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**SENATE BILL 6615**

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**State of Washington**

**54th Legislature**

**1996 Regular Session**

**By** Senators Hale, Sheldon and Haugen

Read first time 01/19/96. Referred to Committee on Government Operations.

1 AN ACT Relating to protection of certain business information;  
2 amending RCW 34.05.370; and adding a new section to chapter 42.17 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.17 RCW  
5 to read as follows:

6 The disclosure requirements of this chapter do not apply to  
7 information gathered under chapter 19.85 RCW or RCW 34.05.328 that can  
8 be identified to a particular business.

9 **Sec. 2.** RCW 34.05.370 and 1995 c 403 s 801 are each amended to  
10 read as follows:

11 (1) Each agency shall maintain an official rule-making file for  
12 each rule that it (a) proposes by publication in the state register, or  
13 (b) adopts. The file and materials incorporated by reference shall be  
14 available for public inspection.

15 (2) The agency rule-making file shall contain all of the following:

16 (a) Copies of all publications in the state register with respect  
17 to the rule or the proceeding upon which the rule is based;

1 (b) Copies of any portions of the agency's public rule-making  
2 docket containing entries relating to the rule or the proceeding on  
3 which the rule is based;

4 (c) All written petitions, requests, submissions, and comments  
5 received by the agency and all other written material regarded by the  
6 agency as important to adoption of the rule or the proceeding on which  
7 the rule is based;

8 (d) Any official transcript of oral presentations made in the  
9 proceeding on which the rule is based or, if not transcribed, any tape  
10 recording or stenographic record of them, and any memorandum prepared  
11 by a presiding official summarizing the contents of those  
12 presentations;

13 (e) All petitions for exceptions to, amendment of, or repeal or  
14 suspension of, the rule;

15 (f) Citations to data, factual information, studies, or reports on  
16 which the agency relies in the adoption of the rule, indicating where  
17 such data, factual information, studies, or reports are available for  
18 review by the public, but this subsection (2)(f) does not require the  
19 agency to include in the rule-making file any data, factual  
20 information, studies, or reports gathered pursuant to chapter 19.85 RCW  
21 or RCW 34.05.328 that can be identified to a particular business;

22 (g) The concise explanatory statement required by RCW 34.05.325(6);  
23 and

24 (h) Any other material placed in the file by the agency.

25 (3) Internal agency documents are exempt from inclusion in the  
26 rule-making file under subsection (2) of this section to the extent  
27 they constitute preliminary drafts, notes, recommendations, and intra-  
28 agency memoranda in which opinions are expressed or policies formulated  
29 or recommended, except that a specific document is not exempt from  
30 inclusion when it is publicly cited by an agency in connection with its  
31 decision.

32 (4) Upon judicial review, the file required by this section  
33 constitutes the official agency rule-making file with respect to that  
34 rule. Unless otherwise required by another provision of law, the  
35 official agency rule-making file need not be the exclusive basis for  
36 agency action on that rule.

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