
SECOND SUBSTITUTE HOUSE BILL 1474

State of Washington

68th Legislature

2023 Regular Session

By House Appropriations (originally sponsored by Representatives Taylor, Chopp, Berg, Peterson, Reed, Stonier, Gregerson, Bronoske, Cortes, Mena, Street, Ramel, Fosse, Fey, Goodman, Duerr, Bateman, Morgan, Alvarado, Macri, Senn, Berry, Kloba, Hackney, Springer, Slatter, Callan, Orwall, Farivar, Simmons, Ortiz-Self, Thai, Ryu, Stearns, Wylie, Ramos, Doglio, Riccelli, Chapman, Santos, Davis, Ormsby, Bergquist, and Pollet)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to creating the covenant homeownership account
2 and program to address the history of housing discrimination due to
3 racially restrictive real estate covenants in Washington state;
4 amending RCW 36.18.010, 43.84.092, and 43.84.092; reenacting and
5 amending RCW 42.56.270; adding a new section to chapter 36.22 RCW;
6 adding a new chapter to Title 43 RCW; creating new sections;
7 providing an effective date; and providing an expiration date.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

10 (a) Generations of systemic, racist, and discriminatory policies
11 and practices have created barriers to credit and homeownership for
12 black, indigenous, and people of color and other historically
13 marginalized communities in Washington state. The legislature finds
14 that these policies and practices include redlining, racially
15 restrictive covenants, mortgage subsidies and incentives, and
16 displacement and gentrification.

17 (b) The state government was both an active and passive
18 participant in this discrimination. For example, the legislature
19 recognizes the role of state courts in facilitating discrimination by
20 property owners; the existence of mandatory recording statutes that
21 required county auditors to record racially restrictive covenants;

1 the passage of the urban renewal law authorizing the designation,
2 regulation, and displacement of certain neighborhoods that were
3 deemed to be blighted; and state funding and regulation of the real
4 estate and banking industries in ways that facilitated or promoted
5 private discrimination. The legislature finds that the specific
6 discriminatory acts and omissions are well documented, including in
7 numerous public and private studies, reports, and other publications.

8 (c) This discrimination and its impacts continue to exist in the
9 present day. The legislature recognizes that the homeownership rate
10 for black, indigenous, and people of color and other historically
11 marginalized communities in Washington is 19 percent below that of
12 non-Hispanic white households, and the homeownership rate for black
13 households is even lower. The legislature recognizes that credit,
14 including home mortgages, is harder and more expensive to obtain for
15 black, indigenous, and people of color and other historically
16 marginalized communities in Washington than for non-Hispanic white
17 households. The legislature finds that the imbalance in supply and
18 demand in Washington's housing market has only exacerbated these
19 inequities.

20 (d) These negative impacts extend beyond homeownership and affect
21 wealth generation, housing security, and other outcomes for black,
22 indigenous, and people of color and other historically marginalized
23 communities in Washington. The legislature finds that these impacts
24 include higher rates of homelessness, rent burdening, substandard or
25 otherwise unhealthy or unsafe housing, and predatory and
26 discriminatory lending practices that lead to further displacement
27 and gentrification.

28 (e) Existing state and federal programs and other race-neutral
29 approaches are insufficient to remedy that discrimination and its
30 impacts on access to credit and homeownership for black, indigenous,
31 and people of color and other historically marginalized communities
32 in Washington. The legislature finds that race-conscious programs,
33 such as the special purpose credit programs authorized by section 6
34 of this act, are necessary to remedy the past discrimination in which
35 the state was complicit and to remove the structural barriers that
36 persist.

37 (2) The legislature declares that the state has a compelling
38 interest in remedying past and ongoing discrimination and its impacts
39 on access to credit and homeownership for black, indigenous, and

1 people of color and other historically marginalized communities in
2 Washington.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.22
4 RCW to read as follows:

5 (1) Beginning January 1, 2024, except as provided in subsection
6 (2) of this section, the county auditor must collect a covenant
7 homeownership program assessment of \$100 for each document recorded,
8 which is in addition to any other charge, surcharge, or assessment
9 allowed by law. The county auditor may retain up to one percent of
10 the moneys for collection of the assessment and must remit the
11 remainder of the moneys to the state treasurer to be deposited in the
12 covenant homeownership account created in section 4 of this act.

13 (2) The assessment imposed in this section does not apply to: (a)
14 Assignments or substitutions of previously recorded deeds of trust;
15 (b) documents recording a birth, marriage, divorce, or death; (c) any
16 recorded documents otherwise exempted from a recording fee or
17 additional assessments under state law; (d) marriage licenses issued
18 by the county auditor; (e) documents recording a name change order
19 under RCW 4.24.130; or (f) documents recording a federal, state,
20 county, city, or water-sewer district, or wage lien or satisfaction
21 of lien.

22 NEW SECTION. **Sec. 3.** The definitions in this section apply
23 throughout this chapter unless the context clearly requires
24 otherwise.

25 (1) "Department" means the department of commerce, except as
26 otherwise indicated in section 7 of act.

27 (2) "Commission" means the Washington state housing finance
28 commission.

29 (3) "Covenant homeownership program study" means an evidence-
30 based written report prepared by or on behalf of the commission as
31 required in section 5 of this act.

32 (4) "First-time home buyer" means:

33 (a) An individual or the individual's spouse who has had no
34 ownership in a principal residence during the three-year period
35 ending on the date of purchase of the property;

36 (b) A single parent who has only owned a home with a former
37 spouse while married;

1 (c) An individual who is a displaced homemaker as defined in 24
2 C.F.R. Sec. 93.2 as it exists on the effective date of this section,
3 or such subsequent date as may be provided by the department by rule,
4 consistent with the purposes of this section, and has only owned a
5 home with a spouse;

6 (d) An individual who has only owned a principal residence not
7 permanently affixed to a permanent foundation in accordance with
8 applicable regulations; or

9 (e) An individual who has only owned a property that is
10 determined by a licensed building inspector as being uninhabitable.

11 (5) "Oversight committee" means the covenant homeownership
12 program oversight committee established in section 7 of this act.

13 (6) "Program" means the covenant homeownership program described
14 in section 6 of this act.

15 (7) "Program participant" means a person who receives down
16 payment and closing cost assistance through a special purpose credit
17 program created by the commission for purposes of the covenant
18 homeownership program.

