

**ESHB 1673** - S COMM AMD

By Committee on Environment, Energy & Technology

**ADOPTED 03/04/2022**

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

3 **"Sec. 1.** RCW 43.155.160 and 2021 c 332 s 7040 are each amended  
4 to read as follows:

5 (1) The board, in collaboration with the office, shall establish  
6 a competitive grant and loan program to award funding to eligible  
7 applicants in order to promote the expansion of access to broadband  
8 service in unserved areas of the state.

9 (2)(a) Grants and loans may be awarded under this section to  
10 assist in funding acquisition, installation, and construction of  
11 middle mile and last mile infrastructure that supports broadband  
12 services and to assist in funding strategic planning for deploying  
13 broadband service in unserved areas.

14 (b) The board may choose to fund all or part of an application  
15 for funding, provided that the application meets the requirements of  
16 subsection (~~(+9)~~) (11) of this section.

17 (3) Eligible applicants for grants and loans awarded under this  
18 section include:

- 19 (a) Local governments;
- 20 (b) Tribes;
- 21 (c) Nonprofit organizations;
- 22 (d) Cooperative associations;
- 23 (e) Multiparty entities comprised of public entity members;
- 24 (f) Limited liability corporations organized for the purpose of  
25 expanding broadband access; and
- 26 (g) Incorporated businesses or partnerships.

27 (4)(a) The board shall develop administrative procedures  
28 governing the (~~application~~) preapplication and award process. The  
29 board shall act as fiscal agent for the program and is responsible  
30 for receiving and reviewing applications and awarding funds under  
31 this section.

1 (b) At least sixty days prior to the first day (~~applications~~)  
2 preapplications may be submitted each fiscal year, the board must  
3 publish on its website the specific criteria and any quantitative  
4 weighting scheme or scoring system that the board will use to  
5 evaluate or rank applications and award funding.

6 (c) The board may maintain separate accounting in the statewide  
7 broadband account created in RCW 43.155.165 as the board deems  
8 necessary to carry out the purposes of this section.

9 (d) The board must provide a method for the allocation of loans,  
10 grants, provision of technical assistance, and interest rates under  
11 this section.

12 (5) An applicant for a grant or loan under this section must  
13 provide the following information on the (~~application~~)  
14 preapplication:

15 (a) The location and description of the project;

16 (b) Evidence regarding the unserved nature of the community in  
17 which the project is to be located;

18 (c) Evidence that proposed infrastructure will be capable of  
19 scaling to greater download and upload speeds;

20 (d) The number of households passed that will gain access to  
21 broadband service as a result of the project or whose broadband  
22 service will be upgraded as a result of the project;

23 (~~(e) (The estimated cost of retail services to end users  
24 facilitated by a project;~~

25 (~~(f) The proposed actual download and upload speeds experienced by  
26 end users;~~

27 (~~(g) Evidence of significant community institutions that will  
28 benefit from the proposed project;~~

29 (~~(h) Anticipated economic, educational, health care, or public  
30 safety benefits created by the project;~~

31 (~~(i) Evidence of community support for the project;~~

32 (~~(j) If available, a description of the applicant's user adoption  
33 assistance program and efforts to promote the use of newly available  
34 broadband services created by the project;~~

35 (~~(k) The estimated total cost of the project;~~

36 (~~(l) Other sources of funding for the project that will supplement  
37 any grant or loan award;~~

38 (~~(m) A demonstration of the project's long-term sustainability,  
39 including the applicant's financial soundness, organizational  
40 capacity, and technical expertise;~~

1 ~~(n) A strategic plan to maintain long-term operation of the~~  
2 ~~infrastructure;~~

3 ~~(o)) Evidence that ((no later than six weeks)) before submission~~  
4 ~~of the application, the applicant contacted, in writing, all entities~~  
5 ~~providing broadband service near the proposed project area to ask~~  
6 ~~each broadband service provider's plan to upgrade broadband service~~  
7 ~~in the project area to speeds that meet or exceed the state's~~  
8 ~~definition for broadband service as defined in RCW 43.330.530, within~~  
9 ~~the time frame specified in the proposed grant or loan activities;~~

10 ~~((p)) (f) If applicable, the broadband service providers'~~  
11 ~~written responses to the inquiry made under ((o)) (e) of this~~  
12 ~~subsection; ((and~~

