

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1449

60th Legislature
2007 Regular Session

Passed by the House April 17, 2007
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 9, 2007
Yeas 45 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1449** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1449

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Representatives Condotta, Armstrong, Curtis, Orcutt and Dunn

Read first time 01/19/2007. Referred to Committee on State
Government & Tribal Affairs.

1 AN ACT Relating to independent auditor reports and financial
2 statements of licensees regulated by the gambling commission;
3 reenacting and amending RCW 42.56.270 and 42.56.270; providing an
4 effective date; and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

1 (3) Financial and commercial information and records supplied by
2 private persons pertaining to export services provided under chapters
3 43.163 and 53.31 RCW, and by persons pertaining to export projects
4 under RCW 43.23.035;

5 (4) Financial and commercial information and records supplied by
6 businesses or individuals during application for loans or program
7 services provided by chapters 15.110, 43.163, 43.160, 43.330, and
8 43.168 RCW, or during application for economic development loans or
9 program services provided by any local agency;

10 (5) Financial information, business plans, examination reports, and
11 any information produced or obtained in evaluating or examining a
12 business and industrial development corporation organized or seeking
13 certification under chapter 31.24 RCW;

14 (6) Financial and commercial information supplied to the state
15 investment board by any person when the information relates to the
16 investment of public trust or retirement funds and when disclosure
17 would result in loss to such funds or in private loss to the providers
18 of this information;

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

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

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

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

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

36 (c) Financial or proprietary information supplied to the liquor
37 control board including the amount of beer or wine sold by a domestic
38 winery, brewery, microbrewery, or certificate of approval holder under

1 RCW 66.24.206(1) or 66.24.270(2)(a) and including the amount of beer or
2 wine purchased by a retail licensee in connection with a retail
3 licensee's obligation under RCW 66.24.210 or 66.24.290, for receipt of
4 shipments of beer or wine((-));

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

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

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

17 (ii) Financial or proprietary information collected from any person
18 and provided to the department of community, trade, and economic
19 development or the office of the governor in connection with the
20 siting, recruitment, expansion, retention, or relocation of that
21 person's business and until a siting decision is made, identifying
22 information of any person supplying information under this subsection
23 and the locations being considered for siting, relocation, or expansion
24 of a business;

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

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

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

35 (13) Financial and proprietary information submitted to or obtained
36 by the department of ecology or the authority created under chapter
37 70.95N RCW to implement chapter 70.95N RCW;

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

7 (15) Financial and commercial information provided as evidence to
8 the department of licensing as required by RCW 19.112.110 or
9 19.112.120, except information disclosed in aggregate form that does
10 not permit the identification of information related to individual fuel
11 licensees;

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

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

19 (b) Farm plans developed under chapter 90.48 RCW and not under the
20 federal clean water act, 33 U.S.C. Sec. 1251 are subject to RCW
21 42.56.610 and 90.64.190.

22 **Sec. 2.** RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c
23 338 s 5, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each
24 reenacted and amended to read as follows:

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

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

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

36 (3) Financial and commercial information and records supplied by

1 private persons pertaining to export services provided under chapters
2 43.163 and 53.31 RCW, and by persons pertaining to export projects
3 under RCW 43.23.035;

4 (4) Financial and commercial information and records supplied by
5 businesses or individuals during application for loans or program
6 services provided by chapters 15.110, 43.163, 43.160, 43.330, and
7 43.168 RCW, or during application for economic development loans or
8 program services provided by any local agency;

9 (5) Financial information, business plans, examination reports, and
10 any information produced or obtained in evaluating or examining a
11 business and industrial development corporation organized or seeking
12 certification under chapter 31.24 RCW;

13 (6) Financial and commercial information supplied to the state
14 investment board by any person when the information relates to the
15 investment of public trust or retirement funds and when disclosure
16 would result in loss to such funds or in private loss to the providers
17 of this information;

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

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

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

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

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

35 (11) Proprietary data, trade secrets, or other information that
36 relates to: (a) A vendor's unique methods of conducting business; (b)
37 data unique to the product or services of the vendor; or (c)
38 determining prices or rates to be charged for services, submitted by

1 any vendor to the department of social and health services for purposes
2 of the development, acquisition, or implementation of state purchased
3 health care as defined in RCW 41.05.011;

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

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

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

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

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

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

27 (13) Financial and proprietary information submitted to or obtained
28 by the department of ecology or the authority created under chapter
29 70.95N RCW to implement chapter 70.95N RCW;

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

36 (15) Financial and commercial information provided as evidence to
37 the department of licensing as required by RCW 19.112.110 or

1 19.112.120, except information disclosed in aggregate form that does
2 not permit the identification of information related to individual fuel
3 licensees;

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

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

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

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

15 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect June 30,
16 2008.

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