
HOUSE BILL 1897

State of Washington

64th Legislature

2015 Regular Session

By Representatives Smith, Morris, Tarleton, Young, Hayes, Haler, Sells, Buys, Fagan, and Short

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1 AN ACT Relating to the joint center for deployment and research
2 in earth-abundant materials; amending RCW 42.52.150; and adding a new
3 chapter to Title 28B RCW.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that to reach our
6 energy, environmental, and economic goals, it is important to
7 accelerate the development of next generation clean energy and
8 transportation technologies in Washington. Today, a large number of
9 clean and renewable energy technologies are dependent on rare earth
10 elements and other expensive and difficult-to-source earth
11 components. These technologies are critical to reducing carbon
12 emissions, such as wind turbines, solar panels, and electric and
13 hybrid car batteries.

14 According to a 2012 environmental protection agency report
15 (EPA/600/R-12/572), no rare earth element mining has been conducted
16 in the United States since 1995, and a legacy of environmental
17 destruction has been left in countries where rare earth elements are
18 mined. The same environmental protection agency report notes that
19 recovering rare earth elements from state-of-the-art recycling
20 processes is far more efficient than smelting metals from ores,
21 generates only a fraction of the carbon emissions, and has

1 significant benefits compared to mining in terms of land use and
2 hazardous emissions. The environmental protection report stresses the
3 need for additional research in alternative materials to rare earth
4 materials as well as recycling innovation.

5 The legislature acknowledges that the people of Washington desire
6 to leave behind a cleaner planet, and to lead the world in the
7 research and innovations to make that possible. Setting aggressive,
8 renewable energy and clean technology standards at home that result
9 in exporting the environmental harms of improper mineral extraction
10 to other nations is not an acceptable strategy. Fortunately,
11 Washington is home to some of the world's leading researchers who
12 have core competencies in developing material substitutes and
13 extracting rare earth elements for recycling.

14 Leading research institutions have indicated that a program to
15 accelerate the development of next generation clean energy and
16 transportation technologies using earth-abundant materials would fit
17 within their strategic vision and core mission to increase and
18 coordinate their efforts with the private industry and implement this
19 talent and research to work in accelerating the deployment of clean
20 energy and cleaner transportation solutions. The goal is to develop
21 materials to use in the manufacturing process that can be reliably
22 accessed and acquired in environmentally responsible processes. A
23 joint center established for this purpose can bridge the gap between
24 institutions, encourage private-public partnerships, and increase the
25 ability to compete for federal grants.

26 The legislature recognizes the opportunity for Washington to lead
27 in these areas of research and innovation, fostering true
28 sustainability environmental stewardship, and providing supply
29 reliability and resiliency in next generation technologies. Doing so
30 will contribute to the preservation of national security by
31 increasing energy independence. Therefore, the legislature intends to
32 fund research of earth-abundant materials that can substitute
33 effectively in manufacturing for rare earth elements or other
34 critical materials, with great potential to increase efficiency or
35 reduce emissions in the transportation or energy sector, and to fund
36 research into the recycling of rare earth elements from existing
37 consumer products. The legislature intends to accomplish this by
38 establishing the joint center for deployment and research in earth
39 abundant materials, or JCDREAM, to attract academic talent and

1 research funding to our state, and develop a workforce for
2 manufacturing next generation earth-abundant technologies.

3 NEW SECTION. **Sec. 2.** The joint center for deployment and
4 research in earth-abundant materials is created to:

5 (1) Establish a transformative program in earth-abundant
6 materials to accelerate the development of next generation clean
7 energy and transportation technologies in Washington;

8 (2) Establish a coordinated framework and deploy resources that
9 can facilitate and promote multi-institution collaborations to drive
10 research, development, and deployment efforts in the use of earth-
11 abundant materials for manufactured clean technologies or recycling
12 of advanced materials used in clean technologies; and

13 (3) Promote environmentally responsible processes in the areas of
14 manufacturing and recycling of advanced materials used in clean
15 technologies.

16 NEW SECTION. **Sec. 3.** The joint center for deployment and
17 research in earth-abundant materials must be operated and
18 administered as a multi-institutional education and research center,
19 conducting research and development programs in various locations
20 within Washington under the joint authority of the University of
21 Washington and Washington State University. The initial
22 administrative offices of the center shall be west of the crest of
23 the Cascade mountains. In order to meet industry needs, the
24 facilities and resources of the center must be made available to all
25 four-year institutions of higher education. Resources include
26 internships, on-the-job training, and research opportunities for
27 undergraduate and graduate students and faculty.

28 NEW SECTION. **Sec. 4.** (1)(a) The powers of the joint center for
29 deployment and research in earth-abundant materials are vested in and
30 shall be exercised by a board of directors consisting of nine voting
31 members and a nonvoting chair, appointed by the governor.

