

2 **2SHB 1037** - S COMM AMD

3 By Committee on Energy, Technology & Telecommunications

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 19.190.010 and 1998 c 149 s 2 are each amended to  
8 read as follows:

9 The definitions in this section apply throughout this chapter  
10 unless the context clearly requires otherwise.

11 (1) "Assist the transmission" means actions taken by a person to  
12 provide substantial assistance or support which enables any person to  
13 formulate, compose, send, originate, initiate, or transmit a  
14 commercial electronic mail message when the person providing the  
15 assistance knows or consciously avoids knowing that the initiator of  
16 the commercial electronic mail message is engaged, or intends to  
17 engage, in any practice that violates the consumer protection act.

18 (2) "Commercial electronic mail message" means an electronic mail  
19 message sent for the purpose of promoting real property, goods, or  
20 services for sale or lease. It does not mean an electronic mail  
21 message to which an interactive computer service provider has attached  
22 an advertisement in exchange for free use of an electronic mail  
23 account, when the sender has agreed to such an arrangement.

24 ~~((2))~~ (3) "Electronic mail address" means a destination, commonly  
25 expressed as a string of characters, to which electronic mail may be  
26 sent or delivered.

27 ~~((3))~~ (4) "Initiate the transmission" refers to the action by the  
28 original sender of an electronic mail message, not to the action by any  
29 intervening interactive computer service that may handle or retransmit  
30 the message, unless such intervening interactive computer service  
31 assists in the transmission of an electronic mail message when it  
32 knows, or consciously avoids knowing, that the person initiating the  
33 transmission is engaged, or intends to engage, in any act or practice  
34 that violates the consumer protection act.

35 ~~((4))~~ (5) "Interactive computer service" means any information  
36 service, system, or access software provider that provides or enables

1 computer access by multiple users to a computer server, including  
2 specifically a service or system that provides access to the internet  
3 and such systems operated or services offered by libraries or  
4 educational institutions.

5 ~~((5))~~ (6) "Internet domain name" refers to a globally unique,  
6 hierarchical reference to an internet host or service, assigned through  
7 centralized internet naming authorities, comprising a series of  
8 character strings separated by periods, with the right-most string  
9 specifying the top of the hierarchy.

10 (7) "Person" means a person, corporation, partnership, or  
11 association.

12 (8) "Unsolicited commercial electronic mail message" means a  
13 commercial electronic mail message:

14 (a) Sent without a recipient's prior consent;

15 (b) Sent to a recipient with whom the sender does not have a  
16 preexisting or ongoing business or personal relationship; and

17 (c) Sent for a purpose other than collecting an existing  
18 obligation.

19 **Sec. 2.** RCW 19.190.020 and 1998 c 149 s 3 are each amended to read  
20 as follows:

21 (1) No person(~~(, corporation, partnership, or association)~~) may  
22 initiate the transmission, conspire with another to initiate the  
23 transmission, or assist the transmission, of a commercial electronic  
24 mail message from a computer located in Washington or to an electronic  
25 mail address that the sender knows, or has reason to know, is held by  
26 a Washington resident that:

27 (a) Uses a third party's internet domain name without permission of  
28 the third party, or otherwise misrepresents or obscures any information  
29 in identifying the point of origin or the transmission path of a  
30 commercial electronic mail message; ~~((or))~~

31 (b) Contains false or misleading information in the subject line;  
32 or

33 (c) Fails to prominently display in the body of an unsolicited  
34 commercial electronic mail message the following identifying  
35 information: The legal name, mailing address, physical address, true  
36 electronic mail address, and telephone number, including area code, of  
37 the person initiating the transmission of the message, or his or her  
38 registered agent in the state of Washington.

1 (2) For purposes of this section, a person(~~(, corporation,~~  
2 ~~partnership, or association))~~) knows that the intended recipient of a  
3 commercial electronic mail message is a Washington resident if that  
4 information is available, upon request, from the registrant of the  
5 internet domain name contained in the recipient's electronic mail  
6 address or the information is available in the electronic registry of  
7 Washington internet electronic mail addresses maintained by the  
8 attorney general.

