

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1673

Chapter 201, Laws of 2022

67th Legislature
2022 Regular Session

PUBLIC WORKS BOARD—BROADBAND INFRASTRUCTURE LOANS AND GRANTS—
MODIFICATION

EFFECTIVE DATE: June 9, 2022

Passed by the House March 8, 2022
Yeas 96 Nays 2

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 4, 2022
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Approved March 30, 2022 2:19 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1673** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 31, 2022

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1673

AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By House Community & Economic Development (originally sponsored by Representatives Ryu, Donaghy, Leavitt, Boehnke, Eslick, Rule, Kloba, Wylie, Ortiz-Self, Dolan, Taylor, and Frame; by request of Public Works Board)

READ FIRST TIME 01/18/22.

1 AN ACT Relating to broadband infrastructure loans and grants made
2 by the public works board; and amending RCW 43.155.160 and 42.56.270.

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

4 **Sec. 1.** RCW 43.155.160 and 2021 c 332 s 7040 are each amended to
5 read as follows:

6 (1) The board, in collaboration with the office, shall establish
7 a competitive grant and loan program to award funding to eligible
8 applicants in order to promote the expansion of access to broadband
9 service in unserved areas of the state.

10 (2)(a) Grants and loans may be awarded under this section to
11 assist in funding acquisition, installation, and construction of
12 middle mile and last mile infrastructure that supports broadband
13 services and to assist in funding strategic planning for deploying
14 broadband service in unserved areas.

15 (b) The board may choose to fund all or part of an application
16 for funding, provided that the application meets the requirements of
17 subsection (~~(+9)~~) (11) of this section.

18 (3) Eligible applicants for grants and loans awarded under this
19 section include:

20 (a) Local governments;

21 (b) Tribes;

1 (c) Nonprofit organizations;

2 (d) Cooperative associations;

3 (e) Multiparty entities comprised of public entity members;

4 (f) Limited liability corporations organized for the purpose of
5 expanding broadband access; and

6 (g) Incorporated businesses or partnerships.

7 (4) (a) The board shall develop administrative procedures
8 governing the ~~((application))~~ preapplication and award process. The
9 board shall act as fiscal agent for the program and is responsible
10 for receiving and reviewing applications and awarding funds under
11 this section.

12 (b) At least sixty days prior to the first day ~~((applications))~~
13 preapplications may be submitted each fiscal year, the board must
14 publish on its website the specific criteria and any quantitative
15 weighting scheme or scoring system that the board will use to
16 evaluate or rank applications and award funding.

17 (c) The board may maintain separate accounting in the statewide
18 broadband account created in RCW 43.155.165 as the board deems
19 necessary to carry out the purposes of this section.

20 (d) The board must provide a method for the allocation of loans,
21 grants, provision of technical assistance, and interest rates under
22 this section.

23 (5) An applicant for a grant or loan under this section must
24 provide the following information on the ~~((application))~~
25 preapplication:

26 (a) The location and description of the project;

27 (b) Evidence regarding the unserved nature of the community in
28 which the project is to be located;

29 (c) Evidence that proposed infrastructure will be capable of
30 scaling to greater download and upload speeds;

31 (d) The number of households passed that will gain access to
32 broadband service as a result of the project or whose broadband
33 service will be upgraded as a result of the project;

34 ~~((The estimated cost of retail services to end users
35 facilitated by a project;~~

36 ~~(f) The proposed actual download and upload speeds experienced by
37 end users;~~

38 ~~(g) Evidence of significant community institutions that will
39 benefit from the proposed project;~~

