

SB 5375 - S AMD 301  
By Senator Fain

ADOPTED 06/29/2017

1 On page 8, line 32 after "costs." insert "Expenditures to fund or  
2 reimburse the program administrator are not subject to the  
3 requirements of subsection (4) of this section."

4 On page 9, after line 20, insert the following:

5 "Sec. 9. RCW 42.56.270 and 2017 c 317 s 17 are each amended to  
6 read as follows:

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

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

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

18 (3) Financial and commercial information and records supplied by  
19 private persons pertaining to export services provided under chapters  
20 43.163 and 53.31 RCW, and by persons pertaining to export projects  
21 under RCW 43.23.035;

22 (4) Financial and commercial information and records supplied by  
23 businesses or individuals during application for loans or program  
24 services provided by chapters 43.325, 43.163, 43.160, 43.330, and  
25 43.168 RCW, or during application for economic development loans or  
26 program services provided by any local agency;

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

31 (6) Financial and commercial information supplied to the state  
32 investment board by any person when the information relates to the

1 investment of public trust or retirement funds and when disclosure  
2 would result in loss to such funds or in private loss to the  
3 providers of this information;

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

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

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

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

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

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

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

33 (i) Financial and proprietary information collected from any  
34 person and provided to the department of commerce pursuant to RCW  
35 43.330.050(8); and

36 (ii) Financial or proprietary information collected from any  
37 person and provided to the department of commerce or the office of  
38 the governor in connection with the siting, recruitment, expansion,  
39 retention, or relocation of that person's business and until a siting  
40 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;

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; (~~and~~)

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.---  
23 (section 16, chapter 317, Laws of 2017), which may be submitted to or  
24 obtained by the state liquor and cannabis board; and

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."

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31 On page 1, line 1 of the title, after "Relating to" strike the  
32 remainder of the title and insert "the Andy Hill cancer research  
33 endowment; and amending RCW 43.348.010, 43.348.020, 43.348.030,

1 43.348.040, 43.348.050, 43.348.060, 43.348.070, 43.348.080, and  
2 42.56.270."

EFFECT: Clarifies that expenditures to fund the program administrator do not require private matching funds.

Adds protection from public disclosure for financial, commercial, operations, and technical and research information and data submitted for a grant if the information would reasonably be expected to result in private loss to providers of this information. (Parallels an existing exemption for grant applications to the life sciences discovery fund.)

Corrects the title.

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