

HB 1838 - H AMD 1183

By Representative Walsh

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

3 **"Sec. 1.** RCW 42.56.270 and 2019 c 394 s 10, 2019 c 344 s 14, and
4 2019 c 212 s 12 are each reenacted and amended to read as follows:

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

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

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

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

28 (11) Proprietary data, trade secrets, or other information that
29 relates to: (a) A vendor's unique methods of conducting business; (b)
30 data unique to the product or services of the vendor; or (c)
31 determining prices or rates to be charged for services, submitted by
32 any vendor to the department of social and health services or the
33 health care authority for purposes of the development, acquisition,
34 or implementation of state purchased health care as defined in RCW
35 41.05.011;

36 (12)(a) When supplied to and in the records of the department of
37 commerce:

38 (i) Financial and proprietary information collected from any
39 person and provided to the department of commerce pursuant to RCW
40 43.330.050(8); and

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

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

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

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

18 (13) Financial and proprietary information submitted to or
19 obtained by the department of ecology or the authority created under
20 chapter 70.95N RCW to implement chapter 70.95N RCW;

21 (14) Financial, commercial, operations, and technical and
22 research information and data submitted to or obtained by the life
23 sciences discovery fund authority in applications for, or delivery
24 of, grants under chapter 43.350 RCW, to the extent that such
25 information, if revealed, would reasonably be expected to result in
26 private loss to the providers of this information;

27 (15) Financial and commercial information provided as evidence to
28 the department of licensing as required by RCW 19.112.110 or
29 19.112.120, except information disclosed in aggregate form that does
30 not permit the identification of information related to individual
31 fuel licensees;

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

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

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

4 (18) Financial, commercial, operations, and technical and
5 research information and data submitted to or obtained by a health
6 sciences and services authority in applications for, or delivery of,
7 grants under RCW 35.104.010 through 35.104.060, to the extent that
8 such information, if revealed, would reasonably be expected to result
9 in private loss to providers of this information;

10 (19) Information gathered under chapter 19.85 RCW or RCW
11 34.05.328 that can be identified to a particular business;

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

20 (21) Market share data submitted by a manufacturer under RCW
21 70.95N.190(4);

22 (22) Financial information supplied to the department of
23 financial institutions, when filed by or on behalf of an issuer of
24 securities for the purpose of obtaining the exemption from state
25 securities registration for small securities offerings provided under
26 RCW 21.20.880 or when filed by or on behalf of an investor for the
27 purpose of purchasing such securities;

28 (23) Unaggregated or individual notices of a transfer of crude
29 oil that is financial, proprietary, or commercial information,
30 submitted to the department of ecology pursuant to RCW
31 90.56.565(1)(a), and that is in the possession of the department of
32 ecology or any entity with which the department of ecology has shared
33 the notice pursuant to RCW 90.56.565;

34 (24) Financial institution and retirement account information,
35 and building security plan information, supplied to the liquor and
36 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and
37 69.50.345, when filed by or on behalf of a licensee or prospective
38 licensee for the purpose of obtaining, maintaining, or renewing a
39 license to produce, process, transport, or sell marijuana as allowed
40 under chapter 69.50 RCW;

1 (25) Marijuana transport information, vehicle and driver
2 identification data, and account numbers or unique access identifiers
3 issued to private entities for traceability system access, submitted
4 by an individual or business to the liquor and cannabis board under
5 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and
6 69.50.345 for the purpose of marijuana product traceability.
7 Disclosure to local, state, and federal officials is not considered
8 public disclosure for purposes of this section;

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

20 (27) Proprietary financial, commercial, operations, and technical
21 and research information and data submitted to or obtained by the
22 liquor and cannabis board in applications for marijuana research
23 licenses under RCW 69.50.372, or in reports submitted by marijuana
24 research licensees in accordance with rules adopted by the liquor and
25 cannabis board under RCW 69.50.372;

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

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

37 (30) Proprietary information filed with the department of health
38 under chapter 69.48 RCW; (~~and~~)

1 (31) Records filed with the department of ecology under chapter
2 70.375 RCW that a court has determined are confidential valuable
3 commercial information under RCW 70.375.130; and

4 (32) Unaggregated financial, proprietary, or commercial
5 information submitted to or obtained by the liquor and cannabis board
6 in applications for licenses under RCW 66.24.140 or 66.24.145, or in
7 any reports or remittances submitted by a person licensed under RCW
8 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis
9 board under chapter 66.08 RCW."

10 Correct the title.

EFFECT: Updates the underlying provisions of the bill to account for changes in statute made by legislation that passed in the 2019 session.

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