9 **Sec. 3.** RCW 19.190.030 and 1998 c 149 s 4 are each amended to read  
10 as follows:

11 (1) It is a violation of the consumer protection act, chapter 19.86  
12 RCW, to conspire with another person to initiate the transmission or to  
13 initiate the transmission of a commercial electronic mail message that:

14 (a) Uses a third party's internet domain name without permission of  
15 the third party, or otherwise misrepresents or obscures any information  
16 in identifying the point of origin or the transmission path of a  
17 commercial electronic mail message; ~~((or))~~

18 (b) Contains false or misleading information in the subject line;  
19 or

20 (c) Fails to prominently display in the body of an unsolicited  
21 commercial electronic mail message the following identifying  
22 information: The legal name, mailing address, physical address, true  
23 electronic mail address, and telephone number, including area code, of  
24 the person initiating the transmission of the message, or his or her  
25 registered agent in the state of Washington.

26 (2) It is a violation of the consumer protection act, chapter 19.86  
27 RCW, to assist in the transmission of a commercial electronic mail  
28 message, when the person providing the assistance knows, or consciously  
29 avoids knowing, that the initiator of the commercial electronic mail  
30 message is engaged, or intends to engage, in any act or practice that  
31 violates the consumer protection act.

32 (3) The legislature finds that the practices covered by this  
33 chapter are matters vitally affecting the public interest for the  
34 purpose of applying the consumer protection act, chapter 19.86 RCW. A  
35 violation of this chapter is not reasonable in relation to the  
36 development and preservation of business and is an unfair or deceptive  
37 act in trade or commerce and an unfair method of competition for the  
38 purpose of applying the consumer protection act, chapter 19.86 RCW.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 19.190 RCW  
2 to read as follows:

3        (1) The attorney general is authorized to create an electronic  
4 registry of Washington internet electronic mail addresses.    The  
5 attorney general may contract with an independent administrator,  
6 subject to the direction and control of the attorney general, to  
7 operate and maintain the electronic registry.    The electronic registry  
8 shall be searchable so that a person wishing to send commercial  
9 electronic mail messages may verify whether an electronic mail address  
10 is registered to a Washington resident.    Records in the electronic  
11 registry are exempt from the public disclosure provisions of chapter  
12 42.17 RCW.

13        (2)(a) A person who is a bona fide resident of Washington may  
14 indicate his or her residency in this state by registering his or her  
15 internet electronic mail address in the registry.    To ensure that  
16 information is current, a registration is valid for a period of two  
17 years, upon which time the registration expires.    A person who remains  
18 a bona fide Washington resident may reregister upon expiration.

19        (b) Each registration in the registry shall be a declaration of  
20 Washington residency made under penalty of perjury.    A person who is  
21 not a bona fide resident of Washington is prohibited from registering  
22 his or her internet electronic mail address in the registry.

23        (3)(a) An interactive computer service provider whose clientele  
24 exclusively consists of Washington residents may register all  
25 electronic mail addresses belonging to its users through a single  
26 registration of its internet domain name.    Any electronic mail address  
27 containing within it a registered internet domain name shall be  
28 presumed to belong to a Washington resident.    To ensure that  
29 information is current, a registration is valid for a period of two  
30 years, upon which time the registration expires.    An interactive  
31 computer service provider that continues to exclusively provide service  
32 to Washington residents may reregister upon expiration.

33        (b) Each registration in the registry is a declaration under  
34 penalty of perjury that an interactive computer service provider  
35 exclusively provides service to bona fide Washington residents.    An  
36 interactive computer service provider who knowingly provides service to  
37 persons who are not bona fide residents of Washington is prohibited  
38 from registering its internet electronic mail address in the registry.

1        NEW SECTION.        **Sec. 5.**        The definitions in this section apply

2 throughout this chapter unless the context clearly requires otherwise.

3        (1) "Assist the transmission" means actions taken by a person to  
4 provide substantial assistance or support which enables any person to  
5 formulate, compose, send, originate, initiate, or transmit a  
6 commercial electronic mail message when the person providing the  
7 assistance knows or consciously avoids knowing that the initiator of  
8 the commercial electronic mail message is engaged, or intends to  
9 engage, in any practice that violates the consumer protection act.

