
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2325

State of Washington

69th Legislature

2026 Regular Session

By House Finance (originally sponsored by Representatives Paul, Steele, Reed, Doglio, Stonier, Zahn, Barkis, Shavers, and Bernbaum)

READ FIRST TIME 02/09/26.

1 AN ACT Relating to establishing a tourism self-supported
2 assessment program to fund statewide tourism promotion; amending RCW
3 43.384.010, 43.384.020, 43.384.030, and 43.384.050; amending 2025 c
4 189 s 3 (uncodified); reenacting and amending RCW 42.56.270; adding a
5 new chapter to Title 43 RCW; and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** INTENT. (1) The legislature finds that the
8 history, economy, culture, and future of Washington state are
9 inextricably linked to a vibrant and healthy visitor economy. In
10 order to develop, manage, and promote statewide tourism as part of an
11 existing comprehensive effort to market Washington as a premier
12 travel destination, the legislature declares:

13 (a) That it is vital to the continued economic well-being and
14 general welfare of the citizens of this state that the tourism
15 industry be supported by:

16 (i) Enabling the tourism industry to help themselves through an
17 organized, year-around, statewide assessment program designed to
18 support fair, efficient, and sustained promotion and management of
19 Washington as a visitor destination; and

20 (ii) Enhancing tourism market opportunities and strengthening the
21 industry's long-term competitiveness by increasing travel to and

1 within Washington across leisure, business, and international
2 markets;

3 (b) That tourism-dependent businesses, including lodging, food
4 and beverage, attractions, recreation, cultural institutions, and
5 retail, operate in a regulatory and funding environment that limits
6 marketing autonomy, creates fragmented promotion efforts, and
7 contributes to Washington's declining market share in a highly
8 competitive global visitor economy;

9 (c) That it is in the overriding public interest to clearly
10 express support for the tourism sector and its coordinated and
11 orderly growth; to give adequate recognition and operational
12 resources to tourism as a vital component of Washington's export
13 economy and value-added service sector; and to promote, develop, and
14 manage tourism as an essential statewide industry in order to:

15 (i) Enhance the reputation and image of Washington as a travel
16 destination;

17 (ii) Increase visitor spending from domestic and international
18 markets; strategically positioning the destination and optimizing the
19 benefits of visitation;

20 (iii) Protect the public interest by providing destination
21 development that benefits communities, small businesses, tribes, and
22 other stakeholders and educating travelers about respectful,
23 responsible, and sustainable visitation to communities and public and
24 tribal lands;

25 (iv) Expand tourism-driven economic opportunities, development
26 resources, and community benefits that enhance and do not detract
27 from the unique character of communities, including micro-
28 communities, in urban and rural regions alike;

29 (v) Support and engage in programs and partnerships that benefit
30 the development, management, marketing, and sustainability of tourism
31 across Washington; and

32 (vi) Expand the communication, cooperation, and partnership
33 between the public and private sectors to more effectively meet the
34 needs of both; and

35 (d) That a stable and predictable funding mechanism, developed
36 and governed by the industry through a self-supported assessment, can
37 generate substantial economic returns for the state and empower local
38 businesses, destinations, and communities to compete on a level
39 playing field with neighboring states and national leaders such as
40 California, Oregon, and British Columbia.

1 (2) The legislature intends that any rules adopted to implement
2 this chapter should be guided by the recommendations developed under
3 section 3, chapter 189, Laws of 2025.

4 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
5 section apply throughout this chapter unless the context clearly
6 requires otherwise.

7 (1) "Assessment" means the annual fee levied on tourism
8 businesses to fund tourism promotion under this chapter.

9 (2) "Authority" means the Washington tourism marketing authority
10 created in RCW 43.384.020.

11 (3) "Ratepayer oversight board" means the board of
12 representatives from businesses subject to the assessment.

13 (4) "Tourism business" means businesses that derive a significant
14 portion of revenue from tourism activity in Washington in the
15 following sectors: (a) Lodging; (b) travel services; (c) attractions;
16 (d) recreation; (e) beverage producers; (f) full-service restaurant
17 locations with revenues exceeding \$5,000,000 per year; and (g)
18 retailer locations with revenues exceeding \$5,000,000 per year.

