
SENATE BILL 5764

State of Washington 62nd Legislature 2011 Regular Session

By Senators Kastama, Chase, Shin, Kilmer, Brown, Conway, and McAuliffe

Read first time 02/10/11. Referred to Committee on Economic
Development, Trade & Innovation.

1 AN ACT Relating to innovate Washington; amending RCW 28B.50.902,
2 70.210.010, 70.210.020, 70.210.030, 70.210.040, 70.210.050, 70.210.060,
3 70.210.070, 42.30.110, and 42.56.270; adding a new section to chapter
4 41.06 RCW; adding a new chapter to Title 43 RCW; repealing RCW
5 28B.20.283, 28B.20.285, 28B.20.287, 28B.20.289, 28B.20.291, 28B.20.293,
6 28B.20.295, 28B.20.296, 28B.20.297, 28B.38.010, 28B.38.020, 28B.38.030,
7 28B.38.040, 28B.38.050, 28B.38.060, 28B.38.070, and 28B.38.900; and
8 providing an effective date.

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

10 NEW SECTION. **Sec. 1.** (1) Innovate Washington is hereby created as
11 a state agency exercising public and essential governmental functions.
12 Innovate Washington is created as the successor to the Washington
13 technology center and the Spokane intercollegiate research and
14 technology institute.

15 (2) Innovate Washington is created to be a collaborative effort
16 between the state's public and private institutions of higher
17 education, private industry, and government. The purpose of innovate
18 Washington is to develop and strengthen academic-industry relationships
19 through research and assistance that is primarily of interest to small

1 and medium-sized Washington-based companies and state economic
2 development programs. It is the further purpose to leverage state
3 investments in innovation-based economic development to expand the
4 state's prosperity and global competitiveness. To meet these purposes,
5 innovate Washington shall:

6 (a) Provide leading edge collaborative research and technology
7 transfer opportunities primarily to state industries;

8 (b) Facilitate research aligned with state science and technology
9 objectives that support and develop state industries;

10 (c) Provide methods, systems, and venues for effective interaction
11 and collaboration between the state's technology-based industries and
12 its institutions of higher education;

13 (d) Provide assistance and support to businesses in developing and
14 integrating technology in new or enhanced products and services and
15 launching those products and services in sustainable businesses in the
16 state;

17 (e) Establish programmatic activities that, through partnerships
18 with the private sector, increase the competitiveness of state
19 industries;

20 (f) Provide opportunities for training undergraduate and graduate
21 students in technology transfer and commercialization processes through
22 direct involvement in research and industry interactions;

23 (g) Administer technology and innovation grant and loan programs;
24 and

25 (h) Emphasize and develop nonstate support of program activities.

26 (3)(a) Administrative responsibilities for the Washington
27 technology center facilities located on the University of Washington
28 Seattle campus and the Spokane intercollegiate research and technology
29 institute facilities located on the Riverpoint campus operated by
30 Washington State University Spokane are hereby transferred to innovate
31 Washington. The facilities shall be used for purposes consistent with
32 the obligations of innovate Washington under this chapter. As
33 initially established, the University of Washington and Washington
34 State University shall continue to provide the facility support and
35 maintenance for these facilities as required by innovate Washington;
36 however, other institutions of higher education may provide facility
37 support and maintenance subsequently.

1 (b) The University of Washington, Washington State University, and
2 other institutions of higher education participating in innovate
3 Washington programs shall provide the affiliated staff and faculty
4 required to support the operation of innovate Washington.

5 (4) The facilities of innovate Washington shall be made available
6 to any institution of higher education within the state when this would
7 benefit specific program needs consistent with this chapter.

8 (5) Innovate Washington shall, by December 1, 2012, develop a
9 five-year business plan that must be updated by December 1st of every
10 even-numbered year. The plan must include:

11 (a) A plan for operating additional facilities at Washington State
12 University Vancouver, Washington State University Tri-Cities, Western
13 Washington University, and such other locations as the innovate
14 Washington board identifies as appropriate;

15 (b) Identification and specification of activities to be undertaken
16 by those operating each of innovate Washington's facilities in
17 collaboration with the state's community and technical colleges, which
18 must include methods of working with the centers of excellence
19 established under RCW 28B.50.902 to identify businesses that could
20 benefit from innovate Washington services;

21 (c) The process to be followed, developed in collaboration with
22 impact Washington or any successor manufacturing extension partnership
23 program operating in the state, to ensure that impact Washington
24 clients have ready access to innovate Washington's services when
25 appropriate and that companies being assisted by innovate Washington
26 have ready access to impact Washington's services.