10        (2) "Commercial electronic mail message" means an electronic mail  
11 message sent for the purpose of promoting real property, goods, or  
12 services for sale or lease. It does not mean an electronic mail  
13 message to which an interactive computer service provider has attached  
14 an advertisement in exchange for free use of an electronic mail  
15 account, when the sender has agreed to such an arrangement.

16        (3) "Electronic mail address" means a destination, commonly  
17 expressed as a string of characters, to which electronic mail may be  
18 sent or delivered.

19        (4) "Initiate the transmission" refers to the action by the  
20 original sender of an electronic mail message, not to the action by any  
21 intervening interactive computer service that may handle or retransmit  
22 the message, unless such intervening interactive computer service  
23 assists in the transmission of an electronic mail message when it  
24 knows, or consciously avoids knowing, that the person initiating the  
25 transmission is engaged, or intends to engage, in any act or practice  
26 that violates the consumer protection act.

27        (5) "Interactive computer service" means any information service,  
28 system, or access software provider that provides or enables computer  
29 access by multiple users to a computer server, including specifically  
30 a service or system that provides access to the internet and such  
31 systems operated or services offered by libraries or educational  
32 institutions.

33        (6) "Person" means a person, corporation, partnership, or  
34 association.

35        (7) "Publish" means to do either of the following with respect to  
36 the interactive computer service provider's policy on unsolicited  
37 commercial electronic mail messages:

38        (a) Make that policy available upon request in written form at no  
39 charge; or

1 (b) Display that policy through an on-line notice on the internet  
2 home page of the interactive computer service provider, or a page  
3 accessible through a conspicuous link on the internet home page of the  
4 interactive computer service provider.

5 (8) "Registered user" means a person that maintains an electronic  
6 mail address with an interactive computer service provider.

7 (9) "Unsolicited commercial electronic mail message" means a  
8 commercial electronic mail message:

9 (a) Sent without a recipient's prior consent;

10 (b) Sent to a recipient with whom the sender does not have a  
11 preexisting or ongoing business or personal relationship; and

12 (c) Sent for a purpose other than collecting an existing  
13 obligation.

14 NEW SECTION. **Sec. 6.** No registered user shall use or cause to be  
15 used the registered user's interactive computer service provider's  
16 service or equipment located in this state in violation of the  
17 interactive computer service provider's published policy prohibiting or  
18 restricting the use of its service or equipment for the initiation of  
19 unsolicited commercial electronic mail messages.

20 NEW SECTION. **Sec. 7.** No person shall initiate, conspire with  
21 another person to initiate, or assist the transmission of an  
22 unsolicited commercial electronic mail message and use, or cause to be  
23 used, an interactive computer service provider's equipment located in  
24 this state in violation of that interactive computer service provider's  
25 published policy prohibiting or restricting the use of its service or  
26 equipment to deliver unsolicited commercial electronic messages.

27 NEW SECTION. **Sec. 8.** An interactive computer service provider is  
28 not required to create a policy prohibiting or restricting the use of  
29 its service or equipment for the initiation or delivery of unsolicited  
30 commercial electronic mail messages.

31 NEW SECTION. **Sec. 9.** This chapter does not limit or restrict the  
32 rights of an interactive computer service provider under Section  
33 230(c)(1) of Title 47 of the United States Code, under chapter 19.190  
34 RCW, or any decision of an interactive computer service provider to

1 permit to restrict access to or use of its system, or any exercise of  
2 its editorial function.

3 NEW SECTION. **Sec. 10.** (1) In addition to any other action  
4 available under law, any interactive computer service provider whose  
5 published policy on unsolicited commercial electronic mail messages is  
6 violated as provided in this chapter may bring a civil action against  
7 a person or a registered user:

8 (a) Who initiates or conspires to initiate a message transmitted in  
9 violation of the interactive computer service provider's published  
10 policy; or

11 (b) Who assists in the transmission of a message, when the person  
12 providing the assistance knows, or consciously avoids knowing, that the  
13 person initiating the transmission is engaged in, or intends to engage  
14 in, any acts or practices that violate an interactive computer service  
15 provider's published policy.

16 (2) In any action brought pursuant to subsection (1) of this  
17 section, an interactive computer service provider shall be required to  
18 establish as an element of its cause of action that prior to the  
19 alleged violation, the defendant had notice of both of the following:

20 (a) The policy of the interactive computer service provider  
21 regarding unsolicited commercial electronic mail messages; and

22 (b) The fact that the defendant's unsolicited commercial electronic  
23 mail message would use or cause to be used the interactive computer  
24 service provider's equipment located in this state.

