
HOUSE BILL 3011

State of Washington 61st Legislature 2010 Regular Session

By Representatives Anderson, Chandler, Bailey, and Priest

Read first time 01/20/10. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to limiting the exemption from public disclosure to
2 three years for financial information submitted to the state investment
3 board; and amending RCW 42.56.270.

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

5 **Sec. 1.** RCW 42.56.270 and 2009 c 394 s 3 are each amended to read
6 as follows:

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

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

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

18 (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 43.325, 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~~) submitted to
14 the state investment board by any person when the information relates
15 to the investment of public trust or retirement funds and when
16 disclosure would result in loss to such funds or in private loss to the
17 providers of this information. Information under this subsection is
18 only exempt for a period of three years from the date upon which the
19 information was initially submitted to the state investment board;

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

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

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

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

34 (b) Internal control documents, independent auditors' reports and
35 financial statements, and supporting documents: (i) Of house-banked
36 social card game licensees required by the gambling commission pursuant
37 to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes
38 with an approved tribal/state compact for class III gaming;

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

8 (12)(a) When supplied to and in the records of the department of
9 (~~community, trade, and economic development~~) commerce:

10 (i) Financial and proprietary information collected from any person
11 and provided to the department of (~~community, trade, and economic
12 development~~) commerce pursuant to RCW 43.330.050(8); and

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

21 (b) When developed by the department of (~~community, trade, and
22 economic development~~) commerce based on information as described in
23 (a)(i) of this subsection, any work product is not exempt from
24 disclosure;

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

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

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

36 (14) Financial, commercial, operations, and technical and research
37 information and data submitted to or obtained by the life sciences
38 discovery fund authority in applications for, or delivery of, grants

1 under chapter 43.350 RCW, to the extent that such information, if
2 revealed, would reasonably be expected to result in private loss to the
3 providers of this information;

4 (15) Financial and commercial information provided as evidence to
5 the department of licensing as required by RCW 19.112.110 or
6 19.112.120, except information disclosed in aggregate form that does
7 not permit the identification of information related to individual fuel
8 licensees;

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

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

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

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

25 (19) Information gathered under chapter 19.85 RCW or RCW 34.05.328
26 that can be identified to a particular business; and

27 (20) Financial and commercial information submitted to or obtained
28 by the University of Washington, other than information the university
29 is required to disclose under RCW 28B.20.150, when the information
30 relates to investments in private funds, to the extent that such
31 information, if revealed, would reasonably be expected to result in
32 loss to the University of Washington consolidated endowment fund or to
33 result in private loss to the providers of this information.

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