
SUBSTITUTE SENATE BILL 5764

State of Washington

62nd Legislature

2011 Regular Session

By Senate Economic Development, Trade & Innovation (originally sponsored by Senators Kastama, Chase, Shin, Kilmer, Brown, Conway, and McAuliffe)

READ FIRST TIME 02/21/11.

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

1 existing small and medium-sized Washington-based companies and state
2 economic development programs. Innovate Washington is to have as its
3 foremost goal responding to the technology transfer needs of existing
4 businesses in the state. It is the further purpose to leverage state
5 investments in innovation-based economic development to expand the
6 state's prosperity and global competitiveness. To meet these purposes,
7 innovate Washington shall:

8 (a) Provide leading edge collaborative research and technology
9 transfer opportunities to existing state businesses directly and by
10 working with industry associations and innovation partnership zones;

11 (b) Coordinate its activities with the commercialization and
12 technology transfer activities of the state's research institutions to
13 facilitate research that supports and develops state industries;

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

17 (d) Provide assistance and support to businesses in:

18 (i) Securing federal and private funds to support research;

19 (ii) Developing and integrating technology in new or enhanced
20 products and services; and

21 (iii) Launching those products and services in sustainable
22 businesses in the state;

23 (e) Establish programmatic activities that, through partnerships
24 with the private sector, increase the competitiveness of state
25 industries. This may include support provided to firms in innovation
26 partnership zones established under RCW 43.330.270;

27 (f) Provide opportunities for training undergraduate and graduate
28 students in technology transfer and commercialization processes through
29 direct involvement in research and industry interactions;

30 (g) Administer technology and innovation grant and loan programs
31 including bridge funding programs for the state's technology sector;
32 and

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

34 (3)(a) Administrative responsibilities for the Washington
35 technology center facilities located on the University of Washington
36 Seattle campus and the Spokane intercollegiate research and technology
37 institute facilities located on the Riverpoint campus operated by
38 Washington State University Spokane are hereby transferred to innovate

1 Washington. The facilities shall be used for purposes consistent with
2 the obligations of innovate Washington under this chapter. As
3 initially established, the University of Washington and Washington
4 State University shall continue to provide the facility support and
5 maintenance for these facilities as required by innovate Washington;
6 however, other institutions of higher education may provide facility
7 support and maintenance subsequently.

8 (b) The University of Washington, Washington State University, and
9 other institutions of higher education participating in innovate
10 Washington programs shall provide the affiliated staff and faculty
11 participating in these programs at their own expense.

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

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

18 (a) A plan for operating additional facilities at Washington State
19 University Vancouver, Washington State University Tri-Cities, Western
20 Washington University, and such other locations as the innovate
21 Washington board identifies as appropriate;

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

28 (c) The process to be followed, developed in collaboration with
29 impact Washington or any successor manufacturing extension partnership
30 program operating in the state, to ensure that impact Washington
31 clients have ready access to innovate Washington's services when
32 appropriate and that companies being assisted by innovate Washington
33 have ready access to impact Washington's services; and

34 (d) Mechanisms for outreach to firms operating in the state's
35 innovation partnership zones established under RCW 43.330.270 to ensure
36 such firms benefit from innovate Washington services.

1 NEW SECTION. **Sec. 2.** (1) The powers of innovate Washington are

2 vested in and shall be exercised by a board of directors consisting of:

3 (a) The governor of the state of Washington or the governor's
4 designee;

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

7 (c) The president of the University of Washington or the
8 president's designee;

9 (d) The president of Washington State University or the president's
10 designee;

11 (e) The director of the department of commerce or the director's
12 designee; and

13 (f) Seven members appointed by the governor from among individuals
14 who own or are executives at technology-based firms that manufacture in
15 the state. The term of office for each board member appointed by the
16 governor shall be three years except, of the initial appointees, three
17 shall be appointed for one year and three shall be appointed for two
18 years. Members of the board may be appointed for additional terms.

