CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2325

69th Legislature
2026 Regular Session

Passed by the House March 11, 2026
Yeas 91 Nays 5

Speaker of the House of Representatives

Passed by the Senate March 10, 2026
Yeas 43 Nays 5

President of the Senate

Approved

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 **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2325** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2325

AS AMENDED BY THE SENATE

Passed Legislature - 2026 Regular Session

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.

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

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

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

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

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

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

within Washington across leisure, business, and international markets;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) "Director" means the director of the department or his or her designee.

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

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

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

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

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

(4) Rules promulgated by the authority shall not apply to any federally recognized Indian tribe, any business owned or operated by a federally recognized Indian tribe, any tribal-owned enterprise, or any business operating on land owned in fee or in trust by a tribe or tribal member, unless the tribe or tribal member has officially opted

to participate in the tourism assessment program under section 5 of this act.

NEW SECTION. **Sec. 4.** RATEPAYER OVERSIGHT BOARD. (1)(a) The authority shall appoint a ratepayer oversight board.

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

(c) The initial board must be comprised of at least 10 members with at least two representatives from each sector identified in section 2 of this act.

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

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

(f) The authority, with review of the director, may remove any appointed member of the ratepayer oversight board for inefficiency, neglect of duty, malfeasance, or four unexcused absences in one year.

(2) The ratepayer oversight board shall:

(a) Develop an annual budget and expenditure plan;

(b) Develop an annual report to the authority and the legislature; and

(c) Monitor program effectiveness and recommend adjustments.

(3) The authority, with review of the director, shall approve an annual budget and approve and submit annual reports to the legislature and office of the governor. The authority must approve or reject the annual budget recommended by the board and may not amend, replace, or independently adopt policies or provisions not submitted by the board.

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

NEW SECTION. **Sec. 5.** ASSESSMENTS. (1) The ratepayer oversight board shall design and propose to the authority for approval the structure of the assessment program, including:

(a) Sector-specific classifications;

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

(c) A referendum process for ratification;

(d) Opt-out provisions, if applicable;

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

(f) Program term length, and reauthorization and termination procedures; and

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

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

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

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

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

(c) For purposes of voting in any referendum, each assessed business is part of one industry sector and one sector-segment, and

for voting purposes only, a business with revenue in more than one industry sector or sector-segment shall only be included in the sector and segment in which it earns the most gross revenue.

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

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

(3) The cost of any referendum under this section shall be paid by the authority and reimbursed from assessments collected under section 7 of this act. The costs incurred by the department in its role associated with RCW 43.384.020 shall be paid for by the authority, regardless of the passage or failure of any referendum.

NEW SECTION. **Sec. 7.** COLLECTION AND ACCOUNTING. The authority shall collect assessments annually from participating businesses, to be distributed as follows:

(1) Funding equal to the amount provided by the state for activities under this section and sections 6 and 11 of this act shall be deposited into the tourism assessment program reimbursement account created under section 8 of this act; and

(2) Remaining funds shall be deposited in a separate account, named the tourism assessment account, in any bank that is a state depositary. Assessments collected under the program are not considered state money, common cash, or revenue to the state, and are not subject to legislative appropriation. All expenditures and disbursements made from this account under this chapter may be made without the necessity of a specific legislative appropriation. None of the provisions of RCW 43.01.050 apply to this account or to the moneys received, collected, or expended as provided. Funds in the account must be used solely for tourism promotion as defined in RCW 43.384.050.

NEW SECTION. **Sec. 8.** REIMBURSEMENT ACCOUNT. The tourism assessment program reimbursement account is created in the custody of the state treasurer. The account shall receive reimbursements from the authority under section 7 of this act. Expenditures from the account may only be used for the implementation and operation of the tourism assessment program, including administrative and enforcement

costs and audit costs under section 11 of this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec. 9.** NONPAYMENT AND ENFORCEMENT. A due and payable assessment levied in such specified amount as determined by the authority constitutes a personal debt of every person so assessed or who otherwise owes the assessment, and the assessment is due and payable to the authority when payment is called for by the authority. If a person fails to pay the authority the full amount of the assessment by the date due, the authority may add to the unpaid assessment an amount not exceeding 10 percent of the assessment to defray the cost of enforcing its collection. If the person fails to pay any such due and payable assessment or other such sum, the authority may bring a civil action for collection against the person or persons in a court of competent jurisdiction. The action shall be tried and judgment rendered as in any other cause of action for a debt due and payable.

