**6304-S AMS BRAU S5049.1 - NOT FOR FLOOR USE**

**SSB 6304** - S AMD TO S AMD (S-4966.2/24) **681**

By Senator Braun

On page 18, beginning on line 19, strike all of subsection (5) and insert the following:

"(5) If developing standards in subsection (2)(e) of this section, the department shall consider information submitted by tire industry representatives, including tire brand name owners and tire manufacturers, during a rule-making process as required in section 304 of this act. The department shall classify information submitted by industry representatives as confidential information not subject to public disclosure if such a classification is requested by industry representatives and considered in the public interest by the department. If the department determines the information provided in support of a request that submissions be treated as confidential information not subject to public disclosure is incomplete or insufficient to substantiate a confidential information claim, the department shall adhere to the process set forth in subsection (6) of this section."

On page 18, line 30, after "(6)" insert "(a) If the department determines information provided in accordance with subsection (5) of this section to support a request that submissions be treated as confidential information not subject to public disclosure is incomplete or insufficient to substantiate a confidential information claim, the department shall:

(i) Provide notice to the submitter of the department's finding of insufficiency, and the basis therefor;

(ii) Identify the specific area or areas for which additional information is needed; and

(iii) Indicate the date by which the submitter must provide the requested information.

(b) If the submitter fails to provide the information within the time frame specified, the department shall provide notice to the submitter by certified mail that the claim is out of compliance with this section, and that the information requested to be confidential information not subject to public disclosure will be considered a public record subject to disclosure by the department 90 days after such notice is mailed. During this 90-day period, the submitter may seek judicial review by filing an action for a preliminary injunction or declaratory relief.

(c) If the department determines that the information provided pursuant to this subsection does not establish that maintaining the information as confidential is in the public interest, the department shall provide notice to the submitter by certified mail of the department's determination and the fact that the information claimed to be trade secrets will be considered a public record subject to disclosure by the department 90 days after such notice is mailed. During this 90-day period, the submitter may seek judicial review by filing an action for a preliminary injunction or declaratory relief.

(d) If a person asserting a claim of confidential information protection initiates an action for a preliminary injunction or declaratory relief under this section, the department may not publicly release or disclose the information that is the subject of the claim of confidential information protection until resolution of any court challenge, including any appeals.

(7)"

Correct any internal references accordingly.

EFFECT: (1) Requires the department to classify information submitted by industry representatives as confidential information not subject to public disclosure if such a classification is requested by industry representatives and considered in the public interest by the department.

(2) Outlines the process for the department of commerce to request additional information related to requests for classification of confidential information.

(3) Allows for disputed requests for classification of confidential information to be resolved by judicial review.