
SENATE BILL 5376

State of Washington

53rd Legislature

1993 Regular Session

By Senators Wojahn, Oke, Barr and Winsley; by request of Legislative Budget Committee

Read first time 01/26/93. Referred to Committee on Trade, Technology & Economic Development.

1 AN ACT Relating to the economic development finance authority;
2 amending RCW 42.17.2401; reenacting and amending RCW 42.17.310; and
3 repealing RCW 43.163.005, 43.163.010, 43.163.020, 43.163.030,
4 43.163.040, 43.163.050, 43.163.060, 43.163.070, 43.163.080, 43.163.090,
5 43.163.100, 43.163.110, 43.163.120, 43.163.130, 43.163.140, 43.163.150,
6 43.163.160, 43.163.170, 43.163.180, 43.163.190, 43.163.200, 43.163.900,
7 and 43.163.901.

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

9 NEW SECTION. **Sec. 1.** The following acts or parts of acts are each
10 repealed:

- 11 (1) RCW 43.163.005 and 1990 c 53 s 1 & 1989 c 279 s 1;
- 12 (2) RCW 43.163.010 and 1989 c 279 s 2;
- 13 (3) RCW 43.163.020 and 1990 c 53 s 2 & 1989 c 279 s 3;
- 14 (4) RCW 43.163.030 and 1989 c 279 s 4;
- 15 (5) RCW 43.163.040 and 1989 c 279 s 5;
- 16 (6) RCW 43.163.050 and 1990 c 53 s 3 & 1989 c 279 s 6;
- 17 (7) RCW 43.163.060 and 1989 c 279 s 7;
- 18 (8) RCW 43.163.070 and 1990 c 53 s 4 & 1989 c 279 s 8;
- 19 (9) RCW 43.163.080 and 1990 c 53 s 5 & 1989 c 279 s 9;

- 1 (10) RCW 43.163.090 and 1989 c 279 s 10;
2 (11) RCW 43.163.100 and 1990 c 53 s 6 & 1989 c 279 s 11;
3 (12) RCW 43.163.110 and 1989 c 279 s 12;
4 (13) RCW 43.163.120 and 1989 c 279 s 13;
5 (14) RCW 43.163.130 and 1989 c 279 s 14;
6 (15) RCW 43.163.140 and 1989 c 279 s 15;
7 (16) RCW 43.163.150 and 1989 c 279 s 16;
8 (17) RCW 43.163.160 and 1989 c 279 s 17;
9 (18) RCW 43.163.170 and 1989 c 279 s 18;
10 (19) RCW 43.163.180 and 1989 c 279 s 19;
11 (20) RCW 43.163.190 and 1989 c 279 s 20;
12 (21) RCW 43.163.200 and 1989 c 279 s 21;
13 (22) RCW 43.163.900 and 1989 c 279 s 24; and
14 (23) RCW 43.163.901 and 1989 c 279 s 26.

15 **Sec. 2.** RCW 42.17.2401 and 1991 c 200 s 404 are each amended to
16 read as follows:

17 For the purposes of RCW 42.17.240, the term "executive state
18 officer" includes:

19 (1) The chief administrative law judge, the director of
20 agriculture, the administrator of the office of marine safety, the
21 administrator of the Washington basic health plan, the director of the
22 department of services for the blind, the director of the state system
23 of community and technical colleges, the director of community
24 development, the secretary of corrections, the director of ecology, the
25 commissioner of employment security, the chairman of the energy
26 facility site evaluation council, the director of the energy office,
27 the secretary of the state finance committee, the director of financial
28 management, the director of fisheries, the executive secretary of the
29 forest practices appeals board, the director of the gambling
30 commission, the director of general administration, the secretary of
31 health, the administrator of the Washington state health care
32 authority, the executive secretary of the health care facilities
33 authority, the executive secretary of the higher education facilities
34 authority, the director of the higher education personnel board, the
35 executive secretary of the horse racing commission, the executive
36 secretary of the human rights commission, the executive secretary of
37 the indeterminate sentence review board, the director of the department
38 of information services, the director of the interagency committee for

1 outdoor recreation, the executive director of the state investment
2 board, the director of labor and industries, the director of licensing,
3 the director of the lottery commission, the director of the office of
4 minority and women's business enterprises, the director of parks and
5 recreation, the director of personnel, the executive director of the
6 public disclosure commission, the director of retirement systems, the
7 director of revenue, the secretary of social and health services, the
8 chief of the Washington state patrol, the executive secretary of the
9 board of tax appeals, the director of trade and economic development,
10 the secretary of transportation, the secretary of the utilities and
11 transportation commission, the director of veterans affairs, the
12 director of wildlife, the president of each of the regional and state
13 universities and the president of The Evergreen State College, each
14 district and each campus president of each state community college;

15 (2) Each professional staff member of the office of the governor;