19 NEW SECTION. **Sec. 3.** ESTABLISHMENT OF PROGRAM. (1) The
20 legislature authorizes the authority to establish a tourism
21 assessment program, subject to tourism business sector ratification.

22 (2) No assessments shall be collected until the referendum
23 process in section 5 of this act is completed and approved by the
24 affected tourism business sector.

25 (3) The authority shall adopt rules as necessary to carry out the
26 purpose and intent of this chapter. The authority shall give
27 substantial weight to the recommendations made under section 3,
28 chapter 189, Laws of 2025, and the design developed under section 5
29 of this act, when developing rules under this chapter.

30 (4) Rules promulgated by the authority shall not apply to any
31 federally recognized Indian tribe, any business owned or operated by
32 a federally recognized Indian tribe, any tribal-owned enterprise, or
33 any business operating on land owned in fee or in trust by a tribe or
34 tribal member, unless the tribe or tribal member has officially opted
35 to participate in the tourism assessment program under section 5 of
36 this act.

1 NEW SECTION. **Sec. 4.** RATEPAYER OVERSIGHT BOARD. (1) The
2 authority shall appoint, from the list of nominees prepared under
3 subsection (2) of this section, a ratepayer oversight board
4 consisting of a minimum of 10 members, with at least two
5 representatives from each sector identified in section 2(4) of this
6 act, reflecting geographic and business diversity.

7 (2) (a) For the initial board, the tourism self-supported
8 assessment advisory group created by section 3, chapter 189, Laws of
9 2025 shall prepare a list of nominees for appointment to the
10 ratepayer oversight board. All nominees for membership on the
11 ratepayer oversight board must be employees or officers of businesses
12 subject to the assessment imposed under section 5 of this act,
13 pursuant to assessment ratification procedures established under
14 section 6 of this act.

15 (b) Initial board members shall serve for six months or until
16 completion of initial referendum, and vacancies shall be filled by
17 appointment for the unexpired term.

18 (c) Subsequent appointments shall be made under the process
19 developed under section 5 of this act and ratified under section 6 of
20 this act.

21 (d) The authority may remove any appointed member of the
22 ratepayer oversight board for inefficiency, neglect of duty,
23 malfeasance, or four unexcused absences in one year.

24 (3) The ratepayer oversight board shall provide oversight of
25 tourism assessment funds and programming and:

26 (a) Approve an annual budget and expenditure plan;

27 (b) Provide an annual report to the authority and the
28 legislature; and

29 (c) Monitor program effectiveness and recommend adjustments.

30 (4) The ratepayer oversight board shall elect a chair and meet at
31 least quarterly.

32 NEW SECTION. **Sec. 5.** ASSESSMENTS. (1) The ratepayer oversight
33 board shall design the proposed assessment program, including:

34 (a) Sector-specific classifications;

35 (b) Assessment methodology and the rates for each business
36 sector;

37 (c) A referendum process for ratification;

38 (d) Opt-out provisions, if applicable;

1 (e) Revenue thresholds for businesses assessed in each sector,
2 where applicable;

3 (f) Program term length; and

4 (g) The appointment process for the ratepayer oversight board
5 following the initial appointments made in section 4(2) of this act.
6 The appointment process designed under this subsection (1)(g) is
7 subject to ratification under section 6 of this act.

8 (2) Pursuant to approval by ratification in accordance with
9 section 6 of this act, there shall be levied, and the authority shall
10 collect, upon all participating tourism businesses in this state, an
11 annual assessment to be calculated as a percentage of gross revenue.

12 (3) An assessment shall not be applied to any federally
13 recognized Indian tribe, any business owned or operated by a
14 federally recognized Indian tribe, any tribal-owned enterprise, or
15 any business operating on land owned in fee or in trust by a tribe or
16 tribal member, unless the tribe or tribal member has officially opted
17 to participate in the tourism assessment program under this section.