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

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

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

28 (b) The ex officio members of the board under subsection (1)(a) and
29 (c) through (f) of this section may be reimbursed for expenses incurred
30 in the discharge of their duties under this chapter pursuant to RCW
31 43.03.050 and 43.03.060.

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

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

36 (6) Meetings of the board shall be held in accordance with the open
37 public meetings act, chapter 42.30 RCW, and at the call of the chair or
38 when a majority of the board members so requests. Meetings of the

1 board may be held at any location within or out of the state, and board
2 members may participate in a meeting of the board by means of a
3 conference telephone or similar communication equipment under RCW
4 23B.08.200.

5 (7) The innovate Washington board must:

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

7 (b) Appoint, and perform an annual performance review of, an
8 executive director;

9 (c) Approve an annual operating budget and ensure adequate funding
10 for operations;

11 (d) Approve a five-year business plan and its updates;

12 (e) Perform the duties required under chapter 70.210 RCW relating
13 to the investing in innovation program;

14 (f) Convene representatives of the commercialization and technology
15 transfer offices of private and public research institutions in the
16 state to determine the best methods for:

17 (i) Integrating existing databases into a single database of
18 in-state technologies and inventions;

19 (ii) Making the technologies in the integrated database accessible;
20 and

21 (iii) Promoting the integrated database to entrepreneurs and
22 investors for commercialization and licensing purposes; and

23 (g) Provide a report to the governor and the legislature detailing
24 the fund-raising activities and outcomes, operations, economic impact,
25 and performance of innovate Washington. The report is due by December
26 1st of every year and the first report is due by December 1, 2012. The
27 report must include measures related to customer satisfaction as well
28 as measures of results derived from assistance provided to businesses,
29 including but not limited to job creation, new product development, the
30 adoption of new production processes, revenue and sales growth,
31 measures that would be included in a balanced scorecard, and such other
32 outcome-based measures as the board determines is appropriate.

33 (8) The board may:

34 (a) Make and execute agreements, contracts, and other instruments
35 with any private, public, or nonprofit entity for the performance,
36 operation, administration, implementation, or advancement of any
37 program in accordance with this chapter;

1 (b) Employ, contract with, or engage staff, counsel, advisors,
2 auditors, other technical or professional assistants, and such other
3 personnel as are necessary or desirable to implement this chapter.
4 Staff support for innovate Washington programs may be provided through
5 cooperative agreements with any public or private institution of higher
6 education;

7 (c) Solicit and receive gifts, grants, donations, sponsorships, or
8 contributions from any federal, state, or local governmental agency or
9 program or any private source, and expend the same for any purpose
10 consistent with this chapter;

11 (d) Establish such affiliated organizations, special funds, and
12 controls as it finds convenient for the implementation of this chapter;

13 (e) Create one or more advisory committees;

14 (f) Adopt rules consistent with this chapter;

15 (g) Delegate any of its powers and duties if consistent with the
16 purposes of this chapter; and

17 (h) Exercise any other power reasonably required to implement the
18 purposes of this chapter.

19 NEW SECTION. **Sec. 3.** (1) To increase participation by Washington
20 state small business innovators in federal small business research
21 programs, innovate Washington shall provide or contract for the
22 provision of a small business innovation assistance program. The
23 program must include a proposal review process and must train and
24 assist Washington small business innovators to win awards from federal
25 small business research programs. The program must collaborate with
26 small business development centers, entrepreneur-in-residence programs,
27 and other appropriate sources of technical assistance to ensure that
28 small business innovators also receive the planning, counseling, and
29 support services necessary to expand their businesses and protect their
30 intellectual property.

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

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

1 (a) "Federal small business research programs" means the programs,
2 operating pursuant to the small business innovation development act of
3 1982, P.L. 97-219, and the small business technology transfer act of
4 1992, P.L. 102-564, title II, that provide funds to small businesses to
5 conduct research having commercial application.