19 (8) "Racially restrictive real estate covenant" means a recorded
20 covenant or deed restriction that includes or included racial
21 restrictions on property ownership or use against protected classes
22 that are unlawful under RCW 49.60.224. For example, these unlawful
23 restrictions commonly included exclusions against black, indigenous,
24 and people of color and other historically marginalized communities
25 in Washington state, using terms, many of which are offensive, such
26 as "African blood" meaning all sub-Saharan African ancestries;
27 "Aryan" meaning not Jewish, not eastern or southern European, nor any
28 ancestry except northern European; "Asiatic" meaning all Asian
29 ancestries; Chinese; "colored person" meaning all sub-Saharan African
30 ancestries; "colored races" meaning all nonwhite races; "Ethiopian"
31 meaning all sub-Saharan African ancestries; "gentile" meaning non-
32 Jewish; Hawaiian; "Hebrew" meaning Jewish; "Hindu" meaning all South
33 Asian ancestries; "Indian" meaning Native Americans and also possibly
34 South Asian ancestries; Japanese; "Malay" meaning Filipino;
35 "Mongolian" meaning all East Asian ancestries; "Negro blood" meaning
36 all sub-Saharan African ancestries; "oriental" meaning all Asian
37 ancestries; "Turkish empire" meaning all middle easterners; and
38 "yellow races" meaning all Asian ancestries.

39 (9) "Special purpose credit program" means a credit assistance
40 program created by the commission as authorized by the federal

1 consumer financial protection bureau under regulation B, 12 C.F.R.
2 1002.8(a)(1), pursuant to Title VII of the consumer credit protection
3 act (the equal credit opportunity act, 15 U.S.C. Sec. 1691 et seq.)
4 as amended, allowing a creditor to extend special purpose credit to
5 applicants who meet eligibility requirements under a credit
6 assistance program expressly authorized by state law for the benefit
7 of an economically disadvantaged class of persons.

8 NEW SECTION. **Sec. 4.** The covenant homeownership account is
9 created in the state treasury. All receipts from the assessment
10 established in section 2 of this act must be deposited into the
11 account. Moneys in the account may be spent only after appropriation.
12 Expenditures from the account may be made only for the purposes of
13 the program described in section 6 of this act. The legislature may
14 appropriate moneys in the account as follows:

15 (1) The legislature may appropriate up to one percent of moneys
16 in the account to the department for costs related to the program
17 described in section 6 of this act including, but not limited to,
18 costs related to administering one or more contracts with the
19 commission for purposes of the program, costs related to outreach and
20 stakeholder engagement, costs related to reimbursing the department
21 of financial institutions for its costs related to the oversight
22 committee created in section 7 of this act, and other administrative,
23 data collection, and reporting costs; and

24 (2) The legislature may appropriate the remainder of the moneys
25 in the account to the department to contract with the commission for
26 the purposes of the program described in section 6 of this act.

27 NEW SECTION. **Sec. 5.** (1)(a) The commission shall complete, or
28 cause to be completed, an initial covenant homeownership program
29 study. The initial covenant homeownership program study must:

30 (i) Document past and ongoing discrimination against black,
31 indigenous, and people of color and other historically marginalized
32 communities in Washington state and the impacts of this
33 discrimination on homeownership in the state, including access to
34 credit and other barriers to homeownership in the state;

35 (ii) Analyze whether and to what extent existing programs and
36 race-neutral approaches have been insufficient to remedy this
37 discrimination and its impacts;

1 (iii) (A) Recommend and evaluate potential programmatic and policy
2 changes, including creation of one or more special purpose credit
3 programs, to remedy this discrimination and its impacts;

4 (B) As part of the recommendations related to creation of one or
5 more special purpose credit programs, identify through evidence-based
6 documentation the economically disadvantaged class or classes of
7 persons that require down payment and closing cost assistance in
8 order to reduce racial disparities in homeownership in the state. The
9 class or classes of persons identified in the study may share one or
10 more common characteristics such as, race, national origin, or sex;
11 and

12 (iv) Identify methodology to evaluate the efficacy of any
13 recommended programmatic and policy changes over time.

14 (b) By March 1, 2024, and in compliance with RCW 43.01.036, the
15 commission shall submit a copy of the initial covenant homeownership
16 program study to the appropriate committees of the legislature and
17 post a copy of the study to the commission's website.

18 (2) (a) At least every five years after the initial covenant
19 homeownership program study is completed, the commission shall
20 complete, or cause to be completed, an updated covenant homeownership
21 program study. The updated covenant homeownership program study must:

22 (i) Update and reevaluate the findings and recommendations
23 contained in the initial covenant homeownership program study and any
24 subsequent program studies;

25 (ii) Document the experience of program participants and others
26 impacted by past and ongoing discrimination, including their
27 experience accessing or attempting to access credit and any barriers
28 to homeownership in the state that they have faced or continue to
29 face;

30 (iii) Evaluate the special purpose credit program or programs'
31 efficacy in providing down payment and closing cost assistance to the
32 economically disadvantaged class or classes of persons identified in
33 the initial covenant homeownership program study and any subsequent
34 program studies, and the special purpose credit program or programs'
35 impacts on remedying discrimination and reducing racial disparities
36 in homeownership in the state; and

37 (iv) Recommend program modifications and improvements.

38 (b) By December 31, 2028, and by December 31st every five years
39 thereafter, and in compliance with RCW 43.01.036, the commission
40 shall submit a copy of an updated covenant homeownership program

1 study to the appropriate committees of the legislature and post a
2 copy of the study to the commission's website.

3 (c) The board of the commission shall review each subsequent
4 covenant homeownership program study and consider the evidence-based
5 documentation and recommendations in designing and implementing
6 program amendments.

7 NEW SECTION. **Sec. 6.** (1) As part of the covenant homeownership
8 program, the department shall contract with the commission to design,
9 develop, implement, and evaluate one or more special purpose credit
10 programs to reduce racial disparities in homeownership in the state
11 by providing down payment and closing cost assistance. The contract
12 must authorize the commission to use the contract funding as follows:

13 (a) The contract must authorize the commission to use up to one
14 percent of the contract funding for costs related to administering
15 the program including, but not limited to, costs related to
16 completing a covenant homeownership program study required under
17 section 5 of this act, and other administrative, data collection, and
18 reporting costs;

19 (b) The contract must authorize the commission to use up to one
20 percent of the contract funding to provide targeted education,
21 homeownership counseling, and outreach about special purpose credit
22 programs created under this section to black, indigenous, and people
23 of color and other historically marginalized communities in
24 Washington state, including outreach to relevant affinity groups for
25 mortgage lenders; and

26 (c) The contract must authorize the commission to use the
27 remainder of the contract funding to provide down payment and closing
28 cost assistance to program participants. This portion of the contract
29 funding may not be used to provide any type of assistance other than
30 down payment and closing cost assistance.

