

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

3 "(5) If developing standards in subsection (2)(e) of this
4 section, the department shall consider information submitted by tire
5 industry representatives, including tire brand name owners and tire
6 manufacturers, during a rule-making process as required in section
7 304 of this act. The department shall classify information submitted
8 by industry representatives as confidential information not subject
9 to public disclosure if such a classification is requested by
10 industry representatives and considered in the public interest by the
11 department. If the department determines the information provided in
12 support of a request that submissions be treated as confidential
13 information not subject to public disclosure is incomplete or
14 insufficient to substantiate a confidential information claim, the
15 department shall adhere to the process set forth in subsection (6) of
16 this section."

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

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

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

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

29 (b) If the submitter fails to provide the information within the
30 time frame specified, the department shall provide notice to the
31 submitter by certified mail that the claim is out of compliance with
32 this section, and that the information requested to be confidential
33 information not subject to public disclosure will be considered a

1 public record subject to disclosure by the department 90 days after
2 such notice is mailed. During this 90-day period, the submitter may
3 seek judicial review by filing an action for a preliminary injunction
4 or declaratory relief.

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

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

20 (7) "

21 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.

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