
SENATE BILL 5521

State of Washington

62nd Legislature

2011 Regular Session

By Senators Tom, Kastama, Kilmer, and Shin

Read first time 01/28/11. Referred to Committee on Higher Education & Workforce Development.

1 AN ACT Relating to the commercialization of state university
2 technology; and amending RCW 28B.10.631 and 42.56.270.

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

4 **Sec. 1.** RCW 28B.10.631 and 2010 1st sp.s. c 14 s 2 are each
5 amended to read as follows:

6 To support the formation and development of companies created
7 around or committed to applying the technologies developed at state
8 universities, the state universities are authorized to establish and
9 administer ((bridge-funding)) or arrange for the administration of
10 funding programs for ((start-up companies)) entities using funds from
11 the federal government ((and the private sector)), from the private
12 for-profit sector, from private nonprofit entities, and from trusts and
13 other fiduciaries. Funding programs may invest in and otherwise apply
14 funds to companies, including those that have not committed to applying
15 state university technology, so long as, over the life of a funding
16 program, the majority of funds invested or loaned is to companies that
17 do make such commitments. In connection with these funding programs,
18 and in connection with the use or application of technologies developed
19 at state universities, state universities may form or participate in

1 the formation of nonprofit and for-profit entities, and appoint
2 directors and managers of those entities, which directors and managers
3 may be state university employees or agents.

4 **Sec. 2.** RCW 42.56.270 and 2009 c 394 s 3 are each amended to read
5 as follows:

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

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

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

17 (3) Financial and commercial information and records supplied by
18 private persons pertaining to export services provided under chapters
19 43.163 and 53.31 RCW, and by persons pertaining to export projects
20 under RCW 43.23.035;

21 (4) Financial and commercial information and records supplied by
22 businesses or individuals during application for loans or program
23 services provided by chapters 43.325, 43.163, 43.160, 43.330, and
24 43.168 RCW, or during application for economic development loans or
25 program services provided by any local agency;

26 (5) Financial information, business plans, examination reports, and
27 any information produced or obtained in evaluating or examining a
28 business and industrial development corporation organized or seeking
29 certification under chapter 31.24 RCW;

30 (6) Financial and commercial information supplied to the state
31 investment board by any person when the information relates to the
32 investment of public trust or retirement funds and when disclosure
33 would result in loss to such funds or in private loss to the providers
34 of this information;

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

36 (8) Financial, commercial, operations, and technical and research

1 information and data submitted to or obtained by the clean Washington
2 center in applications for, or delivery of, program services under
3 chapter 70.95H RCW;

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

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

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

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

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

27 (i) Financial and proprietary information collected from any person
28 and provided to the department of (~~community, trade, and economic
29 development~~) commerce pursuant to RCW 43.330.050(8); and

30 (ii) Financial or proprietary information collected from any person
31 and provided to the department of (~~community, trade, and economic
32 development~~) commerce or the office of the governor in connection with
33 the siting, recruitment, expansion, retention, or relocation of that
34 person's business and until a siting decision is made, identifying
35 information of any person supplying information under this subsection
36 and the locations being considered for siting, relocation, or expansion
37 of a business;

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

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

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

13 (13) Financial and proprietary information submitted to or obtained
14 by the department of ecology or the authority created under chapter
15 70.95N RCW to implement chapter 70.95N RCW;

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

22 (15) Financial and commercial information provided as evidence to
23 the department of licensing as required by RCW 19.112.110 or
24 19.112.120, except information disclosed in aggregate form that does
25 not permit the identification of information related to individual fuel
26 licensees;

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

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

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

37 (18) Financial, commercial, operations, and technical and research
38 information and data submitted to or obtained by a health sciences and

1 services authority in applications for, or delivery of, grants under
2 RCW 35.104.010 through 35.104.060, to the extent that such information,
3 if revealed, would reasonably be expected to result in private loss to
4 providers of this information;

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

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

14 (21) Financial and commercial information, business plans,
15 technical, technological or research information and data, and private
16 investor identifying information, submitted to or obtained by a state
17 university in connection with any funding programs established under
18 RCW 28B.10.630 and 28B.10.631.

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