31 (2) The commission shall create one or more special purpose
32 credit programs to provide down payment and closing cost assistance
33 for the benefit of one or more economically disadvantaged classes of
34 persons identified in a covenant homeownership program study under
35 section 5 of this act. In creating a special purpose credit program,
36 the commission must consider the evidence-based documentation and
37 programmatic and policy recommendations set forth in the initial
38 covenant homeownership program study and any subsequent program
39 studies. If the covenant homeownership program study identifies an

1 economically disadvantaged class or classes of persons that share one
2 or more common characteristics such as, race, national origin, or sex
3 and the board of the commission finds it necessary to consider this
4 information in tailoring a special purpose credit program to provide
5 credit assistance to economically disadvantaged classes of persons,
6 the commission may consider these characteristics in designing and
7 implementing the program.

8 (3) At minimum, a special purpose credit program authorized under
9 this section must:

10 (a) Provide loans for down payment and closing cost assistance to
11 program participants that can be combined with other forms of down
12 payment and closing cost assistance;

13 (b) Require a program participant to repay loans for down payment
14 and closing cost assistance at the time that the house is sold; and

15 (c) Be implemented in conjunction with the commission's housing
16 finance programs.

17 (4) To be eligible to receive down payment and closing cost
18 assistance through a special purpose credit program authorized under
19 this section, a special purpose credit program applicant must:

20 (a) Have a household income at or below 100 percent of the area
21 median income;

22 (b) Be a first-time home buyer; and

23 (c) (i) Be a Washington state resident who:

24 (A) Was a Washington state resident on or before the enactment of
25 the federal fair housing act (Title VIII of the civil rights act of
26 1968; P.L. 90-284; 82 Stat. 73) on April 11, 1968, and was or would
27 have been excluded from homeownership in Washington state by a
28 racially restrictive real estate covenant on or before April 11,
29 1968; or

30 (B) Is a descendant of a person who meets the criteria in

31 (c) (i) (A) of this subsection;

32 (ii) Records that show a person's address on or about a specific
33 date or include a reference indicating that a person is a resident of
34 a specific city or area on or about a specific date may be used to
35 provide proof that a person satisfies the criteria in (c) (i) of this
36 subsection, such as genealogical records, vital records, church
37 records, military records, probate records, public records, census
38 data, newspaper clippings, and other similar documents.

39 (5) The commission may adopt rules, and shall adopt program
40 policies, as necessary to implement this section. Program rules or

1 policies must include procedures and standards for extending credit
2 under the special purpose credit program, including program
3 eligibility requirements. From time to time, including in response to
4 a covenant homeownership program study's evaluation of program
5 efficacy, the board of the commission may amend the special purpose
6 credit programs, rules, and policies.

7 (6) By July 1, 2024, one or more of the special purpose credit
8 programs must begin providing down payment and closing cost
9 assistance to program participants.

10 (7) By December 31, 2025, and by each following December 31st,
11 and in compliance with RCW 43.01.036, the commission shall submit an
12 annual report to the appropriate committees of the legislature on the
13 progress of the special purpose credit program or programs developed
14 under this section. The report shall include, at minimum, the program
15 eligibility requirements, the type and amount of down payment and
16 closing cost assistance provided to program participants, the number
17 of program participants and their corresponding eligibility
18 categories, the location of property financed, and program outreach
19 efforts. The report must be posted on the commission's website.

20 NEW SECTION.

Sec. 7.

(1) The department of financial
21 institutions shall establish the covenant homeownership program
22 oversight committee consisting of the following members appointed by
23 the governor, except for the legislative members who must be
24 appointed by the president of the senate or the speaker of the house
25 of representatives as described in this section:

26 (a) One person who meets the eligibility criteria for the special
27 purpose credit program described in section 6(4) of this act and is
28 from east of the crest of the Cascade mountains;

29 (b) One person who meets the eligibility criteria for the special
30 purpose credit program described in section 6(4) of this act and is
31 from west of the crest of the Cascade mountains;

32 (c) One representative of an organization that operates a special
33 purpose credit program, counseling service, or debt relief program
34 that serves persons who were commonly subject to unlawful exclusions
35 contained in racially restrictive real estate covenants as defined in
36 section 3 of this act;

37 (d) One representative of a community-based organization that
38 specializes in the development of permanently affordable housing that

1 serves persons who were commonly subject to unlawful exclusions
2 contained in racially restrictive real estate covenants;

3 (e) One representative of the real estate sales profession;

4 (f) One representative of the home mortgage lending profession
5 who has a minimum of five years' lending or underwriting experience;

6 (g) One representative of the nonprofit affordable housing
7 development industry;

8 (h) Two senators, one from each of the two largest caucuses,
9 appointed by the president of the senate; and

10 (i) Two members of the house of representatives, one from each of
11 the two largest caucuses, appointed by the speaker of the house of
12 representatives.

13 (2) (a) Members shall each serve a three-year term, subject to
14 renewal for no more than one additional three-year term. The
15 oversight committee shall develop rules that provide for the
16 staggering of terms so that, after the first three years of the
17 committee's existence, the terms of one-third of the members expire
18 each year.

19 (b) On the expiration of the term of each member, the governor,
20 president of the senate, or the speaker of the house of
21 representatives, as authorized under subsection (1) of this section,
22 shall appoint a successor to serve for a term of three years.

23 (c) The governor may remove a nonlegislative member of the
24 oversight committee for cause. The president of the senate may remove
25 a senator serving as a legislative member of the oversight committee
26 for cause, and the speaker of the house of representatives may remove
27 a member of the house of representatives serving as a legislative
28 member of the oversight committee for cause.

29 (d) Vacancies on the oversight committee for any reason must be
30 filled by appointment as authorized under subsection (1) of this
31 section for the duration of the unexpired term.

