

CERTIFICATION OF ENROLLMENT

SENATE BILL 6615

Chapter 102, Laws of 1996

54th Legislature
1996 Regular Session

BUSINESS INFORMATION PROTECTION

EFFECTIVE DATE: 6/6/96

Passed by the Senate February 10, 1996
YEAS 47 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House February 28, 1996
YEAS 96 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 15, 1996

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6615** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 15, 1996 - 3:33 p.m.

MIKE LOWRY

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 6615

Passed Legislature - 1996 Regular Session

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.

Passed the Senate February 10, 1996.

Passed the House February 28, 1996.

Approved by the Governor March 15, 1996.

Filed in Office of Secretary of State March 15, 1996.