43.160,
23 43.330, and 43.168 RCW, or during application for economic development
24 loans or program services provided by any local agency;

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

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

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

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

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

35 (ii) Financial or proprietary information collected from any person
36 and provided to the department of community, trade, and economic
37 development or the office of the governor in connection with the
38 siting, recruitment, expansion, retention, or relocation of that

1 person's business and until a siting decision is made, identifying
2 information of any person supplying information under this subsection
3 and the locations being considered for siting, relocation, or expansion
4 of a business;

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

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

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

15 (13) Financial and proprietary information submitted to or obtained
16 by the department of ecology or the authority created under chapter
17 70.95N RCW to implement chapter 70.95N RCW;

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

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

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

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

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

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

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

9 NEW SECTION. **Sec. 2.** Section 1 of this act takes effect June 30,
10 2008."

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11 On page 1, line 1 of the title, after "Relating to" strike the
12 remainder of the title and insert "exempting certain internal control
13 documents from disclosure under the public records act; reenacting and
14 amending RCW 42.56.270; and providing an effective date."

EFFECT: Exempts from public disclosure internal control documents, independent auditors' reports and financial statements, and supporting documents submitted to the Gambling Commission by house-banked social card game licensees and compacting tribes.

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