27 NEW SECTION. **Sec. 2.** (1) The powers of innovate Washington are
28 vested in and shall be exercised by a board of directors consisting of:

29 (a) The governor of the state of Washington or the governor's
30 designee;

31 (b) The chairs of the committees in the senate and the house of
32 representatives responsible for economic development issues;

33 (c) The president of the University of Washington or the
34 president's designee;

35 (d) The president of Washington State University or the president's
36 designee;

1 (e) The director of the department of commerce or the director's
2 designee; and

3 (f) Nine members appointed by the governor from among individuals
4 who own, manage, or work for technology-based industries that
5 manufacture in the state. The term of office for each board member
6 appointed by the governor shall be three years except, of the initial
7 appointees, three shall be appointed for one year and three shall be
8 appointed for two years. Members of the board may be appointed for
9 additional terms.

10 (2) The board shall meet at least biannually. The initial meeting
11 of the board must occur before December 31, 2011.

12 (3) A board member may be removed by the governor for cause under
13 RCW 43.06.070 and 43.06.080. The governor must fill any vacancy on the
14 board by appointment for the remainder of the unexpired term.

15 (4)(a) The appointed members of the board shall be compensated in
16 accordance with RCW 43.03.240 and may be reimbursed for expenses
17 incurred in the discharge of their duties under this chapter pursuant
18 to RCW 43.03.050 and 43.03.060.

19 (b) The ex officio members of the board under subsection (1)(a) and
20 (c) through (f) of this section may be reimbursed for expenses incurred
21 in the discharge of their duties under this chapter pursuant to RCW
22 43.03.050 and 43.03.060.

23 (c) Legislative members of the board may be reimbursed for expenses
24 incurred in the discharge of their duties under this chapter pursuant
25 to RCW 44.04.120.

26 (5) Eight members of the board constitute a quorum.

27 (6) Meetings of the board shall be held in accordance with the open
28 public meetings act, chapter 42.30 RCW, and at the call of the chair or
29 when a majority of the board members so requests. Meetings of the
30 board may be held at any location within or out of the state, and board
31 members may participate in a meeting of the board by means of a
32 conference telephone or similar communication equipment under RCW
33 23B.08.200.

34 (7) The innovate Washington board must:

35 (a) Develop operating policies for innovate Washington programs;

36 (b) Appoint, and perform an annual performance review of, an
37 executive director;

- 1 (c) Approve an annual operating budget and ensure adequate funding
- 2 for operations;
- 3 (d) Approve a five-year business plan and its updates;
- 4 (e) Perform the duties required under chapter 70.210 RCW relating
- 5 to the investing in innovation program; and
- 6 (f) Provide a report by December 1st of every odd-numbered year,
- 7 beginning in 2013, to the governor and the legislature detailing the
- 8 fund-raising activities and outcomes, operations, economic impact, and
- 9 performance of innovate Washington. The report must include measures
- 10 related to customer satisfaction as well as measures of results derived
- 11 from assistance provided to businesses, including but not limited to
- 12 job creation, new product development, the adoption of new production
- 13 processes, revenue and sales growth, and such other outcome-based
- 14 measures as the board determines is appropriate.
- 15 (8) The board may:
- 16 (a) Make and execute agreements, contracts, and other instruments
- 17 with any private, public, or nonprofit entity for the performance,
- 18 operation, administration, implementation, or advancement of any
- 19 program in accordance with this chapter;
- 20 (b) Employ, contract with, or engage staff, counsel, advisors,
- 21 auditors, other technical or professional assistants, and such other
- 22 personnel as are necessary or desirable to implement this chapter.
- 23 Staff support for innovate Washington programs may be provided through
- 24 cooperative agreements with any public or private institution of higher
- 25 education;
- 26 (c) Solicit and receive gifts, grants, donations, sponsorships, or
- 27 contributions from any federal, state, or local governmental agency or
- 28 program or any private source, and expend the same for any purpose
- 29 consistent with this chapter;
- 30 (d) Establish such affiliated organizations, special funds, and
- 31 controls as it finds convenient for the implementation of this chapter;
- 32 (e) Create one or more advisory committees;
- 33 (f) Adopt rules consistent with this chapter;
- 34 (g) Delegate any of its powers and duties if consistent with the
- 35 purposes of this chapter; and
- 36 (h) Exercise any other power reasonably required to implement the
- 37 purposes of this chapter.