18 NEW SECTION. **Sec. 6.** RATIFICATION MECHANISM. (1)(a) Within
19 three years of the effective date of this section, the ratepayer
20 oversight board shall conduct a referendum among affected businesses
21 to ratify the proposed assessment program. In the case of a failed
22 ratification, the board may continue to resubmit the same proposal or
23 a modified proposal beyond the three-year limitation.

24 (b) Each assessed business is entitled to a weighted vote in each
25 referendum. In calculating weighted votes, each assessed business
26 receives a vote equal to the projected assessment paid by that
27 business. The initial referendum must be approved by a majority of
28 the weighted votes cast at the referendum.

29 (c) For purposes of voting in any referendum, each assessed
30 business is part of one industry sector and one sector-segment, and
31 for voting purposes only, a business with revenue in more than one
32 industry sector or sector-segment shall only be included in the
33 sector and segment in which it earns the most gross revenue.

34 (d) A sector's assessment may be approved only by a majority of
35 weighted votes from businesses within that same sector. Votes from
36 other sectors are not counted for or against another industry's
37 assessment.

38 (2) Assessments may begin once ratified by vote and shall be
39 collected on an annual basis.

1 (3) The cost of any referendum under this section shall be paid
2 by the authority and reimbursed by the fund established in section 7
3 of this act.

4 NEW SECTION. **Sec. 7.** COLLECTION AND ACCOUNTING. (1) The
5 authority shall collect assessments annually from participating
6 businesses.

7 (2) The authority shall deposit assessment moneys collected in a
8 separate account, named the tourism assessment account, in any bank
9 that is a state depository. Assessments collected under the program
10 are not considered state money, common cash, or revenue to the state,
11 and are not subject to legislative appropriation. All expenditures
12 and disbursements made from this account under this chapter may be
13 made without the necessity of a specific legislative appropriation.
14 None of the provisions of RCW 43.01.050 apply to this account or to
15 the moneys received, collected, or expended as provided. Funds in the
16 account:

- 17 (a) Must be used solely for tourism promotion as defined in the
18 ratified program; and
- 19 (b) Must be used to cover administrative and enforcement costs.

20 NEW SECTION. **Sec. 8.** NONPAYMENT AND ENFORCEMENT. A due and
21 payable assessment levied in such specified amount as determined by
22 the authority constitutes a personal debt of every person so assessed
23 or who otherwise owes the assessment, and the assessment is due and
24 payable to the authority when payment is called for by the authority.
25 If a person fails to pay the authority the full amount of the
26 assessment by the date due, the authority may add to the unpaid
27 assessment an amount not exceeding 10 percent of the assessment to
28 defray the cost of enforcing its collection. If the person fails to
29 pay any such due and payable assessment or other such sum, the
30 authority may bring a civil action for collection against the person
31 or persons in a court of competent jurisdiction. The action shall be
32 tried and judgment rendered as in any other cause of action for a
33 debt due and payable.

34 NEW SECTION. **Sec. 9.** RECORDS AND CONFIDENTIALITY. (1) Financial
35 and commercial information submitted to the authority and the
36 ratepayer oversight board under this chapter is confidential and
37 exempt from public inspection and copying under chapter 42.56 RCW.

1 (2) This section does not apply to general statistical summaries
2 that do not identify individual businesses.

3 **Sec. 10.** 2025 c 189 s 3 (uncodified) is amended to read as
4 follows:

5 (1) The chair of the board of directors of the tourism marketing
6 authority must appoint a tourism self-supported assessment advisory
7 group no later than two weeks following the effective date of this
8 section. The advisory group must evaluate the viability of an
9 industry self-supported assessment to fund statewide tourism
10 promotion and recommend procedures to establish the self-supported
11 assessment.

