

SSB 6617 - H COMM AMD
By Committee on Local Government

ADOPTED 03/01/2006

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 89.08 RCW
4 to read as follows:

5 (1) Conservation districts, before developing a farm plan, shall
6 inform the landowner or operator in writing of the types of information
7 that is subject to disclosure to the public under chapter 42.56 RCW.
8 Before completion of the final draft of a farm plan, the district shall
9 send the final draft farm plan to the requesting landowner or operator
10 for verification of the information. The final farm plan shall not be
11 disclosed by the conservation district until the requesting owner or
12 operator confirms the information in the farm plan and a signed copy of
13 the farm plan is received by the conservation district.

14 (2) For the purposes of this section and RCW 42.56.270, "farm plan"
15 means a plan prepared by a conservation district in cooperation with a
16 landowner or operator for the purpose of conserving, monitoring, or
17 enhancing renewable natural resources. Farm plans include, but are not
18 limited to, provisions pertaining to:

19 (a) Developing and prioritizing conservation objectives;

20 (b) Taking an inventory of soil, water, vegetation, livestock, and
21 wildlife;

22 (c) Implementing conservation measures, including technical
23 assistance provided by the district;

24 (d) Developing and implementing livestock nutrient management
25 measures;

26 (e) Developing and implementing plans pursuant to business and
27 financial objectives; and

28 (f) Recording, or records of, decisions.

1 **Sec. 2.** RCW 42.56.270 and 2005 c 274 s 407 are each amended to
2 read as follows:

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

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

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

14 (3) Financial and commercial information and records supplied by
15 private persons pertaining to export services provided under chapters
16 43.163 and 53.31 RCW, and by persons pertaining to export projects
17 under RCW 43.23.035;

18 (4) Financial and commercial information and records supplied by
19 businesses or individuals during application for loans or program
20 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
21 or during application for economic development loans or program
22 services provided by any local agency;

23 (5) Financial information, business plans, examination reports, and
24 any information produced or obtained in evaluating or examining a
25 business and industrial development corporation organized or seeking
26 certification under chapter 31.24 RCW;

27 (6) Financial and commercial information supplied to the state
28 investment board by any person when the information relates to the
29 investment of public trust or retirement funds and when disclosure
30 would result in loss to such funds or in private loss to the providers
31 of this information;

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

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

37 (9) Financial and commercial information requested by the public

1 stadium authority from any person or organization that leases or uses
2 the stadium and exhibition center as defined in RCW 36.102.010;

3 (10) Financial information, including but not limited to account
4 numbers and values, and other identification numbers supplied by or on
5 behalf of a person, firm, corporation, limited liability company,
6 partnership, or other entity related to an application for a liquor
7 license, gambling license, or lottery retail license;

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

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

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

20 (ii) Financial or proprietary information collected from any person
21 and provided to the department of community, trade, and economic
22 development or the office of the governor in connection with the
23 siting, recruitment, expansion, retention, or relocation of that
24 person's business and until a siting decision is made, identifying
25 information of any person supplying information under this subsection
26 and the locations being considered for siting, relocation, or expansion
27 of a business;

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

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

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

38 and

1 (13)(a) Farm plans developed by conservation districts, unless
2 permission to release the farm plan is granted by the landowner or
3 operator who requested the plan, or the farm plan is used for the
4 application or issuance of a permit.

5 (b) Farm plans developed under chapter 90.48 RCW and not under the
6 federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to
7 RCW 42.17.31923 (as recodified by House Bill No. 2520) and 90.64.190.

8 NEW SECTION. Sec. 3. Section 2 of this act takes effect July 1,
9 2006."

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