
SUBSTITUTE SENATE BILL 6617

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Agriculture & Rural Economic Development
(originally sponsored by Senators Haugen and Rasmussen)

READ FIRST TIME 02/02/06.

1 AN ACT Relating to verification of the contents of farm plans
2 prepared by conservation districts; amending RCW 42.56.270; adding a
3 new section to chapter 89.08 RCW; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 89.08 RCW
6 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (13) Farm plans developed by conservation districts, unless
38 permission is granted to release the farm plan by the landowner or

1 operator who requested the plan. However, farm plans developed by
2 conservation districts that are used for applications or issuance of
3 permits under the federal clean water act are not exempt. Farm plans
4 developed under chapter 90.48 RCW and not under the federal clean water
5 act are subject to RCW 42.17.31923 (as recodified by House Bill No.
6 2520) and 90.64.190.

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

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