1 NEW SECTION. **Sec. 3.** (1) To increase participation by Washington
2 state small business innovators in federal small business research
3 programs, innovate Washington shall provide or contract for the
4 provision of a small business innovation assistance program. The
5 program must include a proposal review process and must train and
6 assist Washington small business innovators to win awards from federal
7 small business research programs. The program must collaborate with
8 small business development centers, entrepreneur-in-residence programs,
9 and other appropriate sources of technical assistance to ensure that
10 small business innovators also receive the planning, counseling, and
11 support services necessary to expand their businesses and protect their
12 intellectual property.

13 (2) In operating the program, innovate Washington must give
14 priority to first-time applicants to the federal small business
15 research programs, new businesses, and firms with fewer than ten
16 employees, and may charge a fee for its services.

17 (3) The definitions in this subsection apply throughout this
18 section unless the context clearly requires otherwise.

19 (a) "Federal small business research programs" means the programs,
20 operating pursuant to the small business innovation development act of
21 1982, P.L. 97-219, and the small business technology transfer act of
22 1992, P.L. 102-564, title II, that provide funds to small businesses to
23 conduct research having commercial application.

24 (b) "Small business" means a corporation, partnership, sole
25 proprietorship, or individual, operating a business for profit, with
26 two hundred fifty employees or fewer, including employees employed in
27 a subsidiary or affiliated corporation, that otherwise meets the
28 requirements of federal small business research programs.

29 NEW SECTION. **Sec. 4.** The investing in innovation account is
30 created in the custody of the state treasurer. All receipts from fund-
31 raising activities pursuant to section 2 of this act must be deposited
32 into the account. Expenditures from the account may be used only for
33 the purposes of the investing in innovation programs established in
34 chapter 70.210 RCW and any other purpose consistent with this chapter.
35 Only the executive director of innovate Washington or the executive
36 director's designee may authorize expenditures from the account. The

1 account is subject to allotment procedures under chapter 43.88 RCW, but
2 an appropriation is not required for expenditures.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 41.06 RCW
4 to read as follows:

5 In addition to the exemptions in RCW 41.06.070, this chapter does
6 not apply to any position in or employee of innovate Washington under
7 chapter 43.--- RCW (the new chapter created in section 18 of this act).

8 **Sec. 6.** RCW 28B.50.902 and 2009 c 151 s 4 are each amended to read
9 as follows:

10 (1) The college board, in consultation with business, industry,
11 labor, the workforce training and education coordinating board, the
12 department of (~~community, trade, and economic development~~) commerce,
13 the employment security department, and community and technical
14 colleges, shall designate centers of excellence and allocate funds to
15 existing and new centers of excellence based on a competitive basis.

16 (2) Eligible applicants for the program established under this
17 section include community and technical colleges. Priority shall be
18 given to applicants that have an established education and training
19 program serving the targeted industry and that have in their home
20 district or region an industry cluster with the same targeted industry
21 at its core.

22 (3) It is the role of centers of excellence to employ strategies
23 to:

24 (a) Create educational efficiencies;

25 (b) Build a diverse, competitive workforce for strategic
26 industries;

27 (c) Maintain an institutional reputation for innovation and
28 responsiveness;

29 (d) Develop innovative curriculum and means of delivering education
30 and training;

31 (e) Act as brokers of information and resources related to
32 community and technical college education and training (~~for~~) and
33 assistance available for firms in a targeted industry, including
34 working with innovate Washington to develop methods to identify
35 businesses within a targeted industry that could benefit from the

1 services offered by innovate Washington under chapter 43.--- RCW (the
2 new chapter created in section 18 of this act); and

3 (f) Serve as partners with workforce development councils,
4 associate development organizations, and other workforce and economic
5 development organizations.

6 (4) Examples of strategies under subsection (3) of this section
7 include but are not limited to: Sharing curriculum and other
8 instructional resources, to ensure cost savings to the system;
9 delivering collaborative certificate and degree programs; and holding
10 statewide summits, seminars, conferences, and workshops on industry
11 trends and best practices in community and technical college education
12 and training.

