

**SB 5927** - H COMM AMD

By Committee on State Government & Tribal Affairs

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 regulations 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:

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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;

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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  
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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  
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7 (c) For the purposes of this subsection, "siting decision" means  
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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."

4        Correct the title.

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