

SENATE BILL REPORT

SB 5887

As Reported By Senate Committee On:
Higher Education, February 20, 2001

Title: An act relating to clarifying ethics requirements for officers and employees of institutions of higher education with regard to sponsored research and technology transfer agreements.

Brief Description: Clarifying that certain technology transactions by institutions of higher education are exempt from state ethics requirements.

Sponsors: Senators Kohl-Welles, West and Sheahan; by request of University of Washington.

Brief History:

Committee Activity: Higher Education: 2/19/01, 2/20/01 [DP].

SENATE COMMITTEE ON HIGHER EDUCATION

Majority Report: Do pass.

Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Staff: Jean Six (786-7423)

Background: The University of Washington's Significant Financial Interest Disclosure Policy for Sponsored Projects provides the guidelines followed to maintain compliance with federal regulations governing research. While certain people and projects operating under the authority of these guidelines are exempt from certain laws governing ethics in public service, it is not clear that the exemptions apply to technology transfer licensing agreements or sponsored research. In order to recruit and retain high quality research faculty, the higher education institutions provide a research environment that allows researchers to be rewarded for their contributions.

Current law provides that no one in public employment may derive a private beneficial interest as a result of that public employment. The law also provides that public employees may not be paid by a private entity for their public work. However, certain operations in a public research institution are governed instead by federal guidelines, thus allowing institutional researchers to remain working in the university environment but still gain some benefit from the market value of their research.

Summary of Bill: The law is clarified that the exemptions granted to certain higher education research projects also apply to sponsored research and technology transfer licensing agreements. The purpose is to ensure that Washington institutions of higher education remain competitive.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: In the early 1990s, the state passed a law that conflicted with federal requirements for research. In 1996, the Legislature clarified its intent. This 2001 change clarifies that the provisions apply to technology transfer and sponsored research. So long as federal guidelines are followed, the researchers are also in compliance with state ethics laws. We need to be covered by RCW 42.52.030(2) only. Legislative intent is clear that this exemption currently exists.

Testimony Against: None.

Testified: Dick Thompson, UW Leg. Liaison; Larry Ganders, WSU, President's Office.