13 **Sec. 7.** RCW 70.210.010 and 2003 c 403 s 1 are each amended to read
14 as follows:

15 It is the intent of the legislature to promote growth in the
16 technology sectors of our state's economy and to particularly focus
17 support on the ~~((creation and))~~ commercialization of intellectual
18 property ~~((in the technology, energy, and telecommunications~~
19 ~~industries))~~ and the manufacture of innovative products in the state.

20 **Sec. 8.** RCW 70.210.020 and 2003 c 403 s 2 are each amended to read
21 as follows:

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

24 (1) ~~(("Center" means the Washington technology center established~~
25 ~~under RCW 28B.20.283 through 28B.20.295.~~

26 ~~(2))~~ "Board" means the innovate Washington board of directors
27 ~~((for the center)).~~

28 (3) "Innovate Washington" means the agency created in section 1 of
29 this act.

30 **Sec. 9.** RCW 70.210.030 and 2003 c 403 s 4 are each amended to read
31 as follows:

32 (1) The investing in innovation ~~((grants))~~ program is established.

33 (2) ~~((The center))~~ Innovate Washington shall periodically make
34 strategic assessments of the types of ~~((state))~~ investments in research
35 ~~((and)),~~ technology, and industrial development in this state that

1 would likely create new products, jobs, and business opportunities and
2 produce the most beneficial long-term improvements to the lives and
3 health of the citizens of the state. The assessments shall be
4 available to the public and shall be used to guide decisions on
5 awarding (~~grants~~) funds under this chapter.

6 **Sec. 10.** RCW 70.210.040 and 2003 c 403 s 5 are each amended to
7 read as follows:

8 The board shall:

9 (1) Develop criteria for the awarding of loans or grants to
10 qualifying universities, institutions, businesses, or individuals;

11 (2) Make decisions regarding distribution of (~~grant~~) funds (~~and~~
12 ~~make grant awards~~)); and

13 (3) In making (~~grant awards, seek to provide a balance between~~
14 ~~research grant awards and commercialization grant awards~~) funding
15 decisions, primarily benefit enterprises that were created through, and
16 have existing intellectual property agreements in place with, public
17 and private research institutions in the state.

18 **Sec. 11.** RCW 70.210.050 and 2003 c 403 s 6 are each amended to
19 read as follows:

20 (1) The board may accept grant and loan proposals and establish a
21 competitive process for the awarding of grants and loans.

22 (2) The board shall establish a peer review committee to include
23 board members, scientists, engineers, and individuals with specific
24 recognized expertise. The peer review committee shall provide to the
25 board an independent peer review of all proposals determined to be
26 competitive for a loan or grant award that are submitted to the board.

27 (3) In the awarding of grants and loans, priority shall be given to
28 proposals that leverage additional private and public funding
29 resources.

30 (4) (~~Up to fifty percent of available funds from the investing in~~
31 ~~innovation account may be used to support commercialization~~
32 ~~opportunities for research in Washington state through an organization~~
33 ~~with commercialization expertise such as the Spokane intercollegiate~~
34 ~~research and technology institute.~~

35 (~~The center~~) Innovate Washington may not be a direct recipient
36 of (~~grant awards~~) funding under this chapter (~~(403, Laws of 2003)~~)

1 **Sec. 12.** RCW 70.210.060 and 2003 c 403 s 7 are each amended to
2 read as follows:

3 The board shall establish performance benchmarks against which the
4 program will be evaluated. The ((grants)) program shall be reviewed
5 periodically by the board. The board shall report annually to the
6 appropriate standing committees of the legislature on loans made and
7 grants awarded and as appropriate on program reviews conducted by the
8 board.

9 **Sec. 13.** RCW 70.210.070 and 2003 c 403 s 8 are each amended to
10 read as follows:

11 (1) ((The center)) Innovate Washington shall administer the
12 investing in innovation ((grants)) program.

13 (2) Not more than one percent of the available funds from the
14 investing in innovation account may be used for administrative costs of
15 the program.