12 (2) The tourism self-supported assessment advisory group must
13 consist of at least eight members that represent sectors of the
14 tourism industry that may be considered for the self-supported
15 assessment, including:

- 16 (a) Two members representing the lodging sector;
- 17 (b) One member representing the beverage sector;
- 18 (c) One member representing the arts and culture sector;
- 19 (d) One member representing the tour operators sector;
- 20 (e) One member representing the attractions sector;
- 21 (f) One member representing the transportation sector; and
- 22 (g) One member representing a statewide Washington tourism
23 promotion nonprofit.

24 (3) The tourism self-supported assessment advisory group must
25 make recommendations for the following:

- 26 (a) The classification of businesses proposed to be included in
27 the self-supported assessment;
- 28 (b) The self-supported assessment methodology including the
29 petition process for businesses to approve the self-supported
30 assessment;
- 31 (c) The rate of self-supported assessment for each business
32 classification;
- 33 (d) The characteristics of a business within a classification
34 that will benefit from the self-supported assessment;
- 35 (e) The time period or duration of the self-supported assessment;
36 and
- 37 (f) The establishment of an oversight board for ratepayers
38 representing businesses by self-supported assessments.

1 (4) The board of directors of the tourism marketing authority
2 must comply with the requirements of RCW 43.18A.020 in making
3 appointments provided in this section. The department of commerce
4 must provide the report required in RCW 43.18A.020.

5 (5) The tourism self-supported assessment advisory group must
6 submit its recommendations in writing to the legislature by November
7 1, 2025.

8 (6) This section expires June 1, (~~2026~~) 2027.

9 **Sec. 11.** RCW 43.384.010 and 2018 c 275 s 2 are each amended to
10 read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

13 (1) "Authority" means the Washington tourism marketing authority
14 created in RCW 43.384.020.

15 (2) "Board" means the Washington tourism marketing authority
16 board of directors.

17 (3) "Department" means the department of commerce.

18 (4) "Director" means the director of the department of commerce.

19 (5) "Ratepayer oversight board" has the meaning defined in
20 section 2 of this act.

21 (6) "Statewide tourism marketing account" means the account
22 created pursuant to RCW 43.384.040.

23 **Sec. 12.** RCW 43.384.020 and 2018 c 275 s 3 are each amended to
24 read as follows:

25 (1) The Washington tourism marketing authority is established as
26 a public body constituting an instrumentality of the state of
27 Washington.

28 (2) The authority is responsible for contracting for statewide
29 tourism marketing services that promote tourism on behalf of the
30 citizens of the state, and for managing the authority's financial
31 resources.

32 (3) The authority is responsible for administering a tourism
33 assessment program as set forth in chapter 43.--- RCW (the new
34 chapter created in section 16 of this act). The authority's primary
35 activities of administering government tax funds shall be governed by
36 the authority. The authority's activities with respect to the tourism
37 assessment program shall be governed by the ratepayer oversight
38 board.

1 (4) The department provides administrative assistance to the
2 authority and serves as the fiscal agent of the authority for moneys
3 appropriated for purposes of the authority.

4 (~~(4)~~) (5) The authority must create a private local account to
5 receive nonstate funds and state funds, other than general fund state
6 funds, contributed to the authority for purposes of this chapter.

7 **Sec. 13.** RCW 43.384.030 and 2025 c 189 s 2 are each amended to
8 read as follows:

9 (1) The authority must be governed by a board of directors. The
10 board of directors must consist of:

11 (a) Two members and two alternates from the house of
12 representatives, with one member and one alternate appointed from
13 each of the two major caucuses of the house of representatives by the
14 speaker of the house of representatives;

15 (b) Two members and two alternates from the senate, with one
16 member and one alternate appointed from each of the two major
17 caucuses of the senate by the president of the senate; and

18 (c) (~~Nine~~) Thirteen representatives (~~(with expertise in the~~
19 ~~tourism industry and related businesses including, but not limited~~
20 ~~to, hotel, restaurant, outdoor recreation, attractions, retail, and~~
21 ~~rental car)~~) of tourism businesses appointed by the governor as
22 provided in this subsection (1)(c). Appointments by the governor must
23 reflect diversity in geography, size of business, gender, and
24 ethnicity. No county may have more than (~~two~~) four appointments
25 (~~(and no city may have more than one appointment)~~):

26 (i) Eight members representing businesses paying the assessments
27 ratified under section 6 of this act, and nominated by the ratepayer
28 oversight board, except that the initial members shall be nominated
29 by the tourism self-supported assessment advisory group created in
30 section 3, chapter 189, Laws of 2025;

31 (ii) Two members representing destination marketing
32 organizations; and

33 (iii) Three members representing tourism businesses.