25 (3) In addition to any other action available under law, a customer  
26 of an interactive computer service provider who receives commercial  
27 electronic mail in violation of the interactive computer service  
28 provider's published policy on unsolicited commercial electronic mail  
29 messages as provided in this chapter may bring a civil action against  
30 a person:

31 (a) Who initiates or conspires to initiate a message to a customer  
32 that is transmitted in violation of an interactive computer service  
33 provider's published policy; or

34 (b) Who assists in the transmission of a message to a customer,  
35 when the person providing the assistance knows, or consciously avoids  
36 knowing, that the person initiating the transmission is engaged in, or  
37 intends to engage in, any acts or practices that violate an interactive  
38 computer service provider's published policy.

1 (4) In any action brought pursuant to subsection (3) of this  
2 section, a customer of an interactive computer service provider shall  
3 be required to establish as an element of his or her cause of action  
4 that prior to the alleged violation, the defendant had notice of both  
5 of the following:

6 (a) The policy of the customer's interactive computer service  
7 provider regarding unsolicited commercial electronic mail messages; and

8 (b) The fact that the defendant's unsolicited commercial electronic  
9 mail message would use or cause to be used the interactive computer  
10 service provider's equipment located in this state.

11 (5) An interactive computer service provider may recover the actual  
12 monetary loss suffered by that provider by reason of a violation of its  
13 published policy, or liquidated damages of fifty dollars for each  
14 message initiated or delivered in violation of this chapter, up to a  
15 maximum of twenty-five thousand dollars per day, whichever amount is  
16 greater.

17 (6) A customer may recover liquidated damages of five hundred  
18 dollars for each unsolicited commercial electronic mail message  
19 received by the customer in violation of this chapter, up to a maximum  
20 of twenty-five thousand dollars per day, whichever amount is greater.

21 (7) The prevailing party in any action brought under this section  
22 is entitled to recover costs and reasonable attorneys' fees.

23 **Sec. 11.** RCW 42.17.310 and 1998 c 69 s 1 are each amended to read  
24 as follows:

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

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

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

32 (c) Information required of any taxpayer in connection with the  
33 assessment or collection of any tax if the disclosure of the  
34 information to other persons would (i) be prohibited to such persons by  
35 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the  
36 taxpayer's right to privacy or result in unfair competitive  
37 disadvantage to the taxpayer.



1 (d) Specific intelligence information and specific investigative  
2 records compiled by investigative, law enforcement, and penology  
3 agencies, and state agencies vested with the responsibility to  
4 discipline members of any profession, the nondisclosure of which is  
5 essential to effective law enforcement or for the protection of any  
6 person's right to privacy.

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

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

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

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

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

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

37 (k) Records, maps, or other information identifying the location of  
38 archaeological sites in order to avoid the looting or depredation of  
39 such sites.

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

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

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

13 (o) Financial and commercial information and records supplied by  
14 private persons pertaining to export services provided pursuant to  
15 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to  
16 export projects pursuant to RCW 43.23.035.

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

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

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

27 (s) Membership lists or lists of members or owners of interests of  
28 units in timeshare projects, subdivisions, camping resorts,  
29 condominiums, land developments, or common-interest communities  
30 affiliated with such projects, regulated by the department of  
31 licensing, in the files or possession of the department.

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

35 (u) The residential addresses and residential telephone numbers of  
36 employees or volunteers of a public agency which are held by the agency  
37 in personnel records, employment or volunteer rosters, or mailing lists  
38 of employees or volunteers.

1 (v) The residential addresses and residential telephone numbers of  
2 the customers of a public utility contained in the records or lists  
3 held by the public utility of which they are customers, except that  
4 this information may be released to the division of child support or  
5 the agency or firm providing child support enforcement for another  
6 state under Title IV-D of the federal social security act, for the  
7 establishment, enforcement, or modification of a support order.