32 (3) The oversight committee:

33 (a) Shall oversee and review the commission's activities and
34 performance related to the program, including the commission's
35 creation and administration of one or more special purpose credit
36 programs authorized in section 6 of this act;

37 (b) Shall work with the department of financial institutions to
38 convene meetings, create a charter and operating procedures, and to
39 coordinate the oversight committee's ongoing activities;

1 (c) Shall convene the initial meeting of the oversight committee
2 and select a chair by October 1, 2023;

3 (d) Shall work with the department of financial institutions to
4 convene a meeting at least once a quarter and may hold additional
5 meetings at the call of the chair or by a majority vote of the
6 members of the committee;

7 (e) May conduct its meetings by conference telephone call,
8 videoconference, or using similar technology that enables all persons
9 participating in the meeting to hear each other at the same time; and

10 (f) May, from time to time, make recommendations to the
11 appropriate committees of the legislature regarding the program.

12 (4)(a) The oversight committee is a class one group under RCW
13 43.03.220. Except as provided in (b) of this subsection, members of
14 the committee receive no compensation for their services as members
15 of the committee but may be reimbursed for travel and other expenses
16 in accordance with rules adopted by the office of financial
17 management.

18 (b) As authorized by RCW 43.03.220, the department of financial
19 institutions may provide a stipend to individuals who are low income
20 or have lived experience to support their participation on the
21 oversight committee.

22 (5)(a) The department of commerce and the commission shall work
23 together to supply the oversight committee and the department of
24 financial institutions with any information requested by the
25 oversight committee or the department of financial institutions that
26 the oversight committee or the department of financial institutions
27 deems necessary for the committee to carry out its duties under this
28 section. This information may include, but is not limited to, books,
29 accounts, records, policies, procedures, files, and information from
30 relevant third parties.

31 (b) Any information shared among the oversight committee, the
32 department of financial institutions, the department of commerce, and
33 the commission that is confidential and exempt from public disclosure
34 under RCW 42.56.270 shall remain confidential when received by the
35 receiving party.

36 (6) The department of commerce and the commission must report to
37 the oversight committee on a quarterly basis. The report must address
38 the results of targeted education, homeownership counseling, and
39 outreach efforts by the department of commerce as authorized under
40 this chapter, and the results of any special purpose credit program

1 formed by the commission under this chapter, and down payment and
2 closing cost assistance to program participants.

3 (7) (a) The department of financial institutions shall:

4 (i) Provide subject matter expertise, administrative assistance,
5 and staff support to the oversight committee; and

6 (ii) Work in coordination with the department of commerce and the
7 commission to conduct outreach and financial education to the
8 communities served by this chapter, in accordance with RCW
9 43.320.150.

10 (b) The department of financial institutions may:

11 (i) Have one or more staff present at oversight committee
12 meetings;

13 (ii) Employ staff necessary to carry out the purposes of this
14 section; and

15 (iii) Hire outside experts and other professionals it deems
16 necessary to carry out its duties under this section.

17 (8) The department of commerce shall reimburse the department of
18 financial institutions for costs related to the oversight committee
19 from the moneys that the legislature appropriates to the department
20 of commerce for this purpose from the covenant homeownership account
21 under section 4(1) of this act.

22 **Sec. 8.** RCW 36.18.010 and 2022 c 141 s 2 are each amended to
23 read as follows:

24 Except as otherwise ordered by the court pursuant to RCW
25 4.24.130, county auditors or recording officers shall collect the
26 following fees for their official services:

27 (1) For recording instruments, for the first page eight and one-
28 half by (~~fourteen~~) 14 inches or less, (~~five dollars~~) \$5; for each
29 additional page eight and one-half by (~~fourteen~~) 14 inches or less,
30 (~~one dollar~~) \$1. The fee for recording multiple transactions
31 contained in one instrument will be calculated for each transaction
32 requiring separate indexing as required under RCW 65.04.050 as
33 follows: The fee for each title or transaction is the same fee as the
34 first page of any additional recorded document; the fee for
35 additional pages is the same fee as for any additional pages for any
36 recorded document; the fee for the additional pages may be collected
37 only once and may not be collected for each title or transaction;

38 (2) For preparing and certifying copies, for the first page eight
39 and one-half by (~~fourteen~~) 14 inches or less, (~~three dollars~~) \$3;

1 for each additional page eight and one-half by (~~fourteen~~) 14 inches
2 or less, (~~one-dollar~~) \$1;

3 (3) For preparing noncertified copies, for each page eight and
4 one-half by (~~fourteen~~) 14 inches or less, (~~one-dollar~~) \$1;

5 (4) For administering an oath or taking an affidavit, with or
6 without seal, (~~two-dollars~~) \$2;

7 (5) For issuing a marriage license, (~~eight-dollars~~) \$8, (this
8 fee includes taking necessary affidavits, filing returns, indexing,
9 and transmittal of a record of the marriage to the state registrar of
10 vital statistics) plus an additional (~~five-dollar~~) \$5 fee for use
11 and support of the prevention of child abuse and neglect activities
12 to be transmitted monthly to the state treasurer and deposited in the
13 state general fund plus an additional (~~ten-dollar~~) \$10 fee to be
14 transmitted monthly to the state treasurer and deposited in the state
15 general fund. The legislature intends to appropriate an amount at
16 least equal to the revenue generated by this fee for the purposes of
17 the displaced homemaker act, chapter 28B.04 RCW;

18 (6) For searching records per hour, (~~eight-dollars~~) \$8;

19 (7) For recording plats, (~~fifty~~) 50 cents for each lot except
20 cemetery plats for which the charge shall be (~~twenty-five~~) 25 cents
21 per lot; also (~~one-dollar~~) \$1 for each acknowledgment, dedication,
22 and description: PROVIDED, That there shall be a minimum fee of
23 (~~twenty-five-dollars~~) \$25 per plat;

24 (8) For recording of miscellaneous records not listed above, for
25 the first page eight and one-half by (~~fourteen~~) 14 inches or less,
26 (~~five-dollars~~) \$5; for each additional page eight and one-half by
27 (~~fourteen~~) 14 inches or less, (~~one-dollar~~) \$1;

28 (9) For modernization and improvement of the recording and
29 indexing system, a surcharge as provided in RCW 36.22.170;

30 (10) For recording an emergency nonstandard document as provided
31 in RCW 65.04.047, (~~fifty-dollars~~) \$50, in addition to all other
32 applicable recording fees;

33 (11) For recording instruments, a (~~three-dollar~~) \$3 surcharge
34 to be deposited into the Washington state library operations account
35 created in RCW 43.07.129;

36 (12) For recording instruments, a (~~two-dollar~~) \$2 surcharge to
37 be deposited into the Washington state library-archives building
38 account created in RCW 43.07.410 until the financing contract entered
39 into by the secretary of state for the Washington state library-
40 archives building is paid in full;

1 (13) For recording instruments, a surcharge as provided in RCW
2 36.22.178; (~~and~~)

3 (14) For recording instruments, except for documents recording a
4 birth, marriage, divorce, or death or any documents otherwise
5 exempted from a recording fee under state law, a surcharge as
6 provided in RCW 36.22.179; and

7 (15) For recording instruments, except for documents exempt under
8 section 2(2) of this act, an assessment as provided in section 2 of
9 this act.