16 **Sec. 14.** RCW 42.30.110 and 2010 1st sp.s. c 33 s 5 are each
17 amended to read as follows:

18 (1) Nothing contained in this chapter may be construed to prevent
19 a governing body from holding an executive session during a regular or
20 special meeting:

21 (a) To consider matters affecting national security;

22 (b) To consider the selection of a site or the acquisition of real
23 estate by lease or purchase when public knowledge regarding such
24 consideration would cause a likelihood of increased price;

25 (c) To consider the minimum price at which real estate will be
26 offered for sale or lease when public knowledge regarding such
27 consideration would cause a likelihood of decreased price. However,
28 final action selling or leasing public property shall be taken in a
29 meeting open to the public;

30 (d) To review negotiations on the performance of publicly bid
31 contracts when public knowledge regarding such consideration would
32 cause a likelihood of increased costs;

33 (e) To consider, in the case of an export trading company,
34 financial and commercial information supplied by private persons to the
35 export trading company;

1 (f) To receive and evaluate complaints or charges brought against
2 a public officer or employee. However, upon the request of such
3 officer or employee, a public hearing or a meeting open to the public
4 shall be conducted upon such complaint or charge;

5 (g) To evaluate the qualifications of an applicant for public
6 employment or to review the performance of a public employee. However,
7 subject to RCW 42.30.140(4), discussion by a governing body of
8 salaries, wages, and other conditions of employment to be generally
9 applied within the agency shall occur in a meeting open to the public,
10 and when a governing body elects to take final action hiring, setting
11 the salary of an individual employee or class of employees, or
12 discharging or disciplining an employee, that action shall be taken in
13 a meeting open to the public;

14 (h) To evaluate the qualifications of a candidate for appointment
15 to elective office. However, any interview of such candidate and final
16 action appointing a candidate to elective office shall be in a meeting
17 open to the public;

18 (i) To discuss with legal counsel representing the agency matters
19 relating to agency enforcement actions, or to discuss with legal
20 counsel representing the agency litigation or potential litigation to
21 which the agency, the governing body, or a member acting in an official
22 capacity is, or is likely to become, a party, when public knowledge
23 regarding the discussion is likely to result in an adverse legal or
24 financial consequence to the agency.

25 This subsection (1)(i) does not permit a governing body to hold an
26 executive session solely because an attorney representing the agency is
27 present. For purposes of this subsection (1)(i), "potential
28 litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a)
29 concerning:

30 (i) Litigation that has been specifically threatened to which the
31 agency, the governing body, or a member acting in an official capacity
32 is, or is likely to become, a party;

33 (ii) Litigation that the agency reasonably believes may be
34 commenced by or against the agency, the governing body, or a member
35 acting in an official capacity; or

36 (iii) Litigation or legal risks of a proposed action or current
37 practice that the agency has identified when public discussion of the

1 litigation or legal risks is likely to result in an adverse legal or
2 financial consequence to the agency;

3 (j) To consider, in the case of the state library commission or its
4 advisory bodies, western library network prices, products, equipment,
5 and services, when such discussion would be likely to adversely affect
6 the network's ability to conduct business in a competitive economic
7 climate. However, final action on these matters shall be taken in a
8 meeting open to the public;

9 (k) To consider, in the case of the state investment board,
10 financial and commercial information when the information relates to
11 the investment of public trust or retirement funds and when public
12 knowledge regarding the discussion would result in loss to such funds
13 or in private loss to the providers of this information;

14 (l) To consider proprietary or confidential nonpublished
15 information related to the development, acquisition, or implementation
16 of state purchased health care services as provided in RCW 41.05.026;

17 (m) To consider in the case of the life sciences discovery fund
18 authority, the substance of grant applications and grant awards when
19 public knowledge regarding the discussion would reasonably be expected
20 to result in private loss to the providers of this information;

21 (n) To consider in the case of a health sciences and services
22 authority, the substance of grant applications and grant awards when
23 public knowledge regarding the discussion would reasonably be expected
24 to result in private loss to the providers of this information;

25 (o) To consider in the case of innovate Washington, the substance
26 of grant or loan applications and grant or loan awards if public
27 knowledge regarding the discussion would reasonably be expected to
28 result in private loss to the providers of this information.

29 (2) Before convening in executive session, the presiding officer of
30 a governing body shall publicly announce the purpose for excluding the
31 public from the meeting place, and the time when the executive session
32 will be concluded. The executive session may be extended to a stated
33 later time by announcement of the presiding officer.