34 (2) There must be a nonvoting advisory committee to the board.
35 The advisory committee must consist of:

36 (a) One ex officio representative from the department, state
37 parks and recreation commission, department of transportation, and
38 other state agencies as the authority deems appropriate; and

1 (b) One member from a federally recognized Indian tribe appointed
2 by the director of the department.

3 (3) All appointments must be for four years.

4 (4) The board must select from its membership the chair of the
5 board and such other officers as it deems appropriate. The chair of
6 the board must be a member from the tourism industry or related
7 businesses.

8 (5) A majority of the board constitutes a quorum.

9 (6) The board must create its own bylaws in accordance with the
10 laws of the state of Washington.

11 (7) Any member of the board may be removed for misfeasance,
12 malfeasance, or willful neglect of duty after notice and a public
13 hearing, unless the notice and hearing are expressly waived in
14 writing by the affected member.

15 (8) If a vacancy occurs on the board, a replacement must be
16 appointed for the unexpired term.

17 (9) The members of the board serve without compensation but are
18 entitled to reimbursement, solely from the funds of the authority,
19 for expenses incurred in the discharge of their duties.

20 (10) The board must meet at least quarterly.

21 (11) No board member of the authority may serve on the board of
22 an organization that could be considered for a contract authorized
23 under RCW 43.384.050.

24 **Sec. 14.** RCW 43.384.050 and 2025 c 189 s 4 are each amended to
25 read as follows:

26 (1) From amounts appropriated to the department for the authority
27 and from other moneys available to it, the authority may incur
28 expenditures for any purpose specifically authorized by this chapter
29 including:

30 (a) Entering into a contract for a multiple year statewide
31 tourism marketing plan with a statewide nonprofit organization whose
32 sole purpose is marketing Washington to tourists. The contract must
33 be equitably inclusive of diverse communities across the state,
34 particularly tribal nations, rural communities, and population
35 centers that historically have not been consulted in the development
36 of destination marketing efforts by the state. The marketing plan
37 must include, but is not limited to, (~~focuses on~~) historically and
38 culturally unique communities and rural tourism-dependent counties,
39 natural wonders and outdoor recreation opportunities of the state,

1 including sustainable whale watching, attraction of international
2 tourists, identification of local offerings for tourists, and
3 assistance for tourism areas adversely impacted by natural disasters;

4 (b) Contracting for the evaluation of the impact of the statewide
5 tourism marketing program; and

6 (c) Paying for administrative expenses of the authority, which
7 may not exceed two percent of the state portion of funds collected in
8 any fiscal year.

9 (2) All nonstate moneys received by the authority under RCW
10 43.384.060 or otherwise provided to the authority for purposes of
11 matching funding must be deposited in the authority's private local
12 account created under RCW 43.384.020(4) and are held in trust for
13 uses authorized solely by this chapter.

14 (3) "Sustainable whale watching" means an experience that
15 includes whale watching from land or aboard a vessel that reduces the
16 impact on whales, provides a recreational and educational experience,
17 and motivates participants to care about marine mammals, the sea, and
18 marine conservation.

19 (4) The authority may incur expenditures for the purposes of
20 section 3, chapter 189, Laws of 2025 until June 30, 2026.

