

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1705

Chapter 251, Laws of 2007

60th Legislature
2007 Regular Session

HEALTH SCIENCES AND SERVICES--PROGRAM--AUTHORITIES

EFFECTIVE DATE: 07/22/07 - Except section 13, which becomes
effective 06/30/08

Passed by the House April 20, 2007
Yeas 70 Nays 28

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 20, 2007
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved May 1, 2007, 3:55 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1705** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 2, 2007

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1705

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington **60th Legislature** **2007 Regular Session**

By House Committee on Finance (originally sponsored by
Representatives Barlow, Ormsby, Kenney and Wood)

READ FIRST TIME 03/05/07.

1 AN ACT Relating to the creation of health sciences and services
2 authorities; reenacting and amending RCW 42.56.270 and 42.56.270;
3 adding a new section to chapter 82.14 RCW; adding a new chapter to
4 Title 35 RCW; creating a new section; providing an effective date; and
5 providing expiration dates.

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

7 NEW SECTION. **Sec. 1.** DEFINITIONS. The definitions in this
8 section apply throughout this chapter unless the context clearly
9 requires otherwise.

10 (1) "Authority" means a health sciences and services authority
11 created pursuant to this chapter.

12 (2) "Board" means the governing board of trustees of an authority.

13 (3) "Director" means the higher education coordinating board.

14 (4) "Health sciences and services" means biosciences that advance
15 new therapies and procedures to combat disease and promote public
16 health.

17 (5) "Local government" means a city, town, or county.

18 (6) "Sponsoring local government" means a city, town, or county
19 that creates a health sciences and services authority.

1 NEW SECTION. **Sec. 2.** PURPOSE. The health sciences and services
2 program is created to promote bioscience-based economic development and
3 advance new therapies and procedures to combat disease and promote
4 public health.

5 NEW SECTION. **Sec. 3.** CREATION. A local government must establish
6 by ordinance or resolution an authority. At a minimum, the ordinance
7 must:

- 8 (1) Specify the powers to be exercised by the authority;
- 9 (2) Reserve the local government's right to dissolve the authority
10 after its contractual responsibilities have expired;
- 11 (3) Establish an administrative board, including: (a) The number
12 of board members; (b) the times and terms of appointment for each board
13 position; (c) the amount of compensation, if any, to be paid to board
14 members; (d) the procedures for removing board members and filing
15 vacancies; and (e) the qualifications for the appointment of
16 individuals to the board;
- 17 (4) Establish the authority's boundaries, which must be contiguous
18 tracts of land;
- 19 (5) Ensure that private and public funds provided to the authority
20 will be segregated;
- 21 (6) Establish guidelines under which the authority may invest its
22 funds;
- 23 (7) Provide the requirements for auditing the records of the
24 authority; and
- 25 (8) Require the local government's legal counsel to also provide
26 legal services to the authority.

27 NEW SECTION. **Sec. 4.** APPLICATIONS. (1) The higher education
28 coordinating board may approve applications submitted by local
29 governments for an area's designation as a health sciences and services
30 authority under this chapter. The director shall determine the
31 division to review applications submitted by local governments under
32 this chapter. The application for designation shall be in the form and
33 manner and contain such information as the higher education
34 coordinating board may prescribe, provided the application shall:

- 35 (a) Contain sufficient information to enable the director to
36 determine the viability of the proposal;

1 (b) Demonstrate that an ordinance or resolution has been passed by
2 the legislative authority of a local government that delineates the
3 boundaries of an area that may be designated an authority;

4 (c) Be submitted on behalf of the local government, or, if that
5 office does not exist, by the legislative body of the local government;

6 (d) Demonstrate that the public funds directed to programs or
7 facilities in the authority will leverage private sector resources and
8 contributions to activities to be performed;

9 (e) Provide a plan or plans for the development of the authority as
10 an entity to advance as a cluster for health sciences education, health
11 sciences research, biotechnology development, biotechnology product
12 commercialization, and/or health care services; and

13 (f) Demonstrate that the state has previously provided funds to
14 health sciences and services programs or facilities in the applicant
15 city, town, or county.