13 ~~(q)) (g) The proposed geographic broadband service area and the~~  
14 ~~proposed broadband speeds in the form and manner prescribed by the~~  
15 ~~board;~~

16 ~~(h) Evidence of community support for the project; and~~

17 ~~(i) Any additional information requested by the board.~~

18 ~~(6) An applicant for a grant or loan under this section must~~  
19 ~~provide the following information on the application:~~

20 ~~(a) ((Within thirty days of the close of the grant and loan~~  
21 ~~application process, the)) The final location and description of the~~  
22 ~~project;~~

23 ~~(b) Evidence that the proposed infrastructure will be capable of~~  
24 ~~scaling to greater download and upload speeds;~~

25 ~~(c) The number of households passed that will gain access to~~  
26 ~~broadband service as a result of the project or whose broadband~~  
27 ~~service will be upgraded as a result of the project;~~

28 ~~(d) The estimated cost of retail services to end users~~  
29 ~~facilitated by a project;~~

30 ~~(e) The proposed actual download and upload speeds experienced by~~  
31 ~~end users;~~

32 ~~(f) Evidence of significant community institutions that will~~  
33 ~~benefit from the proposed project;~~

34 ~~(g) Anticipated economic, educational, health care, or public~~  
35 ~~safety benefits created by the project;~~

36 ~~(h) If available, a description of the applicant's user adoption~~  
37 ~~assistance program and efforts to promote the use of newly available~~  
38 ~~broadband services created by the project;~~

39 ~~(i) The estimated total cost of the project;~~

1 (j) Other sources of funding for the project that will supplement  
2 any grant or loan award;

3 (k) A demonstration of the project's long-term sustainability,  
4 including the applicant's financial soundness, organizational  
5 capacity, and technical expertise;

6 (l) A strategic plan to maintain long-term operation of the  
7 infrastructure;

8 (m) If applicable, documentation describing the outcome of the  
9 broadband service providers' written responses to the inquiry made  
10 prior to or during the preapplication phase; and

11 (n) Any additional information requested by the board.

12 (7)(a) The board shall publish on its website for at least 30  
13 days the proposed geographic broadband service area and the proposed  
14 broadband speeds for each ((application)) proposed broadband project  
15 submitted in the preapplication period.

16 (b) The board shall, within three business days following the  
17 close of the preapplication cycle, publish on its website  
18 preapplications as described in subsection (5) of this section.

19 (c) The board shall set an objection period of at least 30 days.

20 ~~((b))~~ (8)(a) Any existing broadband service provider near the  
21 proposed project area may~~((, within thirty days of publication of the~~  
22 ~~information under (a) of this subsection,))~~ submit in writing to the  
23 board an objection to ((an application)) a proposed broadband  
24 project. An objection must contain information demonstrating that:

25 (i) The project would result in overbuild, meaning that the  
26 objecting provider currently provides, or has begun construction to  
27 provide, broadband service to end users in the proposed project area  
28 at speeds equal to or greater than ~~((the state speed goals contained~~  
29 ~~in RCW 43.330.536))~~ the speeds contained in the definition of  
30 broadband in RCW 43.330.530(2); or

31 (ii) The objecting provider commits to complete construction of  
32 broadband infrastructure and provide broadband service to end users  
33 in the proposed project area at speeds equal to or greater than ~~((the~~  
34 ~~state speed goals contained in RCW 43.330.536))~~ the speeds contained  
35 in the definition of broadband in RCW 43.330.530(2), no later than  
36 twenty-four months after the date awards are made under this section  
37 for the grant and loan cycle under which the ((application))  
38 preapplication was submitted.

39 ~~((e))~~ (b) Objections submitted to the board under this  
40 subsection must be certified by affidavit.

1        ~~((d))~~ (c) The board may evaluate the information submitted  
2 under this section by the objecting provider and must consider it in  
3 making a determination on the ~~((application))~~ proposed broadband  
4 project objected to. The board may request clarification or  
5 additional information. The board may choose to not fund a project if  
6 the board determines that the objecting provider's commitment to  
7 provide broadband service that meets the requirements of ~~((b))~~ (a)  
8 of this subsection in the proposed project area is credible. In  
9 assessing the commitment, the board may consider whether the  
10 objecting provider has or will provide a bond, letter of credit, or  
11 other indicia of financial commitment guaranteeing the project's  
12 completion.