NEW SECTION. **Sec. 10.** RECORDS AND CONFIDENTIALITY. (1) Financial and commercial information submitted to the authority and the ratepayer oversight board under this chapter is confidential and exempt from public inspection and copying under chapter 42.56 RCW.

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

NEW SECTION. **Sec. 11.** BUDGET—REPORT TO THE LEGISLATURE. (1)(a) The budget required by section 4(2) of this act must set forth the complete and detailed financial program of the ratepayer oversight board, showing the revenues and expenditures of the board. The budget must be explanatory, describing how the funding is used to administer and implement the board's programs and priorities, and include the reasons for salient changes from the previous fiscal period in expenditure or revenue items. The budget must explain any major changes to financial policy and contain an outline of the proposed financial policies of the board for the ensuing fiscal period and describe performance indicators that demonstrate measurable progress toward the board's priorities.

(b) The budget must be sufficiently detailed to provide transparency for the ratepayer oversight board's actions on behalf of the industry.

(2) A regular audit shall be conducted under chapter 43.09 RCW. The cost of the audits shall be reimbursed from the tourism assessment program reimbursement account.

NEW SECTION. **Sec. 12.** LIABILITY—IMMUNITY OF STATE. Obligations incurred by the authority or ratepayer oversight board and liabilities or claims against the authority or ratepayer oversight board shall be enforced only against the assets of the authority or ratepayer oversight board in the same manner as if it were a corporation and no liability for the debts or actions of the authority or ratepayer oversight board shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any member officer, employee, or agent of the authority or ratepayer oversight board in his or her individual capacity. The members of the authority or ratepayer oversight board, including employees of the authority, shall not be held responsible individually or any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the authority or ratepayer oversight board. The liability of the members of the authority or ratepayer oversight board shall be several and not joint and no member shall be liable for the default of any other member.

Sec. 13. 2025 c 189 s 3 (uncodified) is amended to read as follows:

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

(2) The tourism self-supported assessment advisory group must consist of at least eight members that represent sectors of the

tourism industry that may be considered for the self-supported assessment, including:

(a) Two members representing the lodging sector;

(b) One member representing the beverage sector;

(c) One member representing the arts and culture sector;

(d) One member representing the tour operators sector;

(e) One member representing the attractions sector;

(f) One member representing the transportation sector; and

(g) One member representing a statewide Washington tourism promotion nonprofit.

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

(a) The classification of businesses proposed to be included in the self-supported assessment;

(b) The self-supported assessment methodology including the petition process for businesses to approve the self-supported assessment;

(c) The rate of self-supported assessment for each business classification;

(d) The characteristics of a business within a classification that will benefit from the self-supported assessment;

(e) The time period or duration of the self-supported assessment; and

(f) The establishment of an oversight board for ratepayers representing businesses by self-supported assessments.

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

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

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

Sec. 14. RCW 43.384.010 and 2018 c 275 s 2 are each amended to read as follows:

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

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

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

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

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

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

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

Sec. 15. RCW 43.384.020 and 2018 c 275 s 3 are each amended to read as follows:

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

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

(3) The authority is responsible for administering a tourism assessment program as set forth in chapter 43.--- RCW (the new chapter created in section 19 of this act). The authority's primary activities of administering government tax funds shall be governed by the authority. The authority's activities with respect to the tourism assessment program shall be governed by the ratepayer oversight board.

(4) The department provides administrative assistance to the authority and serves as the fiscal agent of the authority for moneys appropriated for purposes of the authority until June 30, 2030.

