

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE HOUSE BILL 1474**

68th Legislature  
2023 Regular Session

Passed by the House April 17, 2023  
Yeas 52 Nays 44

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**Speaker of the House of  
Representatives**

Passed by the Senate April 7, 2023  
Yeas 30 Nays 19

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1474** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SECOND SUBSTITUTE HOUSE BILL 1474**

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AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

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

19 (b) Legislative members shall each serve a two-year term, subject  
20 to renewal for no more than one additional two-year term.

21 (c) On the expiration of the term of each member, the governor,  
22 president of the senate, or the speaker of the house of  
23 representatives, as authorized under subsection (1) of this section,  
24 shall appoint a successor to serve for a term of two years if the  
25 successor is a legislative member, or three years if the successor is  
26 a nonlegislative member.

27 (d) The governor may remove a nonlegislative member of the  
28 oversight committee for cause. The president of the senate may remove  
29 a senator serving as a legislative member of the oversight committee  
30 for cause, and the speaker of the house of representatives may remove  
31 a member of the house of representatives serving as a legislative  
32 member of the oversight committee for cause.

33 (e) Vacancies on the oversight committee for any reason must be  
34 filled by appointment as authorized under subsection (1) of this  
35 section for the duration of the unexpired term.

36 (3) The oversight committee:

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

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

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

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

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

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

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

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

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

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

39 (6) The department of commerce and the commission must report to  
40 the oversight committee on a quarterly basis. The report must address

1 the results of targeted education, homeownership counseling, and  
2 outreach efforts by the department of commerce as authorized under  
3 this chapter, and the results of any special purpose credit program  
4 formed by the commission under this chapter, and down payment and  
5 closing cost assistance to program participants.

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

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

9 (ii) Work in coordination with the department of commerce and the  
10 commission to conduct outreach and financial education to the  
11 communities served by this chapter, in accordance with RCW  
12 43.320.150.

13 (b) The department of financial institutions may:

14 (i) Have one or more staff present at oversight committee  
15 meetings;

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

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

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

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

27 Except as otherwise ordered by the court pursuant to RCW  
28 4.24.130, county auditors or recording officers shall collect the  
29 following fees for their official services:

30 (1) For recording instruments, for the first page eight and one-  
31 half by ~~((fourteen))~~ 14 inches or less, ~~((five-dollars))~~ \$5; for each  
32 additional page eight and one-half by ~~((fourteen))~~ 14 inches or less,  
33 ~~((one-dollar))~~ \$1. The fee for recording multiple transactions  
34 contained in one instrument will be calculated for each transaction  
35 requiring separate indexing as required under RCW 65.04.050 as  
36 follows: The fee for each title or transaction is the same fee as the  
37 first page of any additional recorded document; the fee for  
38 additional pages is the same fee as for any additional pages for any

1 recorded document; the fee for the additional pages may be collected  
2 only once and may not be collected for each title or transaction;

3 (2) For preparing and certifying copies, for the first page eight  
4 and one-half by (~~fourteen~~) 14 inches or less, (~~three dollars~~) \$3;  
5 for each additional page eight and one-half by (~~fourteen~~) 14 inches  
6 or less, (~~one dollar~~) \$1;

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

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

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

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

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

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

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

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

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

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

6 (13) For recording instruments, a surcharge as provided in RCW  
7 36.22.178; (~~and~~)

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

12 (15) For recording instruments, except for documents exempt under  
13 section 2(2) of this act, an assessment as provided in section 2 of  
14 this act.

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

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

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

36 (3) Except for the provisions of RCW 43.84.160, the treasury  
37 income account may be utilized for the payment of purchased banking  
38 services on behalf of treasury funds including, but not limited to,  
39 depository, safekeeping, and disbursement functions for the state

1 treasury and affected state agencies. The treasury income account is  
2 subject in all respects to chapter 43.88 RCW, but no appropriation is  
3 required for payments to financial institutions. Payments shall occur  
4 prior to distribution of earnings set forth in subsection (4) of this  
5 section.