16 (2) The director shall determine the division to develop criteria
17 to evaluate the application. The criteria shall include:

18 (a) The presence of infrastructure capable of spurring development
19 of the area as a center of health sciences and services;

20 (b) The presence of higher education facilities where undergraduate
21 or graduate coursework or research is conducted; and

22 (c) The presence of facilities in which health services are
23 provided.

24 (3) There shall be no more than one authority statewide.

25 (4) An authority may only be created in a county with a population
26 of less than one million persons.

27 (5) The director may reject or approve an application. When
28 denying an application, the director must specify the application's
29 deficiencies. The decision regarding such designation as it relates to
30 a specific local government is final; however, a rejected application
31 may be resubmitted.

32 (6) Applications are due by December 31, 2007, and must be
33 processed within sixty days of submission.

34 (7) The director may, at his or her discretion, amend the
35 boundaries of an authority upon the request of the local government.

36 (8) The higher education coordinating board may adopt any rules
37 necessary to implement this act within one hundred twenty days of the
38 effective date of this section.

1 (9) The higher education coordinating board must develop evaluation
2 and performance measures in order to evaluate the effectiveness of the
3 programs in the authorities that are funded with public resources. A
4 report to the legislature shall be due on a biennial basis beginning
5 December 1, 2009. In addition, the higher education coordinating board
6 shall develop evaluation criteria that enables the local governments to
7 measure the effectiveness of the program.

8 NEW SECTION. **Sec. 5.** BOARD. (1) An authority shall be overseen
9 by a board with not more than fourteen members. The authority board
10 shall select the chair. Board members must have some experience with
11 the mission of the authority. The board members shall be appointed as
12 follows:

13 (a) The governor shall appoint three members;

14 (b) The county legislative authority in which the authority resides
15 shall appoint three members;

16 (c) The mayor of the city in which the authority is created, or the
17 mayor of the largest city within the authority if created by a county,
18 shall appoint three members; and

19 (d) Up to five additional members may be appointed by the board.

20 (2) A simple majority of the board members shall constitute a
21 quorum.

22 (3) The board shall annually elect a secretary and any other
23 officers it deems necessary.

24 (4) The local government shall designate an individual with
25 financial experience to serve as treasurer. The individual may be a
26 city or county treasurer, city or county auditor, or a private party.
27 If the treasurer is a private party, the local government shall require
28 a bond in an amount and under such terms and conditions as the local
29 government deems necessary to protect the authority. The treasurer
30 shall have the power to create and maintain funds, issue warrants, and
31 invest funds in its possession.

32 (5) The board may adopt bylaws or rules for their own governance.

33 (6) Meetings of the board shall be held in accordance with the open
34 public meetings act, chapter 42.30 RCW, and at the call of the chair or
35 when a majority of the board so requests. Meetings of the board may be
36 held at any location and board members may participate in a meeting of

1 the board by means of a conference telephone or similar communication
2 equipment under RCW 23B.08.200.

3 NEW SECTION. **Sec. 6.** POWERS AND DUTIES. (1) The authority has
4 all the general powers necessary to carry out its purposes and duties
5 and to exercise its specific powers, including the authority may:

6 (a) Sue and be sued in its own name;

7 (b) Make and execute agreements, contracts, and other instruments,
8 with any public or private entity or person, in accordance with this
9 chapter;

10 (c) Employ, contract with, or engage independent counsel, financial
11 advisors, auditors, other technical or professional assistants, and
12 such other personnel as are necessary or desirable to implement this
13 chapter;

14 (d) Establish such special funds, and control deposits to and
15 disbursements from them, as it finds convenient for the implementation
16 of this chapter;

17 (e) Enter into contracts with public and private entities for
18 research to be conducted in this state;

19 (f) Delegate any of its powers and duties if consistent with the
20 purposes of this chapter;

21 (g) Exercise any other power reasonably required to implement the
22 purposes of this chapter; and

23 (h) Hire staff and pay administrative costs; however, such expenses
24 shall be paid from moneys provided by the sponsoring local government
25 and moneys received from gifts, grants, and bequests and the interest
26 earned on the authority's accounts and investments.