32 (b) Of the nine voting members, one member must be the dean of
33 Washington State University, one member must be the dean of the
34 University of Washington, one member must represent Pacific Northwest
35 National Laboratory, one member must represent the community colleges
36 engaged in training of the next generation workforce in the relevant
37 areas, one member must represent large industry companies, one member

1 must represent medium industry companies, one member must represent
2 small industry companies, one member must have professional
3 experience in the fields of national security and energy policy, and
4 one member shall have professional experience in innovation and
5 development of policy to address environmental challenges.

6 (c) The terms of the initial members must be staggered.

7 (2) The board shall hire an executive director. The executive
8 director shall hire such staff as the board deems necessary to
9 operate the joint center for deployment and research in earth-
10 abundant materials. Staff support may be provided from among the
11 cooperating institutions through cooperative agreements to the extent
12 funds are available. The executive director may enter into
13 cooperative agreements for programs and research with public and
14 private organizations including state and nonstate agencies
15 consistent with policies of the participating institutions.

16 (3) The board shall:

17 (a) Work with the clean technology and transportation industry
18 associations and firms of all sizes to identify the research areas
19 that will benefit the intermediate and long-term economic vitality of
20 Washington's clean technology and transportation industries;

21 (b) Identify entrepreneurial researchers to join or lead research
22 teams in the research areas specified in (a) of this subsection and
23 the steps the University of Washington and Washington State
24 University will take to recruit and retain such researchers;

25 (c) Assist firms to integrate existing technologies into their
26 operations and align the activities of the joint center for
27 deployment and research in earth-abundant materials with those of
28 impact Washington to enhance services available to clean technology
29 and transportation firms;

30 (d) Develop internships, on-the-job training, research, and other
31 opportunities and ensure that all undergraduate and graduate students
32 enrolled in programs for clean technology and earth-abundant research
33 and deployment-related curriculum have direct experience with the
34 industry;

35 (e) Assist researchers and firms in safeguarding intellectual
36 property while advancing industry innovation;

37 (f) Develop and strengthen university-industry relationships
38 through promotion of faculty collaboration with industry and sponsor
39 at least one annual symposium focusing on clean energy earth-abundant
40 research and deployment in the state of Washington;

1 (g) Encourage a full range of projects from small research
2 projects that meet the specific needs of a smaller company to large
3 scale, multipartner projects;

4 (h) Develop nonstate support of the center's research activities
5 through leveraging dollars from federal and private for-profit and
6 nonprofit sources;

7 (i) Leverage its financial impact through joint support
8 arrangements on a project-by-project basis as appropriate;

9 (j) Establish mechanisms for soliciting and evaluating proposals
10 and for making awards and reporting on technological progress,
11 financial leverage, and other measures of impact;

12 (k) Allocate appropriated seed funds for at least one of the
13 following purposes:

14 (i) Collaboration on research and product development that would
15 further the commercialization of renewable energy and battery storage
16 technologies that use earth-abundant materials in place of critical
17 materials or rare earth elements;

18 (ii) Collaboration on research for joining dissimilar materials
19 in a way that minimizes titanium content by employing earth-abundant
20 materials for advanced manufacturing commercialization;

21 (iii) Collaboration on research and deployment of technologies
22 and processes that facilitate reclamation and recycling of rare-earth
23 elements from existing products; and

24 (iv) Providing assistance to community colleges and trade schools
25 in program development and equipment for training the skilled
26 workforce necessary for the successful commercialization and
27 integration of earth-abundant technologies, as the workforce training
28 needs are defined by forthcoming deployment opportunities;

29 (l) By December 1, 2015, develop an operating plan that includes
30 the specific processes, methods, or mechanisms the center will use to
31 accomplish each of its duties as set out in this subsection (3); and

32 (m)(i) Report biennially to the legislature and the governor
33 about the impact of the center's work on the state's economy and the
34 development of next generation clean energy and transportation
35 technologies in Washington using earth-abundant materials. The report
36 must include projections of future impact, indicators of its current
37 impact, and ideas for enhancing benefits to the state.

38 (ii) The report must be coordinated with the governor's office
39 and the department of commerce.

1 NEW SECTION. **Sec. 5.** The joint center for deployment and
2 research in earth-abundant materials may solicit and receive gifts,
3 grants, donations, sponsorships, or contributions from any federal,
4 state, or local governmental agency or program or any private source
5 and expend the same for any purpose consistent with this chapter.
6 Members and employees associated with the joint center for deployment
7 and research in earth-abundant materials are presumed not to be in
8 violation of solicitation and receipt of gift provisions in RCW
9 42.52.150.

10 NEW SECTION. **Sec. 6.** This chapter may be known and cited as the
11 JCDREAM act.

12 **Sec. 7.** RCW 42.52.150 and 2011 c 60 s 29 are each amended to
13 read as follows:

14 (1) No state officer or state employee may accept gifts, other
15 than those specified in subsections (2) and (5) of this section, with
16 an aggregate value in excess of fifty dollars from a single source in
17 a calendar year or a single gift from multiple sources with a value
18 in excess of fifty dollars. For purposes of this section, "single
19 source" means any person, as defined in RCW 42.52.010, whether acting
20 directly or through any agent or other intermediary, and "single
21 gift" includes any event, item, or group of items used in conjunction
22 with each other or any trip including transportation, lodging, and
23 attendant costs, not excluded from the definition of gift under RCW
24 42.52.010. The value of gifts given to an officer's or employee's
25 family member or guest shall be attributed to the official or
26 employee for the purpose of determining whether the limit has been
27 exceeded, unless an independent business, family, or social
28 relationship exists between the donor and the family member or guest.