16 (3) Each professional staff member of the legislature; and

17 (4) Central Washington University board of trustees, board of
18 trustees of each community college, each member of the state board for
19 community and technical colleges (~~(education)~~), state convention and
20 trade center board of directors, committee for deferred compensation,
21 Eastern Washington University board of trustees, (~~(Washington economic~~
22 ~~development finance authority,~~) The Evergreen State College board of
23 trustees, forest practices appeals board, forest practices board,
24 gambling commission, Washington health care facilities authority,
25 higher education coordinating board, higher education facilities
26 authority, higher education personnel board, horse racing commission,
27 state housing finance commission, human rights commission,
28 indeterminate sentence review board, board of industrial insurance
29 appeals, information services board, interagency committee for outdoor
30 recreation, state investment board, liquor control board, lottery
31 commission, marine oversight board, oil and gas conservation committee,
32 Pacific Northwest electric power and conservation planning council,
33 parks and recreation commission, personnel appeals board, personnel
34 board, board of pilotage (~~(commissioners)~~) commissioners, pollution
35 control hearings board, public disclosure commission, public pension
36 commission, shorelines hearing board, state employees' benefits board,
37 board of tax appeals, transportation commission, University of
38 Washington board of regents, utilities and transportation commission,
39 Washington state maritime commission, Washington public power supply

1 system executive board, Washington State University board of regents,
2 Western Washington University board of trustees, and wildlife
3 commission.

4 **Sec. 3.** RCW 42.17.310 and 1992 c 139 s 5 and 1992 c 71 s 12 are
5 each reenacted and amended to read as follows:

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

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

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

13 (c) Information required of any taxpayer in connection with the
14 assessment or collection of any tax if the disclosure of the
15 information to other persons would (i) be prohibited to such persons by
16 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
17 in unfair competitive disadvantage to the taxpayer.

18 (d) Specific intelligence information and specific investigative
19 records compiled by investigative, law enforcement, and penology
20 agencies, and state agencies vested with the responsibility to
21 discipline members of any profession, the nondisclosure of which is
22 essential to effective law enforcement or for the protection of any
23 person's right to privacy.

24 (e) Information revealing the identity of persons who are witnesses
25 to or victims of crime or who file complaints with investigative, law
26 enforcement, or penology agencies, other than the public disclosure
27 commission, if disclosure would endanger any person's life, physical
28 safety, or property. If at the time a complaint is filed the
29 complainant, victim or witness indicates a desire for disclosure or
30 nondisclosure, such desire shall govern. However, all complaints filed
31 with the public disclosure commission about any elected official or
32 candidate for public office must be made in writing and signed by the
33 complainant under oath.

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

36 (g) Except as provided by chapter 8.26 RCW, the contents of real
37 estate appraisals, made for or by any agency relative to the
38 acquisition or sale of property, until the project or prospective sale

1 is abandoned or until such time as all of the property has been
2 acquired or the property to which the sale appraisal relates is sold,
3 but in no event shall disclosure be denied for more than three years
4 after the appraisal.

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

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

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

16 (k) Records, maps, or other information identifying the location of
17 archaeological sites in order to avoid the looting or depredation of
18 such sites.

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

22 (m) Financial information supplied by or on behalf of a person,
23 firm, or corporation for the purpose of qualifying to submit a bid or
24 proposal for (a) a ferry system construction or repair contract as
25 required by RCW 47.60.680 through 47.60.750 or (b) highway construction
26 or improvement as required by RCW 47.28.070.

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

31 (o) Financial and commercial information and records supplied by
32 private persons pertaining to export services provided pursuant to
33 (~~chapter 43.163 RCW and~~) chapter 53.31 RCW.

34 (p) Financial disclosures filed by private vocational schools under
35 chapter 28C.10 RCW.

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

1 (r) Financial and commercial information and records supplied by
2 businesses during application for loans or program services provided by
3 chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

4 (s) Membership lists or lists of members or owners of interests of
5 units in timeshare projects, subdivisions, camping resorts,
6 condominiums, land developments, or common-interest communities
7 affiliated with such projects, regulated by the department of
8 licensing, in the files or possession of the department.

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

12 (u) The residential addresses and residential telephone numbers of
13 employees or volunteers of a public agency which are held by the agency
14 in personnel records, employment or volunteer rosters, or mailing lists
15 of employees or volunteers.

16 (v) The residential addresses and residential telephone numbers of
17 the customers of a public utility contained in the records or lists
18 held by the public utility of which they are customers.

19 (w) Information obtained by the board of pharmacy as provided in
20 RCW 69.45.090.

21 (x) Information obtained by the board of pharmacy or the department
22 of health and its representatives as provided in RCW 69.41.044,
23 69.41.280, and 18.64.420.

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

28 (z) Financial and commercial information supplied to the state
29 investment board by any person when the information relates to the
30 investment of public trust or retirement funds and when disclosure
31 would result in loss to such funds or in private loss to the providers
32 of this information.

33 (aa) Financial and valuable trade information under RCW 51.36.120.

34 (bb) Client records maintained by an agency that is a domestic
35 violence program as defined in RCW 70.123.020 or a rape crisis center
36 as defined in RCW 70.125.030.

37 (cc) Information that identifies a person who, while an agency
38 employee: (i) Seeks advice, under an informal process established by
39 the employing agency, in order to ascertain his or her rights in

1 connection with a possible unfair practice under chapter 49.60 RCW
2 against the person; and (ii) requests his or her identity or any
3 identifying information not be disclosed.

4 (dd) Business related information protected from public inspection
5 and copying under RCW 15.86.110.

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

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

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

--- END ---