27 (2) In addition to other powers and duties prescribed in this
28 chapter, the authority is empowered to:

29 (a) Use the authority's public moneys, leveraging those moneys with
30 amounts received from other public and private sources in accordance
31 with contribution agreements, to promote bioscience-based economic
32 development, and to advance new therapies and procedures to combat
33 disease and promote public health;

34 (b) Solicit and receive gifts, grants, and bequests, and enter into
35 contribution agreements with private entities and public entities to
36 receive moneys in consideration of the authority's promise to leverage
37 those moneys with the revenue generated by the tax authorized under

1 section 11 of this act and contributions from other public entities and
2 private entities, in order to use those moneys to promote bioscience-
3 based economic development and advance new therapies and procedures to
4 combat disease and promote public health;

5 (c) Hold funds received by the authority in trust for their use
6 pursuant to this chapter to promote bioscience-based economic
7 development and advance new therapies and procedures to combat disease
8 and promote public health;

9 (d) Manage its funds, obligations, and investments as necessary and
10 consistent with its purpose, including the segregation of revenues into
11 separate funds and accounts;

12 (e) Make grants to entities pursuant to contract to promote
13 bioscience-based economic development and advance new therapies and
14 procedures to combat disease and promote public health. Grant
15 agreements shall specify the deliverables to be provided by the
16 recipient pursuant to the grant. Grants to private entities may only
17 be provided under a contractual agreement that ensures the state will
18 receive appropriate consideration, such as an assurance of job creation
19 or retention, or the delivery of services that provide for the public
20 health, safety, and welfare. The authority shall solicit requests for
21 funding and evaluate the requests by reference to factors such as: (i)
22 The quality of the proposed research; (ii) its potential to improve
23 health outcomes, with particular attention to the likelihood that it
24 will also lower health care costs, substitute for a more costly
25 diagnostic or treatment modality, or offer a breakthrough treatment for
26 a particular disease or condition; (iii) its potential to leverage
27 additional funding; (iv) its potential to provide health care benefits;
28 (v) its potential to stimulate employment; and (vi) evidence of public
29 and private collaboration;

30 (f) Create one or more advisory boards composed of scientists,
31 industrialists, and others familiar with health sciences and services;
32 and

33 (g) Adopt policies and procedures to facilitate the orderly process
34 of grant application, review, and reward.

35 (3) The records of the authority shall be subject to audit by the
36 office of the state auditor.

1 NEW SECTION. **Sec. 7.** GENERAL INDEBTEDNESS--GENERAL OBLIGATION

2 BONDS. (1) A local government that creates a health sciences and
3 services authority may incur general indebtedness, and issue general
4 obligation bonds, to finance the grants and other programs and retire
5 the indebtedness in whole or in part from the funds distributed
6 pursuant to section 11 of this act and subject to the following
7 requirements:

8 (a) The ordinance adopted by the local government creating the
9 authority and authorizing the use of the excise tax in section 11 of
10 this act indicates an intent to incur this indebtedness and the maximum
11 amount of this indebtedness that is contemplated; and

12 (b) The local government includes this statement of the intent in
13 all notices.

14 (2) The general indebtedness incurred under this section may be
15 payable from other tax revenues, the full faith and credit of the
16 sponsoring local government, and nontax income, revenues, fees, and
17 rents from the public improvements, as well as contributions, grants,
18 and nontax money available to the local government for payment of costs
19 of the grants and other programs or associated debt service on the
20 general indebtedness.

21 NEW SECTION. **Sec. 8.** LIMITATION ON BONDS ISSUED. The bonds

22 issued by a local government under section 7 of this act shall not
23 constitute an obligation of the state of Washington, either general or
24 special.