6 (4) Monthly, the state treasurer shall distribute the earnings  
7 credited to the treasury income account. The state treasurer shall  
8 credit the general fund with all the earnings credited to the  
9 treasury income account except:

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



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

1 the state investment board commingled trust fund accounts, the state  
2 patrol highway account, the state reclamation revolving account, the  
3 state route number 520 civil penalties account, the state route  
4 number 520 corridor account, the statewide broadband account, the  
5 statewide tourism marketing account, the supplemental pension  
6 account, the Tacoma Narrows toll bridge account, the teachers'  
7 retirement system plan 1 account, the teachers' retirement system  
8 combined plan 2 and plan 3 account, the tobacco prevention and  
9 control account, the tobacco settlement account, the toll facility  
10 bond retirement account, the transportation 2003 account (nickel  
11 account), the transportation equipment fund, the transportation  
12 future funding program account, the transportation improvement  
13 account, the transportation improvement board bond retirement  
14 account, the transportation infrastructure account, the  
15 transportation partnership account, the traumatic brain injury  
16 account, the University of Washington bond retirement fund, the  
17 University of Washington building account, the voluntary cleanup  
18 account, the volunteer firefighters' and reserve officers' relief and  
19 pension principal fund, the volunteer firefighters' and reserve  
20 officers' administrative fund, the vulnerable roadway user education  
21 account, the Washington judicial retirement system account, the  
22 Washington law enforcement officers' and firefighters' system plan 1  
23 retirement account, the Washington law enforcement officers' and  
24 firefighters' system plan 2 retirement account, the Washington public  
25 safety employees' plan 2 retirement account, the Washington school  
26 employees' retirement system combined plan 2 and 3 account, the  
27 Washington state patrol retirement account, the Washington State  
28 University building account, the Washington State University bond  
29 retirement fund, the water pollution control revolving administration  
30 account, the water pollution control revolving fund, the Western  
31 Washington University capital projects account, the Yakima integrated  
32 plan implementation account, the Yakima integrated plan  
33 implementation revenue recovery account, and the Yakima integrated  
34 plan implementation taxable bond account. Earnings derived from  
35 investing balances of the agricultural permanent fund, the normal  
36 school permanent fund, the permanent common school fund, the  
37 scientific permanent fund, and the state university permanent fund  
38 shall be allocated to their respective beneficiary accounts.

39 (b) Any state agency that has independent authority over accounts  
40 or funds not statutorily required to be held in the state treasury

1 that deposits funds into a fund or account in the state treasury  
2 pursuant to an agreement with the office of the state treasurer shall  
3 receive its proportionate share of earnings based upon each account's  
4 or fund's average daily balance for the period.

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

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

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

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

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

38 (4) Monthly, the state treasurer shall distribute the earnings  
39 credited to the treasury income account. The state treasurer shall

1 credit the general fund with all the earnings credited to the  
2 treasury income account except:

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

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

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

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

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

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

3       The following financial, commercial, and proprietary information  
4 is 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  
7 years of the request for disclosure when disclosure would produce  
8 private 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; (b) highway construction  
13 or improvement as required by RCW 47.28.070; or (c) alternative  
14 public works contracting procedures as required by RCW 39.10.200  
15 through 39.10.905;

16       (3) Financial and commercial information and records supplied by  
17 private persons pertaining to export services provided under chapters  
18 43.163 and 53.31 RCW, and by persons pertaining to export projects  
19 under RCW 43.23.035;

20       (4) Financial and commercial information and records supplied by  
21 businesses or individuals during application for loans or program  
22 services provided by chapters 43.325, 43.163, 43.160, 43.330, ~~((and))~~  
23 43.168, and 43.--- (the new chapter created in section 13 of this  
24 act) RCW and RCW 43.155.160, or during application for economic  
25 development loans or program services provided by any local agency;

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

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

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

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

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

4 (10)(a) Financial information, including but not limited to  
5 account numbers and values, and other identification numbers supplied  
6 by or on behalf of a person, firm, corporation, limited liability  
7 company, partnership, or other entity related to an application for a  
8 horse racing license submitted pursuant to RCW 67.16.260(1)(b),  
9 cannabis producer, processor, or retailer license, liquor license,  
10 gambling license, or lottery retail license;

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

16 (c) Valuable formulae or financial or proprietary commercial  
17 information records received during a consultative visit or while  
18 providing consultative services to a licensed cannabis business in  
19 accordance with RCW 69.50.561;

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

28 (12)(a) When supplied to and in the records of the department of  
29 commerce:

30 (i) Financial and proprietary information collected from any  
31 person and provided to the department of commerce pursuant to RCW  
32 43.330.050(8);

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



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

4 (b) When developed by the department of commerce based on  
5 information as described in (a) (i) of this subsection, any work  
6 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~~) 60  
10 days to the department of commerce from a person connected with  
11 siting, recruitment, expansion, retention, or relocation of that  
12 person's business, information described in (a) (ii) of this  
13 subsection will be available to the public under this chapter;

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

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

23 (15) Financial and commercial information provided as evidence to  
24 the department of licensing as required by RCW 19.112.110 or  
25 19.112.120, except information disclosed in aggregate form that does  
26 not permit the identification of information related to individual  
27 fuel licensees;

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

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

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

38 (18) Financial, commercial, operations, and technical and  
39 research information and data submitted to or obtained by a health  
40 sciences and services authority in applications for, or delivery of,

1 grants under RCW 35.104.010 through 35.104.060, to the extent that  
2 such information, if revealed, would reasonably be expected to result  
3 in private loss to providers of this information;

4 (19) Information gathered under chapter 19.85 RCW or RCW  
5 34.05.328 that can be identified to a particular business;

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

14 (21) Market share data submitted by a manufacturer under RCW  
15 70A.500.190(4);

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

22 (23) Unaggregated or individual notices of a transfer of crude  
23 oil that is financial, proprietary, or commercial information,  
24 submitted to the department of ecology pursuant to RCW  
25 90.56.565(1)(a), and that is in the possession of the department of  
26 ecology or any entity with which the department of ecology has shared  
27 the notice pursuant to RCW 90.56.565;

28 (24) Financial institution and retirement account information,  
29 and building security plan information, supplied to the liquor and  
30 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and  
31 69.50.345, when filed by or on behalf of a licensee or prospective  
32 licensee for the purpose of obtaining, maintaining, or renewing a  
33 license to produce, process, transport, or sell cannabis as allowed  
34 under chapter 69.50 RCW;

35 (25) Cannabis transport information, vehicle and driver  
36 identification data, and account numbers or unique access identifiers  
37 issued to private entities for traceability system access, submitted  
38 by an individual or business to the liquor and cannabis board under  
39 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and  
40 69.50.345 for the purpose of cannabis product traceability.

1 Disclosure to local, state, and federal officials is not considered  
2 public disclosure for purposes of this section;

3 (26) Financial and commercial information submitted to or  
4 obtained by the retirement board of any city that is responsible for  
5 the management of an employees' retirement system pursuant to the  
6 authority of chapter 35.39 RCW, when the information relates to  
7 investments in private funds, to the extent that such information, if  
8 revealed, would reasonably be expected to result in loss to the  
9 retirement fund or to result in private loss to the providers of this  
10 information except that (a) the names and commitment amounts of the  
11 private funds in which retirement funds are invested and (b) the  
12 aggregate quarterly performance results for a retirement fund's  
13 portfolio of investments in such funds are subject to disclosure;

14 (27) Proprietary financial, commercial, operations, and technical  
15 and research information and data submitted to or obtained by the  
16 liquor and cannabis board in applications for cannabis research  
17 licenses under RCW 69.50.372, or in reports submitted by cannabis  
18 research licensees in accordance with rules adopted by the liquor and  
19 cannabis board under RCW 69.50.372;

20 (28) Trade secrets, technology, proprietary information, and  
21 financial considerations contained in any agreements or contracts,  
22 entered into by a licensed cannabis business under RCW 69.50.395,  
23 which may be submitted to or obtained by the state liquor and  
24 cannabis board;

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

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

33 (31) Records filed with the department of ecology under chapter  
34 70A.515 RCW that a court has determined are confidential valuable  
35 commercial information under RCW 70A.515.130; and

36 (32) Unaggregated financial, proprietary, or commercial  
37 information submitted to or obtained by the liquor and cannabis board  
38 in applications for licenses under RCW 66.24.140 or 66.24.145, or in  
39 any reports or remittances submitted by a person licensed under RCW

1 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis  
2 board under chapter 66.08 RCW.

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

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

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

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

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

26 NEW SECTION. **Sec. 16.** Section 9 of this act expires July 1,  
27 2024.

28 NEW SECTION. **Sec. 17.** Section 10 of this act takes effect July  
29 1, 2024.

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