1 ~~(h) Anticipated economic, educational, health care, or public~~
2 ~~safety benefits created by the project;~~
3 ~~(i) Evidence of community support for the project;~~
4 ~~(j) If available, a description of the applicant's user adoption~~
5 ~~assistance program and efforts to promote the use of newly available~~
6 ~~broadband services created by the project;~~
7 ~~(k) The estimated total cost of the project;~~
8 ~~(l) Other sources of funding for the project that will supplement~~
9 ~~any grant or loan award;~~
10 ~~(m) A demonstration of the project's long-term sustainability,~~
11 ~~including the applicant's financial soundness, organizational~~
12 ~~capacity, and technical expertise;~~
13 ~~(n) A strategic plan to maintain long-term operation of the~~
14 ~~infrastructure;~~
15 ~~(o))~~ Evidence that ~~((no later than six weeks))~~ before submission
16 of the application, the applicant contacted, in writing, all entities
17 providing broadband service near the proposed project area to ask
18 each broadband service provider's plan to upgrade broadband service
19 in the project area to speeds that meet or exceed the state's
20 definition for broadband service as defined in RCW 43.330.530, within
21 the time frame specified in the proposed grant or loan activities;
22 ~~((p))~~ (f) If applicable, the broadband service providers'
23 written responses to the inquiry made under ~~((o))~~ (e) of this
24 subsection; ~~((and~~
25 ~~(q))~~ (g) The proposed geographic broadband service area and the
26 proposed broadband speeds in the form and manner prescribed by the
27 board;
28 (h) Evidence of community support for the project; and
29 (i) Any additional information requested by the board.
30 (6) An applicant for a grant or loan under this section must
31 provide the following information on the application:
32 (a) ((Within thirty days of the close of the grant and loan
33 application process, the)) The final location and description of the
34 project;
35 (b) Evidence that the proposed infrastructure will be capable of
36 scaling to greater download and upload speeds;
37 (c) The number of households passed that will gain access to
38 broadband service as a result of the project or whose broadband
39 service will be upgraded as a result of the project;

1 (d) The estimated cost of retail services to end users
2 facilitated by a project;

3 (e) The proposed actual download and upload speeds experienced by
4 end users;

5 (f) Evidence of significant community institutions that will
6 benefit from the proposed project;

7 (g) Anticipated economic, educational, health care, or public
8 safety benefits created by the project;

9 (h) If available, a description of the applicant's user adoption
10 assistance program and efforts to promote the use of newly available
11 broadband services created by the project;

12 (i) The estimated total cost of the project;

13 (j) Other sources of funding for the project that will supplement
14 any grant or loan award;

15 (k) A demonstration of the project's long-term sustainability,
16 including the applicant's financial soundness, organizational
17 capacity, and technical expertise;

18 (l) A strategic plan to maintain long-term operation of the
19 infrastructure;

20 (m) If applicable, documentation describing the outcome of the
21 broadband service providers' written responses to the inquiry made
22 prior to or during the preapplication phase; and

23 (n) Any additional information requested by the board.

24 (7)(a) The board shall publish on its website for at least 30
25 days the proposed geographic broadband service area and the proposed
26 broadband speeds for each ((application)) proposed broadband project
27 submitted in the preapplication period.

28 (b) The board shall, within three business days following the
29 close of the preapplication cycle, publish on its website
30 preapplications as described in subsection (5) of this section.

31 (c) The board shall set an objection period of at least 30 days.

32 ~~((b))~~ (8)(a) Any existing broadband service provider near the
33 proposed project area may~~((, within thirty days of publication of the~~
34 ~~information under (a) of this subsection,))~~ submit in writing to the
35 board an objection to ~~((an application))~~ a proposed broadband
36 project. An objection must contain information demonstrating that:

37 (i) The project would result in overbuild, meaning that the
38 objecting provider currently provides, or has begun construction to
39 provide, broadband service to end users in the proposed project area
40 at speeds equal to or greater than ~~((the state speed goals contained~~

1 ~~in RCW 43.330.536))~~ the speeds contained in the definition of
2 broadband in RCW 43.330.530(2); or

3 (ii) The objecting provider commits to complete construction of
4 broadband infrastructure and provide broadband service to end users
5 in the proposed project area at speeds equal to or greater than (~~the~~
6 ~~state speed goals contained in RCW 43.330.536))~~ the speeds contained
7 in the definition of broadband in RCW 43.330.530(2), no later than
8 twenty-four months after the date awards are made under this section
9 for the grant and loan cycle under which the (~~application~~)
10 preapplication was submitted.

11 (~~(e)~~) (b) Objections submitted to the board under this
12 subsection must be certified by affidavit.

13 (~~(d)~~) (c) The board may evaluate the information submitted
14 under this section by the objecting provider and must consider it in
15 making a determination on the (~~application~~) proposed broadband
16 project objected to. The board may request clarification or
17 additional information. The board may choose to not fund a project if
18 the board determines that the objecting provider's commitment to
19 provide broadband service that meets the requirements of (~~(b)~~) (a)
20 of this subsection in the proposed project area is credible. In
21 assessing the commitment, the board may consider whether the
22 objecting provider has or will provide a bond, letter of credit, or
23 other indicia of financial commitment guaranteeing the project's
24 completion.