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

11 NEW SECTION. **Sec. 4.** The investing in innovation account is
12 created in the custody of the state treasurer. All receipts from fund-
13 raising activities pursuant to section 2 of this act must be deposited
14 into the account. Expenditures from the account may be used only for
15 the purposes of the investing in innovation programs established in
16 chapter 70.210 RCW and any other purpose consistent with this chapter.
17 Only the executive director of innovate Washington or the executive
18 director's designee may authorize expenditures from the account. The
19 account is subject to allotment procedures under chapter 43.88 RCW, but
20 an appropriation is not required for expenditures.

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

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

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

28 (1) The college board, in consultation with business, industry,
29 labor, the workforce training and education coordinating board, the
30 department of (~~community, trade, and economic development~~) commerce,
31 the employment security department, and community and technical
32 colleges, shall designate centers of excellence and allocate funds to
33 existing and new centers of excellence based on a competitive basis.

34 (2) Eligible applicants for the program established under this
35 section include community and technical colleges. Priority shall be

1 given to applicants that have an established education and training
2 program serving the targeted industry and that have in their home
3 district or region an industry cluster with the same targeted industry
4 at its core.

5 (3) It is the role of centers of excellence to employ strategies
6 to:

7 (a) Create educational efficiencies;

8 (b) Build a diverse, competitive workforce for strategic
9 industries;

10 (c) Maintain an institutional reputation for innovation and
11 responsiveness;

12 (d) Develop innovative curriculum and means of delivering education
13 and training;

14 (e) Act as brokers of information and resources related to
15 community and technical college education and training ~~((for))~~ and
16 assistance available for firms in a targeted industry, including
17 working with innovate Washington to develop methods to identify
18 businesses within a targeted industry that could benefit from the
19 services offered by innovate Washington under chapter 43.--- RCW (the
20 new chapter created in section 18 of this act); and

21 (f) Serve as partners with workforce development councils,
22 associate development organizations, and other workforce and economic
23 development organizations.

24 (4) Examples of strategies under subsection (3) of this section
25 include but are not limited to: Sharing curriculum and other
26 instructional resources, to ensure cost savings to the system;
27 delivering collaborative certificate and degree programs; and holding
28 statewide summits, seminars, conferences, and workshops on industry
29 trends and best practices in community and technical college education
30 and training.

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

33 It is the intent of the legislature to promote growth in the
34 technology sectors of our state's economy and to particularly focus
35 support on the ~~((creation and))~~ commercialization of intellectual
36 property ~~((in the technology, energy, and telecommunications~~
37 industries)) and the manufacture of innovative products in the state.

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

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

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

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

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

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

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

14 (2) (~~The center~~) Innovate Washington shall periodically make
15 strategic assessments of the types of (~~state~~) investments in research
16 (~~and~~), technology, and industrial development in this state that
17 would likely create new products, jobs, and business opportunities and
18 produce the most beneficial long-term improvements to the lives and
19 health of the citizens of the state. The assessments shall be
20 available to the public and shall be used to guide decisions on
21 awarding (~~grants~~) funds under this chapter.

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

24 The board shall:

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

27 (2) Make decisions regarding distribution of (~~grant~~) funds (~~and~~
28 ~~make grant awards~~); and

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

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

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

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

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

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

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

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

20 The board shall establish performance benchmarks against which the
21 program will be evaluated. The ((grants)) program shall be reviewed
22 periodically by the board. The board shall report annually to the
23 appropriate standing committees of the legislature on loans made and
24 grants awarded and as appropriate on program reviews conducted by the
25 board.

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

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

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

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

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

4 (a) To consider matters affecting national security;

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

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

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

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

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

23 (g) To evaluate the qualifications of an applicant for public
24 employment or to review the performance of a public employee. However,
25 subject to RCW 42.30.140(4), discussion by a governing body of
26 salaries, wages, and other conditions of employment to be generally
27 applied within the agency shall occur in a meeting open to the public,
28 and when a governing body elects to take final action hiring, setting
29 the salary of an individual employee or class of employees, or
30 discharging or disciplining an employee, that action shall be taken in
31 a meeting open to the public;

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

36 (i) To discuss with legal counsel representing the agency matters
37 relating to agency enforcement actions, or to discuss with legal
38 counsel representing the agency litigation or potential litigation to

1 which the agency, the governing body, or a member acting in an official
2 capacity is, or is likely to become, a party, when public knowledge
3 regarding the discussion is likely to result in an adverse legal or
4 financial consequence to the agency.