25 NEW SECTION. **Sec. 9.** LIABILITY. (1) Members of the board, as

26 well as other persons acting on behalf of the authority, while acting
27 within the scope of their employment or agency, shall not be subject to
28 personal liability resulting from their official duties conferred on
29 them under this chapter.

30 (2) The state, the local government that created the authority, and
31 the authority shall not be liable for any loss, damage, harm, or other
32 consequences resulting directly or indirectly from grants provided by
33 the authority or from programs, services, research, or other activities
34 funded with such grants.

1 NEW SECTION. **Sec. 10.** DISSOLUTION. The board may petition the
2 sponsoring local government to be dissolved upon a showing that it has
3 no reason to exist and that any assets it retains must be returned to
4 the state treasurer.

5 NEW SECTION. **Sec. 11.** A new section is added to chapter 82.14 RCW
6 to read as follows:

7 (1) The legislative authority of a local jurisdiction that has
8 created a health sciences and services authority under section 3 of
9 this act may impose a sales and use tax in accordance with the terms of
10 this chapter. The tax is in addition to other taxes authorized by law
11 and shall be collected from those persons who are taxable by the state
12 under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable
13 event within the local jurisdiction. The rate of the tax shall not
14 exceed 0.020 percent of the selling price in the case of a sales tax or
15 the value of the article used in the case of a use tax.

16 (2) The tax imposed under subsection (1) of this section shall be
17 deducted from the amount of tax otherwise required to be collected or
18 paid over to the department under chapter 82.08 or 82.12 RCW. The
19 department of revenue shall perform the collection of the tax on behalf
20 of the authority at no cost to the authority.

21 (3) The amounts received under this section may only be used in
22 accordance with section 6 of this act or to finance and retire the
23 indebtedness incurred pursuant to section 7 of this act, in whole or in
24 part.

25 (4) This section expires January 1, 2023.

26 **Sec. 12.** RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c
27 338 s 5, 2006 c 302 s 12, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c
28 171 s 8 are each reenacted and amended to read as follows:

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

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

35 (2) Financial information supplied by or on behalf of a person,
36 firm, or corporation for the purpose of qualifying to submit a bid or

1 proposal for (a) a ferry system construction or repair contract as
2 required by RCW 47.60.680 through 47.60.750 or (b) highway construction
3 or improvement as required by RCW 47.28.070;

4 (3) Financial and commercial information and records supplied by
5 private persons pertaining to export services provided under chapters
6 43.163 and 53.31 RCW, and by persons pertaining to export projects
7 under RCW 43.23.035;

8 (4) Financial and commercial information and records supplied by
9 businesses or individuals during application for loans or program
10 services provided by chapters 15.110, 43.163, 43.160, 43.330, and
11 43.168 RCW, or during application for economic development loans or
12 program services provided by any local agency;

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

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

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

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

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

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

36 (b) Financial or proprietary information supplied to the liquor
37 control board including the amount of beer or wine sold by a domestic
38 winery, brewery, microbrewery, or certificate of approval holder under

1 RCW 66.24.206(1) or 66.24.270(2)(a) and including the amount of beer or
2 wine purchased by a retail licensee in connection with a retail
3 licensee's obligation under RCW 66.24.210 or 66.24.290, for receipt of
4 shipments of beer or wine.

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

12 (12)(a) When supplied to and in the records of the department of
13 community, trade, and economic development:

14 (i) Financial and proprietary information collected from any person
15 and provided to the department of community, trade, and economic
16 development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

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

25 (b) When developed by the department of community, trade, and
26 economic development based on information as described in (a)(i) of
27 this subsection, any work product is not exempt from disclosure;

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

30 (d) If there is no written contact for a period of sixty days to
31 the department of community, trade, and economic development from a
32 person connected with siting, recruitment, expansion, retention, or
33 relocation of that person's business, information described in (a)(ii)
34 of this subsection will be available to the public under this chapter;

35 (13) Financial and proprietary information submitted to or obtained
36 by the department of ecology or the authority created under chapter
37 70.95N RCW to implement chapter 70.95N RCW;