21 **Sec. 15.** RCW 42.56.270 and 2025 c 419 s 9, 2025 c 176 s 1, and
22 2025 c 81 s 1 are each reenacted and amended to read as follows:

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

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

29 (2) Financial information supplied by or on behalf of a person,
30 firm, or corporation for the purpose of qualifying to submit a bid or
31 proposal for (a) a ferry system construction or repair contract as
32 required by RCW 47.60.680 through 47.60.750; (b) highway construction
33 or improvement as required by RCW 47.28.070; or (c) alternative
34 public works contracting procedures as required by RCW 39.10.200
35 through 39.10.905;

36 (3) Financial and commercial information and records supplied by
37 private persons pertaining to export services provided under chapters
38 43.163 and 53.31 RCW, and by persons pertaining to export projects
39 under RCW 43.23.035;

1 (4) Financial and commercial information and records supplied by
2 businesses or individuals during application for loans or program
3 services provided by chapters 43.325, 43.163, 43.160, 43.330, 43.168,
4 and 43.181 RCW and RCW 43.155.160, or during application for economic
5 development loans or program services provided by any local agency;

6 (5) Financial information, business plans, examination reports,
7 and any information produced or obtained in evaluating or examining a
8 business and industrial development corporation organized or seeking
9 certification under chapter 31.24 RCW;

10 (6) Financial and commercial information supplied to the state
11 investment board by any person when the information relates to the
12 investment of public trust or retirement funds and when disclosure
13 would result in loss to such funds or in private loss to the
14 providers of this information;

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

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

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

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

30 (b) Proprietary financial and security information submitted to
31 or obtained by the gambling commission from and on behalf of license
32 applicants, licensees, gaming facilities, or a tribe pursuant to an
33 approved tribal/state compact. Proprietary financial and security
34 information includes, but is not limited to, the following:

35 (i) Financial statements and transactions including but not
36 limited to independent auditors' reports and financial statements
37 with any supporting documents, bank account records, player tracking
38 records, bond issuances, loan agreements, purchase agreements, and
39 stock buyouts. However, quarterly license reports are not exempt;

1 (ii) Information that describes the internal operational system
2 or internal procedures of the gaming facility designed to promote
3 efficiency, safeguard assets, and avoid fraud and error, including
4 but not limited to records pertaining to security camera technical
5 specifications, operation, and placement; cash out procedures and
6 locations; cage security information; building access controls; and
7 personally identifiable information control procedures;

8 (iii) Gaming facility security information, including but not
9 limited to descriptions of facility layout and schematics, firewall
10 configurations, network topologies, source code, software files,
11 cryptographic hashes of software files, risk and security assessment
12 reports, disaster recovery plans, incident response plans, and any
13 other sensitive information that may negatively impact the security
14 of the facility if released; and

15 (iv) Gaming equipment information, including but not limited to
16 related hardware, software, and security information, such as
17 firewall configurations, field testing data and results from testing,
18 network topologies or diagrams, source code, software files,
19 cryptographic hashes of software files, schematics, user credentials,
20 system components, and any other sensitive information about the
21 equipment that may compromise the security and integrity of the
22 equipment if released;

23 (c) Valuable formulae or financial or proprietary commercial
24 information records received during a consultative visit or while
25 providing consultative services to a licensed cannabis business in
26 accordance with RCW 69.50.561;

27 (11) Proprietary data, trade secrets, or other information that
28 relates to: (a) A vendor's unique methods of conducting business; (b)
29 data unique to the product or services of the vendor; or (c)
30 determining prices or rates to be charged for services, submitted by
31 any vendor to the department of social and health services or the
32 health care authority for purposes of the development, acquisition,
33 or implementation of state purchased health care as defined in RCW
34 41.05.011;

35 (12)(a) When supplied to and in the records of the department of
36 commerce:

37 (i) Financial and proprietary information collected from any
38 person and provided to the department of commerce pursuant to RCW
39 43.330.050(8);

1 (ii) Financial or proprietary information collected from any
2 person and provided to the department of commerce or the office of
3 the governor in connection with the siting, recruitment, expansion,
4 retention, or relocation of that person's business and until a siting
5 decision is made, identifying information of any person supplying
6 information under this subsection and the locations being considered
7 for siting, relocation, or expansion of a business; and

8 (iii) Financial or proprietary information collected from any
9 person and provided to the department of commerce pursuant to RCW
10 43.31.625 (3) (b) and (4);

