

2SSB 5057 - S AMD TO S AMD (S-2278.4/15) 157

By Senator Ericksen

ADOPTED 3/9/2015

1 On page 6, after line 17 of the amendment, insert the following:

2 "NEW SECTION. **Sec. 7.** A new section is added to chapter 90.56
3 RCW to read as follows:

4 (1) A facility that receives crude oil from a railroad car must
5 provide advance notice to the department that the facility will
6 receive crude oil from a railroad car, as provided in this section.
7 The advance notice must include the route taken to the facility
8 within the state, if known, and the scheduled time, location, volume,
9 and type of crude oil received. Each week, a facility that provides
10 advance notice under this section must provide the required
11 information regarding the scheduled arrival of railroad cars carrying
12 crude oil to be received by the facility in the succeeding seven-day
13 period. A facility is not required to provide advance notice when
14 there is no receipt of crude oil from a railroad car scheduled for a
15 seven-day period.

16 (2) The department may share information provided by a facility
17 through the advance notice system established in this section with
18 the state emergency management division and any county, city, tribal,
19 port, or local government emergency response agency upon request.

20 (3) The department must publish information collected under the
21 advance notice system established in this section on a quarterly
22 basis on the department's internet web site. The information
23 published by the department must be aggregated on a statewide basis
24 with respect to information reported under subsection (1) of this
25 section and may include other information available to the department
26 including, but not limited to, place of origin, modes of transport,
27 route taken to the facility, number of railroad cars delivering crude
28 oil, and number and volume of spills during transport and delivery.
29 The department must ensure that information is aggregated to the
30 extent that publication does not allow for identification of a
31 facility.

32 (4) A facility providing advance notice under this section is not
33 responsible for meeting advance notice time frame requirements under

1 subsection (1) of this section in the event that the schedule of
2 arrivals of railroad cars carrying crude oil changes during a seven-
3 day period.

4 (5) Consistent with the requirements of chapter 42.56 RCW, the
5 department and any state, local, tribal, or public agency that
6 receives information provided under the advance notice system
7 established in this section may not disclose any such information
8 that is not aggregated and that might result in the identification of
9 a facility. The requirement for aggregating information does not
10 apply when information is shared by the department with emergency
11 response agencies as provided in subsection (2) of this section.

12 (6) The department shall adopt rules to implement this section.
13 The advance notice system required in this section must be consistent
14 with the oil transfer reporting system adopted by the department
15 pursuant to RCW 88.46.165."

16 Renumber the remaining sections consecutively and correct any
17 internal references accordingly.

18 On page 24, after line 22 of the amendment, insert the following:

19 "**Sec. 20.** RCW 42.56.270 and 2014 c 192 s 6, 2014 c 174 s 5, and
20 2014 c 144 s 6 are each reenacted and amended to read as follows:

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

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

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

32 (3) Financial and commercial information and records supplied by
33 private persons pertaining to export services provided under chapters
34 43.163 and 53.31 RCW, and by persons pertaining to export projects
35 under RCW 43.23.035;

36 (4) Financial and commercial information and records supplied by
37 businesses or individuals during application for loans or program

1 services provided by chapters 43.325, 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 a
6 business and industrial development corporation organized or seeking
7 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 51.36.120;

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

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

21 (10)(a) Financial information, including but not limited to
22 account numbers and values, and other identification numbers supplied
23 by or on behalf of a person, firm, corporation, limited liability
24 company, partnership, or other entity related to an application for a
25 horse racing license submitted pursuant to RCW 67.16.260(1)(b),
26 marijuana producer, processor, or retailer license, liquor license,
27 gambling license, or lottery retail license;

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

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

1 (12)(a) When supplied to and in the records of the department of
2 commerce:

3 (i) Financial and proprietary information collected from any
4 person and provided to the department of commerce pursuant to RCW
5 43.330.050(8); and

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

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

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

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

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

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

32 (15) Financial and commercial information provided as evidence to
33 the department of licensing as required by RCW 19.112.110 or
34 19.112.120, except information disclosed in aggregate form that does
35 not permit the identification of information related to individual
36 fuel licensees;

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

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
6 the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject
7 to RCW 42.56.610 and 90.64.190;

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

14 (19) Information gathered under chapter 19.85 RCW or RCW
15 34.05.328 that can be identified to a particular business;

16 (20) Financial and commercial information submitted to or
17 obtained by the University of Washington, other than information the
18 university is required to disclose under RCW 28B.20.150, when the
19 information relates to investments in private funds, to the extent
20 that such information, if revealed, would reasonably be expected to
21 result in loss to the University of Washington consolidated endowment
22 fund or to result in private loss to the providers of this
23 information; (~~and~~))

24 (21) Market share data submitted by a manufacturer under RCW
25 70.95N.190(4); (~~and~~))

26 (22) Financial information supplied to the department of
27 financial institutions or to a portal under RCW 21.20.883, when filed
28 by or on behalf of an issuer of securities for the purpose of
29 obtaining the exemption from state securities registration for small
30 securities offerings provided under RCW 21.20.880 or when filed by or
31 on behalf of an investor for the purpose of purchasing such
32 securities; and

33 (23) Notices of a transfer of crude oil submitted to the
34 department of ecology pursuant to section 7(1) of this act and that
35 is in the possession of the department of ecology or any entity with
36 which the department of ecology has shared the notice pursuant to
37 section 7(5) of this act."

38 Renumber the remaining sections consecutively and correct any
39 internal references accordingly.

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1 On page 25, line 1 of the title amendment, after "88.46.010"
2 strike all material through "section" and insert ", 38.52.040, and
3 42.56.270; adding new sections"

EFFECT: Requires facilities receiving crude oil from a railroad car to provide advance notice of transfer. Provides an exemption to the public records act for notice information provided to the department of ecology.

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