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

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

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

16 (iii) Litigation or legal risks of a proposed action or current
17 practice that the agency has identified when public discussion of the
18 litigation or legal risks is likely to result in an adverse legal or
19 financial consequence to the agency;

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

26 (k) To consider, in the case of the state investment board,
27 financial and commercial information when the information relates to
28 the investment of public trust or retirement funds and when public
29 knowledge regarding the discussion would result in loss to such funds
30 or in private loss to the providers of this information;

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

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

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

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

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

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

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

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

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

27 (3) Financial and commercial information and records supplied by
28 private persons pertaining to export services provided under chapters
29 43.163 and 53.31 RCW, and by persons pertaining to export projects
30 under RCW 43.23.035;

31 (4) Financial and commercial information and records supplied by
32 businesses or individuals during application for loans or program
33 services provided by chapters 43.325, 43.163, 43.160, 43.330, and
34 43.168 RCW, or during application for economic development loans or
35 program services provided by any local agency;

36 (5) Financial information, business plans, examination reports, and

1 any information produced or obtained in evaluating or examining a
2 business and industrial development corporation organized or seeking
3 certification under chapter 31.24 RCW;

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

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

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

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

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

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

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

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

37 (i) Financial and proprietary information collected from any person

1 and provided to the department of (~~community, trade, and economic~~
2 ~~development~~) commerce pursuant to RCW 43.330.050(8); and

3 (ii) Financial or proprietary information collected from any person
4 and provided to the department of (~~community, trade, and economic~~
5 ~~development~~) commerce or the office of the governor in connection with
6 the siting, recruitment, expansion, retention, or relocation of that
7 person's business and until a siting decision is made, identifying
8 information of any person supplying information under this subsection
9 and the locations being considered for siting, relocation, or expansion
10 of a business;

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

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

17 (d) If there is no written contact for a period of sixty days to
18 the department of (~~community, trade, and economic development~~)
19 commerce from a person connected with siting, recruitment, expansion,
20 retention, or relocation of that person's business, information
21 described in (a)(ii) of this subsection will be available to the public
22 under this chapter;

23 (13) Financial and proprietary information submitted to or obtained
24 by the department of ecology or the authority created under chapter
25 70.95N RCW to implement chapter 70.95N RCW;

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

32 (15) Financial and commercial information provided as evidence to
33 the department of licensing as required by RCW 19.112.110 or
34 19.112.120, except information disclosed in aggregate form that does
35 not permit the identification of information related to individual fuel
36 licensees;

37 (16) Any production records, mineral assessments, and trade secrets

1 submitted by a permit holder, mine operator, or landowner to the
2 department of natural resources under RCW 78.44.085;

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

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

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

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

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

25 (21) Financial, commercial, operations, and technical and research
26 information and data submitted to or obtained by innovate Washington in
27 applications for, or delivery of, grants and loans under chapter 43.---
28 RCW (the new chapter created in section 18 of this act), to the extent
29 that such information, if revealed, would reasonably be expected to
30 result in private loss to the providers of this information.

31 NEW SECTION. Sec. 16. The following acts or parts of acts are
32 each repealed:

33 (1) RCW 28B.20.283 (Washington technology center--Findings) and
34 1995 c 399 s 25 & 1992 c 142 s 1;