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

Sec. 16. RCW 43.384.030 and 2025 c 189 s 2 are each amended to read as follows:

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

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

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

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

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

(ii) Two members representing tourism businesses subject to tourism assessments;

(iii) Two members representing official state destination marketing organizations; and

(iv) One member representing a trade association that represents businesses that are subject to tourism assessments.

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

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

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

(3) All appointments must be for four years.

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

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

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

(7) Any member of the board may be removed for misfeasance, malfeasance, or willful neglect of duty after notice and a public

hearing, unless the notice and hearing are expressly waived in writing by the affected member.

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

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

(10) The board must meet at least quarterly.

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

Sec. 17. RCW 43.384.050 and 2025 c 189 s 4 are each amended to read as follows:

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

(a) Entering into a contract for a multiple year statewide tourism marketing plan with a statewide nonprofit organization whose sole purpose is marketing Washington to tourists. The contract must be equitably inclusive of diverse communities across the state, particularly tribal nations, rural communities, and population centers that historically have not been consulted in the development of destination marketing efforts by the state. The marketing plan must include, but is not limited to, ((~~focuses on~~)) historically and culturally unique communities and rural tourism-dependent counties, natural wonders and outdoor recreation opportunities of the state, including sustainable whale watching, attraction of international tourists, identification of local offerings for tourists, and assistance for tourism areas adversely impacted by natural disasters;

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

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

(2) All nonstate moneys received by the authority under RCW 43.384.060 or otherwise provided to the authority for purposes of matching funding must be deposited in the authority's private local

account created under RCW 43.384.020(4) and are held in trust for uses authorized solely by this chapter.

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

(4) "Tourism promotion" means programs, projects, and activities undertaken to advertise, market, encourage, and support travel to and within the state and to strengthen or improve the visitor economy, industry, communities, or regions, including but not limited to, and in accordance with policies adopted by the authority:

(a) The establishment, issuance, effectuation, and administration of programs or projects for the advertising and promotion of tourism;

(b) The establishment and implementation of market research, market development, and industry-specific educational projects intended to market, encourage, expand, and improve tourism in the state;

(c) Direct or indirect investments in tourism events and programs and tourism destinations;

(d) Hosting travel trade, tour operators, media, and other travel clients to stimulate tourism;

(e) Leading or participating in state delegations to domestic and international trade shows, marketplaces, and sales missions;

(f) Organizing and hosting statewide tourism conferences and industry convenings that rotate geographically to support businesses and communities;

(g) Participating in events, meetings, and conferences to strengthen tourism partnerships and support industry stakeholders;

(h) Developing and deploying photo, video, and other marketing content to ensure geographic representation and promote diverse destinations in statewide materials;

(i) Promotional hosting, including the provision of travel-related and tourism-related goods and services for economic development and trade promotion purposes, when in the good-faith judgment of the authority such activities aid the marketing, advertising, or promotion of travel to and within the state; and

(j) Payment for in-state, national, and international advertising and promotional campaigns.

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

Sec. 18. RCW 42.56.270 and 2025 c 419 s 9, 2025 c 176 s 1, and 2025 c 81 s 1 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington

center in applications for, or delivery of, program services under chapter 70.95H RCW;

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

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

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

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

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

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

(iv) Gaming equipment information, including but not limited to related hardware, software, and security information, such as firewall configurations, field testing data and results from testing, network topologies or diagrams, source code, software files,

cryptographic hashes of software files, schematics, user credentials, system components, and any other sensitive information about the equipment that may compromise the security and integrity of the equipment if released;

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

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

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

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

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

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

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

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

(d) If there is no written contact for a period of 60 days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's

business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

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

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

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

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

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

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

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

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

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

fund or to result in private loss to the providers of this information;

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

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

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

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

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

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the

aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

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

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

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

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

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

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

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

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

(35) Information that is confidential pursuant to section 10(1) of this act, relating to the tourism assessment program.

NEW SECTION. **Sec. 19.** Sections 1 through 12 of this act constitute a new chapter in Title 43 RCW.

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