

**ESSB 6508** - H AMD TO H AMD (H-5473.1/06) **1036**  
By Representative Nixon

WITHDRAWN 03/01/2006

1 On page 3, beginning on line 11 of the amendment, strike all of  
2 section 4 and insert the following:

3 "NEW SECTION. **Sec. 4.** A new section is added to chapter 19.112  
4 RCW to read as follows:

5 The department of licensing shall not publicly release, unless  
6 pursuant to an order of a court of competent jurisdiction, information  
7 submitted as evidence as required by section 2 of this act, except  
8 information disclosed in aggregate form that does not permit the  
9 identification of information related to individual special fuel  
10 licensees.

11 **Sec. 5.** RCW 42.56.270 and 2005 c 274 s 407 are each amended to  
12 read as follows:

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

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

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

24 (3) Financial and commercial information and records supplied by  
25 private persons pertaining to export services provided under chapters  
26 43.163 and 53.31 RCW, and by persons pertaining to export projects  
27 under RCW 43.23.035;

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

1 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,  
2 or during application for economic development loans or program  
3 services provided by any local agency;

4 (5) Financial information, business plans, examination reports, and  
5 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 providers  
12 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) Financial information, including but not limited to account  
22 numbers and values, and other identification numbers supplied by or on  
23 behalf of a person, firm, corporation, limited liability company,  
24 partnership, or other entity related to an application for a liquor  
25 license, gambling license, or lottery retail license;

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

33 (12)(a) When supplied to and in the records of the department of  
34 community, trade, and economic development:

35 (i) Financial and proprietary information collected from any person  
36 and provided to the department of community, trade, and economic  
37 development pursuant to RCW 43.330.050(8) and 43.330.080(4); ((and))

1 (ii) Financial or proprietary information collected from any person  
2 and provided to the department of community, trade, and economic  
3 development or the office of the governor in connection with the  
4 siting, recruitment, expansion, retention, or relocation of that  
5 person's business and until a siting decision is made, identifying  
6 information of any person supplying information under this subsection  
7 and the locations being considered for siting, relocation, or expansion  
8 of a business;

9 (b) When developed by the department of community, trade, and  
10 economic development based on information as described in (a)(i) of  
11 this subsection, any work product is not exempt from disclosure;

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

14 (d) If there is no written contact for a period of sixty days to  
15 the department of community, trade, and economic development from a  
16 person connected with siting, recruitment, expansion, retention, or  
17 relocation of that person's business, information described in (a)(ii)  
18 of this subsection will be available to the public under this chapter;  
19 and

20 (13) Financial and commercial information provided as evidence to  
21 the department of licensing as required by section 2 of this act,  
22 except information disclosed in aggregate form that does not permit the  
23 identification of information related to individual special fuel  
24 licensees."

25 Renumber the remaining sections consecutively and correct any  
26 internal references accordingly.

27 On page 8, after line 1 of the amendment, insert the following:

28 "NEW SECTION. **Sec. 15.** This act takes effect July 1, 2006."

29 Renumber the remaining section consecutively.

EFFECT: Removes section 4 of the amendment that requires the

Department of Licensing to establish rules to ensure that information submitted by special fuel licensees can be aggregated without releasing identifying individual company information.

Prohibits the Department of Licensing from releasing information submitted by special fuel licensees under this act, except information disclosed in aggregate form that does not reveal identifying information about individual licensees.

Adds an exemption to the public disclosure law in RCW 42.56.270, which exempts financial and commercial information submitted by special fuel licensees under section 2 of this act, except information disclosed in aggregate form that does not reveal identifying information about individual licensees.

Changes the effective date of the act from 90 days after adjournment of session to July 1, 2006.

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