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

7 (15) Financial and commercial information provided as evidence to
8 the department of licensing as required by RCW 19.112.110 or
9 19.112.120, except information disclosed in aggregate form that does
10 not permit the identification of information related to individual fuel
11 licensees;

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

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

19 (b) Farm plans developed under chapter 90.48 RCW and not under the
20 federal clean water act, 33 U.S.C. Sec. 1251 are subject to RCW
21 42.56.610 and 90.64.190; and

22 (18) Financial, commercial, operations, and technical and research
23 information and data submitted to or obtained by a health sciences and
24 services authority in applications for, or delivery of, grants under
25 sections 1 through 6 of this act, to the extent that such information,
26 if revealed, would reasonably be expected to result in private loss to
27 providers of this information.

28 **Sec. 13.** RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c
29 338 s 5, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each
30 reenacted and amended to read as follows:

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

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

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

6 (3) Financial and commercial information and records supplied by
7 private persons pertaining to export services provided under chapters
8 43.163 and 53.31 RCW, and by persons pertaining to export projects
9 under RCW 43.23.035;

10 (4) Financial and commercial information and records supplied by
11 businesses or individuals during application for loans or program
12 services provided by chapters 15.110, 43.163, 43.160, 43.330, and
13 43.168 RCW, or during application for economic development loans or
14 program services provided by any local agency;

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

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

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

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

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

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

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

8 (12)(a) When supplied to and in the records of the department of
9 community, trade, and economic development:

10 (i) Financial and proprietary information collected from any person
11 and provided to the department of community, trade, and economic
12 development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

13 (ii) Financial or proprietary information collected from any person
14 and provided to the department of community, trade, and economic
15 development or the office of the governor in connection with the
16 siting, recruitment, expansion, retention, or relocation of that
17 person's business and until a siting decision is made, identifying
18 information of any person supplying information under this subsection
19 and the locations being considered for siting, relocation, or expansion
20 of a business;

21 (b) When developed by the department of community, trade, and
22 economic development based on information as described in (a)(i) of
23 this subsection, any work product is not exempt from disclosure;

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

26 (d) If there is no written contact for a period of sixty days to
27 the department of community, trade, and economic development from a
28 person connected with siting, recruitment, expansion, retention, or
29 relocation of that person's business, information described in (a)(ii)
30 of this subsection will be available to the public under this chapter;

31 (13) Financial and proprietary information submitted to or obtained
32 by the department of ecology or the authority created under chapter
33 70.95N RCW to implement chapter 70.95N RCW;

34 (14) Financial, commercial, operations, and technical and research
35 information and data submitted to or obtained by the life sciences
36 discovery fund authority in applications for, or delivery of, grants
37 under chapter 43.350 RCW, to the extent that such information, if
38 revealed, would reasonably be expected to result in private loss to the

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

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

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

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

16 (18) Financial, commercial, operations, and technical and research
17 information and data submitted to or obtained by a health sciences and
18 services authority in applications for, or delivery of, grants under
19 sections 1 through 6 of this act, to the extent that such information,
20 if revealed, would reasonably be expected to result in private loss to
21 providers of this information.

22 NEW SECTION. Sec. 14. CAPTIONS. Captions used in this act are
23 not any part of the law.

24 NEW SECTION. Sec. 15. SEVERABILITY. If any provision of this act
25 or its application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

28 NEW SECTION. Sec. 16. CODIFICATION. Sections 1 through 10 of
29 this act constitute a new chapter in Title 35 RCW.

30 NEW SECTION. Sec. 17. EXPIRATION DATE. Section 12 of this act
31 expires June 30, 2008.

1 NEW SECTION. **Sec. 18.** EFFECTIVE DATE. Section 13 of this act
2 takes effect June 30, 2008.

 Passed by the House April 20, 2007.

 Passed by the Senate April 20, 2007.

 Approved by the Governor May 1, 2007.

 Filed in Office of Secretary of State May 2, 2007.