34 **Sec. 15.** RCW 42.56.270 and 2009 c 394 s 3 are each amended to read
35 as follows:

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

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

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

10 (3) Financial and commercial information and records supplied by
11 private persons pertaining to export services provided under chapters
12 43.163 and 53.31 RCW, and by persons pertaining to export projects
13 under RCW 43.23.035;

14 (4) Financial and commercial information and records supplied by
15 businesses or individuals during application for loans or program
16 services provided by chapters 43.325, 43.163, 43.160, 43.330, and
17 43.168 RCW, or during application for economic development loans or
18 program services provided by any local agency;

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

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

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

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

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

36 (10)(a) Financial information, including but not limited to account
37 numbers and values, and other identification numbers supplied by or on
38 behalf of a person, firm, corporation, limited liability company,

1 partnership, or other entity related to an application for a horse
2 racing license submitted pursuant to RCW 67.16.260(1)(b), liquor
3 license, gambling license, or lottery retail license;

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

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

16 (12)(a) When supplied to and in the records of the department of
17 (~~community, trade, and economic development~~) commerce:

18 (i) Financial and proprietary information collected from any person
19 and provided to the department of (~~community, trade, and economic
20 development~~) commerce pursuant to RCW 43.330.050(8); and

21 (ii) Financial or proprietary information collected from any person
22 and provided to the department of (~~community, trade, and economic
23 development~~) commerce or the office of the governor in connection with
24 the siting, recruitment, expansion, retention, or relocation of that
25 person's business and until a siting decision is made, identifying
26 information of any person supplying information under this subsection
27 and the locations being considered for siting, relocation, or expansion
28 of a business;

29 (b) When developed by the department of (~~community, trade, and
30 economic development~~) commerce based on information as described in
31 (a)(i) of this subsection, any work product is not exempt from
32 disclosure;

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

35 (d) If there is no written contact for a period of sixty days to
36 the department of (~~community, trade, and economic development~~)
37 commerce from a person connected with siting, recruitment, expansion,

1 retention, or relocation of that person's business, information
2 described in (a)(ii) of this subsection will be available to the public
3 under this chapter;

4 (13) Financial and proprietary information submitted to or obtained
5 by the department of ecology or the authority created under chapter
6 70.95N RCW to implement chapter 70.95N RCW;

7 (14) Financial, commercial, operations, and technical and research
8 information and data submitted to or obtained by the life sciences
9 discovery fund authority in applications for, or delivery of, grants
10 under chapter 43.350 RCW, to the extent that such information, if
11 revealed, would reasonably be expected to result in private loss to the
12 providers of this information;

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

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

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

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

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

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

36 (20) Financial and commercial information submitted to or obtained
37 by the University of Washington, other than information the university
38 is required to disclose under RCW 28B.20.150, when the information

1 relates to investments in private funds, to the extent that such
2 information, if revealed, would reasonably be expected to result in
3 loss to the University of Washington consolidated endowment fund or to
4 result in private loss to the providers of this information; and
5 (21) Financial, commercial, operations, and technical and research
6 information and data submitted to or obtained by innovate Washington in
7 applications for, or delivery of, grants and loans under chapter 43.---
8 RCW (the new chapter created in section 18 of this act), to the extent
9 that such information, if revealed, would reasonably be expected to
10 result in private loss to the providers of this information.

11 NEW SECTION. **Sec. 16.** The following acts or parts of acts are
12 each repealed:

13 (1) RCW 28B.20.283 (Washington technology center--Findings) and
14 1995 c 399 s 25 & 1992 c 142 s 1;

15 (2) RCW 28B.20.285 (Washington technology center--Created--Purpose)
16 and 2004 c 151 s 3, 2003 c 403 s 10, 1992 c 142 s 3, & 1983 1st ex.s.
17 c 72 s 11;

18 (3) RCW 28B.20.287 (Washington technology center--Definitions) and
19 2004 c 151 s 4 & 1992 c 142 s 2;

20 (4) RCW 28B.20.289 (Washington technology center--Administration--
21 Board of directors) and 2003 c 403 s 11, 1995 c 399 s 26, & 1992 c 142
22 s 4;

23 (5) RCW 28B.20.291 (Washington technology center--Support from
24 participating institutions) and 1992 c 142 s 5;

25 (6) RCW 28B.20.293 (Washington technology center--Role of
26 department of community, trade, and economic development) and 1995 c
27 399 s 27 & 1992 c 142 s 6;

28 (7) RCW 28B.20.295 (Washington technology center--Availability of
29 facilities to other institutions) and 1992 c 142 s 7;

30 (8) RCW 28B.20.296 (Washington technology center--Renewable energy
31 and energy efficiency business development--Strategic plan) and 2004 c
32 151 s 2;

33 (9) RCW 28B.20.297 (Washington technology center--Small business
34 innovation research assistance program) and 2005 c 357 s 1;