13        ~~((e))~~ (d) If the board denies funding to an applicant as a  
14 result of a broadband service provider's objection made under this  
15 section, and the broadband service provider does not fulfill its  
16 commitment to provide broadband service in the project area, then for  
17 the following two grant and loan cycles, the board is prohibited from  
18 denying funding to an applicant on the basis of a challenge by the  
19 same broadband service provider, unless the board determines that the  
20 broadband service provider's failure to fulfill the provider's  
21 commitment was the result of factors beyond the broadband service  
22 provider's control. The board is not prohibited from denying funding  
23 to an applicant for reasons other than an objection by the same  
24 broadband service provider.

25        ~~((f))~~ (e) An applicant or broadband service provider that  
26 objected to the application may request a debriefing conference  
27 regarding the board's decision on the application. Requests for  
28 debriefing must be coordinated by the office and must be submitted in  
29 writing in accordance with procedures specified by the office.

30        ~~((g))~~ (f) Confidential business and financial information  
31 submitted by an objecting provider under this subsection is exempt  
32 from disclosure under chapter 42.56 RCW.

33        ~~((7))~~ (9)(a) In evaluating applications and awarding funds, the  
34 board shall give priority to applications that are constructed in  
35 areas identified as unserved.

36        (b) In evaluating applications and awarding funds, the board may  
37 give priority to applications that:

38        (i) Provide assistance to public-private partnerships deploying  
39 broadband infrastructure from areas currently served with broadband  
40 service to areas currently lacking access to broadband services;

- 1 (ii) Demonstrate project readiness to proceed;
- 2 (iii) Construct infrastructure that is open access, meaning that  
3 during the useful life of the infrastructure, service providers may  
4 use network services and facilities at rates, terms, and conditions  
5 that are not discriminatory or preferential between providers, and  
6 employing accountable interconnection arrangements published and  
7 available publicly;
- 8 (iv) Are submitted by tribal governments whose reservations are  
9 in rural and remote areas where reliable and efficient broadband  
10 services are unavailable to many or most residents;
- 11 (v) Bring broadband service to tribal lands, particularly to  
12 rural and remote tribal lands or areas servicing rural and remote  
13 tribal entities;
- 14 (vi) Are submitted by tribal governments in rural and remote  
15 areas that have spent significant amounts of tribal funds to address  
16 the problem but cannot provide necessary broadband services without  
17 either additional state support, additional federal support, or both;
- 18 (vii) Serve economically distressed areas of the state as the  
19 term "distressed area" is defined in RCW 43.168.020;
- 20 (viii) Offer new or substantially upgraded broadband service to  
21 important community anchor institutions including, but not limited  
22 to, libraries, educational institutions, public safety facilities,  
23 and health care facilities;
- 24 (ix) Facilitate the use of telemedicine and electronic health  
25 records, especially in deliverance of behavioral health services and  
26 services to veterans;
- 27 (x) Provide technical support and train residents, businesses,  
28 and institutions in the community served by the project to utilize  
29 broadband service;
- 30 (xi) Include a component to actively promote the adoption of  
31 newly available broadband services in the community;
- 32 (xii) Provide evidence of strong support for the project from  
33 citizens, government, businesses, and community institutions;
- 34 (xiii) Provide access to broadband service to a greater number of  
35 unserved households and businesses, including farms;
- 36 (xiv) Utilize equipment and technology demonstrating greater  
37 longevity of service;
- 38 (xv) Seek the lowest amount of state investment per new location  
39 served and leverage greater amounts of funding for the project from  
40 other private and public sources;