10 **Sec. 9.** RCW 43.84.092 and 2022 c 182 s 403 are each amended to
11 read as follows:

12 (1) All earnings of investments of surplus balances in the state
13 treasury shall be deposited to the treasury income account, which
14 account is hereby established in the state treasury.

15 (2) The treasury income account shall be utilized to pay or
16 receive funds associated with federal programs as required by the
17 federal cash management improvement act of 1990. The treasury income
18 account is subject in all respects to chapter 43.88 RCW, but no
19 appropriation is required for refunds or allocations of interest
20 earnings required by the cash management improvement act. Refunds of
21 interest to the federal treasury required under the cash management
22 improvement act fall under RCW 43.88.180 and shall not require
23 appropriation. The office of financial management shall determine the
24 amounts due to or from the federal government pursuant to the cash
25 management improvement act. The office of financial management may
26 direct transfers of funds between accounts as deemed necessary to
27 implement the provisions of the cash management improvement act, and
28 this subsection. Refunds or allocations shall occur prior to the
29 distributions of earnings set forth in subsection (4) of this
30 section.

31 (3) Except for the provisions of RCW 43.84.160, the treasury
32 income account may be utilized for the payment of purchased banking
33 services on behalf of treasury funds including, but not limited to,
34 depository, safekeeping, and disbursement functions for the state
35 treasury and affected state agencies. The treasury income account is
36 subject in all respects to chapter 43.88 RCW, but no appropriation is
37 required for payments to financial institutions. Payments shall occur
38 prior to distribution of earnings set forth in subsection (4) of this
39 section.

1 (4) Monthly, the state treasurer shall distribute the earnings
2 credited to the treasury income account. The state treasurer shall
3 credit the general fund with all the earnings credited to the
4 treasury income account except:

5 (a) The following accounts and funds shall receive their
6 proportionate share of earnings based upon each account's and fund's
7 average daily balance for the period: The abandoned recreational
8 vehicle disposal account, the aeronautics account, the Alaskan Way
9 viaduct replacement project account, the ambulance transport fund,
10 the brownfield redevelopment trust fund account, the budget
11 stabilization account, the capital vessel replacement account, the
12 capitol building construction account, the Central Washington
13 University capital projects account, the charitable, educational,
14 penal and reformatory institutions account, the Chehalis basin
15 account, the Chehalis basin taxable account, the cleanup settlement
16 account, the climate active transportation account, the climate
17 transit programs account, the Columbia river basin water supply
18 development account, the Columbia river basin taxable bond water
19 supply development account, the Columbia river basin water supply
20 revenue recovery account, the common school construction fund, the
21 community forest trust account, the connecting Washington account,
22 the county arterial preservation account, the county criminal justice
23 assistance account, the covenant homeownership account, the deferred
24 compensation administrative account, the deferred compensation
25 principal account, the department of licensing services account, the
26 department of retirement systems expense account, the developmental
27 disabilities community services account, the diesel idle reduction
28 account, the drinking water assistance account, the administrative
29 subaccount of the drinking water assistance account, the early
30 learning facilities development account, the early learning
31 facilities revolving account, the Eastern Washington University
32 capital projects account, the education construction fund, the
33 education legacy trust account, the election account, the electric
34 vehicle account, the energy freedom account, the energy recovery act
35 account, the essential rail assistance account, The Evergreen State
36 College capital projects account, the fair start for kids account,
37 the ferry bond retirement fund, the fish, wildlife, and conservation
38 account, the freight mobility investment account, the freight
39 mobility multimodal account, the grade crossing protective fund, the
40 public health services account, the state higher education

1 construction account, the higher education construction account, the
2 higher education retirement plan supplemental benefit fund, the
3 highway bond retirement fund, the highway infrastructure account, the
4 highway safety fund, the hospital safety net assessment fund, the
5 Interstate 405 and state route number 167 express toll lanes account,
6 the judges' retirement account, the judicial retirement
7 administrative account, the judicial retirement principal account,
8 the limited fish and wildlife account, the local leasehold excise tax
9 account, the local real estate excise tax account, the local sales
10 and use tax account, the marine resources stewardship trust account,
11 the medical aid account, the money-purchase retirement savings
12 administrative account, the money-purchase retirement savings
13 principal account, the motor vehicle fund, the motorcycle safety
14 education account, the move ahead WA account, the move ahead WA
15 flexible account, the multimodal transportation account, the multiuse
16 roadway safety account, the municipal criminal justice assistance
17 account, the oyster reserve land account, the pension funding
18 stabilization account, the perpetual surveillance and maintenance
19 account, the pilotage account, the pollution liability insurance
20 agency underground storage tank revolving account, the public
21 employees' retirement system plan 1 account, the public employees'
22 retirement system combined plan 2 and plan 3 account, the public
23 facilities construction loan revolving account, the public health
24 supplemental account, the public works assistance account, the Puget
25 Sound capital construction account, the Puget Sound ferry operations
26 account, the Puget Sound Gateway facility account, the Puget Sound
27 taxpayer accountability account, the real estate appraiser commission
28 account, the recreational vehicle account, the regional mobility
29 grant program account, the resource management cost account, the
30 rural arterial trust account, the rural mobility grant program
31 account, the rural Washington loan fund, the sexual assault
32 prevention and response account, the site closure account, the
33 skilled nursing facility safety net trust fund, the small city
34 pavement and sidewalk account, the special category C account, the
35 special wildlife account, the state investment board expense account,
36 the state investment board commingled trust fund accounts, the state
37 patrol highway account, the state reclamation revolving account, the
38 state route number 520 civil penalties account, the state route
39 number 520 corridor account, the statewide broadband account, the
40 statewide tourism marketing account, the supplemental pension