25 (~~(e)~~) (d) If the board denies funding to an applicant as a
26 result of a broadband service provider's objection made under this
27 section, and the broadband service provider does not fulfill its
28 commitment to provide broadband service in the project area, then for
29 the following two grant and loan cycles, the board is prohibited from
30 denying funding to an applicant on the basis of a challenge by the
31 same broadband service provider, unless the board determines that the
32 broadband service provider's failure to fulfill the provider's
33 commitment was the result of factors beyond the broadband service
34 provider's control. The board is not prohibited from denying funding
35 to an applicant for reasons other than an objection by the same
36 broadband service provider.

37 (~~(f)~~) (e) An applicant or broadband service provider that
38 objected to the application may request a debriefing conference
39 regarding the board's decision on the application. Requests for

1 debriefing must be coordinated by the office and must be submitted in
2 writing in accordance with procedures specified by the office.

3 ~~((g))~~ (f) Confidential business and financial information
4 submitted by an objecting provider under this subsection is exempt
5 from disclosure under chapter 42.56 RCW.

6 ~~((7))~~ (9)(a) In evaluating applications and awarding funds, the
7 board shall give priority to applications that are constructed in
8 areas identified as unserved.

9 (b) In evaluating applications and awarding funds, the board may
10 give priority to applications that:

11 (i) Provide assistance to public-private partnerships deploying
12 broadband infrastructure from areas currently served with broadband
13 service to areas currently lacking access to broadband services;

14 (ii) Demonstrate project readiness to proceed;

15 (iii) Construct infrastructure that is open access, meaning that
16 during the useful life of the infrastructure, service providers may
17 use network services and facilities at rates, terms, and conditions
18 that are not discriminatory or preferential between providers, and
19 employing accountable interconnection arrangements published and
20 available publicly;

21 (iv) Are submitted by tribal governments whose reservations are
22 in rural and remote areas where reliable and efficient broadband
23 services are unavailable to many or most residents;

24 (v) Bring broadband service to tribal lands, particularly to
25 rural and remote tribal lands or areas servicing rural and remote
26 tribal entities;

27 (vi) Are submitted by tribal governments in rural and remote
28 areas that have spent significant amounts of tribal funds to address
29 the problem but cannot provide necessary broadband services without
30 either additional state support, additional federal support, or both;

31 (vii) Serve economically distressed areas of the state as the
32 term "distressed area" is defined in RCW 43.168.020;

33 (viii) Offer new or substantially upgraded broadband service to
34 important community anchor institutions including, but not limited
35 to, libraries, educational institutions, public safety facilities,
36 and health care facilities;

37 (ix) Facilitate the use of telemedicine and electronic health
38 records, especially in deliverance of behavioral health services and
39 services to veterans;

1 (x) Provide technical support and train residents, businesses,
2 and institutions in the community served by the project to utilize
3 broadband service;

4 (xi) Include a component to actively promote the adoption of
5 newly available broadband services in the community;

6 (xii) Provide evidence of strong support for the project from
7 citizens, government, businesses, and community institutions;

8 (xiii) Provide access to broadband service to a greater number of
9 unserved households and businesses, including farms;

10 (xiv) Utilize equipment and technology demonstrating greater
11 longevity of service;

12 (xv) Seek the lowest amount of state investment per new location
13 served and leverage greater amounts of funding for the project from
14 other private and public sources;

15 (xvi) Include evidence of a customer service plan;

16 (xvii) Consider leveraging existing broadband infrastructure and
17 other unique solutions;

18 (xviii) Benefit public safety and fire preparedness; or

19 (xix) Demonstrate other priorities as the board, in collaboration
20 with the office, may prescribe by rule.

21 (c) The board shall endeavor to award funds under this section to
22 qualified applicants in all regions of the state.

23 (d) The board shall consider affordability and quality of service
24 to end users in making a determination on any application.

25 (e) The board, in collaboration with the office, may develop
26 additional rules for eligibility, project preapplications, project
27 applications, the associated objection process, and funding priority,
28 as provided under this subsection and subsections (3), (5), ~~((and))~~
29 (6), (7), and (8) of this section.

30 (f) The board, in collaboration with the office, may adopt rules
31 for a voluntary nonbinding mediation between incumbent providers and
32 applicants to the grant and loan program created in this section.

33 ~~((+8))~~ (10) To ensure a grant or loan to a private entity under
34 this section primarily serves the public interest and benefits the
35 public, any such grant or loan must be conditioned on a guarantee
36 that the asset or infrastructure to be developed will be maintained
37 for public use for a period of at least fifteen years.

