

ESSB 6508 - H AMD TO H AMD (H5473.3) **1081**
By Representative Nixon

ADOPTED 3/1/2006

1 On page 3, beginning on line 11 of the amendment, strike all of
2 section 4 and insert the following:

3 "NEW SECTION. **Sec. 4.** A new section is added to chapter
4 19.112 RCW to read as follows:

5 The department of licensing shall not publicly release, unless
6 pursuant to an order of a court of competent jurisdiction,
7 information submitted as evidence as required by section 2 or
8 section 3 of this act, except information disclosed in aggregate
9 form that does not permit the identification of information related
10 to individual fuel licensees.

11 **Sec. 5.** RCW 42.56.270 and 2005 c 274 s 407 are each amended to
12 read as follows:

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

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

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

24 (3) Financial and commercial information and records supplied
25 by private persons pertaining to export services provided under
26 chapters 43.163 and 53.31 RCW, and by persons pertaining to export
27 projects under RCW 43.23.035;

28 (4) Financial and commercial information and records supplied
29 by businesses or individuals during application for loans or

1 program services provided by chapters 43.163, 43.160, 43.330, and
2 43.168 RCW, or during application for economic development loans or
3 program services provided by any local agency;

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

8 (6) Financial and commercial information supplied to the state
9 investment board by any person when the information relates to the
10 investment of public trust or retirement funds and when disclosure
11 would result in loss to such funds or in private loss to the
12 providers of this information;

13 (7) Financial and valuable trade information under RCW
14 51.36.120;

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

19 (9) Financial and commercial information requested by the
20 public stadium authority from any person or organization that
21 leases or uses the stadium and exhibition center as defined in RCW
22 36.102.010;

23 (10) Financial information, including but not limited to
24 account numbers and values, and other identification numbers
25 supplied by or on behalf of a person, firm, corporation, limited
26 liability company, partnership, or other entity related to an
27 application for a liquor license, gambling license, or lottery
28 retail license;

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

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

38 (i) Financial and proprietary information collected from any
39 person and provided to the department of community, trade, and

1 economic development pursuant to RCW 43.330.050(8) and
2 43.330.080(4); (~~and~~)

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

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

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

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

22 (13) Financial and commercial information provided as evidence
23 to the department of licensing as required by section 2 or section
24 3 of this act, except information disclosed in aggregate form that
25 does not permit the identification of information related to
26 individual fuel licensees."

27 Renumber the remaining sections consecutively and correct any
28 internal references accordingly.

29 On page 8, after line 1 of the amendment, insert the following:

30 "NEW SECTION. **Sec. 15.** This act takes effect July 1, 2006."

31 Renumber the remaining section consecutively.

32 Correct the title.

1 EFFECT: Removes section 4 of the amendment that requires the
2 Department of Licensing to establish rules to ensure that
3 information submitted by special fuel licensees or motor vehicle
4 licensees can be aggregated without releasing identifying
5 individual company information.

6 Prohibits the Department of Licensing from releasing
7 information submitted by fuel licensees under Sections 2 or 3 of
8 this act, except information disclosed in aggregate form that does
9 not reveal identifying information about individual licensees.

10 Adds an exemption to the public disclosure law in RCW
11 42.56.270, which exempts financial and commercial information
12 submitted by fuel licensees under section 2 or section 3 of this
13 act, except information disclosed in aggregate form that does not
14 reveal identifying information about individual licensees.

15 Changes the effective date of the act from 90 days after
16 adjournment of session to July 1, 2006.