1 (xvi) Include evidence of a customer service plan;  
2 (xvii) Consider leveraging existing broadband infrastructure and  
3 other unique solutions;  
4 (xviii) Benefit public safety and fire preparedness; or  
5 (xix) Demonstrate other priorities as the board, in collaboration  
6 with the office, may prescribe by rule.  
7 (c) The board shall endeavor to award funds under this section to  
8 qualified applicants in all regions of the state.  
9 (d) The board shall consider affordability and quality of service  
10 to end users in making a determination on any application.  
11 (e) The board, in collaboration with the office, may develop  
12 additional rules for eligibility, project preapplications, project  
13 applications, the associated objection process, and funding priority,  
14 as provided under this subsection and subsections (3), (5), ~~((and))~~  
15 (6), (7), and (8) of this section.  
16 (f) The board, in collaboration with the office, may adopt rules  
17 for a voluntary nonbinding mediation between incumbent providers and  
18 applicants to the grant and loan program created in this section.  
19 ~~((+8))~~ (10) To ensure a grant or loan to a private entity under  
20 this section primarily serves the public interest and benefits the  
21 public, any such grant or loan must be conditioned on a guarantee  
22 that the asset or infrastructure to be developed will be maintained  
23 for public use for a period of at least fifteen years.  
24 ~~((+9))~~ (11)(a) No funds awarded under this section may fund more  
25 than fifty percent of the total cost of the project, except as  
26 provided in (b) of this subsection.  
27 (b) The board may choose to fund up to ninety percent of the  
28 total cost of a project in financially distressed areas as the term  
29 "distressed area" is defined in RCW 43.168.020, and in areas  
30 identified as Indian country as the term "Indian country" is defined  
31 in WAC 458-20-192.  
32 (c) Funds awarded to a single project under this section must not  
33 exceed two million dollars, except that the board may choose to fund  
34 projects qualifying for the exception in (b) of this subsection up  
35 to, but not to exceed, five million dollars.  
36 ~~((+10) Except for during the 2021-2023 fiscal biennium, prior to~~  
37 ~~awarding funds under this section, the board must consult with the~~  
38 ~~Washington utilities and transportation commission. The commission~~  
39 ~~must provide to the board an assessment of the technical feasibility~~

1 ~~of a proposed application. The board must consider the commission's~~  
2 ~~assessment as part of its evaluation of a proposed application.~~

3 ~~((11))~~ (12) The board shall have such rights of recovery in the  
4 event of default in payment or other breach of financing agreement as  
5 may be provided in the agreement or otherwise by law.

6 ~~((12))~~ (13) The community economic revitalization board shall  
7 facilitate the timely transmission of information and documents from  
8 its broadband program to the board in order to effectuate an orderly  
9 transition.

10 ~~((13))~~ (14) (a) Subject to rules promulgated by the board, the  
11 board may make low-interest or interest-free loans or grants to  
12 eligible applicants for emergency public works broadband projects.  
13 While developing rules, the board shall consider prioritizing  
14 broadband infrastructure projects that replace existing  
15 infrastructure impacted by an emergency, as described in (b) of this  
16 subsection.

17 (b) Emergency public works broadband projects include  
18 construction, repair, reconstruction, replacement, rehabilitation, or  
19 improvement to critical broadband infrastructure that has been made  
20 necessary by a natural disaster or damaged by unforeseen events. To  
21 ensure limited resources are provided as efficiently as possible, the  
22 board shall grant priority to emergency public works projects that  
23 replace existing infrastructure of the provider whose facilities were  
24 damaged by the unforeseen event and shall not provide funds to a new  
25 provider to overbuild the existing provider. The loans or grants may  
26 be used to help fund all or part of an emergency public works  
27 broadband infrastructure project less any reimbursement from any of  
28 the following sources: (i) Federal disaster or emergency funds,  
29 including funds from the federal emergency management agency; (ii)  
30 state disaster or emergency funds; (iii) insurance settlements; and  
31 (iv) litigation.

32 (c) Eligible applicants for grants and loans awarded under this  
33 subsection are the same as those described in subsection (3) of this  
34 section.

35 (15) The definitions in RCW 43.330.530 apply throughout this  
36 section unless the context clearly requires otherwise.

37 (16) For purposes of this section, a "proposed broadband project"  
38 means a project that has been submitted as a preapplication to the  
39 public works board.