1 account, the Tacoma Narrows toll bridge account, the teachers'
2 retirement system plan 1 account, the teachers' retirement system
3 combined plan 2 and plan 3 account, the tobacco prevention and
4 control account, the tobacco settlement account, the toll facility
5 bond retirement account, the transportation 2003 account (nickel
6 account), the transportation equipment fund, the transportation
7 future funding program account, the transportation improvement
8 account, the transportation improvement board bond retirement
9 account, the transportation infrastructure account, the
10 transportation partnership account, the traumatic brain injury
11 account, the University of Washington bond retirement fund, the
12 University of Washington building account, the voluntary cleanup
13 account, the volunteer firefighters' and reserve officers' relief and
14 pension principal fund, the volunteer firefighters' and reserve
15 officers' administrative fund, the vulnerable roadway user education
16 account, the Washington judicial retirement system account, the
17 Washington law enforcement officers' and firefighters' system plan 1
18 retirement account, the Washington law enforcement officers' and
19 firefighters' system plan 2 retirement account, the Washington public
20 safety employees' plan 2 retirement account, the Washington school
21 employees' retirement system combined plan 2 and 3 account, the
22 Washington state patrol retirement account, the Washington State
23 University building account, the Washington State University bond
24 retirement fund, the water pollution control revolving administration
25 account, the water pollution control revolving fund, the Western
26 Washington University capital projects account, the Yakima integrated
27 plan implementation account, the Yakima integrated plan
28 implementation revenue recovery account, and the Yakima integrated
29 plan implementation taxable bond account. Earnings derived from
30 investing balances of the agricultural permanent fund, the normal
31 school permanent fund, the permanent common school fund, the
32 scientific permanent fund, and the state university permanent fund
33 shall be allocated to their respective beneficiary accounts.

34 (b) Any state agency that has independent authority over accounts
35 or funds not statutorily required to be held in the state treasury
36 that deposits funds into a fund or account in the state treasury
37 pursuant to an agreement with the office of the state treasurer shall
38 receive its proportionate share of earnings based upon each account's
39 or fund's average daily balance for the period.

1 (5) In conformance with Article II, section 37 of the state
2 Constitution, no treasury accounts or funds shall be allocated
3 earnings without the specific affirmative directive of this section.

4 **Sec. 10.** RCW 43.84.092 and 2022 c 182 s 404 are each amended to
5 read as follows:

6 (1) All earnings of investments of surplus balances in the state
7 treasury shall be deposited to the treasury income account, which
8 account is hereby established in the state treasury.

9 (2) The treasury income account shall be utilized to pay or
10 receive funds associated with federal programs as required by the
11 federal cash management improvement act of 1990. The treasury income
12 account is subject in all respects to chapter 43.88 RCW, but no
13 appropriation is required for refunds or allocations of interest
14 earnings required by the cash management improvement act. Refunds of
15 interest to the federal treasury required under the cash management
16 improvement act fall under RCW 43.88.180 and shall not require
17 appropriation. The office of financial management shall determine the
18 amounts due to or from the federal government pursuant to the cash
19 management improvement act. The office of financial management may
20 direct transfers of funds between accounts as deemed necessary to
21 implement the provisions of the cash management improvement act, and
22 this subsection. Refunds or allocations shall occur prior to the
23 distributions of earnings set forth in subsection (4) of this
24 section.

25 (3) Except for the provisions of RCW 43.84.160, the treasury
26 income account may be utilized for the payment of purchased banking
27 services on behalf of treasury funds including, but not limited to,
28 depository, safekeeping, and disbursement functions for the state
29 treasury and affected state agencies. The treasury income account is
30 subject in all respects to chapter 43.88 RCW, but no appropriation is
31 required for payments to financial institutions. Payments shall occur
32 prior to distribution of earnings set forth in subsection (4) of this
33 section.

34 (4) Monthly, the state treasurer shall distribute the earnings
35 credited to the treasury income account. The state treasurer shall
36 credit the general fund with all the earnings credited to the
37 treasury income account except:

38 (a) The following accounts and funds shall receive their
39 proportionate share of earnings based upon each account's and fund's

1 average daily balance for the period: The abandoned recreational
2 vehicle disposal account, the aeronautics account, the Alaskan Way
3 viaduct replacement project account, the brownfield redevelopment
4 trust fund account, the budget stabilization account, the capital
5 vessel replacement account, the capitol building construction
6 account, the Central Washington University capital projects account,
7 the charitable, educational, penal and reformatory institutions
8 account, the Chehalis basin account, the Chehalis basin taxable
9 account, the cleanup settlement account, the climate active
10 transportation account, the climate transit programs account, the
11 Columbia river basin water supply development account, the Columbia
12 river basin taxable bond water supply development account, the
13 Columbia river basin water supply revenue recovery account, the
14 common school construction fund, the community forest trust account,
15 the connecting Washington account, the county arterial preservation
16 account, the county criminal justice assistance account, the covenant
17 homeownership account, the deferred compensation administrative
18 account, the deferred compensation principal account, the department
19 of licensing services account, the department of retirement systems
20 expense account, the developmental disabilities community services
21 account, the diesel idle reduction account, the drinking water
22 assistance account, the administrative subaccount of the drinking
23 water assistance account, the early learning facilities development
24 account, the early learning facilities revolving account, the Eastern
25 Washington University capital projects account, the education
26 construction fund, the education legacy trust account, the election
27 account, the electric vehicle account, the energy freedom account,
28 the energy recovery act account, the essential rail assistance
29 account, The Evergreen State College capital projects account, the
30 fair start for kids account, the ferry bond retirement fund, the
31 fish, wildlife, and conservation account, the freight mobility
32 investment account, the freight mobility multimodal account, the
33 grade crossing protective fund, the public health services account,
34 the state higher education construction account, the higher education
35 construction account, the higher education retirement plan
36 supplemental benefit fund, the highway bond retirement fund, the
37 highway infrastructure account, the highway safety fund, the hospital
38 safety net assessment fund, the Interstate 405 and state route number
39 167 express toll lanes account, the judges' retirement account, the
40 judicial retirement administrative account, the judicial retirement