35 (10) RCW 28B.38.010 (Spokane intercollegiate research and
36 technology institute) and 2004 c 275 s 55 & 1998 c 344 s 9;

- 1 (11) RCW 28B.38.020 (Administration--Board of directors--Powers and
2 duties) and 1998 c 344 s 10;
- 3 (12) RCW 28B.38.030 (Support from participating institutions) and
4 1998 c 344 s 11;
- 5 (13) RCW 28B.38.040 (Operating staff--Cooperative agreements for
6 programs and research) and 1998 c 344 s 12;
- 7 (14) RCW 28B.38.050 (Role of department of community, trade, and
8 economic development) and 1998 c 344 s 13;
- 9 (15) RCW 28B.38.060 (Availability of facilities to other
10 institutions) and 1998 c 344 s 14;
- 11 (16) RCW 28B.38.070 (Authority to receive and expend funds) and
12 1998 c 344 s 15; and
- 13 (17) RCW 28B.38.900 (Captions not law) and 1998 c 344 s 16.

14 NEW SECTION. **Sec. 17.** (1) The Spokane intercollegiate research
15 and technology institute and the Washington technology center are
16 hereby abolished and the powers, duties, and functions are hereby
17 transferred to innovate Washington. Once the board created in section
18 2 of this act has convened, all references to the Spokane
19 intercollegiate research and technology institute or the Washington
20 technology center in the Revised Code of Washington shall be construed
21 to mean innovate Washington.

22 (2)(a) All reports, documents, surveys, books, records, files,
23 papers, or written material in the possession of the Spokane
24 intercollegiate research and technology institute or the Washington
25 technology center shall be delivered to the custody of innovate
26 Washington. All cabinets, furniture, office equipment, motor vehicles,
27 and other tangible property employed by the Spokane intercollegiate
28 research and technology institute or the Washington technology center
29 shall be made available to innovate Washington. All funds, credits, or
30 other assets held by the Spokane intercollegiate research and
31 technology institute or the Washington technology center shall be
32 assigned to innovate Washington.

33 (b) Any appropriations made to the Spokane intercollegiate research
34 and technology institute or the Washington technology center shall, on
35 the effective date of this section, be transferred and credited to
36 innovate Washington.

1 (c) If any question arises as to the transfer of any personnel,
2 funds, books, documents, records, papers, files, equipment, or other
3 tangible property used or held in the exercise of the powers and the
4 performance of the duties and functions transferred, the director of
5 financial management shall make a determination as to the proper
6 allocation and certify the same to the state agencies concerned.

7 (3) All employees of the Spokane intercollegiate research and
8 technology institute or the Washington technology center are
9 transferred to the jurisdiction of innovate Washington. All employees
10 classified under chapter 41.06 RCW, the state civil service law, are
11 assigned to innovate Washington to perform their usual duties upon the
12 same terms as formerly, without any loss of rights, subject to any
13 action that may be appropriate thereafter in accordance with the laws
14 and rules governing state civil service.

15 (4) All rules and all pending business before the Spokane
16 intercollegiate research and technology institute or the Washington
17 technology center shall be continued and acted upon by innovate
18 Washington. All existing contracts and obligations shall remain in
19 full force and shall be performed by innovate Washington.

20 (5) The transfer of the powers, duties, functions, and personnel of
21 the Spokane intercollegiate research and technology institute and the
22 Washington technology center shall not affect the validity of any act
23 performed before the effective date of this section.

24 (6) If apportionments of budgeted funds are required because of the
25 transfers directed by this section, the director of financial
26 management shall certify the apportionments to the agencies affected,
27 the state auditor, and the state treasurer. Each of these shall make
28 the appropriate transfer and adjustments in funds and appropriation
29 accounts and equipment records in accordance with the certification.

30 (7) All classified employees of the Spokane intercollegiate
31 research and technology institute or the Washington technology center
32 assigned to innovate Washington under this section whose positions are
33 within an existing bargaining unit description at innovate Washington
34 shall become a part of the existing bargaining unit at innovate
35 Washington and shall be considered an appropriate inclusion or
36 modification of the existing bargaining unit under the provisions of
37 chapter 41.80 RCW.

1 NEW SECTION. **Sec. 18.** Sections 1 through 4 and 17 of this act
2 constitute a new chapter in Title 43 RCW.

3 NEW SECTION. **Sec. 19.** This act takes effect August 1, 2011.

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