1       **Sec. 2.** RCW 42.56.270 and 2021 c 308 s 4 are each amended to  
2 read as follows:

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

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

9       (2) Financial information supplied by or on behalf of a person,  
10 firm, or corporation for the purpose of qualifying to submit a bid or  
11 proposal for (a) a ferry system construction or repair contract as  
12 required by RCW 47.60.680 through 47.60.750; (b) highway construction  
13 or improvement as required by RCW 47.28.070; or (c) alternative  
14 public works contracting procedures as required by RCW 39.10.200  
15 through 39.10.905;

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 and RCW 43.155.160, or during application for economic  
24 development loans or 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  
32 would result in loss to such funds or in private loss to the  
33 providers of this information;

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

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

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

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

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

16 (c) Valuable formulae or financial or proprietary commercial  
17 information records received during a consultative visit or while  
18 providing consultative services to a licensed marijuana business in  
19 accordance with RCW 69.50.561;

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

28 (12)(a) When supplied to and in the records of the department of  
29 commerce:

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

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

1 (iii) Financial or proprietary information collected from any  
2 person and provided to the department of commerce pursuant to RCW  
3 43.31.625 (3) (b) and (4);

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

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

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

14 (13) Financial and proprietary information submitted to or  
15 obtained by the department of ecology or the authority created under  
16 chapter 70A.500 RCW to implement chapter 70A.500 RCW;

17 (14) Financial, commercial, operations, and technical and  
18 research information and data submitted to or obtained by the life  
19 sciences discovery fund authority in applications for, or delivery  
20 of, grants under RCW 43.330.502, to the extent that such information,  
21 if revealed, would reasonably be expected to result in private loss  
22 to the providers of this information;

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

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

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

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

38 (18) Financial, commercial, operations, and technical and  
39 research information and data submitted to or obtained by a health  
40 sciences and services authority in applications for, or delivery of,

1 grants under RCW 35.104.010 through 35.104.060, to the extent that  
2 such information, if revealed, would reasonably be expected to result  
3 in private loss to providers of this information;

4 (19) Information gathered under chapter 19.85 RCW or RCW  
5 34.05.328 that can be identified to a particular business;

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

14 (21) Market share data submitted by a manufacturer under RCW  
15 70A.500.190(4);

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

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;

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;

3 (26) Financial and commercial information submitted to or  
4 obtained by the retirement board of any city that is responsible for  
5 the management of an employees' retirement system pursuant to the  
6 authority of chapter 35.39 RCW, when the information relates to  
7 investments in private funds, to the extent that such information, if  
8 revealed, would reasonably be expected to result in loss to the  
9 retirement fund or to result in private loss to the providers of this  
10 information except that (a) the names and commitment amounts of the  
11 private funds in which retirement funds are invested and (b) the  
12 aggregate quarterly performance results for a retirement fund's  
13 portfolio of investments in such funds are subject to disclosure;

14 (27) Proprietary financial, commercial, operations, and technical  
15 and research information and data submitted to or obtained by the  
16 liquor and cannabis board in applications for marijuana research  
17 licenses under RCW 69.50.372, or in reports submitted by marijuana  
18 research licensees in accordance with rules adopted by the liquor and  
19 cannabis board under RCW 69.50.372;

20 (28) Trade secrets, technology, proprietary information, and  
21 financial considerations contained in any agreements or contracts,  
22 entered into by a licensed marijuana business under RCW 69.50.395,  
23 which may be submitted to or obtained by the state liquor and  
24 cannabis board;

25 (29) Financial, commercial, operations, and technical and  
26 research information and data submitted to or obtained by the Andy  
27 Hill cancer research endowment program in applications for, or  
28 delivery of, grants under chapter 43.348 RCW, to the extent that such  
29 information, if revealed, would reasonably be expected to result in  
30 private loss to providers of this information;

31 (30) Proprietary information filed with the department of health  
32 under chapter 69.48 RCW;

33 (31) Records filed with the department of ecology under chapter  
34 70A.515 RCW that a court has determined are confidential valuable  
35 commercial information under RCW 70A.515.130; and

36 (32) Unaggregated financial, proprietary, or commercial  
37 information submitted to or obtained by the liquor and cannabis board  
38 in applications for licenses under RCW 66.24.140 or 66.24.145, or in  
39 any reports or remittances submitted by a person licensed under RCW

1 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis  
2 board under chapter 66.08 RCW."

**ESHB 1673** - S COMM AMD

By Committee on Environment, Energy & Technology

**ADOPTED 03/04/2022**

3 On page 1, line 2 of the title, after "board;" strike the  
4 remainder of the title and insert "and amending RCW 43.155.160 and  
5 42.56.270."

EFFECT: Specifies the Public Works Board must grant priority to emergency public works projects that replace existing infrastructure of the provider whose facilities were damaged by the unforeseen event and shall not provide funds to a new provider to overbuild the existing provider.

--- END ---