29 (2) Except as provided in subsection (4) of this section, the
30 following items are presumed not to influence under RCW 42.52.140,
31 and may be accepted without regard to the limit established by
32 subsection (1) of this section:

33 (a) Unsolicited flowers, plants, and floral arrangements;

34 (b) Unsolicited advertising or promotional items of nominal
35 value, such as pens and note pads;

36 (c) Unsolicited tokens or awards of appreciation in the form of a
37 plaque, trophy, desk item, wall memento, or similar item;

1 (d) Unsolicited items received by a state officer or state
2 employee for the purpose of evaluation or review, if the officer or
3 employee has no personal beneficial interest in the eventual use or
4 acquisition of the item by the officer's or employee's agency;

5 (e) Informational material, publications, or subscriptions
6 related to the recipient's performance of official duties;

7 (f) Food and beverages consumed at hosted receptions where
8 attendance is related to the state officer's or state employee's
9 official duties;

10 (g) Gifts, grants, conveyances, bequests, and devises of real or
11 personal property, or both, in trust or otherwise accepted and
12 solicited for deposit in the legislative international trade account
13 created in RCW 43.15.050;

14 (h) Gifts, grants, conveyances, bequests, and devises of real or
15 personal property, or both, in trust or otherwise accepted and
16 solicited for the purpose of promoting the expansion of tourism as
17 provided for in RCW 43.330.090;

18 (i) Gifts, grants, conveyances, bequests, and devises of real or
19 personal property, or both, solicited on behalf of a national
20 legislative association, 2006 official conference of the national
21 lieutenant governors' association, or host committee for the purpose
22 of hosting an official conference under the circumstances specified
23 in RCW 42.52.820 and section 2, chapter 5, Laws of 2006. Anything
24 solicited or accepted may only be received by the national
25 association or host committee and may not be commingled with any
26 funds or accounts that are the property of any person;

27 (j) Admission to, and the cost of food and beverages consumed at,
28 events sponsored by or in conjunction with a civic, charitable,
29 governmental, or community organization; (~~and~~)

30 (k) Unsolicited gifts from dignitaries from another state or a
31 foreign country that are intended to be personal in nature; and

32 (l) Gifts, grants, donations, sponsorships, or contributions from
33 any agency or federal or local government agency or program or
34 private source for the purposes of chapter 28B.--- RCW (the new
35 chapter created in section 8 of this act).

36 (3) The presumption in subsection (2) of this section is
37 rebuttable and may be overcome based on the circumstances surrounding
38 the giving and acceptance of the item.

39 (4) Notwithstanding subsections (2) and (5) of this section, a
40 state officer or state employee of a regulatory agency or of an

1 agency that seeks to acquire goods or services who participates in
2 those regulatory or contractual matters may receive, accept, take, or
3 seek, directly or indirectly, only the following items from a person
4 regulated by the agency or from a person who seeks to provide goods
5 or services to the agency:

6 (a) Unsolicited advertising or promotional items of nominal
7 value, such as pens and note pads;

8 (b) Unsolicited tokens or awards of appreciation in the form of a
9 plaque, trophy, desk item, wall memento, or similar item;

10 (c) Unsolicited items received by a state officer or state
11 employee for the purpose of evaluation or review, if the officer or
12 employee has no personal beneficial interest in the eventual use or
13 acquisition of the item by the officer's or employee's agency;

14 (d) Informational material, publications, or subscriptions
15 related to the recipient's performance of official duties;

16 (e) Food and beverages consumed at hosted receptions where
17 attendance is related to the state officer's or state employee's
18 official duties;

19 (f) Admission to, and the cost of food and beverages consumed at,
20 events sponsored by or in conjunction with a civic, charitable,
21 governmental, or community organization; and

22 (g) Those items excluded from the definition of gift in RCW
23 42.52.010 except:

24 (i) Payments by a governmental or nongovernmental entity of
25 reasonable expenses incurred in connection with a speech,
26 presentation, appearance, or trade mission made in an official
27 capacity;

28 (ii) Payments for seminars and educational programs sponsored by
29 a bona fide governmental or nonprofit professional, educational,
30 trade, or charitable association or institution; and

31 (iii) Flowers, plants, and floral arrangements.

32 (5) A state officer or state employee may accept gifts in the
33 form of food and beverage on infrequent occasions in the ordinary
34 course of meals where attendance by the officer or employee is
35 related to the performance of official duties. Gifts in the form of
36 food and beverage that exceed fifty dollars on a single occasion
37 shall be reported as provided in chapter 42.17A RCW.

38 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act
39 constitute a new chapter in Title 28B RCW.

1 NEW SECTION. **Sec. 9.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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