8 (w)(i) The federal social security number of individuals governed  
9 under chapter 18.130 RCW maintained in the files of the department of  
10 health, except this exemption does not apply to requests made directly  
11 to the department from federal, state, and local agencies of  
12 government, and national and state licensing, credentialing,  
13 investigatory, disciplinary, and examination organizations; (ii) the  
14 current residential address and current residential telephone number of  
15 a health care provider governed under chapter 18.130 RCW maintained in  
16 the files of the department, if the provider requests that this  
17 information be withheld from public inspection and copying, and  
18 provides to the department an accurate alternate or business address  
19 and business telephone number. On or after January 1, 1995, the  
20 current residential address and residential telephone number of a  
21 health care provider governed under RCW 18.130.140 maintained in the  
22 files of the department shall automatically be withheld from public  
23 inspection and copying unless the provider specifically requests the  
24 information be released, and except as provided for under RCW  
25 42.17.260(9).

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

28 (y) Information obtained by the board of pharmacy or the department  
29 of health and its representatives as provided in RCW 69.41.044,  
30 69.41.280, and 18.64.420.

31 (z) 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 (aa) Financial and commercial information supplied to the state  
36 investment board by any person when the information relates to the  
37 investment of public trust or retirement funds and when disclosure  
38 would result in loss to such funds or in private loss to the providers  
39 of this information.

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

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

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

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

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

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

21 (hh) Information and documents created specifically for, and  
22 collected and maintained by a quality improvement committee pursuant to  
23 RCW 43.70.510, regardless of which agency is in possession of the  
24 information and documents.

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

27 (jj) Financial and commercial information requested by the public  
28 stadium authority from any person or organization that leases or uses  
29 the stadium and exhibition center as defined in RCW 36.102.010.

30 (kk) Names of individuals residing in emergency or transitional  
31 housing that are furnished to the department of revenue or a county  
32 assessor in order to substantiate a claim for property tax exemption  
33 under RCW 84.36.043.

34 (ll) The names, residential addresses, residential telephone  
35 numbers, and other individually identifiable records held by an agency  
36 in relation to a vanpool, carpool, or other ride-sharing program or  
37 service. However, these records may be disclosed to other persons who  
38 apply for ride-matching services and who need that information in order  
39 to identify potential riders or drivers with whom to share rides.

1 (mm) Proprietary financial and commercial information that the  
2 submitting entity, with review by the department of health,  
3 specifically identifies at the time it is submitted and that is  
4 provided to or obtained by the department of health in connection with  
5 an application for, or the supervision of, an antitrust exemption  
6 sought by the submitting entity under RCW 43.72.310. If a request for  
7 such information is received, the submitting entity must be notified of  
8 the request. Within ten business days of receipt of the notice, the  
9 submitting entity shall provide a written statement of the continuing  
10 need for confidentiality, which shall be provided to the requester.  
11 Upon receipt of such notice, the department of health shall continue to  
12 treat information designated under this section as exempt from  
13 disclosure. If the requester initiates an action to compel disclosure  
14 under this chapter, the submitting entity must be joined as a party to  
15 demonstrate the continuing need for confidentiality.

16 (nn) Records maintained by the board of industrial insurance  
17 appeals that are related to appeals of crime victims' compensation  
18 claims filed with the board under RCW 7.68.110.

19 (oo) Financial and commercial information supplied by or on behalf  
20 of a person, firm, corporation, or entity under chapter 28B.95 RCW  
21 relating to the purchase or sale of tuition units and contracts for the  
22 purchase of multiple tuition units.

23 (pp) Records registered in the electronic registry of Washington  
24 internet electronic mail addresses maintained by the attorney general.

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

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

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

5 NEW SECTION. **Sec. 12.** RCW 19.190.005 (Findings) and 1998 c 149 s  
6 1 are each repealed.

7 NEW SECTION. **Sec. 13.** Sections 5 through 10 of this act  
8 constitute a new chapter in Title 19 RCW."

9 **2SHB 1037** - S COMM AMD  
10 By Committee on Energy, Technology & Telecommunications

11  
12 On page 1, line 1 of the title, after "mail;" strike the remainder  
13 of the title and insert "amending RCW 19.190.010, 19.190.020,  
14 19.190.030, and 42.17.310; adding a new section to chapter 19.190 RCW;  
15 adding a new chapter to Title 19 RCW; repealing RCW 19.190.005; and  
16 prescribing penalties."

--- END ---