38 ~~((+9))~~ (11)(a) No funds awarded under this section may fund more
39 than fifty percent of the total cost of the project, except as
40 provided in (b) of this subsection.

1 (b) The board may choose to fund up to ninety percent of the
2 total cost of a project in financially distressed areas as the term
3 "distressed area" is defined in RCW 43.168.020, and in areas
4 identified as Indian country as the term "Indian country" is defined
5 in WAC 458-20-192.

6 (c) Funds awarded to a single project under this section must not
7 exceed two million dollars, except that the board may choose to fund
8 projects qualifying for the exception in (b) of this subsection up
9 to, but not to exceed, five million dollars.

10 ~~((10) Except for during the 2021-2023 fiscal biennium, prior to~~
11 ~~awarding funds under this section, the board must consult with the~~
12 ~~Washington utilities and transportation commission. The commission~~
13 ~~must provide to the board an assessment of the technical feasibility~~
14 ~~of a proposed application. The board must consider the commission's~~
15 ~~assessment as part of its evaluation of a proposed application.~~

16 ~~((11))~~ (12) The board shall have such rights of recovery in the
17 event of default in payment or other breach of financing agreement as
18 may be provided in the agreement or otherwise by law.

19 ~~((12))~~ (13) The community economic revitalization board shall
20 facilitate the timely transmission of information and documents from
21 its broadband program to the board in order to effectuate an orderly
22 transition.

23 ~~((13))~~ (14) (a) Subject to rules promulgated by the board, the
24 board may make low-interest or interest-free loans or grants to
25 eligible applicants for emergency public works broadband projects.
26 While developing rules, the board shall consider prioritizing
27 broadband infrastructure projects that replace existing
28 infrastructure impacted by an emergency, as described in (b) of this
29 subsection.

30 (b) Emergency public works broadband projects include
31 construction, repair, reconstruction, replacement, rehabilitation, or
32 improvement to critical broadband infrastructure that has been made
33 necessary by a natural disaster or damaged by unforeseen events. To
34 ensure limited resources are provided as efficiently as possible, the
35 board shall grant priority to emergency public works projects that
36 replace existing infrastructure of the provider whose facilities were
37 damaged by the unforeseen event and shall not provide funds to a new
38 provider to overbuild the existing provider. The loans or grants may
39 be used to help fund all or part of an emergency public works
40 broadband infrastructure project less any reimbursement from any of

1 the following sources: (i) Federal disaster or emergency funds,
2 including funds from the federal emergency management agency; (ii)
3 state disaster or emergency funds; (iii) insurance settlements; and
4 (iv) litigation.

5 (c) Eligible applicants for grants and loans awarded under this
6 subsection are the same as those described in subsection (3) of this
7 section.

8 (15) The definitions in RCW 43.330.530 apply throughout this
9 section unless the context clearly requires otherwise.

10 (16) For purposes of this section, a "proposed broadband project"
11 means a project that has been submitted as a preapplication to the
12 public works board.

13 **Sec. 2.** RCW 42.56.270 and 2021 c 308 s 4 are each amended to
14 read as follows:

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

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

21 (2) Financial information supplied by or on behalf of a person,
22 firm, or corporation for the purpose of qualifying to submit a bid or
23 proposal for (a) a ferry system construction or repair contract as
24 required by RCW 47.60.680 through 47.60.750; (b) highway construction
25 or improvement as required by RCW 47.28.070; or (c) alternative
26 public works contracting procedures as required by RCW 39.10.200
27 through 39.10.905;

28 (3) Financial and commercial information and records supplied by
29 private persons pertaining to export services provided under chapters
30 43.163 and 53.31 RCW, and by persons pertaining to export projects
31 under RCW 43.23.035;

32 (4) Financial and commercial information and records supplied by
33 businesses or individuals during application for loans or program
34 services provided by chapters 43.325, 43.163, 43.160, 43.330, and
35 43.168 RCW and RCW 43.155.160, or during application for economic
36 development loans or program services provided by any local agency;

37 (5) Financial information, business plans, examination reports,
38 and any information produced or obtained in evaluating or examining a

1 business and industrial development corporation organized or seeking
2 certification under chapter 31.24 RCW;

3 (6) Financial and commercial information supplied to the state
4 investment board by any person when the information relates to the
5 investment of public trust or retirement funds and when disclosure
6 would result in loss to such funds or in private loss to the
7 providers of this information;

