

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6617

Chapter 369, Laws of 2006

59th Legislature
2006 Regular Session

CONSERVATION DISTRICTS--FARM PLANS

EFFECTIVE DATE: 6/7/06 - Except section 2, which becomes effective 7/1/06.

Passed by the Senate March 4, 2006
YEAS 43 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 1, 2006
YEAS 98 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6617** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

Approved March 31, 2006.

FILED

March 31, 2006 - 9:22 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6617

AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

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 (1) Conservation districts, before developing a farm plan, shall
8 inform the landowner or operator in writing of the types of information
9 that is subject to disclosure to the public under chapter 42.56 RCW.
10 Before completion of the final draft of a farm plan, the district shall
11 send the final draft farm plan to the requesting landowner or operator
12 for 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 (2) For the purposes of this section and RCW 42.56.270, "farm plan"
17 means a plan prepared by a conservation district in cooperation with a
18 landowner or operator for the purpose of conserving, monitoring, or

1 enhancing renewable natural resources. Farm plans include, but are not
2 limited to, provisions pertaining to:

3 (a) Developing and prioritizing conservation objectives;

4 (b) Taking an inventory of soil, water, vegetation, livestock, and
5 wildlife;

6 (c) Implementing conservation measures, including technical
7 assistance provided by the district;

8 (d) Developing and implementing livestock nutrient management
9 measures;

10 (e) Developing and implementing plans pursuant to business and
11 financial objectives; and

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

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

15 The following financial, commercial, and proprietary information is
16 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 years
19 of the request for disclosure when disclosure would produce private
20 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 or (b) highway construction
25 or improvement as required by RCW 47.28.070;

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

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

35 (5) Financial information, business plans, examination reports, and
36 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 providers
7 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) Financial information, including but not limited to account
17 numbers and values, and other identification numbers supplied by or on
18 behalf of a person, firm, corporation, limited liability company,
19 partnership, or other entity related to an application for a liquor
20 license, gambling license, or lottery retail license;

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

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

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

33 (ii) Financial or proprietary information collected from any person
34 and provided to the department of community, trade, and economic
35 development or the office of the governor in connection with the
36 siting, recruitment, expansion, retention, or relocation of that
37 person's business and until a siting decision is made, identifying

1 information of any person supplying information under this subsection
2 and the locations being considered for siting, relocation, or expansion
3 of a business;

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

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

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

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

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

22 NEW SECTION. Sec. 3. Section 2 of this act takes effect July 1,
23 2006.

Passed by the Senate March 4, 2006.

Passed by the House March 1, 2006.

Approved by the Governor March 31, 2006.

Filed in Office of Secretary of State March 31, 2006.