CERTIFICATION OF ENROLLMENT

**SENATE BILL 5490**

66th Legislature

2019 Regular Session

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| Passed by the Senate March 4, 2019  Yeas 46 Nays 1  **President of the Senate**  Passed by the House April 10, 2019  Yeas 94 Nays 0  **Speaker of the House of Representatives** | CERTIFICATE  I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5490** as passed by Senate and the House of Representatives on the dates hereon set forth.  Secretary |
| Approved |  |
| **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SENATE BILL 5490**

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Passed Legislature - 2019 Regular Session

**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Frockt, Brown, Hobbs, and Mullet

AN ACT Relating to transferring duties of the life sciences discovery fund; amending RCW 43.350.040, 43.350.050, and 43.350.070; adding new sections to chapter 43.330 RCW; recodifying RCW 43.350.040, 43.350.050, and 43.350.070; and repealing RCW 43.350.005, 43.350.010, 43.350.020, 43.350.030, 43.350.060, 43.350.901, and 43.350.903.

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

NEW SECTION. **Sec.**  A new section is added to chapter 43.330 RCW to read as follows:

(1) The department must contract with a statewide nonprofit organization to either provide services or make grants, or both, to entities pursuant to a contract to foster growth of the state's life science sector and to improve the health and economic well-being of its residents. The statewide nonprofit organization must be a statewide organization established with a primary mission of growing and sustaining the life science ecosystem within the state of Washington by supporting life science entrepreneurs and connecting life science researchers, and biopharmaceutical, medical device, digital health, and health information technology companies to the resources they need to accelerate life science innovation.

(2) The department may also contract with the organization selected under subsection (1) of this section to monitor and collect life science discovery fund grant payback funds.

(3) Grant agreements made pursuant to subsection (1) of this section must specify deliverables to be provided by the recipient under the grant. The nonprofit organization selected pursuant to subsection (1) of this section must evaluate requests for funding by reference to factors such as: (a) The quality of the proposed research or project; (b) its potential to improve health outcomes, with particular attention to the likelihood that it will also lower health care costs, provide a substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular disease or condition; (c) the potential for leveraging additional funding; (d) the potential to provide health care benefits or a benefit to human learning and development; (e) the potential to stimulate the health care delivery, biomedical manufacturing, and life sciences related employment in the state; (f) the ability to provide critical life science infrastructure; (g) the potential for attracting new investment or catalytic partnerships in the life sciences; (h) the geographic diversity of the grantees within Washington; and (i) evidence of public and private collaboration.

(4) Before conducting a significant grant competition, the nonprofit organization selected under subsection (1) of this section must adopt policies and procedures to facilitate the orderly process of grant application, review, and reward; and may create one or more advisory boards composed of scientists, industrialists, and others familiar with life sciences research to assist in grant evaluation.

**Sec.**  RCW 43.350.040 and 2005 c 424 s 5 are each amended to read as follows:

((~~The authority has all the general powers necessary to carry out its purposes and duties and to exercise its specific powers. In addition to other powers specified in this chapter, the authority~~)) In carrying out its duties under section 1 of this act, the department may: (1) Sue and be sued ((~~in its own name~~)) on behalf of the life sciences discovery fund; (2) make and execute agreements, contracts, and other instruments, with any public or private person or entity((~~, in accordance with this chapter~~)); (3) employ, contract with, or engage independent counsel, financial advisors, auditors, other technical or professional assistants, and such other personnel as ((~~are~~)) necessary ((~~or desirable to implement this chapter~~)); (4) establish such special funds, and controls on deposits to and disbursements from them((~~, as it finds convenient for the implementation of this chapter; (5) enter into contracts with public and private entities for life sciences research to be conducted in the state; (6)~~)); and (5) adopt rules((~~, consistent with this chapter; (7) delegate any of its powers and duties if consistent with the purposes of this chapter; (8) exercise any other power reasonably required to implement the purposes of this chapter; and (9) hire staff and pay administrative costs~~)) for the implementation of this act.

**Sec.**  RCW 43.350.050 and 2005 c 424 s 6 are each amended to read as follows:

Members of the governing board of trustees of the life sciences discovery fund authority and persons acting on behalf of the authority, while acting within the scope of their employment or agency, are not subject to personal liability resulting from carrying out the powers and duties conferred on them under ((~~this~~)) former chapter 43.350 RCW. ((~~Neither~~)) The state ((~~nor~~)), the life sciences discovery fund authority ((~~is~~)), and the department are not liable for any loss, damage, harm, or other consequence resulting directly or indirectly from grants made by the authority or by any life sciences research funded by such grants.

**Sec.**  RCW 43.350.070 and 2018 c 299 s 924 are each amended to read as follows:

The life sciences discovery fund is created in the custody of the state treasurer. Only the ((~~board or the board's~~)) department or the department's designee may authorize expenditures from the fund. Expenditures from the fund may be made only for purposes of ((~~this chapter~~)) section 1 of this act. Administrative expenses of the ((~~authority~~)) department, including staff support, ((~~may be paid only from the fund~~)) are limited to actual costs incurred by the department in designating the nonprofit organization and in monitoring and collecting grant payback funds. Revenues to the fund consist of transfers made by the legislature from strategic contribution payments deposited in the tobacco settlement account under RCW 43.79.480, moneys received pursuant to contribution agreements entered into pursuant to former RCW 43.350.030, moneys received from gifts, grants, and bequests, and interest earned on the fund. ((~~During the 2015-2017 fiscal biennium, the legislature may transfer to other state funds or accounts such amounts as represent the excess balance of the life sciences discovery fund.~~)) During the 2017-2019 fiscal biennium, the legislature may make appropriations from the fund to the department of commerce for providing life sciences research grants. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec.**  RCW 43.350.040, RCW 43.350.050, and RCW 43.350.070 are each recodified as sections in chapter 43.330 RCW.

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

(1)RCW 43.350.005 (Findings—Purpose—Intent) and 2005 c 424 s 1;

(2)RCW 43.350.010 (Definitions) and 2005 c 424 s 2;

(3)RCW 43.350.020 (Life sciences discovery fund authority) and 2005 c 424 s 3;

(4)RCW 43.350.030 (Authority—Trust powers) and 2016 sp.s. c 9 s 2, 2015 2nd sp.s. c 4 s 1503, 2015 c 71 s 3, & 2005 c 424 s 4;

(5)RCW 43.350.060 (Dissolving the authority) and 2005 c 424 s 7;

(6)RCW 43.350.901 (Liberal construction—2005 c 424) and 2005 c 424 s 20; and

(7)RCW 43.350.903 (Effective dates—2005 c 424) and 2005 c 424 s 24.

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