

SB 6207 - S AMD 543
By Senator Rivers

ADOPTED 02/15/2016

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 42.56.270 and 2015 c 274 s 24 are each amended to
4 read as follows:

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

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

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

16 (3) Financial and commercial information and records supplied by
17 private persons pertaining to export services provided under chapters
18 43.163 and 53.31 RCW, and by persons pertaining to export projects
19 under RCW 43.23.035;

20 (4) Financial and commercial information and records supplied by
21 businesses or individuals during application for loans or program
22 services provided by chapters 43.325, 43.163, 43.160, 43.330, and
23 43.168 RCW, or during application for economic development loans or
24 program services provided by any local agency;

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

29 (6) Financial and commercial information supplied to the state
30 investment board by any person when the information relates to the
31 investment of public trust or retirement funds and when disclosure

1 would result in loss to such funds or in private loss to the
2 providers of this information;

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

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

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

11 (10)(a) Financial information, including but not limited to
12 account numbers and values, and other identification numbers supplied
13 by or on behalf of a person, firm, corporation, limited liability
14 company, partnership, or other entity related to an application for a
15 horse racing license submitted pursuant to RCW 67.16.260(1)(b),
16 marijuana producer, processor, or retailer license, liquor license,
17 gambling license, or lottery retail license;

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

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

30 (12)(a) When supplied to and in the records of the department of
31 commerce:

32 (i) Financial and proprietary information collected from any
33 person and provided to the department of commerce pursuant to RCW
34 43.330.050(8); and

35 (ii) Financial or proprietary information collected from any
36 person and provided to the department of commerce or the office of
37 the governor in connection with the siting, recruitment, expansion,
38 retention, or relocation of that person's business and until a siting
39 decision is made, identifying information of any person supplying

1 information under this subsection and the locations being considered
2 for siting, relocation, or expansion of a business;

3 (b) When developed by the department of commerce based on
4 information as described in (a)(i) of this subsection, any work
5 product is not exempt from disclosure;

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

8 (d) If there is no written contact for a period of sixty days to
9 the department of commerce from a person connected with siting,
10 recruitment, expansion, retention, or relocation of that person's
11 business, information described in (a)(ii) of this subsection will be
12 available to the public under this chapter;

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

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

22 (15) Financial and commercial information provided as evidence to
23 the department of licensing as required by RCW 19.112.110 or
24 19.112.120, except information disclosed in aggregate form that does
25 not permit the identification of information related to individual
26 fuel licensees;

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

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

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

37 (18) Financial, commercial, operations, and technical and
38 research information and data submitted to or obtained by a health
39 sciences and services authority in applications for, or delivery of,
40 grants under RCW 35.104.010 through 35.104.060, to the extent that

1 such information, if revealed, would reasonably be expected to result
2 in private loss to providers of this information;

3 (19) Information gathered under chapter 19.85 RCW or RCW
4 34.05.328 that can be identified to a particular business;

5 (20) Financial and commercial information submitted to or
6 obtained by the University of Washington, other than information the
7 university is required to disclose under RCW 28B.20.150, when the
8 information relates to investments in private funds, to the extent
9 that such information, if revealed, would reasonably be expected to
10 result in loss to the University of Washington consolidated endowment
11 fund or to result in private loss to the providers of this
12 information;

13 (21) Market share data submitted by a manufacturer under RCW
14 70.95N.190(4);

15 (22) Financial information supplied to the department of
16 financial institutions or to a portal under RCW 21.20.883, when filed
17 by or on behalf of an issuer of securities for the purpose of
18 obtaining the exemption from state securities registration for small
19 securities offerings provided under RCW 21.20.880 or when filed by or
20 on behalf of an investor for the purpose of purchasing such
21 securities; (~~and~~)

22 (23) Unaggregated or individual notices of a transfer of crude
23 oil that is financial, proprietary, or commercial information,
24 submitted to the department of ecology pursuant to RCW
25 90.56.565(1)(a), and that is in the possession of the department of
26 ecology or any entity with which the department of ecology has shared
27 the notice pursuant to RCW 90.56.565;

28 (24) Financial institution and retirement account information,
29 and building security plan information, supplied to the liquor and
30 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and
31 69.50.345, when filed by or on behalf of a licensee or prospective
32 licensee for the purpose of obtaining, maintaining, or renewing a
33 license to produce, process, transport, or sell marijuana as allowed
34 under chapter 69.50 RCW; and

35 (25) Marijuana transport information, vehicle and driver
36 identification data, and account numbers or unique access identifiers
37 issued to private entities for traceability system access, submitted
38 by an individual or business to the liquor and cannabis board under
39 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and
40 69.50.345 for the purpose of marijuana product traceability.

1 Disclosure to local, state, and federal officials is not considered
2 public disclosure for purposes of this section."

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3 On page 1, line 3 of the title, after "operations;" strike the
4 remainder of the title and insert "and amending RCW 42.56.270."

EFFECT: Narrows the scope of the Liquor and Cannabis Board information exempted from discovery under the Public Records Act to information pertaining to the following: Financial institutions, retirement accounts, building security plans, marijuana transportation, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access.

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