1 principal account, the limited fish and wildlife account, the local
2 leasehold excise tax account, the local real estate excise tax
3 account, the local sales and use tax account, the marine resources
4 stewardship trust account, the medical aid account, the money-
5 purchase retirement savings administrative account, the money-
6 purchase retirement savings principal account, the motor vehicle
7 fund, the motorcycle safety education account, the move ahead WA
8 account, the move ahead WA flexible account, the multimodal
9 transportation account, the multiuse roadway safety account, the
10 municipal criminal justice assistance account, the oyster reserve
11 land account, the pension funding stabilization account, the
12 perpetual surveillance and maintenance account, the pilotage account,
13 the pollution liability insurance agency underground storage tank
14 revolving account, the public employees' retirement system plan 1
15 account, the public employees' retirement system combined plan 2 and
16 plan 3 account, the public facilities construction loan revolving
17 account, the public health supplemental account, the public works
18 assistance account, the Puget Sound capital construction account, the
19 Puget Sound ferry operations account, the Puget Sound Gateway
20 facility account, the Puget Sound taxpayer accountability account,
21 the real estate appraiser commission account, the recreational
22 vehicle account, the regional mobility grant program account, the
23 resource management cost account, the rural arterial trust account,
24 the rural mobility grant program account, the rural Washington loan
25 fund, the sexual assault prevention and response account, the site
26 closure account, the skilled nursing facility safety net trust fund,
27 the small city pavement and sidewalk account, the special category C
28 account, the special wildlife account, the state investment board
29 expense account, the state investment board commingled trust fund
30 accounts, the state patrol highway account, the state reclamation
31 revolving account, the state route number 520 civil penalties
32 account, the state route number 520 corridor account, the statewide
33 broadband account, the statewide tourism marketing account, the
34 supplemental pension account, the Tacoma Narrows toll bridge account,
35 the teachers' retirement system plan 1 account, the teachers'
36 retirement system combined plan 2 and plan 3 account, the tobacco
37 prevention and control account, the tobacco settlement account, the
38 toll facility bond retirement account, the transportation 2003
39 account (nickel account), the transportation equipment fund, the
40 transportation future funding program account, the transportation

1 improvement account, the transportation improvement board bond
2 retirement account, the transportation infrastructure account, the
3 transportation partnership account, the traumatic brain injury
4 account, the University of Washington bond retirement fund, the
5 University of Washington building account, the voluntary cleanup
6 account, the volunteer firefighters' and reserve officers' relief and
7 pension principal fund, the volunteer firefighters' and reserve
8 officers' administrative fund, the vulnerable roadway user education
9 account, the Washington judicial retirement system account, the
10 Washington law enforcement officers' and firefighters' system plan 1
11 retirement account, the Washington law enforcement officers' and
12 firefighters' system plan 2 retirement account, the Washington public
13 safety employees' plan 2 retirement account, the Washington school
14 employees' retirement system combined plan 2 and 3 account, the
15 Washington state patrol retirement account, the Washington State
16 University building account, the Washington State University bond
17 retirement fund, the water pollution control revolving administration
18 account, the water pollution control revolving fund, the Western
19 Washington University capital projects account, the Yakima integrated
20 plan implementation account, the Yakima integrated plan
21 implementation revenue recovery account, and the Yakima integrated
22 plan implementation taxable bond account. Earnings derived from
23 investing balances of the agricultural permanent fund, the normal
24 school permanent fund, the permanent common school fund, the
25 scientific permanent fund, and the state university permanent fund
26 shall be allocated to their respective beneficiary accounts.

27 (b) Any state agency that has independent authority over accounts
28 or funds not statutorily required to be held in the state treasury
29 that deposits funds into a fund or account in the state treasury
30 pursuant to an agreement with the office of the state treasurer shall
31 receive its proportionate share of earnings based upon each account's
32 or fund's average daily balance for the period.

33 (5) In conformance with Article II, section 37 of the state
34 Constitution, no treasury accounts or funds shall be allocated
35 earnings without the specific affirmative directive of this section.

36 **Sec. 11.** RCW 42.56.270 and 2022 c 201 s 2 and 2022 c 16 s 28 are
37 each reenacted and amended to read as follows:

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

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

5 (2) Financial information supplied by or on behalf of a person,
6 firm, or corporation for the purpose of qualifying to submit a bid or
7 proposal for (a) a ferry system construction or repair contract as
8 required by RCW 47.60.680 through 47.60.750; (b) highway construction
9 or improvement as required by RCW 47.28.070; or (c) alternative
10 public works contracting procedures as required by RCW 39.10.200
11 through 39.10.905;

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 43.325, 43.163, 43.160, 43.330, (~~and~~)
19 43.168, and 43.--- (the new chapter created in section 13 of this
20 act) RCW and RCW 43.155.160, or during application for economic
21 development loans or program services provided by any local agency;

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

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

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

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

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

39 (10)(a) Financial information, including but not limited to
40 account numbers and values, and other identification numbers supplied

1 by or on behalf of a person, firm, corporation, limited liability
2 company, partnership, or other entity related to an application for a
3 horse racing license submitted pursuant to RCW 67.16.260(1)(b),
4 cannabis producer, processor, or retailer license, liquor license,
5 gambling license, or lottery retail license;

6 (b) Internal control documents, independent auditors' reports and
7 financial statements, and supporting documents: (i) Of house-banked
8 social card game licensees required by the gambling commission
9 pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted
10 by tribes with an approved tribal/state compact for class III gaming;

11 (c) Valuable formulae or financial or proprietary commercial
12 information records received during a consultative visit or while
13 providing consultative services to a licensed cannabis business in
14 accordance with RCW 69.50.561;

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

23 (12)(a) When supplied to and in the records of the department of
24 commerce:

25 (i) Financial and proprietary information collected from any
26 person and provided to the department of commerce pursuant to RCW
27 43.330.050(8);

28 (ii) Financial or proprietary information collected from any
29 person and provided to the department of commerce or the office of
30 the governor in connection with the siting, recruitment, expansion,
31 retention, or relocation of that person's business and until a siting
32 decision is made, identifying information of any person supplying
33 information under this subsection and the locations being considered
34 for siting, relocation, or expansion of a business; and

35 (iii) Financial or proprietary information collected from any
36 person and provided to the department of commerce pursuant to RCW
37 43.31.625 (3)(b) and (4);

38 (b) When developed by the department of commerce based on
39 information as described in (a)(i) of this subsection, any work
40 product is not exempt from disclosure;

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

3 (d) If there is no written contact for a period of (~~sixty~~) 60
4 days to the department of commerce from a person connected with
5 siting, recruitment, expansion, retention, or relocation of that
6 person's business, information described in (a)(ii) of this
7 subsection will be available to the public under this chapter;

8 (13) Financial and proprietary information submitted to or
9 obtained by the department of ecology or the authority created under
10 chapter 70A.500 RCW to implement chapter 70A.500 RCW;

11 (14) Financial, commercial, operations, and technical and
12 research information and data submitted to or obtained by the life
13 sciences discovery fund authority in applications for, or delivery
14 of, grants under RCW 43.330.502, to the extent that such information,
15 if revealed, would reasonably be expected to result in private loss
16 to the providers of this information;