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

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

16 (d) If there is no written contact for a period of 60 days to the
17 department of commerce from a person connected with siting,
18 recruitment, expansion, retention, or relocation of that person's
19 business, information described in (a) (ii) of this subsection will be
20 available to the public under this chapter;

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

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

30 (15) Financial and commercial information provided as evidence to
31 the department of licensing as required by RCW 19.112.110 or
32 19.112.120, except information disclosed in aggregate form that does
33 not permit the identification of information related to individual
34 fuel licensees;

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

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

1 operator who requested the plan, or the farm plan is used for the
2 application or issuance of a permit;

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

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

12 (19) Information gathered under chapter 19.85 RCW or RCW
13 34.05.328 that can be identified to a particular business;

14 (20) Financial and commercial information submitted to or
15 obtained by the University of Washington, other than information the
16 university is required to disclose under RCW 28B.20.150, when the
17 information relates to investments in private funds, to the extent
18 that such information, if revealed, would reasonably be expected to
19 result in loss to the University of Washington consolidated endowment
20 fund or to result in private loss to the providers of this
21 information;

22 (21) Market share data submitted by a manufacturer under RCW
23 70A.500.190(4);

24 (22) Financial information supplied to the department of
25 financial institutions, when filed by or on behalf of an issuer of
26 securities for the purpose of obtaining the exemption from state
27 securities registration for small securities offerings provided under
28 RCW 21.20.880 or when filed by or on behalf of an investor for the
29 purpose of purchasing such securities;

30 (23) Unaggregated or individual notices of a transfer of crude
31 oil that is financial, proprietary, or commercial information,
32 submitted to the department of ecology pursuant to RCW
33 90.56.565(1)(a), and that is in the possession of the department of
34 ecology or any entity with which the department of ecology has shared
35 the notice pursuant to RCW 90.56.565;

36 (24) Financial institution and retirement account information,
37 and building security plan information, supplied to the liquor and
38 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and
39 69.50.345, when filed by or on behalf of a licensee or prospective
40 licensee for the purpose of obtaining, maintaining, or renewing a

1 license to produce, process, transport, or sell cannabis as allowed
2 under chapter 69.50 RCW;

3 (25) Cannabis transport information, vehicle and driver
4 identification data, and account numbers or unique access identifiers
5 issued to private entities for traceability system access, submitted
6 by an individual or business to the liquor and cannabis board under
7 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and
8 69.50.345 for the purpose of cannabis product traceability.
9 Disclosure to local, state, and federal officials is not considered
10 public disclosure for purposes of this section;

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

22 (27) Proprietary financial, commercial, operations, and technical
23 and research information and data submitted to or obtained by the
24 liquor and cannabis board in applications for cannabis research
25 licenses under RCW 69.50.372, or in reports submitted by cannabis
26 research licensees in accordance with rules adopted by the liquor and
27 cannabis board under RCW 69.50.372;

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

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

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

1 (31) Records filed with the department of ecology under chapter
2 70A.515 RCW that a court has determined are confidential valuable
3 commercial information under RCW 70A.515.130;

4 (32) Unaggregated financial, proprietary, or commercial
5 information submitted to or obtained by the liquor and cannabis board
6 in applications for licenses under RCW 66.24.140 or 66.24.145, or in
7 any reports or remittances submitted by a person licensed under RCW
8 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis
9 board under chapter 66.08 RCW;

10 (33) Formulas and data public risk pools used to calculate rates
11 for pool member contributions or assessments, and actuarial analyses
12 and reports prepared by or for public risk pools; (~~and~~)

13 (34) Unaggregated or individual information submitted to the
14 department of revenue under RCW 82.17.020 pertaining to the sales
15 price of zero-emission vehicle credits in transactions between
16 manufacturers; and

17 (35) Information that is confidential pursuant to section 9(1) of
18 this act, relating to the tourism assessment program.

19 NEW SECTION. Sec. 16. Sections 1 through 9 of this act
20 constitute a new chapter in Title 43 RCW.

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