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

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

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

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

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

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

32 (11) Proprietary data, trade secrets, or other information that
33 relates to: (a) A vendor's unique methods of conducting business; (b)
34 data unique to the product or services of the vendor; or (c)
35 determining prices or rates to be charged for services, submitted by
36 any vendor to the department of social and health services or the
37 health care authority for purposes of the development, acquisition,
38 or implementation of state purchased health care as defined in RCW
39 41.05.011;

1 (12)(a) When supplied to and in the records of the department of
2 commerce:

3 (i) Financial and proprietary information collected from any
4 person and provided to the department of commerce pursuant to RCW
5 43.330.050(8);

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

13 (iii) Financial or proprietary information collected from any
14 person and provided to the department of commerce pursuant to RCW
15 43.31.625 (3)(b) and (4);

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

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

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

26 (13) Financial and proprietary information submitted to or
27 obtained by the department of ecology or the authority created under
28 chapter 70A.500 RCW to implement chapter 70A.500 RCW;

29 (14) Financial, commercial, operations, and technical and
30 research information and data submitted to or obtained by the life
31 sciences discovery fund authority in applications for, or delivery
32 of, grants under RCW 43.330.502, to the extent that such information,
33 if revealed, would reasonably be expected to result in private loss
34 to the providers of this information;

35 (15) Financial and commercial information provided as evidence to
36 the department of licensing as required by RCW 19.112.110 or
37 19.112.120, except information disclosed in aggregate form that does
38 not permit the identification of information related to individual
39 fuel licensees;

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

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

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

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

17 (19) Information gathered under chapter 19.85 RCW or RCW
18 34.05.328 that can be identified to a particular business;

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

27 (21) Market share data submitted by a manufacturer under RCW
28 70A.500.190(4);

29 (22) Financial information supplied to the department of
30 financial institutions, when filed by or on behalf of an issuer of
31 securities for the purpose of obtaining the exemption from state
32 securities registration for small securities offerings provided under
33 RCW 21.20.880 or when filed by or on behalf of an investor for the
34 purpose of purchasing such securities;

35 (23) Unaggregated or individual notices of a transfer of crude
36 oil that is financial, proprietary, or commercial information,
37 submitted to the department of ecology pursuant to RCW
38 90.56.565(1)(a), and that is in the possession of the department of
39 ecology or any entity with which the department of ecology has shared
40 the notice pursuant to RCW 90.56.565;

1 (24) Financial institution and retirement account information,
2 and building security plan information, supplied to the liquor and
3 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and
4 69.50.345, when filed by or on behalf of a licensee or prospective
5 licensee for the purpose of obtaining, maintaining, or renewing a
6 license to produce, process, transport, or sell marijuana as allowed
7 under chapter 69.50 RCW;

8 (25) Marijuana transport information, vehicle and driver
9 identification data, and account numbers or unique access identifiers
10 issued to private entities for traceability system access, submitted
11 by an individual or business to the liquor and cannabis board under
12 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and
13 69.50.345 for the purpose of marijuana product traceability.
14 Disclosure to local, state, and federal officials is not considered
15 public disclosure for purposes of this section;

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

27 (27) Proprietary financial, commercial, operations, and technical
28 and research information and data submitted to or obtained by the
29 liquor and cannabis board in applications for marijuana research
30 licenses under RCW 69.50.372, or in reports submitted by marijuana
31 research licensees in accordance with rules adopted by the liquor and
32 cannabis board under RCW 69.50.372;

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

38 (29) Financial, commercial, operations, and technical and
39 research information and data submitted to or obtained by the Andy
40 Hill cancer research endowment program in applications for, or

1 delivery of, grants under chapter 43.348 RCW, to the extent that such
2 information, if revealed, would reasonably be expected to result in
3 private loss to providers of this information;

4 (30) Proprietary information filed with the department of health
5 under chapter 69.48 RCW;

6 (31) Records filed with the department of ecology under chapter
7 70A.515 RCW that a court has determined are confidential valuable
8 commercial information under RCW 70A.515.130; and

9 (32) Unaggregated financial, proprietary, or commercial
10 information submitted to or obtained by the liquor and cannabis board
11 in applications for licenses under RCW 66.24.140 or 66.24.145, or in
12 any reports or remittances submitted by a person licensed under RCW
13 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis
14 board under chapter 66.08 RCW.

Passed by the House March 8, 2022.

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Filed in Office of Secretary of State March 31, 2022.

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