17 (15) Financial and commercial information provided as evidence to
18 the department of licensing as required by RCW 19.112.110 or
19 19.112.120, except information disclosed in aggregate form that does
20 not permit the identification of information related to individual
21 fuel licensees;

22 (16) Any production records, mineral assessments, and trade
23 secrets submitted by a permit holder, mine operator, or landowner to
24 the department of natural resources under RCW 78.44.085;

25 (17)(a) Farm plans developed by conservation districts, unless
26 permission to release the farm plan is granted by the landowner or
27 operator who requested the plan, or the farm plan is used for the
28 application or issuance of a permit;

29 (b) Farm plans developed under chapter 90.48 RCW and not under
30 the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject
31 to RCW 42.56.610 and 90.64.190;

32 (18) Financial, commercial, operations, and technical and
33 research information and data submitted to or obtained by a health
34 sciences and services authority in applications for, or delivery of,
35 grants under RCW 35.104.010 through 35.104.060, to the extent that
36 such information, if revealed, would reasonably be expected to result
37 in private loss to providers of this information;

38 (19) Information gathered under chapter 19.85 RCW or RCW
39 34.05.328 that can be identified to a particular business;

1 (20) Financial and commercial information submitted to or
2 obtained by the University of Washington, other than information the
3 university is required to disclose under RCW 28B.20.150, when the
4 information relates to investments in private funds, to the extent
5 that such information, if revealed, would reasonably be expected to
6 result in loss to the University of Washington consolidated endowment
7 fund or to result in private loss to the providers of this
8 information;

9 (21) Market share data submitted by a manufacturer under RCW
10 70A.500.190(4);

11 (22) Financial information supplied to the department of
12 financial institutions, when filed by or on behalf of an issuer of
13 securities for the purpose of obtaining the exemption from state
14 securities registration for small securities offerings provided under
15 RCW 21.20.880 or when filed by or on behalf of an investor for the
16 purpose of purchasing such securities;

17 (23) Unaggregated or individual notices of a transfer of crude
18 oil that is financial, proprietary, or commercial information,
19 submitted to the department of ecology pursuant to RCW
20 90.56.565(1)(a), and that is in the possession of the department of
21 ecology or any entity with which the department of ecology has shared
22 the notice pursuant to RCW 90.56.565;

23 (24) Financial institution and retirement account information,
24 and building security plan information, supplied to the liquor and
25 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and
26 69.50.345, when filed by or on behalf of a licensee or prospective
27 licensee for the purpose of obtaining, maintaining, or renewing a
28 license to produce, process, transport, or sell cannabis as allowed
29 under chapter 69.50 RCW;

30 (25) Cannabis transport information, vehicle and driver
31 identification data, and account numbers or unique access identifiers
32 issued to private entities for traceability system access, submitted
33 by an individual or business to the liquor and cannabis board under
34 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and
35 69.50.345 for the purpose of cannabis product traceability.
36 Disclosure to local, state, and federal officials is not considered
37 public disclosure for purposes of this section;

38 (26) Financial and commercial information submitted to or
39 obtained by the retirement board of any city that is responsible for
40 the management of an employees' retirement system pursuant to the

1 authority of chapter 35.39 RCW, when the information relates to
2 investments in private funds, to the extent that such information, if
3 revealed, would reasonably be expected to result in loss to the
4 retirement fund or to result in private loss to the providers of this
5 information except that (a) the names and commitment amounts of the
6 private funds in which retirement funds are invested and (b) the
7 aggregate quarterly performance results for a retirement fund's
8 portfolio of investments in such funds are subject to disclosure;

9 (27) Proprietary financial, commercial, operations, and technical
10 and research information and data submitted to or obtained by the
11 liquor and cannabis board in applications for cannabis research
12 licenses under RCW 69.50.372, or in reports submitted by cannabis
13 research licensees in accordance with rules adopted by the liquor and
14 cannabis board under RCW 69.50.372;

15 (28) Trade secrets, technology, proprietary information, and
16 financial considerations contained in any agreements or contracts,
17 entered into by a licensed cannabis business under RCW 69.50.395,
18 which may be submitted to or obtained by the state liquor and
19 cannabis board;

20 (29) Financial, commercial, operations, and technical and
21 research information and data submitted to or obtained by the Andy
22 Hill cancer research endowment program in applications for, or
23 delivery of, grants under chapter 43.348 RCW, to the extent that such
24 information, if revealed, would reasonably be expected to result in
25 private loss to providers of this information;

26 (30) Proprietary information filed with the department of health
27 under chapter 69.48 RCW;

28 (31) Records filed with the department of ecology under chapter
29 70A.515 RCW that a court has determined are confidential valuable
30 commercial information under RCW 70A.515.130; and

31 (32) Unaggregated financial, proprietary, or commercial
32 information submitted to or obtained by the liquor and cannabis board
33 in applications for licenses under RCW 66.24.140 or 66.24.145, or in
34 any reports or remittances submitted by a person licensed under RCW
35 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis
36 board under chapter 66.08 RCW.

37 NEW SECTION. **Sec. 12.** This act may be known and cited as the
38 covenant homeownership account and program act.

1 NEW SECTION. **Sec. 13.** Sections 1 and 3 through 7 of this act
2 constitute a new chapter in Title 43 RCW.

3 NEW SECTION. **Sec. 14.** If any part of this act is found to be in
4 conflict with federal requirements that are a prescribed condition to
5 the allocation of federal funds to the state, the conflicting part of
6 this act is inoperative solely to the extent of the conflict and with
7 respect to the agencies directly affected, and this finding does not
8 affect the operation of the remainder of this act in its application
9 to the agencies concerned. Rules adopted under this act must meet
10 federal requirements that are a necessary condition to the receipt of
11 federal funds by the state.

12 NEW SECTION. **Sec. 15.** (1) If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

16 (2) In addition, if the covenant homeownership program described
17 in section 6 of this act is held invalid, in whole or in part, the
18 legislature may appropriate moneys in the covenant homeownership
19 account to the department of commerce to contract with the Washington
20 state housing finance commission for one or more other programs that
21 support homeownership for first-time home buyers.

22 NEW SECTION. **Sec. 16.** Section 9 of this act expires July 1,
23 2024.

24 NEW SECTION. **Sec. 17.** Section 10 of this act takes effect July
25 1, 2024.

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