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

- 1 (3) RCW 28B.20.287 (Washington technology center--Definitions) and
2 2004 c 151 s 4 & 1992 c 142 s 2;
- 3 (4) RCW 28B.20.289 (Washington technology center--Administration--
4 Board of directors) and 2003 c 403 s 11, 1995 c 399 s 26, & 1992 c 142
5 s 4;
- 6 (5) RCW 28B.20.291 (Washington technology center--Support from
7 participating institutions) and 1992 c 142 s 5;
- 8 (6) RCW 28B.20.293 (Washington technology center--Role of
9 department of community, trade, and economic development) and 1995 c
10 399 s 27 & 1992 c 142 s 6;
- 11 (7) RCW 28B.20.295 (Washington technology center--Availability of
12 facilities to other institutions) and 1992 c 142 s 7;
- 13 (8) RCW 28B.20.296 (Washington technology center--Renewable energy
14 and energy efficiency business development--Strategic plan) and 2004 c
15 151 s 2;
- 16 (9) RCW 28B.20.297 (Washington technology center--Small business
17 innovation research assistance program) and 2005 c 357 s 1;
- 18 (10) RCW 28B.38.010 (Spokane intercollegiate research and
19 technology institute) and 2004 c 275 s 55 & 1998 c 344 s 9;
- 20 (11) RCW 28B.38.020 (Administration--Board of directors--Powers and
21 duties) and 1998 c 344 s 10;
- 22 (12) RCW 28B.38.030 (Support from participating institutions) and
23 1998 c 344 s 11;
- 24 (13) RCW 28B.38.040 (Operating staff--Cooperative agreements for
25 programs and research) and 1998 c 344 s 12;
- 26 (14) RCW 28B.38.050 (Role of department of community, trade, and
27 economic development) and 1998 c 344 s 13;
- 28 (15) RCW 28B.38.060 (Availability of facilities to other
29 institutions) and 1998 c 344 s 14;
- 30 (16) RCW 28B.38.070 (Authority to receive and expend funds) and
31 1998 c 344 s 15; and
- 32 (17) RCW 28B.38.900 (Captions not law) and 1998 c 344 s 16.

33 NEW SECTION. **Sec. 17.** (1) The Spokane intercollegiate research
34 and technology institute and the Washington technology center are
35 hereby abolished and the powers, duties, and functions are hereby
36 transferred to innovate Washington. Once the board created in section
37 2 of this act has convened, all references to the Spokane

1 intercollegiate research and technology institute or the Washington
2 technology center in the Revised Code of Washington shall be construed
3 to mean innovate Washington.

4 (2)(a) All reports, documents, surveys, books, records, files,
5 papers, or written material in the possession of the Spokane
6 intercollegiate research and technology institute or the Washington
7 technology center shall be delivered to the custody of innovate
8 Washington. All cabinets, furniture, office equipment, motor vehicles,
9 and other tangible property employed by the Spokane intercollegiate
10 research and technology institute or the Washington technology center
11 shall be made available to innovate Washington. All funds, credits, or
12 other assets held by the Spokane intercollegiate research and
13 technology institute or the Washington technology center shall be
14 assigned to innovate Washington.

15 (b) Any appropriations made to the Spokane intercollegiate research
16 and technology institute or the Washington technology center shall, on
17 the effective date of this section, be transferred and credited to
18 innovate Washington.

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

25 (3) All employees of the Spokane intercollegiate research and
26 technology institute or the Washington technology center are
27 transferred to the jurisdiction of innovate Washington. All employees
28 classified under chapter 41.06 RCW, the state civil service law, are
29 assigned to innovate Washington to perform their usual duties upon the
30 same terms as formerly, without any loss of rights, subject to any
31 action that may be appropriate thereafter in accordance with the laws
32 and rules governing state civil service.

33 (4) All rules and all pending business before the Spokane
34 intercollegiate research and technology institute or the Washington
35 technology center shall be continued and acted upon by innovate
36 Washington. All existing contracts and obligations shall remain in
37 full force and shall be performed by innovate Washington.

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

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

11 (7) All classified employees of the Spokane intercollegiate
12 research and technology institute or the Washington technology center
13 assigned to innovate Washington under this section whose positions are
14 within an existing bargaining unit description at innovate Washington
15 shall become a part of the existing bargaining unit at innovate
16 Washington and shall be considered an appropriate inclusion or
17 modification of the existing bargaining unit under the provisions of
18 chapter 41.80 RCW.

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

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

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